



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

11 August 2010

Winoma Johnson, P.E.
NAVFAC MIDLANT (Code OPTE3)
Environmental Restoration
Building Z 144, Room 109
9742 Maryland Avenue
Norfolk, VA 23511-3095

RE: Draft Record of Decision
Old Fire Fighter Training Area (Site 09), Naval Station Newport, Newport, Rhode Island

Dear Ms. Johnson:

The Office of Waste Management at the Rhode Island Department of Environmental Management has conducted a review of the *Draft Record of Decision*, dated July 2010 for Site 09- Old Fire Fighter Training Area, Naval Station Newport, located in Newport, Rhode Island. As a result of this review, this Office has generated the attached comments on the *Draft Record of Decision*.

If you have any questions, in regards to this letter, please contact me at (401) 222-2797, extension 7148 or by e-mail at gary.jablonski@dem.ri.gov.

Sincerely,

A handwritten signature in cursive script that reads "Gary Jablonski".

Gary Jablonski, Principal Engineer
Office of Waste Management

cc: Matthew DeStefano, RIDEM
Richard Gottlieb, RIDEM
Robert Lim, USEPA Region I
Cornelia Mueller, NETC, Newport, RI
Stephen Parker, Tetra Tech

ROD comltr 080610

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Office of Waste Management's Comments:

1. Page 10, Figure 2-2 Conceptual Site Model.

Please update/extend the limits of the Site Boundaries in Figure 2-2. The eastern boundary should extend beyond location B-1, which had exceedances of arsenic and lead.

2. Page 12, Figure 2-3 Extent of COCs in Soil.

Please refer to Comment 1 mentioned above.

3. Page 13, Section 2.6 Current and Potential Future Site and Resource Uses; 4th paragraph, 2nd sentence.

"Although RIDEM groundwater classifications have designated groundwater in the area as GB (not suitable for drinking water without treatment), it has ..."

In order to be consistent with RIDEM's groundwater classification, please add the following language to the text above: "may not be suitable for drinking water without treatment".

4. Page 21, Table 2-7 Summary of Soil Remedial Alternatives Evaluated; 3rd Alternative.

There appears to be a typo in the following sentence: "*Placement of a soil cover over area that are not planned for parking, described in Section 2.7.12.2*". Please change Section 2.7.12.2 to Section 2.12.2.

5. Page 25, Section 2.12.2 Description of Selected Remedy, 5. Monitoring (a).

Please delete the words "*annual*" before "*groundwater*" and "*sediment monitoring*" in this section. The ROD is not the document to discuss or spell out the minimum requirements of sampling frequency at a site.

6. Page 26, Figure 2-4 Selected Remedy-Asphalt/Soil Cover and Land Use Control Boundary.

Please refer to Comment 1 mentioned above.

7. Page 27, Section 2.12.2 Description of Selected Remedy, 5. Monitoring (b).

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Please add the following language to this section: *“The Navy grants to EPA and RIDEM the right to enter the property at reasonable times for the purpose of monitoring compliance with the remedial action and the associated land use restrictions.”*

8. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs.

Please add the following State Requirement to this Table: State of Rhode Island Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (Short title: Remediation Regulations), CRIR 12-180-001, Section 8; DEM-DSR-01-93 as amended 02/2004; Applicable; This section regulates impacted media at contaminated sites and sets minimum risk standards under state law (1x10⁻⁵).

9. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 3; Citation DEM OWM-SW04-01, 1.7.14(b).

“The site will be closed under a plan developed in accordance with CERCLA. As such, the closure requirements of the site will be documented in the ROD, the remedial design (RD), and the Operations and Maintenance Plan (O&M) (including a monitoring plan). Compliance with the closure requirements contained in the ROD, RD, and O&M plan will be deemed compliance with this ARAR.”

Please delete this entire Action to Be Taken to Attain ARAR column stated above and replace with the following text: *“An approved closure plan will be submitted and implemented for the Site.”*

10. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 3; Citation DEM OWM-SW04-01, 1.8.01(a) and 1.8.01(b).

“This ARAR is cited to memorialize the requirements to monitor groundwater and to meet closure requirements. Because contaminants will be left in place the site will be closed as a waste management unit, and undergo long term monitoring. The remedial design (RD), remedial action work plan (RAWP), operations and monitoring plan (O&M) (including the long term monitoring plan [LTMP]) developed for this cleanup will contain the specific monitoring and closure requirements for the waste management unit. These requirements may differ from those cited in this regulation for landfill purposes. Compliance with the groundwater monitoring and closure requirements contained in the LTMP, RD, RAWP, and O&M plan for this site will be deemed compliance with this ARAR.”

Please delete the 3rd, 4th, and 5th sentences in this Action to Be Taken to Attain ARAR column, as underlined above.

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11. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 3;
Citation DEM OWM-SW04-01, 2.1.04.

"An erosion and sediment control plan will be developed for this site. It is intended that the RD and the RAWP, to be developed for this cleanup, will contain the specific erosion and sediment controls requirements for the remedial construction. Compliance with the RD and RAWP requirements for erosion and sediment control will be deemed compliance with this ARAR."

Please delete the 2nd and 3rd sentences in this Action to Be Taken to Attain ARAR column, as underlined above.

12. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 4;
Citation DEM OWM-SW04-01, 2.1.08 (a) (8).

