



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND, MID-ATLANTIC
8742 MARYLAND AVENUE
NORFOLK, VA 23511-3095

IN REPLY REFER TO:

5090
Code OPNEEV4/JLC
September 14, 2007

Ms. Kymberlee Keckler, Remedial Project Manager
Federal Facilities Superfund Section
USEPA Region 1
1 Congress Street
Suite 1100 (HBT)
Boston MA, 02114-2023

Mr. Paul Kulpa, Project Manager
Office of Waste Management
Rhode Island Department Of Environmental Management
235 Promenade St.
Providence Rhode Island, 02908-5767

Dear Ms. Keckler & Mr. Kulpa:

SUBJECT: FEASIBILITY STUDY - REVISION 1 FOR MARINE SEDIMENTS,
DERECKTOR SHIPYARD (SITE 19); NAVAL STATION, NEWPORT, RI

The Navy's responses to EPA, RIDEM, and NOAA comments on the subject draft feasibility study are provided as attachments (A), (B) and (C), respectively.

If you have any questions regarding the enclosed documents, you can contact me by phone at (757) 444-4217 or by email at james.colter@navy.mil.

Sincerely,

A handwritten signature in cursive script, appearing to read "James L. Colter".

JAMES L. COLTER, P.E.
Remedial Project Manager
By direction of the
Commanding Officer

Enclosures

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Copy to:
NOAA, Ken Finkelstein
Gannett Fleming, Paula Loht
NAVSTA Newport, Cornelia Mueller
NAVSTA Newport RAB, c/o Cornelia Mueller (4 copies)
NAVFAC Atlantic, Dave Barclift
TtNUS, Steve Parker
Admin Record/Information Repository

**ATTACHMENT A
RESPONSES TO COMMENTS FROM USEPA
ON THE FEASIBILITY STUDY (DRAFT REVISION 1)
FORMER ROBERT E DERECKTOR SHIPYARD
NAVSTA NEWPORT, NEWPORT, RHODE ISLAND
COMMENTS DATED MAY 8, 2007**

EPA GENERAL COMMENT

The FS does not include the onshore component. A post removal risk assessment of the onshore portion of Derecktor Shipyard and an evaluation of site groundwater impacts to sediment are needed in order to close out the entire OU5 with one ROD. We should discuss what options are available and decide what would be the best mechanism to accomplish these tasks. Moreover, ARARs need to be identified for any remaining on-shore remedial actions that may be required (assuming the site will not meet unrestricted use standards), such as Institutional Controls to prevent contact with groundwater or soil.

Since the remedy selection will address all site media, the FS needs to include an analysis of the groundwater to sediment pathway. The FS should also discuss the soils at the site, especially in light of the removals that have occurred at the site and the remaining site risks if any. Alternatives to address unacceptable risks from soil exposure must also be included in the FS.

While it is not necessary to recalculate the human health risk assessment because an actionable risk under CERCLA has already been demonstrated, it is essential that you demonstrate that the PRGs are protective of early life exposure. Implementation of EPA's Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens requires an evaluation of children's cancer risk for a subset of carcinogens that operate by a mutagenic mode of action [e.g., benzo(a)pyrene]. These new Cancer Guidelines establish the EPA's approach for analysis of carcinogenicity. The Navy must determine whether an evaluation is necessary to assess whether adjustments to the target cleanup levels are needed in order for this remedy to remain protective of human health. If EPA concludes that there is an additional unacceptable risk, the target cleanup levels shall be adjusted to address this risk so that the remedial action will be consistent with these adjustments.

The Limited Action alternative incorporates natural attenuation as part of the remedy. If the Navy is proposing that natural attenuation is occurring there must be a separate alternative that evaluates it based on EPA guidance. The Limited Action alternative should be analyzed assuming no attenuation is occurring for evaluating the NCP criteria, including carrying out the monitoring costs for 30 years for costing purposes.

There may be several issues that affect whether CERCLA waste from the base can be disposed in the Providence River CAD, including whether the facility's permits allow for the disposal of CERCLA waste, whether the facility meets the standards under the CERCLA Off-Site Rule [40 C.F.R. §300.440 and 58 Fed. Reg. 49,200 (September 22, 1993)], whether the sediment is regulated under TSCA because of sediment PCB levels (see also ARARs comments). The Navy should confirm with the managers of the Providence CAD if they are permitted to accept CERCLA waste and if so, what standards will need to be met (e.g., Clean Water Act permits under Sections 402 and 404; State Water Quality Certification; Coastal Wetlands Permit; CERCLA Off-Site Rule Finding of Acceptability for the facility; TSCA finding of no risk from PCB disposal; etc.). Before disposal of CERCLA waste in the CAD, EPA Region I must make an acceptability determination under the CERCLA Off-Site Rule that the facility can receive the wastes. EPA is investigating what information would be required from the facility to make such a determination. EPA is also researching whether standards have been developed for issuing an acceptability determination for a CAD. Regarding PCBs, the Navy should contact the Region's TSCA Program to determine if a separate TSCA risk finding to allow PCBs to be disposed into the CAD (this may be influenced by whether the CAD already accepts sediments containing low levels of PCBs).

Response: Following discussions at the July 18, 2007 RPMs meeting in Newport, EPA re-considered the position stated in the comment above that the Site should be addressed as one operable unit addressing both onshore and offshore areas. Navy was informed by EPA on August 2, 2007 that the site could be addressed in two operable units. Therefore, the FS report will not be revised to include evaluation of the onshore media or evaluation of risks posed by soil or groundwater.

The FS will be revised to better explain how the site sediment became contaminated. This section will include discussion of the groundwater to sediment pathway.

To determine whether the proposed PRGs are protective of early life exposure, Navy will evaluate human health PRGs for the 12 mutagenic carcinogens listed in EPA's *Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens*. If necessary, the PRGs will be revised to ensure that they are sufficiently protective in light of the new guidance.

References to observed or predicted "natural attenuation" of contaminants will be removed from the report unless discussed in the context of EPA's monitored natural attenuation standards. The Limited Action alternative will be evaluated assuming that no natural attenuation is occurring and costs will occur over a 30-year period.

Navy is continuing to re-evaluate the viability of off-shore disposal of sediment in the Providence River CAD facility. Additional discussions have been initiated with representatives of the Rhode Island Coastal Resources Management Council, which operates the CAD, to obtain answers to the questions identified in EPA's comment and to confirm that the facility could and would accept the site sediment for disposal. Navy will share its findings with EPA and RIDEM prior to completion and submittal of the revised FS. Depending on the findings, the FS will be modified to include additional information to support use of the CAD facility or to designate on-shore landfill disposal as the selected disposal option.

EPA SPECIFIC COMMENTS

EPA Specific Comment 1

p. 1-1, ¶3 See general comment concerning the need for the FS to address the entire site, including the onshore parcel and groundwater

Response: See response to EPA General Comment.

EPA Specific Comment 2

p. 1-2, §1.2 The FS could benefit from some perspective on the historical harbor maintenance related to channel deepening that has been implemented over the past few decades and the likelihood that harbor or channel deepening would be required in the future.

Response: Discussion will be added to Section 1 to describe harbor maintenance activities that have been conducted at Derecktor Shipyard in the past.

EPA Specific Comment 3

p. 1-5, ¶3 In the first sentence, change "considered" to "conducted."

Response: The text will be changed as requested.

EPA Specific Comment 4

p. 1-6, §1.2 The text describes the status of the ships berthed at the site as of 1998. Please edit the last paragraph of this section to identify the ships currently berthed at the site

Response: Comment noted. The requested information will be added to the text.

EPA Specific Comment 5

p. 1-10, §1.3.3 The reference cited in the last paragraph of this section (RIGIS 1997) is not included in the reference section of the FS. Please add the complete citation to the references section.

Response: Comment noted. The References section of the document will be updated accordingly.

EPA Specific Comment 6

p. 1-11, §1.3.5 Although this section is titled Geophysics and Bathymetry of Coddington Cove, no bathymetric data are provided in this section. Based on the discussion in this section and in Section 1.3.4, it appears that bathymetric data are available. If so, please include it in the next revision of the FS. If none is available, please provide some perspective on the water depths of interest for the site.

Response: Available bathymetric data will be added to the revised report.

EPA Specific Comment 7

p. 2-7, ¶1 Fix the second full sentence: "whereas 3 of the 4 ~~locations~~ 2004 locations had exceedances of only [insert number] COC."

Response: The sentence will be corrected to read: "whereas 3 of the 4 2004 locations had exceedances of only one COC."

EPA Specific Comment 8

p. 3-3, §3.1.5 The second paragraph of this section states that in situ treatment options may not be viable. As this statement is included in the FS section describing general response actions, it may be more appropriate to move it to §3.3.7.1, which describes the screening process, specifically implementability.

Response: The discussion of the viability of in-situ treatment will be moved to Section 3.2, which presents the preliminary screening of technologies and process options. Because all in-situ treatment technologies/process options are eliminated from further consideration in this section (see Table 3-1), in-situ treatment is not retained for more detailed evaluation in Section 3.3.

EPA Specific Comment 9

p. 3-6, §3.3.3.1 The current state ban on shellfishing, based solely on sewage discharges, may not prohibit contaminated shellfish from being relocated out of the area for shellfish stocking. The additional shellfishing restriction should also restrict shellfish from being relocated out of the restricted area.

