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LETTER AND U S EPA REGION I COMMENTS ON DRAFT RECORD OF DECISION SITE 8 NUSC DISPOSAL AREA NS NEWPORT RI
8/24/2012
U S EPA REGION I

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

August 24, 2012

Maritza L. Montegross
Remedial Project Manager
NAVFAC MIDLANT, Code OPNEEV
9742 Maryland Avenue, Bldg. Z-144
Norfolk, VA 23511-3095

Re: Draft Record of Decision
Site 08, NUSC Disposal Area
NAVSTA Newport, Rhode Island
July 2012

Dear Ms. Montegross:

EPA has completed its review of the Draft "Record of Decision for Site 08, NUSC Disposal Area," dated July 2012, as prepared by Tetra Tech NUS, Inc., on behalf of Naval Station Newport, RI. EPA evaluated the Draft ROD to determine if it was consistent with the Proposed Plan and Final FS for the NUSC Disposal Site (TetraTech, July 2012) and consistent with CERCLA, the NCP, EPA's "Guidance to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents" (July 1999), and other applicable EPA guidance and policies. In addition, EPA evaluated the Draft ROD for technical accuracy and completeness.

EPA participated on conference calls with the Navy and RIDEM on August 6, 2012 and August 22, 2012 to review and discuss EPA and RIDEM preliminary comments on the Draft ROD. Enclosed are EPA's comments on the Draft ROD. These comments are consistent with those already raised during the conference calls. During the conference calls, EPA also raised a number of editorial issues that Navy agreed to address. These editorial issues are not included in the attached comments.

Based on the schedule we discussed during the August 22, 2012 conference call, it is EPA's understanding that Navy will incorporate EPA and RIDEM comments into a revised ROD that will be issued electronically to EPA and RIDEM by August 31, 2012, with a goal of providing a final ROD for Navy and EPA signature by mid-September.

If you have any questions, please contact me at (617) 918-1754 or at lombardo.ginny@epa.gov. Thank you for your continued commitment to meeting the FFY2012 goal of issuance of the ROD for the NUSC Disposal Area.

Sincerely,

Ginny Lombardo

Ginny Lombardo
Remedial Project Manager

cc: Pamela Crump, RI DEM
Deb Moore, NAVSTA Newport
James Ropp, TtNUS
Stephen Parker, TtNUS
Ken Munney, USF&W
Chau Vu, EPA
Bart Hoskins, EPA
David Peterson, EPA
Greg Kemp, Mabbett & Associates, Inc.

EPA Comments on
Draft Record of Decision
Site 8 – NUSC Disposal Area
July 2012

1. Cover: Identify that the ROD is for Operable Unit 7 of the NETC Superfund Site.

2. Page 2, § 1.5: The Statutory Determination text needs to include a description of why the selected remedy is the least environmentally damaging practicable alternative under the Federal Clean Water Act and why the selected soil and sediment remedies addressing PCBs at the Site will not pose an unreasonable risk to public health or the environment in compliance with TSCA regulations at 40 C.F.R § 761.61(c). The Statutory Determination section should also state that there are no principal threat wastes at the site.

3. Page 4, § 1.7: The EPA signature page needs to include the TSCA finding regarding the remediation of soil and sediment contaminated with PCBs.

4. Page 8, § 2.3: At the end of this section, add a discussion on the public meeting and public hearing held where the Proposed Plan was presented and Navy solicited public comments on the Proposed Plan.

5. § 2.5.2: Add language to text of this section to support why no COCs were selected for surface water and fish tissue, consistent with Table 2-2.

6. Figures 2-3, 2-4, 2-5, 2-7 and 2-8: Soil and groundwater contamination extends beyond what is depicted as the Site 8 Boundary in these figures. It is recognized that the 'Approximate LUC Boundary' depicted in Figure 2-1 is intended to encompass all soil and groundwater contamination to ensure that the LUCs are applied to all areas of contamination. However, the LUC boundary should be included on Figures 2-7 and 2-8 for clarity and the ROD should explain that soil and groundwater contamination were found to extend beyond the originally identified Site 8 boundary and that the LUC boundary will encompass all areas of contamination required to be covered by LUCs under the remedy.

7. Page 22, § 2.6: In the last sentence of this section, insert "or more stringent State groundwater standards" after "risk-based standards."

8. Page 24, § 2.7.1, Exposure Assessment: Add additional text discussing dermal contact with sediment, ingestion of fish, and vapor intrusion as evaluated exposure routes, consistent with Table 2-3.

