



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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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
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RE: Comments on the Plan for Field Investigation for Former Derecktor Shipyard Still Water Basin,
Naval Education and Training Center, Newport, Rhode Island

On 16 January 1998, the Rhode Island Department of Environmental Management, Office of Waste Management received the Draft Work Plan for the Field Investigation of the Former Derecktor Shipyard Still Water Basin. This Office expedited its review of this plan and submitted comments on 9 February 1998, (the United States Environmental Protection Agency submitted comments on 6 February 1998). These comments were submitted prior to the Federal Facilities Agreement allotted regulatory review time.

On 23 March 1998, this Office received a FAX which noted that the major component of the aforementioned Work Plan, deployment of artificial substrates, had been implemented in the previous week. During the RPMs conference call held on 25 March 1998 this Office requested that the Navy submit written responses to the Office's comments. Written responses were FAX on 26 March 1998. Attached is an evaluation of the Navy's responses.

The Office is aware that the Navy had intended to "address comments to this plan as the work progresses, rather than in any revisions of the plan." This approach is atypical in that Work Plans are normally approved in their entirety prior to implementing work at the site. Implementation of this approach would require that the Navy either submit a limited written response to comments or meet with the regulators to discuss issues as dictated by the schedule. As an illustration, the regulators may have submitted comments concerning both sample location and species identification. Since sample location involves the first step of the process, the Navy would seek to obtain approval of this aspect of the project first. In this manner the Navy could proceed with the deployment of the samples and obtain approval for the species identification methodology at a latter date.

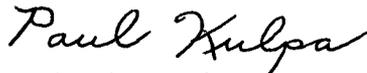
As seen in the timeline outline in paragraph two of this letter, the Navy has failed to follow their proposed approach. Specifically, the Navy has deployed the artificial substrates prior to receiving regulatory concurrence. This action took place despite the fact that the Navy has received comments that questioned both the location and depth of the artificial substrates. Since the focus of the Work Plan is the

deployment and analysis of the artificial substrates, concurrence should have been sought before the substrates were deployed.

In summary, the Navy had requested that the regulators forego normal review procedures in the implemented of the Derecktor Shipyard Still Water Plan. However, the Navy failed to follow their recommended approach for a key element of the Plan. Please be advised that implementation of a Work Plan without regulatory concurrence may result in the work being deemed unacceptable and necessitate a resampling effort. Finally, based upon the information presented in the response package and in the original Work Plan it will appear that the study as proposed will not be able to address the issues related to the Still Water Basin.

If the Navy has any questions concerning the above, please contact this Office at (401) 277-2797 ext. 7111.

Sincerely,



Paul Kulpa, Project Manager
Office of Waste Management

cc: Warren S. Angell, DEM OWM
Richard Gottlieb, DEM OWM
Christopher Deacutis, DEM OWR
Robert Richardson, DEM OWR
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**Comments on the
Plan for Field Investigation
Former Derecktor Shipyard Still Water Basin**

**5. Section 3.1/3.2, Synthetic Media:
Page 3-1.**

This section of the Plan indicates that the sampling disk will be suspended one meter above the bottom of the sediment. Placement of the sampling disk one meter above the bottom of the sediments may not represent exposure to sediment contaminants. Therefore, these disks should be placed in the sediment (note the Office would review any proposal to use rock baskets at the site in lieu of the disc replicates).

Evaluation of Response.

The Navy has indicated that the placement of the artificial substrate one meter above the sediment will allow for dissolved oxygen measurements and avoid any growth interferences associated with contaminated sediments. Furthermore the Navy notes that "the investigation is to be done to evaluate conditions in the water that may inhibit growth."

The focus of this investigation is not limited to an evaluation of the water column at the site. As stated in the Work Plan, "The investigation objectives for this task are to assess, and if possible, determine the cause of the apparent lack of indigenous biota in the still water basin near Building 42." In order to make this determination a series of test were to conducted at the site. Potential impacts associated with periodic discharges from the storm drains would be addressed via chemical analysis of the discharge. Potential affects associated with low dissolved oxygen would be assessed via continuous dissolved oxygen measurements. Potential affects associated with site sediments would be evaluated with the deployed artificial substrates. Obviously, in order to meet this objective the substrates, as stated in the comment, would have to be deployed in the immediate vicinity of the sediments.

Please note in the response to this comment the Navy has stated that, "To deploy disk on the bottom sediments may allow contaminants in the sediments (already measured as described in the ERA) to interfere with the growth." By this statement the Navy has indicated that sediments contaminants are interfering with biota growth. As such this is a demonstrated sediment related environmental impact which by its nature warrants remedial action. If it is the Navy's position that the sediments in the still water basin require a remedial response than deployment of the artificial substrates in the sediments will not be necessary. The current study may focus on additional sources of contamination, storm water discharge, etc.. The FS can proceed with the understanding that the site sediments have an unacceptable impact and will be addressed via a remedial action, dredging, capping, etc.

**6. Section 3.1/3.2, Synthetic Media:
Page 3-1.**

This section of the Plan discusses the sampling locations for the deployed disk. Although not stated it is assumed that all disk will be placed in water of equal depth (ie if the water in the Still Water Basin is an average of ten feet deep, accounting for tide, then the sampling depths for Station 25 and 26 should be approximately ten feet).

The Navy has stated that all disks will be deployed within one meter of the bottom and therefore would be considered comparable. The Navy has misunderstood the Office's comment. The Office has indicated that all disk should be deployed in water of equal depth. As stated in the comment, ...it is assumed that all disks will be placed in water of equal depth (i.e. if the water in the still water basin is on average ten feet deep, accounting for tide, the sample depths for Station 25 and 26 should be approximately ten feet. The State's position in the previous comments is that all disks should be placed in the immediate vicinity of the sediment. This comment states that the depth of the water at the location should be the same, i.e. depth of water at still water basin and other sample locations should be the same.

**8. Section 3.1/3.2, Synthetic Media:
Page 3-1.**

This section of the report depicts the location of the reference stations. The locations chosen are in known areas of Naval activity and are probably contaminated. Therefore, these stations should not be designated as background sampling locations. The Office recommends collecting this type of sample from the Jamestown Cove reference station.

The Navy has indicated that the background stations are not similar to the still water basin and therefore samples should be collected from these control stations. Please be advised that as stated in the comment the "background stations" are within a study area which is known to be contaminated. Therefore, if there is limited or no growth at these stations it cannot be inferred that this represents natural or unimpacted conditions. This information would be considered supportive of the position that these areas are contaminated. Finally, since these samples are taken from an impacted area it is not appropriate to perform comparative studies with these stations. Therefore, if comparative studies are to be performed an unimpacted background station outside of the Coddington Cove Area will have to be selected.