



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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BOSTON, MASSACHUSETTS 02114-2023

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NAVSTA NEWPORT RI
5090.3a

August 24, 1999

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

Re: Final Feasibility Study for the Former Robert E. Derecktor Shipyard at the Naval Education and Training Center, Newport, Rhode Island

Dear Mr. Shafer:

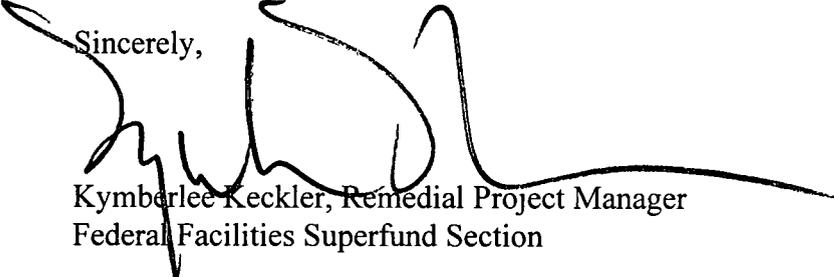
EPA reviewed the Final Feasibility Study Former Robert E. Derecktor Shipyard dated July 1999. EPA is pleased that the majority of changes were made in accordance with prior EPA comments and subsequent Naval responses. Although language has been added to the alternatives evaluation pursuant to EPA's ARAR related comments, revisions are still required. Detailed comments are provided in Attachment A.

EPA's letter dated March 12, 1999 requested that results of the analysis presented on page 1-17 be revised to include more complete information. In particular, TCLP results should be provided for arsenic, lead, chromium, mercury, selenium, and silver. These results have not been included in the revised FS. Please explain why barium and cadmium TCLP results are presented without the results for other metals.

EPA's letter dated March 12, 1999 noted that the row identifiers "date sampled" and "depth in feet" are reversed in Appendix C. Although revisions have been made to other parts of this original comment, the aforementioned row identifiers are reversed. This correction could be addressed through an errata sheet.

I look forward to working with you and the Rhode Island Department of Environmental Management toward the cleanup of the Derecktor Shipyard. We should discuss the cleanup schedule for the site and whether any data will need to be updated. Please do not hesitate to contact me at (617) 918-1385 should you have any questions.

Sincerely,



Kimberlee Reckler, Remedial Project Manager
Federal Facilities Superfund Section

Attachment

cc: Paul Kulpa, RIDEM, Providence, RI
Melissa Griffin, NETC, Newport, RI
David Peterson, USEPA, Boston, MA
Jennifer Stump, Gannet Fleming, Harrisburg, PA
Steven Parker, Tetra Tech-NUS, Wilmington, MA
Mary Philcox, URI, Portsmouth, RI
David Egan, TAG recipient, East Greenwich, RI

ATTACHMENT A

<u>Page</u>	<u>Comment</u>
p. 2-1, ¶2.1	Since TBCs are not criteria that “must” be considered, replace the first sentence of the first paragraph with the second paragraph. In the second sentence change “and TBCs” to “and standards and guidance to be considered (TBCs).”
p. 3-3, ¶4	Add a new second sentence: “The sediment will be handled under hazardous waste standards until the material can be tested to confirm whether it qualifies as either solid or hazardous waste for disposal purposes.”
p. 3-4, ¶3	In the second sentence insert “most of the” before “marine sediments removed.”
p. 3-5, T 3-1	In the Description text for “Limited Action/Institutional Controls” add at the end of the last sentence “however, the ban will be expanded to include a closure for Site contamination as well as for known and potential sewerage levels from off-site sources.”
p. 3-18, ¶2	Add a new sentence at the end of the paragraph: “To maintain the protectiveness of the remedy the shellfish collection ban would be expanded to include a closure for Site contamination, as well as for known or potential sewerage levels.”
p. 3-21, ¶5	Insert a new third sentence: “The sediment will be handled under hazardous waste standards until the material can be tested to confirm whether it qualifies as either solid or hazardous waste for disposal purposes.”
p. 3-22, ¶2	Insert a new first bullet: “Hazardous material handling requirements.”
p. 3-25, 1 st bullet	In the second paragraph add a last sentence: “However, mechanical dredging may cause alterations of aquatic habitats, such as wetlands, that will require potential mitigation measures.”
p. 3-25, 2 nd bullet	Add at the end of the last sentence: “unless O&M of habitat restoration sites is required.”