Response: Proposed institutional controls restricting shellfishing will be modified to also restrict relocation of shellfish out of the restricted area

EPA Specific Comment 10

p. 3-8, §3.3.3.3 There is no natural attenuation alternative included in this FS that meets EPA standards. This is problematic later when describing the Limited Action alternative. The term "natural attenuation" should not be used unless it meets the specific standards required.

Response: Comment noted. References to observed or predicted "natural attenuation" of contaminants will be removed from the report unless discussed in the context of EPA's monitored natural attenuation standards.

EPA Specific Comment 11

p. 3-13, bullet 3 There would be no O&M costs unless some contaminated sediment is left in inaccessible areas such as around piers or under the riprap.

Response: The second sentence in bullet 3 will be modified to state: "No O&M costs are associated with this option unless some contaminated sediment is left in inaccessible areas (i.e. under piers) or if habitat restoration and monitoring is required."

EPA Specific Comment 12

p. 3-15, bullet 2 See comment above.

Response: The second bullet on page 3-15 will be revised as described above for EPA Specific Comment 11.

EPA Specific Comment 13

p. 3-16, §3.3.6.1, ¶3 There are a number of potential issues with disposing CERCLA wastes in the Providence CAD. Please document why this disposal option is viable and describe the regulatory steps necessary to proceed.

Response: Navy is continuing to re-evaluate the viability of off-shore disposal of sediment in the Providence River CAD facility. Depending on the findings of the evaluation, the FS will be modified to include additional information to support use of the CAD facility or to designate on-shore landfill disposal as the selected disposal option. See response to EPA General Comment for additional details.

EPA Specific Comment 14

p. 3-17, bullet 2 Explain whether Navy will assume any responsibility for O&M of any CAD receiving CERCLA waste.

Response: If sediment from the site was disposed in an off-base CAD facility, the operators of that facility, not the Navy, would assume responsibility for O&M of the CAD. The Rhode Island CRMC operates and maintains the Providence CAD.

EPA Specific Comment 15

p. 4-1, bullet 2 Change the definition of the NCP to "Regulations establishing criteria for implementing CERCLA response actions."

Response: The definition will be changed as requested.

EPA Specific Comment 16

p. 4-3, §4.1 The third paragraph of this section states that five remedial alternatives have been developed. According to the rest of the FS, only four remedial alternatives were developed.

Response: The text will be corrected to indicate that four remedial alternatives have been developed.

EPA Specific Comment 17

p. 4-4, §4.2.2, ¶1 In the fourth sentence, add "and lobster" after "affected shellfish."

Response: After further consideration, the Navy has decided that the lobster collection ban will not be included in Alternative 2. See Response to RIDEM Specific Comment 5 in Attachment B for additional discussion of this issue.

EPA Specific Comment 18

p. 4-5, ¶1 What "selected commercial fishing" is still allowed in the area? If for finfish, were the risks from consuming finfish (particularly bottom feeding species like flounder) evaluated? If not, all commercial fishing should be prohibited, pending additional risk assessment for finfish consumption. Please clarify what type of commercial fishing will be allowed (and document how the risks permit it)

Response: Specific Native American fishermen are allowed to collect lobster and crabs in the affected area of Coddington Cove. At various times within the last ten years, commercial fishermen have conducted herring netting operations in the south part of the Cove, outside the area of interest of the site. Human health risks for consumption of finfish have not been evaluated at Derektor Shipyard or other Newport sites because finfish are migratory. As a result, their potential exposure to site conditions and the potential risks associated with consumption of site-related contaminants in finfish can not be accurately quantified.

EPA Specific Comment 19

p. 4-6, §4.2.3 Please edit the first bullet to include: "... and better characterize the physical attributes of the impacted sediment."

Response: The text will be changed as requested.

EPA Specific Comment 20

p. 4-7, §4.2.3 In the last paragraph in the discussion of the Pre-Design Investigation, the activities described for stations 3 and 29 would also be required for other locations investigated because this information is pertinent for selection of the dredging requirements. Please edit the FS accordingly.

In the second sentence [of the capping discussion] insert "minimum" before "thickness of three feet." EPA experience with underwater capping has shown that using a barge based system to manually dump the cap material leads to a "hill and valley" topography. The minimum cap thickness should be specified.

Response: The first sentence in the last paragraph of the PDI discussion will be changed to indicate that the bathymetric survey will be conducted in the areas to be capped or dredged. The second sentence of the capping discussion will be revised to insert "minimum" before "thickness of three feet "

EPA Specific Comment 21

p. 4-8, §4.2.3 In the second sentence in the discussion of Dredging and Disposal, include "extent and nature of debris" as a determining factor for the dredging method to be used.

Response: The text will be changed as requested.

EPA Specific Comment 22

p. 4-8, ¶7 See general comment concerning whether the Providence River CAD would comply with CERCLA's Off-Site Rule.

Response: See response to general comment.

EPA Specific Comment 23

p. 4-9, ¶5 In the last sentence, restoration of existing grades may be warranted if there is intertidal habitat, that would otherwise be converted to subtidal habitat.

Response: The entire area proposed for dredging is subtidal and is within the active port area, therefore placement of backfill to match existing grades would not be warranted.

EPA Specific Comment 24

p. 4-14, ¶2 If the human health and ecological risk assessments identify risks to be addressed, then the remedy needs to address the risks. This paragraph should be rewritten to eliminate all of the discussion adding qualifiers to the risk assessments. Limited Action alternatives typically do not address ecological risks. See also the General Comment concerning the improper incorporation of natural attenuation assumptions within the Limited Action alternative.

Response: It is appropriate and desirable to identify risk uncertainties in the remedial alternative evaluations in the FS so that these uncertainties may be considered in making informed risk management decisions related to alternative selection. The Navy recommends that the discussion of risk uncertainties be kept in this section.

The limited action alternative provides some measure of protection of the environment by providing a means to determine whether site conditions deteriorate and require further action. The discussion of this benefit will be retained. As noted in response to the General Comment, text predicting a decrease in contaminant concentrations will be removed.

EPA Specific Comment 25

p. 4-14, ¶5 No long-term monitoring or 5-year reviews would be required as long as no inaccessible areas of contaminated sediments were left behind.

Response: Navy agrees with the above statement. The narrative in this section will be modified to clarify that long term monitoring and 5-year reviews would be required if sediment with COCs exceeding PRGs remains in inaccessible areas.

EPA Specific Comment 26

p. 5-2, ¶4 In the second sentence add "and lobster" after "shellfish." Also Table 1-1 identifies consumption risks exceeding 1 0E-05 to a residential child and adult from consuming shellfish and lobster

Response: The parenthetical text in the second sentence will be changed to "(consumption of contaminated shellfish and lobster tissue by subsistence fishermen and site residents)".

EPA Specific Comment 27

p. 5-4, ¶1 Remove the second sentence. This criterion only addresses whether an alternative has an active treatment component (natural attenuations and removal not covered).

Response: The second sentence will be removed

EPA Specific Comment 28

p. 5-6, last ¶ In the last sentence insert "and lobsters" after "shellfish" both times in the sentence.

Response: The text will be changed as requested.

EPA Specific Comment 29

p. 5-8, §5.2.2 See General Comment concerning the discussion of the "limited action" alternative including components of a "natural attenuation" alternative. For example, the last sentence in the first paragraph of the section should be removed.

Response: See response to General Comment.

EPA Specific Comment 30

p. 5-8, §5.2.1 The paragraph describing the cost of the alternative erroneously references Appendix D. The subject information is actually located in Appendix C, as Appendix D does not exist. This comment is also applicable to p. 5-11, §5.2.2; p. 5-16, §5.2.3; and p. 5-20, §5.2.4.

R sponse: The appendix references will be corrected.

EPA Specific Comment 31

p. 5-9, ¶1 End the first sentence after "Section 2" and end the second sentence after "protection of the environment."

Response: The text will be changed as requested.

EPA Specific Comment 32

p. 5-9, ¶2 Remove the third and fourth sentences.

Response: The text will be changed as requested.

EPA Specific Comment 33

p. 5-9, ¶5 In the first sentence remove "initially" and the entire second sentence.

Response: The text will be removed as requested.

EPA Specific Comment 34

p. 5-10 Add a new third paragraph that describes compliance with action-specific standards (for monitoring and institutional controls).

Response: Compliance with action-specific standards is discussed in the last sentence of the last paragraph on p. 5-9.

EPA Specific Comment 35

p. 5-10, ¶3 Add "and lobstering" after "shellfishing."

Response: After further consideration, the Navy has decided that the lobster collection ban will not be included in Alternative 2. See Response to RIDEM Specific Comment 5 in Attachment B for additional discussion of this issue.

EPA Specific Comment 36

p. 5-10, ¶4 End the first sentence after "ecological receptors."

Response: The text will be changed as requested.

EPA Specific Comment 37

p. 5-11, ¶1 See comment for page 4-5, ¶1.

Response: See response to comment for page 4-5, ¶1.

EPA Specific Comment 38

p. 5-11, §5 2.2 The sixth paragraph of the Implementability section states "...given that the removal of both ships is planned..." The last paragraph of §1.2 states that there are three ships berthed at Pier 1. Please correct.