9. Page 33, § 2.8: In the 2nd full paragraph on this page, last sentence, add ", non-zero MCLGs, federal risk-base standards, and more stringent State standards" after "federal MCLs".

10. Page 35, §2.8: At the top of the page, after "MCLs" add ", federal risk-based standards,".

11. Page 35, § 2.8, Table 2-5: The risk-based cancer and non-cancer cleanup levels presented in this table are slightly more stringent than EPA's risk-based screening levels from EPA's April 2012 Regional Screening Level Tables. The examples are 1,1-dichloroethane, 1,4-dioxane, cobalt, and vanadium. Please clarify.

12. Page 36, § 2.8, Table 2-6: Footnote (d) states that lead in sediment above the human health value of 400 mg/kg will be addressed through LUCs. Clarify in the LUC sections of the ROD what controls will be incorporated to address this.

13. Page 37, § 2.9.1, Table 2-7: For alternative SO2, add another component to the remedial alternative detailing that the excavation areas will be backfilled/capped with clean fill to restore the site to grade and serve as a cap over the remaining subsurface soil contamination.

14. Page 38, § 2.9.1, Table 2-7: For alternative SO3, the selective excavation component is identified as "Same as Alternative SO2". Revise to note that it will not include the LTTD treatment aspect of SO2.

15. Page 44, §2.9.1, Table 2-9: For alternative SD-4, remove the selective sediment removal component, since all sediment exceeding cleanup standards is to be removed under the alternative.

16. Tables 2-10, 2-11 and 2-12: In the final ROD, show whether remedial alternatives meet the Community and State Acceptance criteria in these tables.

17. Page 46, § 2.10.1, Compliance with ARARs: In the 2nd paragraph of this subsection, after the phrase "the upland areas abutting the wetlands" add "and adjacent wetland soils". Based on the FS, the soil remedies are not expected to impact wetland soils, but it is recognized that soil remedial efforts will be occurring immediately adjacent to wetlands and, during remedial design, it may be determined that soil remedies will need to impact some wetland areas.

18. Page 47, Section 2.10.1, Page 50, Section 2.10.2, and Page 54, Section 2.10.3, Short-Term Effectiveness: In the short-term effectiveness subsections, the Navy refers to results from its Sustainable Remediation Evaluations performed in the FS. Please note that, as explained in EPA's August 11, 2011 comments on the Revised Draft FS, EPA did not complete a detailed technical evaluation of the Navy's SRE. In general, EPA supports Navy's efforts to evaluate the sustainability of planned remediation efforts and identify opportunities to mitigate environmental impacts of the remediation. EPA agrees that these considerations can be evaluated under the short-term effectiveness criteria. As noted in our August 11, 2011 comments, EPA suggests that a valuable use of the SRE results will be in the design of the selected remedy to ensure that the drivers of any significant impacts are considered and that those environmental impacts are mitigated to the extent practicable. The Navy's efforts should be consistent with EPA Region 1's Clean and Green Policy updated February 2012 (http://www.clu-in.org/greenremediation/docs/R1GRPolicy_Feb2012.pdf).

19. Page 49, § 2.10.2, Compliance with ARARs: This paragraph can be deleted. A finding regarding the Least Environmentally Damaging Practicable Alternative is not necessary for the groundwater alternatives.

20. Page 54, § 2.10.3, Implementability: Remove the last sentence of this subsection since it appears to apply to the soil alternatives (unless some part of the sediment remedy involves work in the Paved Storage Area).

21. Page 55 and 56, § 2.12.1: For the bullets detailing the active groundwater remediation components, clarify that the groundwater remediation will occur outside of the compliance boundary established around the soil waste management area.

22. Page 56, § 2.12.1: For the bullet describing the MNA element of the groundwater alternative, add additional language regarding MNA of metals. Note that the statement, "bioremediation will promote the desired groundwater conditions (geochemistry) to support subsequent MNA" is true for MNA of the CVOCs and describe the potential impacts of these geochemical conditions to metals.

23. Page 56, § 2.12.1: For the bullet describing the LUC element of the remedy, clarify the LUC duration distinctions between the groundwater LUCs inside the compliance boundary established around the soil waste management area versus outside of the compliance boundary (i.e., in effect for as long as the area is operated as a waste management area versus until groundwater cleanup goals are achieved). In addition, describe the other aspects of the LUCs, as provided on page 66 (e.g., restrict property uses to industrial/commercial).