- p. 3-27, 2nd bullet In the second paragraph add a last sentence: “However, hydraulic dredging may cause alterations of aquatic habitats, such as wetlands, that will require potential mitigation measures.”
- p. 3-27, 3rd bullet Add at the end of the last sentence: “unless O&M of habitat restoration sites is required.”
- p. 3-28, ¶3 Insert a new second sentence: “The material will be handled under hazardous waste standards until it can be tested to confirm whether it qualifies as either solid or hazardous waste for disposal purposes.”
- p. 3-36, T 3-3 Under Process Option for Removal add a third bullet “Testing for hazardous characteristics” and a fourth bullet “Potential habitat restoration/mitigation.”
- p. 5-13 Add a new sixth paragraph: “Alternative 2 would comply with action-specific ARARs regarding hazardous waste handling and water quality standards during monitoring activities.”
- p. 5-15, Table 5-5 Under Action to be Taken for Executive Order 11988: Floodplain Management, in the first sentence change “disturbed by the removal action” to “disturbed by the remedial action.”
- Under Action to be Taken for the Rivers and Harbors Act change the text to: “Installation of access restriction markers and monitoring activities will be performed in compliance with the substantive requirements of the statute. In addition, use of the navigation markers will be coordinated with the U.S. Coast Guard Aids to Navigation Office.”
- p. 5-18, Table 5-6 Replace this table with the attached Table. The action-specific ARARs regard handling of hazardous waste during monitoring activities and anti-degradation requirements under the state water pollution control standards. The ARARs listed in the Navy’s latest version are location-specific ARARs.
- p. 5-19, ¶5 Change the sixth and seventh sentences to: “The existing shellfishing ban imposed by the state for sewerage contamination restricts collection of clams and mussels, but does not ban collection of lobster or finfish. The current ban would have to be extended to lobstering and the shellfish ban expanded to include a closure for Site contamination as well as for known or potential sewerage levels.”

- p. 5-22, ¶6 Delete the second and third sentences (the executive order applies to intertidal wetlands). In the fourth sentence change “However, mitigation” to “Mitigation.”
- p. 5-23, ¶1 In the second sentence change “RCRA is therefore relevant and appropriate for” to “Federal and state hazardous waste handling requirements are applicable to.”
- p. 5-23, ¶3 In the second sentence change “However, risks” to “Risks.” In the third sentence change “evaluations” to “monitoring.”
- p. 5-24, Table 5-7 In the Action to be Taken for CSFs change “Alternative 3” to “Alternative 3A.”
- p. 5-25, Table 5-8 Change Status of Executive Order 11988 to “Applicable.”

Add a second sentence to the text of Action to Be Taken for Section 404 of the CWA to: “Restoration of excavated/dredged special aquatic habitats (including intertidal wetlands and eelgrass beds) may be required to mitigate for the proposed remedial action. Mitigation measures will satisfy this requirement if no practicable alternative that has less effect is available.”

Under Action to be Taken for the Rivers and Harbors Act change the text to: “Dredging, monitoring activities, and installation of access restriction markers will be performed in compliance with the substantive requirements of the statute. In addition, use of the navigation markers will be coordinated with the U.S. Coast Guard Aids to Navigation Office.”