Response: The report will be revised to reflect the current status of the ships berthed on site.

EPA Specific Comment 39

p. 5-11, ¶6 Cost estimates should include the costs for 30 years of monitoring.

R sponse: The costs for Alternative 2 will be re-calculated based on a 30 year duration.

EPA Specific Comment 40

p. 5-12, §5.2.3, ¶1 Note any potential issues with disposing contaminated sediment in the Providence CAD.

Response: See response to EPA's General Comment.

EPA Specific Comment 41

p. 5-13, ¶4 Move this paragraph to be the new fifth paragraph since it describes action-specific standards.

Regarding the last sentence, is it clear that none of the wastes are listed RCRA regulated material (metal bottom paints, etc.). Also, the material may be regulated by TSCA (depending on risk levels).

Response: The third paragraph in the Compliance with ARARs section will be moved to below the current fourth paragraph. In the last sentence of this paragraph, the presumption that the material is not RCRA-regulated refers to the potential for the contaminated sediment to be classified as RCRA by characteristic (i.e. for lead) in addition to by listing. The material is not expected to be regulated by TSCA, as the maximum detected concentration (~3.3 ppm) is well below the 50 ppm TSCA threshold. The last sentence will be modified to state that the materials are assumed to not be regulated under RCRA or TSCA.

EPA Specific Comment 42

p. 5-14, ¶4 Remove this paragraph. The criteria only address whether there is active treatment

Response: The second paragraph in the Reduction of Toxicity, Mobility, and Volume through Treatment discussion will be removed as requested.

EPA Specific Comment 43

p. 5-15, ¶6 There may be restrictions on when material can be disposed in the Providence CAD owing to dredging windows for sensitive species, if that disposal option is available.

Response: Comment noted. If it is determined that CAD disposal is feasible (see Response to General Comment), the text will be revised to address any identified limitations related to dredging windows. This information will also be considered in relation to the estimated time and cost of implementing dredging alternatives.

EPA Specific Comment 44

p. 5-15, ¶7 End the second sentence after "each area." There is no margin of error for dredging that leaves contamination exceeding risk levels in place. For capping a minimum depth of cap throughout the capped area must be achieved.

Response: The text will be changed as requested.

EPA Specific Comment 45

p. 5-16, §5.2.3 The paragraph describing the cost of the alternative presents the results of a sensitivity analysis relating to changes in the volume of sediment to be removed. However, a sensitivity analysis was not conducted that would describe the changes that would occur if the contained aquatic disposal cells were not available for sediment disposal. The expansion of the analysis should be considered because it is conceivable that the contained aquatic disposal cells may be filled to capacity by other projects before the Deredictor sediment remediation is implemented. This comment is also applicable to p. 5-20, §5.2.4.

Response: If it is determined that CAD disposal is feasible (see Response to General Comment) sensitivity analyses will be performed and included for Alternatives 3 and 4 to identify the costs of those alternatives if sediment had to be disposed on land instead of in a CAD facility.

EPA Specific Comment 46

p. 5-17, ¶6 See comment for page 5-13, ¶4.

Response: See response to comment for page 5-13, ¶4.

EPA Specific Comment 47

p. 5-18, ¶4 Remove the entire paragraph. The criterion only addresses whether there is active treatment.

Response: The second paragraph in the Reduction of Toxicity, Mobility, and Volume through Treatment discussion will be removed as requested

EPA Specific Comment 48

p. 5-19, ¶3 Regarding dredging windows for sensitive species, there may be restrictions on when material can be disposed in the Providence CAD, if that disposal option is available.

Response: See response to comment for page. 5-15, ¶6

EPA Specific Comment 49

p. 5-21, ¶2 Replace the third and fourth sentences with: "This alternative will not address ecological risks, although monitoring will continue to document contaminant levels in the sediment exceeding ecological risk standards."

Response: The third and fourth sentences will be replaced with "This alternative will not address ecological risks; however, monitoring will continue to document contaminant levels in the sediment, providing a means to determine whether site conditions deteriorate or improve and/or require further action."

EPA Specific Comment 50

p. 5-21, ¶5 Remove the second sentence.

Response: The text will be removed as requested.

EPA Specific Comment 51

p. 5-22, ¶2 In the first sentence insert "and lobstering" after "shellfishing." In the second sentence insert "not" before "provide" and remove "limited." Remove the third and fourth sentences.

Response: After further consideration, the Navy has decided that the lobster collection ban will not be included in Alternative 2. See Response to RIDEM Specific Comment 5 in Attachment B for additional discussion of this issue.

The second sentence will be revised as requested. The third and fourth sentences will be replaced with "However, monitoring will continue to document contaminant levels in the sediment, providing a means to determine whether site conditions deteriorate and require further action."

EPA Specific Comment 52

p. 5-23, Cost Table Costs for Alternative 2 need to be revised based on comment for page 5-11, ¶6.

Response: See response to comment for page 5-11, ¶6.

EPA Specific Comment 53

Table E-1 For the Limited Action alternative remove the text that states the alternative is potentially protective of ecological receptors and potentially complies with ARARs in the future. Cost numbers need to be revised to be based on 30 years of monitoring and restrictions.

R sponse: The report will be revised as requested

EPA Specific Comment 54

Table 1-1 The Table shows risks to child and adult residents in the 1.0E-5 range that require action. Only risks in the 1.0E-4 range (subsistence fisherman) are highlighted.

Response: Risks exceeding the EPA/CERCLA risk thresholds were highlighted. The table will be modified to also identify risks that exceed RIDEM risk thresholds.

EPA Specific Comment 55

Table 2-1 For unrestricted PCB sediment exposure 1 ppm has been used at other sites in New England.

Response: It is not clear whether this comment is intended to support or contest the proposed PRG for PCBs (1.06 ppm) presented in Table 2-1. EPA has previously agreed to this recommended PRG. The value will not be changed pending clarification from EPA.

EPA Specific Comment 56

Table 2-2 On page 1 of 4 for DSY-2, please eliminate the QC identifier (field duplicate) for sample DSY-SD-02-082504; this is not a QC sample.

Response: The "field duplicate" QC identifiers are assigned to each sample that is part of a field duplicate pair in order to clearly identify both samples that comprise the pair. It is standard practice to retain the identifier on both samples.

EPA Specific Comment 57

Table 3-1 In the comments column of the table on page 4 for Infrared Incineration, on page 5 for soil washing and solvent extraction, and on page 6 for acid extraction, the text states that there are simpler processes available to treat contaminants. However, the only simple treatment process retained was solidification/stabilization that is restricted to inorganic contaminants. Since no simpler pertinent processes appear to be available, please delete this phrase where used, or clarify the text.

Response: The phrase will be deleted.

EPA Specific Comment 58

Tables 3-1 through 3-4 Does the Navy intend to evaluate Natural Attenuation? If so, it should be listed in these tables.

Response: No. See response to General Comment

EPA Specific Comment 59

Table 5-1 For the Cancer Slope, change the Action to Be Taken to: "Cancer risks identified will not be addressed by the alternative."

For the Risk Reference Doses, change the Action to Be Taken to: "Non-cancer risks identified will not be addressed by the alternative."

Add the following two new EPA risk guidances that should be considered when calculating the risk assessment (alternative will not address the risks):

- Guidelines for Carcinogen Risk Assessment/EPA/630/P-03/001F (March 2005)/To Be Considered/Guidance values used to evaluate the potential carcinogenic hazard caused by exposure to contaminants/Cancer risks identified will not be addressed by this alternative*
- Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens/EPA/630/R-03/003F (March 2005)/To Be Considered/Guidance values used to evaluate the potential carcinogenic hazard to children caused by exposure to contaminants/Child cancer risks identified will not be addressed by this alternative*

Cite any risk assessment guidances used to develop the ecological risk assessment and state that the ecological risks will not be addressed by this alternative.

Response: The Table will be revised as requested.

EPA Specific Comment 60

Table 5-4 For the Cancer Slope, change the Action to Be Taken to: "Cancer risks identified will be addressed by institutional controls to prevent exposure"

For the Risk Reference Doses, change the Action to Be Taken to: "Non-cancer risks identified will be addressed by institutional controls to prevent exposure"

Add the following two new EPA risk guidances that should be considered when calculating the risk assessment (alternative will address the human health risks):

- *Guidelines for Carcinogen Risk Assessment/EPA/630/P-03/001F (March 2005)/To Be Considered/Guidance values used to evaluate the potential carcinogenic hazard caused by exposure to contaminants/Cancer risks identified will not be addressed by this alternative*
- *Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens/EPA/630/R-03/003F (March 2005)/To Be Considered/Guidance values used to evaluate the potential carcinogenic hazard to children caused by exposure to contaminants/Child cancer risks identified will not be addressed by this alternative*

Cite any risk assessment guidances used to develop the ecological risk assessment and state that the ecological risks will not be addressed by this alternative.

Response: The Table will be revised to add guidance used and indicate whether or not the identified risks are addressed by the alternative, and if so, how they will be addressed.