24. Page 56, § 2.12.1: For the last bullet of this section, in the first sentence insert "and soil" after "contaminated sediment." In addition, after the phrase "the upland areas abutting the wetlands" add "and adjacent wetland soils". The last sentence can be deleted.

25. Figure 2-7 and 2-8: Show the boundary of the waste management area in these figures.

26. § 2.12.2.2: In the discussion of the groundwater remediation elements of the remedy, clarify that the groundwater remediation will occur outside of the compliance boundary established around the soil waste management area.

27. Page 64, § 2.12.2.3: Add text to describe the verification sampling program that will be followed after sediment excavation, consistent with Section 6.1.4 of FS.

28. § 2.12.2.4: In the discussion of the LUC element of the remedy, clarify the LUC duration distinctions between the groundwater LUCs inside the compliance boundary established around the soil waste management area versus outside of the compliance boundary (i.e., in effect for as long as the area is operated as a waste management area versus until groundwater cleanup goals are achieved).

29. Page 66, § 2.12.2.4: In the last paragraph of this section, 2nd sentence, revise "…the Navy shall develop a LUC RD…" to "…the Navy shall *prepare and submit for EPA and RIDEM review and approval* a LUC RD…"

30. Page 66, § 2.12.2.4: Add language to this section discussing the additional LUCs related to the waste management area, consistent with Section 4.1.2 (page 4-6) of the FS, which indicates: "*The LUCs would also include provisions for additional geophysical investigations to be conducted to identify and remove potential subsurface anomalies, as necessary: (1) if the use of the site is changed such that the Paved Storage Area is no longer operated as a Waste Management Area, (2) if ownership of the property is transferred outside of the Navy, or (3) if groundwater restoration goals are not achieved in a reasonable timeframe and there is reason to believe that a continuing source of contamination from this area may be inhibiting groundwater cleanup.*"

31. Page 67, § 2.12.3, Table 2-13: In the discussion of the LUC element of the remedy, clarify the LUC duration distinctions between the groundwater LUCs inside the compliance boundary established around the soil waste management area versus outside of the compliance boundary (i.e., in effect for as long as the area is operated as a waste management area versus until groundwater cleanup goals are achieved).

32. Table E1: For each row, add at the end of the "Action to be Taken" text: "LUCs to prevent residential development will prevent human exposure to contaminants in areas exceeding residential risk levels developed using these standards."

33. Table E2, Page 1: For the CWA, Section 404 "Action to be Taken" text add at the end: "The Navy solicited public comment on its determination in the Proposed Plan and [received no negative public comments]/[satisfactorily addressed comments raised in the ROD's Responsiveness Summary]."

34. Table E2, Page 2: For the Floodplain Management and Wetland Protection "Action to be Taken" text replace the last sentence with: "The Navy solicited public comment on its determination in the Proposed Plan and [received no negative public comments]/ [satisfactorily addressed comments raised in the ROD's Responsiveness Summary]." For the Endangered Species Act change "Status" to "Applicable" and add "Atlantic Sturgeon" to the listed species.

35. Table E3, Page 1: For the TSCA "Action to be Taken" text, in the third sentence change "will contain" to "includes".

36. Table E3, Page 2: Regarding the CWA, NRWQC standards, the Standards are "Applicable" and remove the last sentence of the "Synopsis." When using NRWQC for action-specific monitoring standards they are applicable because that is the purpose of the regulations, to set standards for water quality.

37. Table E11, Page 1: For the CWA, Section 404 "Action to be Taken" text add at the end: "The Navy solicited public comment on its determination in the Proposed Plan and [received no negative public comments]/[satisfactorily addressed comments raised in the ROD's Responsiveness Summary]."

38. Table E11, Page 2: For the Floodplain Management and Wetland Protection "Action to be Taken" text replace the last sentence with: "The Navy solicited public comment on its determination in the Proposed Plan and [received no negative public comments]/ [satisfactorily addressed comments raised in the ROD's Responsiveness Summary]." For the Federal Endangered Species Act change "Status" to "Applicable" and add "Atlantic Sturgeon" to the listed species.

39. Table E12, Page 1: For the TSCA "Action to be Taken" text, in the third sentence, change "If this alternative is chosen by the Navy, the ROD will contain…" to "This ROD contains…" Regarding the CWA, NRWQC standards, the "Status" should be "Applicable" and remove the last sentence of the "Synopsis." Change the "Action to be Taken" text to: "Water quality standards used to develop monitoring standards during the sediment excavation/dredging and dewatering."