



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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December 5, 2000

James Shafer, Remedial Project Manager
U.S. Department of the Navy
Northern Division
Naval Facilities Engineering Command
10 Industrial Highway
Code 1823-Mail Stop 82
Lester, PA 19113-2090

RE: Draft Final Phase III Remedial Investigation Report for Old Fire Fighter Training Area, Naval Station Newport, Newport, Rhode Island

Dear Mr. Shafer,

The Rhode Island Department of Environmental Management, Office of Waste Management (RIDEM) has reviewed the Remedial Investigation Report for the Old Fire Fighter Training Area, dated 26 October 2000. In general, RIDEM does not concur with the findings of the Report and does not approve the Report or supports it's use as a basis for any remedial decision. Specifically, RIDEM does not approve the onshore/off shore human health risk assessment, the background study and the off shore ecological risk assessment.

In correspondence dated 18 June 1998 and 12 July 2000 RIDEM reviewed the parameters the Navy proposed to use in the onshore human health risk assessment. In the referenced correspondence and in subsequent discussions with Navy representatives RIDEM indicated that the parameters proposed to be employed were unacceptable and were inconsistent with the requirements held at other sites regulated by this Office including National Priority List sites and State sites. In subsequent discussions RIDEM indicated that it would not approve any subsequent report or remedial decisions based upon this report. The Navy never the less elected to utilize these unacceptable parameters in the Remedial Investigation Report. Further, in previous risk assessments for the Old Fire Fighter Training Area, the Navy evaluated a drinking water exposure scenario for the site. This evaluation revealed that the site poses an unacceptable risk. RIDEM assumed that the results of this evaluation would be included in the report. The Navy did not include this evaluation in the overall final risk assessment for the site. This exclusion is not acceptable to the State. Finally, in regards to the Off Shore Human Health Risk Assessment the Navy has used exposure parameters which RIDEM has stated was unacceptable in correspondence for this and other sites on the base.

In correspondence dated 25 February 2000 RIDEM outlined the requirements for the background study. This study was designed to determine whether levels of contaminants

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at the site were representative of background conditions or are attributable to releases associated with the site. The Navy agreed to these requirements and indicated that the background investigation would address RIDEM's concerns. The submitted background report did not meet these requirements and did not address RIDEM concerns. In correspondence dated 16 June 2000, 18 August 2000 and 29 September 2000 RIDEM stated that the Navy failed to submit information the Navy agreed to provide in the approved Work Plan for the study. Further RIDEM disagreed with the findings of the report and the conclusions presented in it. In the correspondence RIDEM requested that the Navy address these concerns. The Navy did not respond in writing to the specific concerns outlined in the last comment package. In subsequent discussions RIDEM noted that the agreed to material would have to be provided in order to evaluate the report. Further, since the report contained complicated statistical analysis, the Navy would have to respond to the RIDEM's comments in writing, as this would be necessary in order for RIDEM to perform the proper evaluation and computations of the data. The Navy proposed holding a meeting without providing the requested information or responses. This meeting was not held as the nature of the evaluation dictated that the material be reviewed prior to holding a meeting. The Navy indicated that the results of the background study would be included in the Remedial Investigation report. RIDEM had assumed that the outstanding concerns would be addressed in the Remedial Investigation report and the review of this aspect of the project would be included in the overall review of the report. The submitted Remedial Investigation Report did not include the agreed to information and did not address RIDEM concerns. As such, since no new information was provided, RIDEM has no choice but to reject this section of the report.

In correspondence dated 7 April 1999, 8 September 1999 and 28 October 1999 RIDEM commented on the Marine Ecological Risk Assessment. RIDEM has a number of concerns with the assessment, with the main concern focusing on the reference stations employed in the assessment. RIDEM noted that concentrations of contaminants at the reference stations were found to be higher than those at other reference stations or even at site stations at this and other sites in the base. Accordingly, use of these reference stations would be inappropriate. In order to avoid the time and expense associated with the collection of alternate reference stations and the potential problems associated with the representatives of these stations, the Office recommend that the Navy employ the stations which were used for the other two sites on the base, specifically the McAllister Point Landfill site and the Derecktor Shipyard site. These reference stations were found to be uncontaminated and were deemed acceptable for these two sites. These stations were accepted by all of the parties, the Navy, the RIDEM and the US EPA, even though their characteristics and geology did not exactly match those of the sites under study. The parties recognize that conditions at the site themselves were not homogenous and it would be difficult to find a reference stations which would mirror site conditions. The Navy indicated that they preferred not to use these stations. RIDEM then requested that the Navy evaluate the use of noncontaminated site stations at this or other Navy sites. That is, use existing data from stations collected at the Old Fire Fighter Training Area, McAllister Point Landfill, Derecktor Shipyard, etc. Again the Navy preferred not to employ this alternative. In correspondence dated 18 February 2000 RIDEM offered an alternative solution. RIDEM evaluated the existing data for the site and based upon a