EPA Specific Comment 61

Table 5-6 Add federal: Toxic Substances Control Act, PCB Remediation Waste Standards/15 U.S.C. 2601-2692; 40 C.F.R. 761.61(c)/Applicable/Provides for a risk-based standards that will not pose an unreasonable risk of injury to human health or the environment/The alternative will address the risk to human health from exposure to PCBs, but will not address ecological risks

Add State: Guidelines on the Management of Investigation-Derived Waste/(Policy Memo 95-01)/To Be Considered/Guidance On Management And Disposal of Materials Generated During Environmental Investigations/Monitoring activities will comply with these guidelines

Identify the State ARAR that is the basis for both the shellfishing and lobstering bans. Whatever standards that will be used to enforce the fishing bans must be identified. In particular, confirm whether the State has the jurisdiction to prevent harvesting of shellfish and lobster with contamination at the risk level that would be protective under CERCLA. For shellfishing, ensure the ban includes a prohibition against relocating shellfish from the restricted area.

Response: The cited TSCA standard will be added to Table 2-6 as requested.

RIDEM Guidelines on the Management of Investigation-Derived Waste/(RIDEM Division of Site Remediation, Policy Memo 95-01) will be added. Please provide additional citation information, i.e. is this a RIDEM policy?

RIDEM's assistance is needed in determining what State ARAR is the basis for the ban on shellfishing. Navy will formally request that the State make this determination. After further consideration, the Navy has decided that the lobster collection ban will not be included in Alternative 2. See Response to RIDEM Specific Comment 5 in Attachment B for additional discussion of this issue.

EPA Specific Comment 62

Table 5-7 For the Cancer Slope, change the Action to Be Taken to: "Cancer risks identified will be addressed by capping and dredging to prevent exposure"

For the Risk Reference Doses, change the Action to Be Taken to: "Non-cancer risks identified will be addressed by capping and dredging to prevent exposure"

Add the following two new EPA risk guidances that should be considered when calculating the risk assessment (alternative will address the human health risks):

- *Guidelines for Carcinogen Risk Assessment/EPA/630/P-03/001F (March 2005)/To Be Considered/Guidance values used to evaluate the potential carcinogenic hazard caused by exposure to contaminants/Cancer risks identified will not be addressed by this alternative*

- *Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens/EPA/630/R-03/003F (March 2005)/To Be Considered/Guidance values used to evaluate the potential carcinogenic hazard to children caused by exposure to contaminants/Child cancer risks identified will not be addressed by this alternative*

Cite any risk assessment guidances used to develop the ecological risk assessment and state that the ecological risks will be addressed by capping and dredging.

Response: The Table will be revised to add guidance used and indicate whether or not the identified risks are addressed by the alternative, and if so, how they will be addressed.

EPA Specific Comment 63

Table 5-8 For each of the location-specific ARARs, the Action to Be Taken section should state how capping, dredging, and long-term maintenance and monitoring will be conducted in compliance with each standard.

Response: The table will be modified where necessary to more specifically state the actions that would be taken to comply with the identified ARARs.

EPA Specific Comment 64

Table 5-9 For each of the action-specific ARARs, the Action to Be Taken section should state how capping, dredging, and long-term maintenance and monitoring will be conducted in compliance with each standard.

For the Status section for the two RCRA citations remove "(assuming landfill disposal)" since these standards apply for material going to either a landfill or a CAD (as well as the other remedial components of capping, maintenance, and long-term monitoring).

Move the Refuse Disposal ARAR to the State section.

For the Clean Air Act standard (same question for the State air standards) – will there be air monitoring of the dredging operation (either for volatile contaminants or hydrogen sulfide)?

Add federal: Toxic Substances Control Act, PCB Remediation Waste Standards/15 U.S.C. 2601-2692; 40 C.F.R. 761.61(c)/Applicable/Provides for a risk-based standards that will not pose an unreasonable risk of injury to human health or the environment/The alternative will address the risk to human health and ecological risks from exposure to PCBs by either capping or removing PCB contaminated material exceeding identified risk levels. Dredged sediment and debris will be tested for PCBs before disposal in a facility authorized to accept the waste.

For the State Hazardous Waste Identification and Listing, add to the modified text for Action to Be Taken (after making the changes in the first Table 5-9 paragraph): "Dredged sediment and debris will be tested for hazardous waste characteristics before disposal in a facility authorized to accept the waste."

Add State: Guidelines on the Management of Investigation-Derived Waste/(Policy Memo 95-01)/To Be Considered/Guidance On Management And Disposal of Materials Generated During Environmental Investigations/Monitoring activities will comply with these guidelines

Any federal or state standards and/or guidances for construction and maintaining underwater caps should be included.

Response:

The table will be modified where necessary to more specifically state the actions that would be taken to comply with the identified ARARs.

The parenthetical phrase "(assuming landfill disposal)" will be removed from the status section of the two RCRA citations on Table 2-9.

The Refuse Disposal ARAR will be moved to the State section

Air monitoring will be conducted as required due to the contaminants present that could become airborne.

The TSCA, PCB Remediation Waste Standards will be added to Table 5-9 as requested

The requested text regarding testing of dredged materials will be added to the Action to Be Taken column for the State Hazardous Waste Identification and Listing ARAR.

The state guidelines for managing IDW will be added to Table 2-9 as requested.

All potential ARARs or TBCs identified that relate to constructing and maintaining underwater caps will be included in the table.

EPA Specific Comment 65

Table 5-10 For the Cancer Slope, change the Action to Be Taken to: "Cancer risks identified will be addressed by dredging all material that presents a risk to prevent exposure"

For the Risk Reference Doses, change the Action to Be Taken to: "Non-cancer risks identified will be addressed by dredging all material that presents a risk to prevent exposure"

Add the following two new EPA risk guidances that should be considered when calculating the risk assessment (alternative will address the human health risks):

- Guidelines for Carcinogen Risk Assessment/EPA/630/P-03/001F (March 2005)/To Be Considered/Guidance values used to evaluate the potential carcinogenic hazard caused by exposure to contaminants/Cancer risks identified will not be addressed by this alternative*
- Supplemental Guidance for Assessing Susceptibility from Early-Life Exposure to Carcinogens/EPA/630/R-03/003F (March 2005)/To Be Considered/Guidance values used to evaluate the potential carcinogenic hazard to children caused by exposure to contaminants/Child cancer risks identified will not be addressed by this alternative*

Cite any risk assessment guidances used to develop the ecological risk assessment and state that the ecological risks will be addressed by dredging all material that presents a risk

Response: The Table will be revised to add guidance used and indicate whether or not the identified risks are addressed by the alternative, and if so, how they will be addressed.

EPA Specific Comment 66

Table 5-11 Under action to be taken to attain EO 11988 and EO 11990,-change "disturbed by the removal action" to "disturbed by the remedial action."

Response: The table will be changed as requested.

EPA Specific Comment 67

Table 5-12 For the Status section for the two RCRA citations, remove "(assuming landfill disposal)" since these standards apply for material going to either a landfill or a CAD. For the Action to Be Taken for the two standards, change the first sentence to: "Dredged/excavated sediment and debris will be tested, before disposal in an off-site facility authorized to accept the waste."

Move the Refuse Disposal ARAR to the State section.

For the Clean Air Act standard (same question for the State air standards) – will there be air monitoring of the dredging operation (either for volatile contaminants or hydrogen sulfide)?

Add federal: Toxic Substances Control Act, PCB Remediation Waste Standards/15 U.S.C. 2601-2692; 40 C.F.R. 761.61(c)/Applicable/Provides for a risk-based standards that will not pose an unreasonable risk of injury to human health or the environment/The alternative will address the risk to human health and ecological risks from exposure to PCBs by removing PCB contaminated material exceeding identified risk levels. Dredged sediment and debris will be tested for PCBs before disposal in a facility authorized to accept the waste

For the State Hazardous Waste Identification and Listing, add to the modified text for Action to Be Taken: "Dredged sediment and debris will be tested for hazardous waste characteristics before disposal in a facility authorized to accept the waste."

Response: Air monitoring will be conducted as required for the contaminants present that could become airborne. The table will be changed as requested.

EPA Specific Comment 68

Figure 4-1 The restricted access area needs to extend beyond stations 18 and 30 as these previously-sampled locations contained concentrations of contaminants above the cleanup goals. The recent sampling event did not cover these areas so it must be assumed that the sediment concentrations remain above the PRG.

Response: As agreed by Navy, EPA, and RIDEM during the May 16, 2007 RPMs meeting at Newport, the 2004 data (used in the subject report) will be used in the FS to estimate the sediment areas and volumes to be addressed. To address the uncertainty regarding previous PRG exceedances in the dynamic sediment system, the Pre-Design Investigation (PDI) will include a preliminary step of re-sampling all of the previous sampling stations to identify stations exceeding PRGs, then additional sampling would be conducted in grids around the stations where exceedances were identified to further define the areas requiring remedial action. The figure in question is consistent with this approach.

EPA Specific Comment 69

Figures 4-2 & 4-3 Ideally, a pre-design investigation would be performed using a sampling grid encompassing sample locations DSY-18 and DSY-30 and locations along the full length of both sides of both piers. A more extensive sampling program would provide data to delineate the use restriction area and the remediation areas. Please indicate on the figure that these locations are assumed boring locations and the scope of the PDI has not been developed.

Response: See response to EPA Specific Comment 68. The estimated locations of PDI samples will not be revised on these figures; however, a note will be added to identify these locations as conceptual and state that the final locations of grid samples will be selected based on results of preliminary sampling of all previous sample stations. The solid circles on Figures 4-2 and 4-3 are designated as borings in the legend.