- p. 5-28, Table 5-9 For RCRA Subtitle C change the text (as previously provided by EPA) to:

Resource Conservation and Recovery Act (RCRA), Subtitle C - Standards for Hazardous Waste Facilities	42 U.S.C. 6291 <i>et seq.</i> ; 40 C.F.R. Part 264	Applicable	RI is delegated to administer the federal Resource Conservation and Recovery Act (RCRA) statute through its state regulations. The standards of 40 C.F.R. Part 264 are incorporated by reference.	Hazardous waste will be permanently excavated/ dredged from the site. Monitoring will assess whether hazardous wastes are present in discharges from the dredging and dewatering activities.
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p. 5-29, Table 5-9 Insert the following ARAR which was also cited in the McAllister FS:

Refuse Disposal - Solid Waste Management Facilities	RIGL 23-18.9 <i>et seq</i> ; CRIR 12-030-21	Applicable	Rules and regulations more stringent than the federal standards under 40 C.F.R. Part 258 are applicable. The standards require minimization of environmental hazards associated with the operation of solid waste facilities.	Removal of non-hazardous sediments and utilization of waste piles for dewatering prior to disposal in a RCRA Subtitle D facility will satisfy the substantive requirements of these provisions.
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p. 5-32, ¶4 Remove the third and fourth sentences that discuss Alternative 3B.

p. 5-35, ¶5 Change the beginning of the second sentence to: “Alternative 3B does not meet this ARAR since all...”

p. 5-35, ¶6 Delete the second and third sentences (the executive order applies to intertidal wetlands). In the fourth sentence change “However, mitigation” to “Mitigation.”

p. 5-36, Table 5-10 Add a second sentence to the Action to Be Taken for both the CSF and RfDs that states: “Alternative 3B reduces exposure to human receptors through institutional controls and access restrictions, so these criteria will be met.”

p. 5-37, Table 5-11 Add a second sentence to the text of Action to Be Taken for Section 404 of the CWA to: “Restoration of excavated/dredged special aquatic habitats (including intertidal wetlands and eelgrass beds) may be required to mitigate for the proposed remedial action. Mitigation measures will satisfy this requirement if no practicable alternative that has less effect is available.”

Under Action to be Taken for the Rivers and Harbors Act change the text to: “Dredging, monitoring activities, and installation of access restriction markers will be performed in compliance with the substantive requirements of the statute. In addition, use of the navigation markers will be coordinated with the U.S. Coast Guard Aids to Navigation Office.”

p. 5-40, Table 5-12 For RCRA Subtitle C change the text (as previously provided by EPA) to:

Resource Conservation and Recovery Act (RCRA), Subtitle C - Standards for Hazardous Waste Facilities	42 U.S.C. 6291 <i>et seq.</i> ; 40 C.F.R. Part 264	Applicable	RI is delegated to administer the federal Resource Conservation and Recovery Act (RCRA) statute through its state regulations. The standards of 40 CFR Part 264 are incorporated by reference.	Hazardous waste will be permanently excavated/ dredged from the site. Monitoring will assess whether hazardous wastes are present in discharges from the dredging and dewatering activities.
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p. 5-41, Table 5-12 Insert the following ARAR which was also cited in the McAllister FS:

Refuse Disposal - Solid Waste Management Facilities	RIGL 23-18.9 <i>et seq.</i> ; CRIR 12-030-21	Applicable	Rules and regulations more stringent than the federal standards under 40 C.F.R. Part 258 are applicable. The standards require minimization of environmental hazards associated with the operation of solid waste facilities.	Removal of non-hazardous sediments and utilization of waste piles for dewatering prior to disposal in a RCRA Subtitle D facility will satisfy the substantive requirements of these provisions.
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p 5-43, ¶2 In the second sentence change “RCRA is therefore relevant and appropriate for” to “Federal and state hazardous waste handling requirements are applicable to.”

p. 5-43, ¶5 In the second sentence change “However,” to “In addition,.” In the third sentence change “evaluations” to “monitoring.”

p. 5-47, ¶5 & 5-48, ¶1 Delete the second and third sentences (the executive order applies to intertidal wetlands). In the fourth sentence change “However, mitigation” to “Mitigation.”

- p 5-48, ¶2 In the second sentence change “RCRA is therefore relevant and appropriate for” to “Federal and state hazardous waste handling requirements are applicable to.”

- p. 5-48, ¶4 In the second sentence change “RCRA” to “federal and state.”

- p. 5-50,T 5-13 Add a second sentence to the Action to Be Taken for both the CSF and RfDs that states: “Alternative 4 eliminates exposure to human receptors through by dredging contaminated sediments, so these criteria will be met.”

