



State of Rhode Island and Providence Plantations
Department of Environmental Management
Office of Waste Management
235 Promenade Street
Providence, RI 02908

February 4, 1997

James Shaffer, 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: Tank Farm # 4, Naval Education and Training Center, Newport, Rhode Island

Dear Mr. Shaffer,

The Rhode Island Department of Environment Management, Office of Waste Management has received your letter dated 28 January 1997. In this letter you discuss the issues related to potential sludge pits associated with historic cleaning activities at the tank farm. At this time, based upon the content of the letter, this Office feels that it is necessary to put in writing issues which have been discussed in length with representatives from your office.

As you are aware Tank Farm # 4 is a RI site as listed in the FFA. As such, it is subject to the requirements of the Federal Facilities Agreement which was signed by the US Navy, US EPA and the State of Rhode Island. Accordingly, a Phase I Remedial Investigation was conducted at the site. The Work Plan for this investigation was reviewed and approved by both the US EPA and RIDEM. The results of this investigation was submitted in Phase I Remedial Investigation report, which once again was reviewed by both the US EPA and RIDEM. The report concluded that additional investigation work was warranted at the site and a Phase II remedial Investigation Work Plan was submitted to both regulatory agencies for review and approval. It should be noted that similar Work Plans were submitted for Tank Farms # 1,2,3 and 5.

At the time of the submission of the aforementioned Work Plan the Navy indicated that DERA budgetary constrain would limit their ability to proceed with the proposed investigations. In order for allow to continued investigations at other RI sites the Navy requested that certain remedial investigations and remedial actions at the Tank Farms be accomplished using the Navy's LUST funds. The USEPA and RIDEM agreed to this proposal as it would allow for the continued investigations of these sites. Furthermore, the agencies felt that a number of the objectives of the Phase II Remedial Investigation Work Plan, additional groundwater, soil sampling, etc. could be accomplished under the Navy's LUST Program. Finally, it was the agencies understanding that any work conducted under this program would not interfere or impede investigations scheduled to be conducted through the FFA. Accordingly, the US EPA would limit its regulatory involvement with the remedial investigations conducted at the site until such time that DERA funding became available.

The Navy agreed to this proposal and forwarded a Work Plan for the investigation and remediation of the tanks in Tank Farm # 5. RIDEM reviewed the proposals in the Work Plan and determined that they would not violate any of the aforementioned understandings concerning regulatory oversight of investigations to be conducted at the site. The DEM agreed to the provisions of this work plan which called for, amongst other things the cleaning and reballasting with water the tanks in Tank Farm # 5. The work specified in the Work Plan was completed at Tank Farm # 5 under the regulatory oversight of RIDEM.

At that time the Navy indicated that they wanted to initiate similar actions at Tank Farm # 4. The Navy's plan was similar to that presented for Tank Farm # 5 with the exception that the tanks in the farm would be demolished as opposed to being reballasted with water. The State indicated that the Navy's proposal concerning demolishing of the tanks raised credibility issues with respect to the Navy's previous statements concerning budgetary constraints and negative environmental impacts associated with the demolishing of the tanks. Previously, in numerous meetings, the Navy indicated that destruction of the tanks was not cost effective or environmentally sound. Specifically, destruction of the tanks would take monies away from either operating funds or from funds dedicated for remedial investigations and or actions at this or other bases. In addition, the destruction of the tanks would have the potential to aggravate and increase cost associated with remedial investigations and remedial actions conducted at the site. As an illustration, the Navy indicated that demolishing the tanks and backfilling with clean fill would potentially, unnecessarily contaminate the clean fill from up gradient sources of contamination and increase the remediation time and cost associated with any pump and treat remedial action. Furthermore, a reballasted tank did not represent an environmental threat. The State agreed with the Navy's historic statements concerning demolition of the tanks as it had potential negative environmental implications and it had the potential to increase the cost of remedial investigations and or actions to be conducted at the site. Furthermore, it would interfere with the remedial investigations to be conducted under the FFA.

The State requested that the Navy justify its new position. The Navy stated that by demolishing the tanks they would no longer have a regulated entity and as such would not be subject to any existing or future regulations of the DEM and the EPA. Representatives from the DEM clearly stated that the tanks would be subject to regulatory oversight whether they were backfilled with water or demolished, that is the fact that the tank was demolished would not make them a non regulated entity. In addition, the State noted that in the future if a new chemical was to come under regulatory oversight and the reballasted tanks were not exempt through a grandfather clause, remediation of a reballasted tank would be cost effective as it would only entail removal of the waters in the tank. Remediation of a demolished tank would involve the extended remediation of a greater volume of groundwater. Finally, the State noted that demolishing of the tanks would limit the Navy's ability to excise the land. That is demolishing a tank prior to the completion of the remedial investigations schedule for the site might complicate these investigations and subsequent remedial actions and increase the likelihood that deed or other restrictions would be required at the site.