EPA Specific Comment 70

References A more current version of the R.S. Means environmental cost data should be cited in the references to be consistent with the Appendix C cost calculations. The EPA reference Contaminated Sediment Remediation Guidance for Hazardous Waste Sites should be dated December 2005. The dates cited for the Rhode Island regulations appear to be obsolete: the water quality regulations were updated in July 2006; the hazardous waste regulations were updated March 2007; and the investigation and remediation regulations were updated February 2004. Please add Rhode Island regulation Rules and Regulations for Dredging and the Management of Dredged Materials, Regulation # DEM-OWR-DR-02-03, dated February 2003. Please review all the references and make the appropriate corrections.

Response: All references will be reviewed and corrected where necessary.

EPA Specific Comment 71

Appendix C, Alt. 3 Line item 5.4 in the capital costs table provides for a location adjustment for costs; however, the costs are all based on vendor quotes and historical site data not on R.S. Means cost data so the cost adjustment is not appropriate. Please delete the location cost adjustment from the capital costs table as well as from the two sensitivity analysis cost tables.

Regarding the O&M Cost table, based on information provided in Assumption #7, the cap inspection and maintenance costs have been included twice: once in line item OM1.1 and again in line items OM 2.1 and OM 2.2. Please correct the cost table and other elements of the cost estimates impacted by this correction.

Response: The location cost adjustment will be deleted from the indicated lines. All cost elements will be checked and corrected if necessary.

EPA Specific Comment 73

Appendix C, Alt. 4 The first note on the capital cost page should reference 2007 not 2006 for consistency.

Line item 5.4 provides for a location adjustment for costs; however, the costs are all based on vendor quotes and historical site data not on R.S. Means cost data so the cost adjustment is not appropriate. Please delete the location cost adjustment from the capital costs table as well as from the two sensitivity analysis cost tables.

Response: The requested changes will be made.

**ATTACHMENT B
RESPONSES TO COMMENTS FROM RIDEM
ON THE FEASIBILITY STUDY (DRAFT REVISION 1)
FORMER ROBERT E DERECKTOR SHIPYARD
NAVSTA NEWPORT, NEWPORT RI
COMMENTS DATED APRIL 30, 2007**

RIDEM General Comment 1

The document has not reevaluated or addressed concerns generated by the Office of Waste Management with respect to the Human Health Risk Assessment, Ecological Risk Assessment and the Preliminary Remediation Goals. Accordingly the Office of Waste Management position concerning these documents has not changed and the enclosed comments have focused on issues pertaining to the supplemental site investigation and the evaluation of alternatives (issues concerning the areas which need to be dredged have been forwarded in other submittals).

Response: The comment is noted. Prior documentation (minutes to the Ecological Advisory Board Meeting 15, April 27, 1999 and comments to the Final FS, RIDEM letter dated August 11, 1999) reflects the positions held by RIDEM, USEPA and the Navy in regard to the risk assessments and the development of preliminary remediation goals (PRGs) for this site. It is our understanding that RIDEM does not concur with the risk-based approach to the development of the PRGs or the resulting values, although USEPA and the Navy are in agreement on the values and manner in which they were derived.

As has been pointed out in past discussions, the Navy's cleanup program is governed by CERLCA and the Newport FFA, both of which are very clear with regard to the use of risk-based management decisions when calculating preliminary remediation goals (PRGs). RIDEM did provide a list of areas they felt are "of concern" (electronic mail 8/22/06), and a very brief justification was later provided (electronic mail 11/17/06). For a remedial action to be considered at these areas, RIDEM will need to demonstrate that the cleanup areas that they would like the Navy to adopt are risk-based in nature. To the Navy's knowledge, RIDEM has not yet provided any such risk-based justification.

Further, the Navy must point out that typically, upon submission of RTC documents, the team has 45 days to resolve any disputed items and submit a Draft-Final Report after which, the EPA and State have another 30 days to accept or dispute the draft final document.

RIDEM General Comment 2

The delineated areas of concern are based upon the most recent sampling round. Results from the previous sampling rounds were not used. Based upon the sampling locations, the depth of the samples, and the nature of the contaminants of concern at the site results from the previous sampling rounds must be used to delineate the areas of concern.

Response: As stated in response to EPA Specific Comment 68, it was agreed by Navy, EPA, and RIDEM during the May 16, 2007 RPMs meeting at Newport that the most recent data (2004) would be used in the FS to estimate the sediment areas and volumes to be addressed. To address the uncertainty regarding previous PRG exceedances in the dynamic sediment system, it was agreed that the Pre-Design investigation will include a preliminary step of re-sampling all of the previous sampling stations to identify stations exceeding PRGs, then additional sampling would be conducted in grids around the stations where exceedances were identified to further define the areas requiring remedial action

RIDEM Specific Comment 1

Section 1.4.3, Supplemental Sediment Investigation 2004, Metals: Page 1-19, Paragraph 3. This section of the report includes a discussion of SEM/AVS. SEM/AVS, which applies to certain organisms, assumes static conditions. Ship traffic and storm action may and/or has resulted in resuspension, which limits the utility of SEM/AVS. The report should note this in this section.

Response: This section will be modified to note the limited utility of SEM/AVS in evaluating resuspended sediment.

RIDEM Specific Comment 2

Section 1.4.3, Supplemental Sediment Investigation 2004, Organic Compounds: Page 1-19. The report notes that a forensic analysis was conducted on the sediment samples. As indicated past correspondence, the Office of Waste Management has a number of concerns with the forensic analysis performed at NETC. Please be advised this Office is unable to base regulatory decision utilizing analysis which is questionable

Response: Comment noted. Refer to the response to comments (Navy correspondence dated July 12, 2005) to the Draft Sediment Sampling Report (report dated April 2005). That letter states that RIDEM did not provide comments to the draft report, which included the Forensic Hydrocarbon Characterization report as Appendix E.

Even though RIDEM questions the validity of the use of forensic analysis, please be advised that the Navy will not take the responsibility for remediating contaminants that can not be attributable to a site-related release, and especially not in the cases where it can be demonstrated that the existence of contamination is from urban deposition.

RIDEM Specific Comment 3

Section 3.2.4, Identification of Area Requiring Remedial Action Page 2-7, Paragraph 2. The report has proposed utilizing only the 2004 sampling round to delineate areas of concern. A review of the 2004 sampling round reveals that samples were not co-located in areas that previously contained elevated levels of contamination, nor did it cover all of the areas previously investigated. Therefore, this limitation is not warranted and the delineated areas must include the previous sampling rounds.

Response: See response to RIDEM General Comment 2. This was not the approach that the Navy agreed to. It was agreed to, by all parties, that the 2004 data would be used to estimate the areas and volumes of sediment to be addressed, and that for those areas that were not re-sampled in 2004, that those locations would be re-visited as part of the Pre-Design Investigation that will be conducted in order to properly design any remedy involving the excavation of sediments.

RIDEM Specific Comment 4

Section 3.3.3.1, Intuition Controls, Implementability, Page 3-7, Paragraph 2. The report must note that the State of Rhode Island does not have any areas that have a long-term closure for lobster fishing. Further, if this scenario is selected a determination would have to be made to ascertain if this closure could be implemented.

Response: After further consideration, the Navy has decided that the lobster collection ban will not be included in Alternative 2. See Response to RIDEM Specific Comment 5 for additional discussion of this issue.

RIDEM Specific Comment 5

Section 3.3.3.1, Intuition Controls, Implementability, Page 3-7, Paragraph 2. This section of the report notes that the area would be closed to the collection of lobster. Certain lobsters are migratory and as such closure, as proposed in the report, will not eliminate this exposure pathway. Therefore, permanent closure of the affected area should not be considered as a viable alternative to address problems at the site.

Response: The lobster collection ban was included in the limited action alternative as a way to address the identified risk posed by lobster, but it was recognized that the ban would provide only limited

effectiveness because lobsters are migratory and because the contamination in lobster is likely not all from the site. After further consideration, the Navy has decided that the lobster collection ban should not be included in Alternative 2.

RIDEM Specific Comment 6

Section 3.3.8.3, Dredge Material Processing, Page 3-19, Paragraph 1. Gravity dewatering is the most commonly used method to dewater dredge spoils. It is also the least costly and the least complicated dewatering method. In this method piles of dredge spoils are left in the open and allowed to dewater. This method was effectively used at McAllister Point Landfill. The report must include a section on gravity dewatering (the gravity method discussed in the report involves the use of tanks, which are not necessary in gravity dewatering piles.

Response: This section will be revised to include discussion of gravity dewatering in piles.

RIDEM Specific Comment 7

Section 3.3.8.3, Treatment Disposal of Residual Water, Page 3-19. A complicated treatment scenario is included in the report of the processing of residual water. During the dredging activities performed at McAllister Point Landfill, residual water was collected in a membrane lined lagoon. All of the water collected from the dewatering process did not have to be treated as a significant portion of the water evaporated while it was in the retention lagoon. The treatment building at Tank Farm # 5 was employed to process the remaining water. This option, use of a lagoon and sending water to the treatment building at Tank Farm # 5 (via tank truck or having the dewatering process occur at Tank Farm # 5) must be discussed in the report.

