UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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September 30, 2009

Winoma Johnson, P.E.
NAVFAC MIDLANT (Code OPNEEV)
Environmental Restoration
Building Z-144, Room 109
9742 Maryland Avenue
Norfolk, VA 23511-3095

Re: Response to EPA's Letter dated July 30, 2009 on the former Robert E. Derecktor Shipyard

Dear Ms. Johnson:

Thank you for the opportunity to review the Navy's responses, dated September 8, 2009, to EPA's comments, dated July 30, 2009, on the Marine Sediment Feasibility Study at the Derecktor Shipyard at the Naval Education and Training Center Superfund Site in Newport, Rhode Island.

General Comment 2 (GC2): Please specify how the boundary of the institutional control area will be defined and clarify whether the proposal for ICs with boundary would be for areas that contain asbestos but will not be dredged. Will sampling be done as part of remedial design to identify how far asbestos extends beyond the footprint of the pier?

a) As noted in Navy's response, a boundary for the institutional controls is required for the proposed approach. To confirm that a conservative boundary has been established, it is necessary to sample around the perimeter of the proposed boundary to confirm that the extent of asbestos contamination has been adequately identified and bounded.

b) Please clarify the scope of the demolition project for Pier 1. Will Pier 1 be removed in its entirety? If so, there would be no reason to leave contaminated sediment in place beneath the former Pier 1 location as discussed in the last paragraph.

General Comment 3: As a clarification, the TCLP testing should be done either in pre-design to determine which areas would need to be specially handled in accordance with RCRA standards during the dredging operation, or immediately after the material is dredged ("generation" of hazardous waste occurs as soon as sediment exceeding TCLP thresholds is physically disturbed by the dredging) in order for the Navy to meet waste handling requirements. The status of the contaminated sediment should be determined before large quantities of sediment are intermixed and diluted.

Specific Comment 4b: The sediment needs to be sampled once dredged (or during predesign) to ensure there is no risk to workers from handling potentially asbestos-contaminated material. The testing can not wait until the material is sent off-site for disposal. The requirements apply to handling as well as disposal.

The response states that sediment excavated during the removal action would be sampled for asbestos before disposal but data would be compared to disposal parameters specific to the receiving facility instead of a risk-based concentration. Please clarify whether these disposal parameters meet NESHAPs. Further detail about what standards will be compared with the disposal data should be provided.

Specific Comment 4c: While the Navy's proposal generally looks sufficient, the final ARARs tables need to be reviewed to determine if it adequately evaluates the ARARs requirements for each alternative.

The fourth bullet of the response (on page 3 of 3) states that the ARAR would apply if a risk exists. However, the response to GC2 suggests that the Navy intends to assume asbestos is present in a portion of the sediment and establish institutional controls (ICs) over that area without calculation of risk. Therefore, the response to this comment appears inconsistent with the response to GC2, if no risk will be calculated. Please explain.

Specific Comment 5: Has there been a historic release, current release, or threat of release of the asbestos from the piping under Pier 2? Please explain the basis for the ICs proposed for under both the Pier 1 and Pier 2 areas.

Clearly, sampling (*e.g.,* PDI) or remediation of marine sediment would have to occur after the asbestos at both Pier 1 and Pier 2 has been removed to avoid recontamination. Please provide the schedules for these inter-related projects.

I look forward to working with you and the Rhode Island Department of Environmental Management toward the cleanup of the Derecktor Shipyard. Please do not hesitate to contact me at (617) 918-1385 should you have any questions.

Sincerely,

Kymberlee Keckler, Remedial Project Manager
Federal Facilities Superfund Section

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