comparison to cleanup guidelines or recommendations proposed at other sites delineated areas, which would require remediation. The affected area was limited and could be addressed at the same time remedial activities was being performed on the site. This solution avoided a number of the problems associated with the reference station as well as the other State concerns with the Ecological Risk Assessment. The Navy indicated that they did not wish to employ this alternative.

In correspondence dated 26 April 2000 the State noted that the Ecological Risk Assessment for the site was unacceptable and RIDEM would not accept the report or any conclusions or remedial decisions based upon the report. RIDEM stated at that time that it would not enter into dispute resolution in the hope that these issues could be resolved as part of the Remedial Investigation Report process for the site. Recently, the Navy proposed holding a meeting concerning the site. However, the Navy did not propose any solutions to the problems, nor did the Navy provide any additional information in support of their position. As extensive meetings and discussions had already been held based upon the information submitted to date, an additional meeting without any new information or proposals would have limited utility. Instead RIDEM elected to review the Remedial Investigation Report as the Navy had indicated that it would contain additional discussions. The Report essentially has not provided any additional information, nor has it proposed any solution to the problem. RIDEM, therefore has no choice but to reject this section of the report.

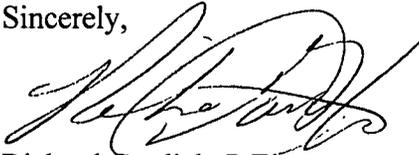
In summary, RIDEM does not accept the findings and the conclusions presented within the Remedial Investigation Report for the Old Fire Fighter Training Area. RIDEM cannot accept the report as a number of its components were previously found to be unacceptable and rejected. As indicated by the above RIDEM has tried to work with the Navy to resolve many of these issues. In regards to the human health risk assessment and ultimately the remediation of onsite soils and groundwater RIDEM has noted that the dispute resolution will not be entered into if the Navy agrees to remediate all onsite soils and groundwater at the site to the Method 1 standards listed in the States Remediation Regulations. Use of these standards would avoid any programmatic problems associated with addressing the outstanding concerns in the risk assessments, avoid the cost and time associated with the development of preliminary remediation goals for the site, and avoid the need to enter into dispute resolution or other regulatory actions. Further, this approach would be consistent with remedial activities performed at other sites throughout the State. This solution to the problem, which was developed by both the Navy and the regulators, would expedite the cleanup of the site and avoid the time and cost associated with the resolution and approval of the Remedial Investigation report or any supporting documents associated with it, and avoid the time and expense associated with the development and approval of site specific preliminary remedial actions goals. RIDEM recommends that the Navy and the regulators agree to this course of action in writing and avoid the problems associated with this aspect of the problem.

In regards to the off shore area, RIDEM recommends that the Navy address those areas previously outlined by the State. These areas could easily be addressed at the same time the onshore activities are being performed. This solution would avoid the time, expense

and problems associated with the approval of the Remedial Investigation Report, and avoid the time and expense associated with the development and approval of Preliminary Goals for the site. If this solution is unacceptable, RIDEM recommends that the Navy either employed the background stations used at Derecktor Shipyard and McAllister Point landfill, or evaluate the use of uncontaminated site stations at any one of the Navy sites. RIDEM would also entertain any alternate solutions to the problem presented by the Navy.

If the Navy has any questions concerning the above or require additional information, please contact me at (401) 222-2797, ext. 7138.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Gottlieb', written in a cursive style.

Richard Gottlieb, P.E.
Principal Engineer
Office of Waste Management

cc: Paul Kulpa, DEM OWM
Kymberlee Keckler, EPA Region I
Melissa Griffin, NSN

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