Response: Additional options for treatment of residual water will be evaluated and included if applicable. Sending water to the treatment building at Tank Farm #5 is not a viable option for water from a sediment removal action at Derecktor shipyard because the treatment plant is no longer operational and is scheduled for demolition.

RIDEM Specific Comment 8

Section 4.2.2, Alternative 2, Limited Action, Page 4-4. This section of the report states that RIDEM would be responsible for notifying lobster men of the restrictions present in Coddington Cove as well as, enforcing this restriction, prosecuting violators, etc. The cost incurred by RIDEM for all of these actions, notification, enforcement, prosecution, etc must be factored into the cost analysis. The Navy would also be responsible for reimbursement of this cost to RIDEM should this alternative be implemented.

Response: As discussed in response to RIDEM Specific Comment 5, the Navy has reconsidered the rationale for including a ban on lobster collection in Alternative 2 and has determined that it will not be included. Therefore the identified costs will not be factored into the cost estimate for Alternative 2.

RIDEM Specific Comment 9

Section 4.2.3, Alternative 3 Contaminant and Dredging, Disposal, Long Term Maintenance and Five-Year Review, Page 4-10. The report must note that the cap area will have to be maintained and monitored as long as waste material inside the cap exceeds PRGs. For cost estimating purpose a standard thirty-year period can be assumed.

Response: A thirty year period of cap monitoring and maintenance was assumed for Alternative 3. The text of this section will be modified to clarify that the cap will have to be monitored and maintained as long as waste material inside the cap exceeds PRGs (i.e. in perpetuity), and that for cost estimating purpose a standard thirty-year period is assumed.

RIDEM Specific Comment 10

Section 4.3, Screening of Alternatives, Page 4-14. The report states that extremely conservative assumptions were used for the subsistence fisherman and that the area could not reasonably support the dietary intake of such an individual. Based upon the Federal Food and Drug Administration findings the dietary intake is in concert with normal shellfish consumption, subsistence fisherman would be higher.

Further, a study has not been performed to determine the yield from this area. Therefore, please remove these statements from the report.

R sponse: The statement that the subsistence fisherman exposure scenario over-estimates the amount of shellfish that could reasonably be taken from the site will be removed.

RIDEM Specific Comment 11

Section 5.2.2. Limited Action, Compliance with ARARs, Page 5-8. The report states that ARARs require that the proposed action be protective of wetlands and flood plains, as monitoring would not adversely would not damaged either (sic). While it is true that monitoring would not damage the wetlands, it is also true that the limited action of monitoring would allow the wetlands to remain damaged. Therefore, please remove the statement that this alternative meets the location specific ARARs.

Response: The requirements of the executive orders regarding protection of wetlands and floodplains apply to any actions taken that could adversely affect wetlands or floodplains. The most important part of those orders, which seems to have been overlooked by RIDEM, states that the actions must be performed in a way that "minimizes" destruction of the resource for those planned remedial actions that require the disturbance of a wetland or floodplain. The activities included in the limited action alternative would be performed in compliance with these requirements and as such, the statement is accurate.

RIDEM Specific Comment 12

Section 5.2.2. Limited Action, Long Term Effectiveness, Page 5-10. The report notes that the remedy is effective, as the concentrations of COC have decreased since 1996. One round of sampling is not sufficient to establish trends. Further, the recently collected samples were not collected in the same location as the 1996 sampling event. Finally, many of the contaminants of concern are not prone to degradation. Therefore please remove this statement from this section.

Response: The statement of effectiveness and statements that COC concentrations have decreased since 1996 will be qualified due to the factors noted in the comment. However, please also refer to responses to EPA specific comments 68 and 69 regarding the logic for using only the 2004 sampling data in the FS to estimate areas requiring remediation and confirming the FS assumptions with further sampling during the PDI.

RIDEM Specific Comment 13

*Table 5-1, Assessment of **Chemical** Specific ARARs, Alternative 1, No Action, State ARARs. The Site Remediation Regulations, the Oil Pollution Regulations are Chemical Specific ARARS and must be included in this list.*

Response: The listed regulations, in their entirety, are not chemical-specific ARARs. If the State considers particular sections that include numerical standards or criteria to be ARARs, RIDEM should provide to Navy a comprehensive list, including citations for the particular sections that apply.

RIDEM Specific Comment 14

*Table 5-4, Assessment of **Chemical** Specific ARARs, Alternative 2, Limited Action, State ARARs. The Site Remediation Regulations, the Oil Pollution Regulations, the Water Pollution are Chemical Specific ARARS and must be included in this list.*

Response: See response to RIDEM specific comment 13 Water pollution control regulation ENVM 112-88.97-1 is already included in the listed chemical-specific ARARs for Alternative 2.

RIDEM Specific Comment 15

*Table 5-5, Assessment of **Location** Specific ARARs, Alternative 2, Limited Action, State ARARs. The Site Remediation Regulations, the Oil Pollution Regulations, the Water Pollution the Fish and Wildlife Regulations are Location Specific ARARS and must be included in this list.*

Response: The regulations cited were also identified as chemical-specific and action-specific ARARs. Particular requirements are either chemical-, locations-, or action-specific, not more than one type. If the State considers particular sections of these regulations to be location-specific ARARs, RIDEM should provide to Navy a comprehensive list, including citations for the particular sections that apply

RIDEM Specific Comment 16

*Table 5-6, Assessment of **Action** Specific ARARs, Alternative 2, Limited Action, State ARARs. The Site Remediation Regulations, the Oil Pollution Regulations, the Fish and Wildlife Regulations are Action Specific ARARS and must be included in this list.*

Response: The regulations cited above were also identified as location-specific and chemical-specific ARARs. See response to RIDEM specific comment 15.

RIDEM Specific Comment 17

*Table 5-7/5-10, Assessment of **Chemical** Specific ARARs, Alternative 3/4, Capping and Dredging/Dredging, State ARARs. The Site Remediation Regulations, the Oil Pollution Regulations, the Hazardous Materials Regulations, the Water Pollution are Chemical Specific ARARS and must be included in this list.*

Response: See response to RIDEM specific comment 14.

RIDEM Specific Comment 18

*Table 5-8/5-11, Assessment of **Location** Specific ARARs, Alternative 3/4, Capping and Dredging/Dredging, State ARARs. The Site Remediation Regulations, the Oil Pollution Regulations, the Water Pollution (dredging) the Fish and Wildlife Regulations are Location Specific ARARS and must be included in this list.*

Response: See response to RIDEM specific comment 15.

RIDEM Specific Comment 19

*Table 5-9/5-12, Assessment of **Action** Specific ARARs, Alternative 3/4, Capping and Dredging/Dredging, State ARARs. The Site Remediation Regulations, the Oil Pollution Regulations, the Water Pollution Control Regulations (dredging) the Fish and Wildlife Regulations, are Action Specific ARARS and must be included in this list.*

Response: The regulations cited above were also identified as location-specific and chemical-specific ARARs See response to RIDEM specific comment 15.

NOTE REGARDING RIDEM SPECIFIC COMMENTS 20 THROUGH 38:

RIDEM comments 20 through 38 question the development of the Navy's cost estimates and specifically question many of the line item costs used in the estimates. The Navy recognizes that RIDEM feels that the Navy's cost estimates seem high and in the past, the Navy has seen cost savings achieved due to the use of innovative strategies by the Navy's construction contractors. However, for purposes of an FS, the Navy's A&E contractor can not anticipate these types of scenarios. That is why the rule under CERCLA is that the cost estimates provided in the FS should be in the range of +50% to -30%. The Navy feels that TtNUS provides FS cost estimates that are within this range and therefore finds that having to respond to these types of questions only serves to increase the overall cost of this phase of the project with no real benefits.

Since TtNUS has already gone to the expense of providing additional details with respect to RIDEM's questions, that information will be forwarded as part of this comment response document. However, the

Navy will not provide additional supporting information or entertain any other comments related to the development of the cost estimates.

RIDEM Specific Comment 20

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¼ Line Item 1.2. The report estimates that in a three-foot boring it will cost \$1,040 to collect a single soil sample from the 0-1 foot interval, \$1,040 to collect a single soil sample from the 1-2 foot interval, and \$1,040 to collect a single soil sample from the 2-3 foot interval. Further, it will cost \$ 600 to collect a single surface soil sample. These costs far exceeded cost to collect sediment samples at other dredge locations. Therefore, please revise these cost estimates for this section of the report.

R sponse: The costs described above are estimated based on actual costs of previous marine sediment investigations conducted at NAVSTA Newport. The per-sample costs include the equipment and personnel required to advance borings (either using commercial divers or vibracore equipment) and collect samples in a sub-aqueous environment in areas where water depths are greater than 20 feet or more, retrieve those samples, break them down into aliquots needed, package them appropriately, collect adequate QC samples, and ship the entire lot to a laboratory for analysis. These costs are believed to be reasonable estimates, within the tolerance acceptable for a FS. If RIDEM has detailed cost and subcontractor contact information for sub-aqueous boring and sample collection in a location similar to Derecktor Shipyard, the Navy would ask that the information be forwarded so that it can be reviewed. If this information is factual, and the comment is not just the opinion of the commentor, then the Navy would be inclined to revise its cost estimates.