- p. 5-51, Table 5-14 Add a second sentence to the text of Action to Be Taken for Sec. 404 of the CWA to: “Restoration of excavated/dredged special aquatic habitats (including intertidal wetlands and eelgrass beds) may be required to mitigate for the proposed remedial action. Mitigation measures will satisfy this requirement if no practicable alternative that has less effect is available.”

Under Action to be Taken for the Rivers and Harbors Act change the text to: "Dredging will be performed in compliance with the substantive requirements of the statute."

- p. 5-54, Table 5-15 For RCRA Subtitle C change the text (as previously provided by EPA) to:

Resource Conservation and Recovery Act (RCRA), Subtitle C - Standards for Hazardous Waste Facilities	42 U.S.C. 6291 <i>et seq.</i> ; 40 C.F.R. Part 264	Applicable	RI is delegated to administer the federal Resource Conservation and Recovery Act (RCRA) statute through its state regulations. The standards of 40 C.F.R. Part 264 are incorporated by reference.	Hazardous waste will be permanently excavated/ dredged from the site. Monitoring will assess whether hazardous wastes are present in discharges from the dredging and dewatering activities.
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p. 5-55, Table 5-15 Insert the following ARAR which was also cited in the McAllister FS:

Refuse Disposal - Solid Waste Management Facilities	RIGL 23-18.9 <i>et seq.</i> ; CRIR 12-030-21	Applicable	Rules and regulations more stringent than the federal standards under 40 C.F.R. Part 258 are applicable. The standards require minimization of environmental hazards associated with the operation of solid waste facilities.	Removal of non-hazardous sediments and utilization of waste piles for dewatering prior to disposal in a RCRA Subtitle D facility will satisfy the substantive requirements of these provisions.
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p 5-59, ¶5

Add at the end of the third sentence: “that have been, in part, derived from federal and state water quality chemical-specific ARARs.

**TABLE 5-6
ASSESSMENT OF ACTION-SPECIFIC ARARs AND TBCs
FOR ALTERNATIVE NS-2: LIMITED ACTION
FORMER Robert E. DEREKTOR SHIPYARD
NSN, NEWPORT, RHODE ISLAND**

FEDERAL

Requirement	Citation	Status	Synopsis of Requirement	Action to Be Taken to Attain ARAR
Resource Conservation and Recovery Act (RCRA), Subtitle C - Standards for Hazardous Waste Facilities	42 USC 6291 <i>et seq</i> , 40 CFR Part 264	Applicable	RI is delegated to administer the federal Resource Conservation and Recovery Act (RCRA) statute through its state regulations. The standards of 40 CFR Part 264 are incorporated by reference	Monitoring will assess whether hazardous wastes are present in the sediment

STATE OF RHODE ISLAND

Hazardous Waste Management - Identification and Listing of Hazardous Wastes	RIGL 23-19 1, CRIR 12-030-003(3 25)	Relevant and Appropriate	RI is delegated to administer the federal Resource Conservation and Recovery Act (RCRA) statute through its state regulations. The standards of 40 CFR Part 261 regarding RCRA identification and listing are incorporated by reference	Monitoring will test sediment according to the requirements of this regulation. Sediments which are determined not to be hazardous may be handled and disposed of as solid waste. Leaving wastes in place which are hazardous does not meet standards for protectiveness to human health and the environment.
Hazardous Waste Management - Standards for Treatment, Storage, and Disposal Facilities	RIGL 23-19 1 <i>et seq</i> , CRIR 12-030-003(10.00)	Applicable	Outlines specifications and standards for design, operation, closure, and monitoring of performance for hazardous waste storage, treatment, and disposal facilities. The standards of 40 CFR Part 264 are incorporated by reference.	Monitoring and institutional controls, including sampling and installation of access restrictions within areas containing hazardous waste will comply with these standards.
Water Pollution Control - Water Quality	RIGL 42-16 <i>et seq</i> , CRIR 12-190-001	Applicable	Establishes water use classification and water quality criteria for waters of the state.	Monitoring and institutional control measures must not cause degradation of surface water quality in Narragansett Bay.