At that time the Navy submitted a Work Plan for the cleaning of the tanks in the Tank Farm. The Work Plan did not include a plan for the demolishing of the tanks. The plan was implemented and remedial actions were initiated in 1996. Throughout this time period the State continued to raise concerns with respect to the demolishing of the tanks, and noted that any demolition plan could not interfere with remedial investigations scheduled to be conducted under the FFA. At the end of 1996, after a number of the tanks had been cleaned, the Navy submitted a Work Plan for the demolition of the tanks. The plan called for the placement of soil from the

top of tanks into the demolished structures. The State immediately raised concerns with respect to the effects of said plan. The State again reiterates its aforementioned concerns. In addition, the State noted that the proposed backfill soils could potentially contain sludge pits. These pits were allegedly generated during standard operating procedures for the cleaning of the tanks. Placement of said soils into the tanks, without the proper investigation, would definitely violate previous understandings concerning the Navy's agreement not to interfere with the FFA schedule investigations and it would have the potential to aggravate environmental problems at the site.

The DEM and EPA met with the Navy concerning this issue. The DEM recommended that the Navy either reballast the tanks with water or partially fill the tanks with sand as specified in the Work Plan, without demolishing the tanks. Tank demolition could be initiated once the scheduled studies had been completed. It should be noted that even if the Navy elected to demolish the tanks at a later date, temporary reballasting with water, is beneficial as it appears to promote the leaching of contaminants which are resistant to cleaning from the concrete in the tanks. Since these contaminants would be removed with the tank water when the tank is demolished at a later date, it would reduce the loading of these contaminants into the groundwater that would occur should these tanks undergo immediate destruction.

At the time the Navy did not accept the State's proposal and requested that the EPA and the State discuss required sampling for the sludge pits. A proposal was worked out which entailed the collection of a series of samples from around the tanks prior to excavation. The regulatory agencies requested that the Navy submit said proposal in writing. At a subsequent meeting with the State involving another site, the Navy proposed a strategy which had been broached and rejected in the meeting with both regulatory agencies. The State reiterated the previous discussed concerns with this strategy, such as, the limitations of the PID for detecting the contaminants of concern, especially metals, the need to sample beyond four feet due to the potential soil contamination from the leaching of contaminants from the sludge pits, and the increased remedial cost and times should undetected contaminated soils be placed in the tanks. Furthermore, for the excavated soils, it was noted that the act of excavating and stock piling of soils would result in the mixing of these soils and would therefore substantially reduce the probability of detecting contaminated soil when a sample of the stockpiled soil was collected for analysis. The Navy reiterated its overriding concern that testing of the soils prior to excavation would delay the demolition of the tanks. The State noted that the primary objective of the actions taken at the tank farm was to investigate and remediate sources of contamination at the site.

The proposal submitted in your 28 January letter does not reflect the concepts which were worked out during the joint regulatory meeting, it does however, reflect concepts which were deemed inadequate. In addition, the State does not agree with the statements that late regulatory involvement may have hindered the process. The State has a long record of expediting reviews of submittals from the Navy, and has allowed the Navy to continue actions in which the Navy has failed to notify the State when these actions were initiated and failed to submit the a Work Plan, as required, for regulatory review and approval. With respect to the current issue, in numerous, meetings the State has questioned the Navy's position concerning the destruction of the tanks, and has repeatedly noted that any action taken at the tank farm could not interfere with scheduled investigations. In addition, the State has repeatedly requested that, if the Navy elects to demolish the tanks it should submit a plan to the regulatory agencies for review. As noted above, this plan was not submitted until the end of 1996, near the time that the Navy has scheduled to commence demolition of the tanks. The State requests that the Navy indicate why they elected to send a plan for regulatory review at such a late date despite

numerous requests to send the plan in at an appropriate time. Furthermore, the Navy's proposal primary objective appears to be that of meeting the demolition schedule and not ascertaining whether sources of contamination exist at the site.

In summary, the State continues to have a number of concerns with respect to the proposed action at the tank farm. In numerous meetings and conferences the State has brought these issues to the attention of the Navy. The Navy has failed to address these concerns and has indicated that the request of the regulators may result in schedule delays at the site. It is the State's position that they have tried to resolve these issues to no avail through meetings and conference calls. Therefore, the State requests that the Navy address these concerns in writing and submit an alternate sampling plan. Please contact this office at 401-277-3872 ext. 7111 if you have any questions concerning this matter.

Sincerely,

Paul Kulpa, Project Manager
Office of Waste Management

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