RIDEM Specific Comment 21

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¼ Line Item 1.2. The report notes that it will cost \$ 1,130 to analyze a single sample for PAHs, metals, PCBs and geo technical. This cost is estimate is too high and does not reflect typical analytical cost. As an illustration, the full range of SVOCs costs between 150-200 dollars, PCBs range from 60-100 dollars, RCRA 8 metals range from 75-100 dollars. It is realized that employing the full range of these contaminants is conservative, as all of the contaminants will not undergo analysis. As an illustration PRGs were not developed for all RCRA 8 metals, and the metals that were selected would be analyzed at a cost of 7-15 dollars per metal. Therefore, please revise the cost estimates to reflect typical analytical costs.

Response: The analytical costs presented in the FS are based on actual costs of previous analytical programs at Navy sites including NAVSTA Newport. It should be noted that the cost of QC analysis (one duplicate sample per 10 field samples, one blank sample per 10 field samples, one matrix spike/MSD sample per 20 field samples, etc) as well as specific database reporting requirements that are mandated by USEPA and/or RIDEM under the IR program are built into this cost. Note that ecological criteria that usually set the project action levels are very low and require specialized Selected Ion Monitoring analysis for PAHs which is not \$150 per sample. Additionally, the cost for analysis by a specific method is typically the same whether the full range of compounds or a subset of compounds is reported because the same sample preparation and analysis steps are required to be performed by the laboratory. If RIDEM has detailed cost and laboratory contact information for equivalent analytical and QC requirements, the Navy would ask that the information be forwarded so that it can be reviewed. If this information is factual, and the comment is not just the opinion of the commentor, then the Navy would be inclined to revise its cost estimates.

RIDEM Specific Comment 22

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¼ Line Item 1.2. Oversight and management of the sediment collection/analysis is estimated to cost 16,350 dollars. At one hundred dollars per hour this represents a total of 163 hours. Please indicate how it was determined that 163 hours of oversight will be needed.

Response: Oversight and management costs include those costs for the Navy to solicit and execute contracts with a company to do the work, oversee that contract, provide local support at the facility for security access, etc. receive, review and process invoices from the contractor etc. These hours are those that would be required by the NAVSTA IR program manager, the ROICC office, NAVFAC RPM, the Contracts staff, health and safety staff, security officers etc. Finally understand that none of these persons

are paid \$100 per hour, but the overhead costs plus unaccountable cost for clerical support, mailing, paperwork, etc. to support these persons are also added to provide estimated value

RIDEM Specific Comment 23

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¼ Line Item 1.3. The estimated cost for a treat ability study is 60,000 dollars. Dewatering of dredge sediments will probably be via gravity dewatering on the barge or on land, as this is the most cost effective method. In regards to treatment of water, this can be accomplished at the treatment facility at Tank Farm #5. Therefore, it is recommended that the treat ability cost be revised to reflect these options.

Response: Cost estimate is based on previous treatability studies performed for other CERCLA sites in New England. Cost includes gathering a large quantity of sediment and subjecting that material to various processes described in the breakdown and retesting the treated material for compliance.

RIDEM Specific Comment 24

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3 2 It is estimated that it will cost 217,860 dollars to mob/demob barge and equipment. Please submit the vendor supplied information and provide the specifics, (type and size of equipment used, etc.) so that this estimate can be confirmed.

Response: The estimated costs are reasonable and are within the tolerance required for FS costing (+50 percent to -30 percent). The Navy has previously gathered and provided RIDEM this type of supporting information in the previous version of this FS (April 22, 1999). Please refer to the Navy's general statement regarding RIDEM's comments on Navy cost estimates provided before RIDEM comment 20.

RIDEM Specific Comment 25

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¼ Line Item 3.3 Please explain what will be installed and removed by a backhoe and two laborers during the construction of the Pier 1 facilities.

Response: Line item 3.3 describes mobilization and demobilization of the staging area, although direct reference to backhoe and laborers is not shown. The mobilization fee includes purchasing and laying down protective barriers, temporary fencing, erosion control, water services, portable sanitary services, electrical service as needed to conduct work at the site for a period of several months. In general, a lot of items delivered to the site are quite heavy, and use of a backhoe to lift them is a standard procedure, particularly when carrying items over uneven ground. All used material has to be removed in dumpsters at the end of the project as well. As a point of reference for the Melville water tower excavation project in 2007, the mobilization/demobilization fee was \$37,000.

RIDEM Specific Comment 26

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¼ Line Item 3.4. The estimated cost to dredge the sediments is 45 dollars per cubic yard. This exceeds typical dredging cost. It is realized that the vendor submitted a cost proposal which outlined different facets of the cost. Please provide the vendor supplied information and the specifics of the proposed method so that this cost can be confirmed.

Response: The estimated costs are reasonable and are within the tolerance required for FS costing (+50 percent to -30 percent). If RIDEM has detailed cost and subcontractor contact information for sediment dredging in a location similar to Derecktor Shipyard, the Navy would ask that the information be forwarded so that it can be reviewed. If this information is factual, and the comment is not just the opinion of the commentor, then the Navy would be inclined to revise its cost estimates. Please refer to the Navy's general statement regarding RIDEM's comments on Navy cost estimates provided before RIDEM comment 20.

RIDEM Specific Comment 27

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.5. The estimated cost to cap the sediments is 55 dollars per cubic yard. Please provide the vendor supplied information and the specifics of the proposed method, (whether the material will be applied from land or via a barge, etc) so that this cost can be confirmed.

Response: Please refer to the Navy's general statement regarding RIDEM's comments on Navy cost estimates provided before RIDEM comment 20.

RIDEM Specific Comment 28

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.6. The estimate assumes that it will cost 5,900 dollars a day to dewater and treat the dredge spoils. Assumption # 5 states that a complex series of hydro cyclones and filter presses will be used to dewater the dredge spoils. If the dredge spoils are to be disposed of on land gravity dewatering will probably be employed. There is more than sufficient space to employ gravity dewatering on either the former Derecktor parking lot or at the Tank Farm # 5 location, which was used to dewater, dredge spoils from McAllister Point Landfill. As either of these options are available and as gravity dewatering is more cost effective, please modify the cost estimate to reflect gravity dewatering cost.

Response: The alternative evaluated assumed that sediment would be disposed in a CAD unit, therefore on-shore gravity dewatering was not considered cost effective as it would require the sediment to be off-loaded from the barge, then re-loaded. The intended dewatering method – and the one described in the text in Section (s) 3/4/5 was gravity dewatering in a settling tank on the barge. The more complex dewatering process from the previous report was inadvertently described in the costing assumptions and included in the costs. The costing section will be revised to correct this error.

RIDEM Specific Comment 29

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.6. The estimate assumes that it will cost 5,900 dollars a day to dewater and treat the dredge spoils. Assumption # 5 states that a complex series of hydro cyclones and filter presses will be used to dewater the dredge spoils. If the dredge spoils are to be disposed of on in a CAD then it will not be necessary to achieve the level of dewatering normally obtained via hydro cyclones and a filter press for land disposal, (gravity dewatering is sufficient). Further, a complicated treatment system may not be required. Therefore, please revised the cost estimates to reflect gravity dewatering.

Response: See Response to RIDEM Specific Comment 28

RIDEM Specific Comment 30

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.6. The estimate assumes that it will cost 5,900 dollars a day to dewater and treat the dredge spoils. Assumption 5 states that a water treatment system will have to be installed and operated. If the material is to be dewatered on land the water can be treated at the existing treatment building at Tank Farm # 5. The treatment building at Tank Farm # 5 was designed to handle a variety of contaminants, and it was successfully used for the treating of the water from the McAllister Point dredge operations. A simple holding pond was constructed in the former Tank # 53 grave and the water was allowed to be stored in the pond in bulk, which negated the need to treat the water on a daily basis. That is, when a sufficient volume of water was present, the system was then operated, thus greatly reducing the O&M cost. An additional advantage of this system was that the rate of evaporation in the holding pond was such that less water had to be treated. This system can be used either by trucking the water to the facility, or if the material is dewatered at Tank Farm # 5 direct collection of the water.

Response: See Response to RIDEM Specific Comments 7 and 28.

RIDEM Specific Comment 31

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.6
The estimate assumes that it will cost 5,900 dollars a day to dewater and treat the dredge spoils. Assumption 5 states that a water treatment system will have to be installed and operated. If the material is to be dewatered on the barge, the report should indicate how the water will be collected and treated. If a complicated treatment process is required the FS should note that it may be cost effective to collect the water and utilize the treatment facility at Tank Farm # 5.

Response: See response to RIDEM Specific Comments 7 and 28. The text will be revised to indicate the type of water treatment anticipated.

RIDEM Specific Comment 32

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.6.
The estimate assumes that it will cost 5,900 dollars a day to dewater and treat the dredge spoils. Assumption # 5 states that a complex series of hydro cyclones and filter presses will be used to dewater the dredge spoils. Please provide the vendor supplied cost estimate for dewatering and treatment and the specifics of the proposal, which was used to generate this estimate.

Response: Please refer to the Navy's general statement regarding RIDEM's comments on Navy cost estimates provided before RIDEM comment 20. Since inclusion of this system was an oversight (response to comment 28) it will be struck.