"It is intended that this subsection serve as the ARAR memorializing the requirements for construction of new monitoring wells. The specific construction requirements will be described in the Long Term Monitoring Plan (LTMP). Such requirements may differ from those cited in this regulation, and will be developed to be appropriate for this site, and not for a solid waste landfill. Compliance with the monitoring well construction requirements of the LTMP will be deemed compliance with this ARAR."

Please delete the 2nd, 3rd, and 4th sentences, the following text in the 1st sentence: "subsection serve as the", and change "memorializing" to "memorialize" in this Action to Be Taken to Attain ARAR column, as underlined above.

13. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 4;
Citation DEM OWM-SW04-01, 2.1.08 (c).

"It is intended that this subsection serve as the ARAR memorializing the requirement to have and maintain monitoring wells for the purpose of monitoring groundwater conditions at the site. Because this remedy leaves waste in place, it will be supported with a Long Term Monitoring Plan (LTMP) for groundwater. The LTMP will be directed by a work plan that will contain the specific monitoring requirements. Such requirements may differ from those cited in this regulation, and will be developed to be appropriate for this site, and not for a solid waste landfill. Compliance with the monitoring well requirements of the LTMP will be deemed compliance with this ARAR."

Please delete the 2nd, 3rd, 4th and 5th sentences, the following text in the 1st sentence: "subsection serve as the", and change "memorializing" to "memorialize" in this Action to Be Taken to Attain ARAR column, as underlined above.

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- 14. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 4;**
Citation DEM OWM-SW04-01, 2.2.12 (d) (1) and 2.2.12(d) (2) (ii)(iii) and (v).

“Remedies including cover systems may include appropriate vegetation requirements of a soil cover”

Please replace the word “*may*” with “*shall*” in the above sentence in this Action to Be Taken to Attain ARAR column.

- 15. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 4;**
Citation DEM OWM-SW04-01, 2.3.04(e), (f).

“The ROD will include provisions to maintain the cover, and to assure that cover provides adequate levels of reduced permeability for specific areas cited by RIDEM. It is intended that this subsection serve as the ARAR memorializing the requirement to have and maintain a cover, not to identify permeability requirements. Asphalt has been determined to provide an adequate barrier for specific areas cited by RIDEM, and a two foot soil cover has been determined provide an adequate barrier for the remainder of the land within the waste management area.”

Please delete the 1st sentence, the following text in the 2nd sentence: “*subsection serve as the*”, and change “*memorializing*” to “*memorialize*” in this Action to Be Taken to Attain ARAR column, as underlined above.

- 16. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 5;**
Citation DEM OWM-SW04-01, 2.3.05.

It is intended that this subsection serve as the ARAR memorializing the requirement that no contamination of groundwater be permitted beyond the boundary of the WMA.

Please delete the following text: “*subsection serve as the*” and change “*memorializing*” to “*memorialize*” in the above sentence in this Action to Be Taken to Attain ARAR column.

- 17. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 5;**
Citation DEM OWM-SW04-01, 2.3.10.

“It is intended that this subsection serve as the ARAR memorializing the requirement that appropriate surface drainage considerations must be developed for the WMA cover. The cover system would be designed to prevent erosion, sedimentation, and standing water on the cover. Minimum slope requirements for solid waste landfills would not be relevant or appropriate for a soil cover which is not intended to reduce infiltration.”

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Please delete the last sentence, the following text in the 1st sentence: "subsection serve as the", and change "memorializing" to "memorialize" in this Action to Be Taken to Attain ARAR column, as underlined above.

18. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 5;
Citation DEM OWM-SW04-01, 2.3.11.

"It is intended that this subsection serve as the ARAR memorializing the requirement to have and maintain monitoring wells for the purpose of monitoring groundwater conditions. Because this remedy leaves waste in place, it will be supported with a Long Term Monitoring Plan (LTMP) for groundwater. The LTMP will be directed by a work plan that will contain the specific monitoring well requirements. Such requirements may differ from those cited in this regulation, and will be developed to be appropriate for this site, and not for a solid waste landfill. Compliance with the monitoring well requirements of the LTMP work plan will be deemed compliance with this ARAR."

Please delete the 2nd, 3rd, 4th and 5th sentences and the following text in the 1st sentence: "subsection serve as the", and change "memorializing" to "memorialize" in this Action to Be Taken to Attain ARAR column, as underlined above.

19. Appendix A, Table 4-14 Assessment of Action Specific ARARs and TBCs, page 6;
Citation DEM OWM-SW04-01, 2.3.14.

"This alternative will involve alteration of land within a 100 year coastal flood zone. This regulation is being cited to memorialize the requirement to protect the adjacent coastal wetland resources during construction and maintenance of a soil cover over soil containing residual contamination. The RD, RAWP, and the LTMP will be developed and provide specific requirements, which may differ from those in the cited regulation. Compliance with the RD, RAWP and the LTMP will be deemed compliance with this regulation."

Please delete the 3rd and 4th sentences in this Action to Be Taken to Attain ARAR column, as underlined above.

20. Appendix A, Table 5-6 Assessment of Chemical Specific ARARs and TBCs, page 1;
Citation DEM-DSR-01-93.

Please place the citation with the complete Section 8 in the Citation column and change Status from "to be considered" to "Applicable".