RIDEM Specific Comment 33

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.7.
The estimate notes that it will cost 1,620 dollars to perform the sediment confirmatory testing. This far exceeds the analytical cost normally associated with the testing of these samples. Please provide the historic data and the cost break down used in support of this estimate. Please indicate whether the full range of PAHs and metals will under go analysis or just specific compounds. It is recommended that these costs be reviewed and revised to reflect typical analytical cost.

Response: Please refer to the Navy's general statement regarding RIDEM's comments on Navy cost estimates provided before RIDEM comment 20. Also see the responses to RIDEM Specific Comments 20 and 21. Note that the stated cost includes the cost for collection of the samples as well as the analysis. If RIDEM has detailed cost and laboratory/subcontractor contact information for equivalent sampling, analytical and QC requirements, the Navy would ask that the information be forwarded so that it can be reviewed. If this information is factual, and the comment is not just the opinion of the commentor, then the Navy would be inclined to revise its cost estimates.

RIDEM Specific Comment 34

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.8.
The estimate notes that it will cost 4,700 dollars a day to analyze three water samples per day for discharge. Please provide the historic data and the cost break down used in support of this estimate. Please provide the list of contaminants, which will undergo analysis.

Response: See Response to RIDEM Specific Comment 33. Analysis was presumed to be for SVOCs, PCBs, Metals, TSS, TDS, and was also presumed to require a rapid turnaround (premium cost) to keep water flowing through the system, or incur cost of additional holding tanks. If gravity draining is allowed, testing may not be necessary. Dewatering, treatment, and testing requirements will be re-evaluated and revised if necessary.

RIDEM Specific Comment 35

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.8.
The report notes that water quality testing will be performed for a period of sixty days. Depending upon the dewatering method employed and the location of the dewatering process it may not be necessary to perform this operation for sixty days for the waste stream samples. Therefore please revise the cost estimate to include a lower duration of testing for the waste stream samples.

Response: The estimate of 60 days is considered to be reasonable and within the tolerance required for FS costing. The duration will not be revised. See also the Navy's general statement regarding RIDEM's comments on Navy cost estimates provided before RIDEM comment 20

RIDEM Specific Comment 36

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.9
The estimated cost to analyze the sediment prior to disposal is 1,000 per sample. Please provide the vendor information in support of this number as well as the list of contaminants, which would undergo analysis.

Response: Please refer to the Navy's general statement regarding RIDEM's comments on Navy cost estimates provided before RIDEM comment 20. Analysis of samples is presumed to be required for both Total and TCLP SVOCs, PCBs, Metals, as well as water content, and other analytes that are specific to the disposal facility. Since all disposal facilities have their own requirements, this cannot be costed to an exact amount, thus the round estimate of \$1000.

RIDEM Specific Comment 37

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 3.9.
The estimate cost to transport and dispose of the dredge spoils is twenty dollars a ton. Please provide the vendor information in support of this figure, as it appears high when compared to transport costs associated with other projects.

Response: Please refer to the Navy's general statement regarding RIDEM's comments on Navy cost estimates provided before RIDEM comment 20. If RIDEM has detailed cost and subcontractor contact information for transportation and disposal of dredge spoils in a scenario similar to that proposed, the Navy would ask that the information be forwarded so that it can be reviewed. If this information is factual, and the comment is not just the opinion of the commentator, then the Navy would be inclined to revise its cost estimates.

RIDEM Specific Comment 38

Appendix C, Capitol Cost Derecktor Shipyard Coddington Cove Revised FS, Alternative ¾ Line Item 5.2.
The cost estimates notes that under OSWER a 12 % charge can be applied to the direct cost for engineering and design. In OSWER, engineering and design includes but is not limited to: predesign collection and analysis of field data, engineering survey, treat ability studies, etc. In the FS the predesign cost, treat ability study, etc has already been calculated. Therefore, applying the 12% OSWER default value to the direct cost, which in the submitted FS already includes cost for predesign collection, predesign studies, treat ability studies, etc) means that these cost are being doubled counted. Therefore, line item 5.2 should be modified to reflect 12 % of the calculated direct cost (which does not include the cost for predesign). That is change line item to 103,099 dollars.

Response: This will be evaluated and revised as needed. Such an approach would have worked for a simple project such as the Melville Water Tower, where standard soil excavation was performed. It should be evident however, that pre-design testing for this project is likely to be more expensive than typical soil or groundwater projects

RIDEM Specific Comment 39

Title Page The title of this document is Draft Feasibility Study for Former Robert E. Derecktor Shipyard. The focused of the document is the contaminated sediments at the site. As this is a public document and in order to avoid confusion, it is recommended the title be changed to Draft Feasibility Study Sediment Operable Unit, for Former Robert E. Derecktor Shipyard.

Response: The Navy is inclined to agree to the requested title change. This can be discussed at the upcoming RPM meeting.

ATTACHMENT C
RESPONSES TO COMMENTS FROM NOAA
ON THE FEASIBILITY STUDY (DRAFT REVISION 1)
FORMER ROBERT E DERECKTOR SHIPYARD
NAVSTA NEWPORT, NEWPORT RI
COMMENTS DATED 30 March 2007

Thank you for the Draft Final Feasibility Study – Revision 1 for the Former Derecktor Shipyard, Naval Station Newport, Rhode Island dated March 2007 and submitted by Tetra Tech NUS, Inc. The study makes note of four remedial options: 1. No Action, 2 Limited action that includes monitoring, 3. A combination of capping and dredging, and 4. Dredging only. The report makes good use of the 1997 Final Marine Ecological Risk Assessment and the 2004 additional sediment sampling. As previously reported by NOAA (letter dated 10 June 2005), more recent sediment concentrations of chemicals of concern are markedly reduced when compared to those same chemicals and locations sampled in the 1990's.

The three proposed remediation areas are shown on Figure 2-3 with sediment concentrations and their respective PRGs listed in Table 2-2. Three areas show sediment concentrations above at least one PRG. Each is addressed below:

- 1. Southern area with PRG exceeded at Stations at DSY-03 and DSY-29. Sediment concentrations are shown above three out of four PRGs when using the historical (1993 or 1995 data) and one (benzo(a)pyrene) out of four when reviewing the more recent sediment data . The Ecological Risk Assessment designated this area as a high ecological risk*
- 2. Central area with PRGs exceeded at Station DSY-103. Here, only sediment data was collected in 2004 with two of four PRGs exceeded.*
- 3. Northern area with one (total PCBs) PRG exceeded at Station 27. The Ecological Risk Assessment designated this area as a high ecological risk.*

Although PRGs are exceeded, the magnitude of such needs to be compared against any removal/capping action. A general recommendation is for the Navy to look into the net environmental benefit analysis (NEBA) of the two aggressive remedies (#s 3 and 4) when compared to the ecological threat of the sediment contamination. EPA has documentation on NEBA

Two specific recommendations follow.

Specific Recommendation #1. Given only that benzo(a)pyrene exceeds its PRG in the southern zone at a factor of only two, NOAA does not believe there is sufficient harm to the benthic organisms to warrant an aggressive cleanup. Two specific reasons stand out: 1. PAH toxicity is assumed additive with a narcosis mode of action, yet at Station DSY-29 and DSY-03, the total PAH concentration is below its respective PRG; and 2. this individual PAH compound, despite its notoriety as a cancer agent, is very common in commercial ports and marinas, often at much higher concentrations. This elevated benzo(a)pyrene concentration is not unusual for a working port and the 2X to 4X reduction in concentration from the 1990's to 2004 speaks well of an area showing improvement. Given this trend, NOAA believes it is appropriate to consider a Monitored Natural Recovery remedy (MNR) much like is presented in Alternative #2

Response: The comment is noted and the Navy agrees with this recommendation.

Specific Recommendation #2. *The central and northern areas are somewhat more problematic with two and one PRG(s) exceeded, respectively. As before, the PRGs are not greatly exceeded. Of these two areas reviewed, the central area is of most concern. Nevertheless, NOAA does not believe the current sediment concentrations found in these two areas are resulting in immediate excessive harm to the benthic community or the organisms feeding on them. Given the sediment concentration trend, certainly less harm than what was indicated 10 years ago. Rather than consider a cap or dredging remedy now, NOAA recommends a sediment analysis and toxicity testing study to take place after removal of the two aircraft carriers; then a new comparison against the PRGs. Photographs in the FS do not show their location and the extent of their coverage, but visits to Naval Station Newport indicate it is considerable and when moved NOAA expects much sediment disturbance. Hence, any removal or capping now may be jeopardized when the ships are removed resulting in the need for a second removal. One needs to balance the protection of the local estuarine organisms and their supporting habitat with the threat of elevated chemical concentrations. So as to fully address the former, only one removal action need be considered. NOAA recommends Alternative #2 until the collection of more sediment data following the removal of the ships when the regulatory and trustee agencies will again address the PRG (and toxicity) question.*

Response: The comment is noted, and the Navy agrees with this recommendation.

NOAA stand by our point from our 2005 letter, adjusted slightly: NOAA suggests that the Navy make note of the past lost use of the estuarine habitat and put the funding that would be used to remove sediment from Stations 29 and 03 (and possibly Stations 103 and 27?) into a natural resource restoration project. NOAA could help with such planning. This because although much improvement has taken place, the past high ecological risk likely resulted in a natural resource injury; hence, the need for public compensation.

Response: The comment is noted, and additional discussions are necessary to determine if this can be conducted under the Installation Restoration Program.