



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

April 9, 2009

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

Re: Response to EPA Comments dated October 8, 2008 on the Former Robert E. Derecktor Shipyard Feasibility Study

Dear Ms. Johnson:

EPA reviewed the *Response to EPA Comments dated October 8, 2008, Former Robert E. Derecktor Shipyard*, dated March 16, 2009. Most of the responses have not been changed from the *Preliminary Response, dated November 14, 2008*. Therefore, EPA's comments from December 30, 2008 are still current. The changes to the November 14, 2008 RTCs include the responses for Attachment A Comment 8, Attachment B Comment 8, and Attachment C Comments 50a, 50b, 68a, 70c and 71b. Overall, it is disappointing that several outstanding issues remain after numerous calls and meetings.

The Navy has not responded to EPA's comments concerning contamination at depth and possible exposure in the Stillwater Basin (bullet 2 on page 1 of 13). Contamination at depth would not have been discovered during the BERA sampling because the BERA focused on the biotic zone. EPA repeats its request that the PDI include sediment core sampling to address concerns about future risk (*i.e.*, defined by the PRGs).

EPA has not found an appropriate literature-based sediment value that would be useful as a possible PRG for TBT at Derecktor. EPA acknowledges the disconnection between the Navy-calculated PRG and the observed concentrations in toxic and non-toxic samples at Derecktor. EPA proposes to follow up on the Navy's approach in the RTC, by using the value of 228 mg/Kg as an unbounded NOEC (*i.e.*, the highest concentration at which no toxicity was observed). Since there is no LOEC (*i.e.*, lowest concentration at which toxicity was observed), it is not possible say whether any value above the NOEC would be protective. Theoretically, there could be a toxicity threshold at 230 mg/Kg, or a dose response that starts at any concentration above 228 mg/Kg. The LOEC is not defined. In the PDI, if sediments are below 228 mg/Kg, EPA agrees no remediation based on TBT would be required. If sediments are found above 228 mg/Kg, our respective agencies must develop an appropriate PRG value for TBT for decision-making purposes.

Attachment A - Specific Comments #3 and 4: As previously discussed with the Navy, no data on actual levels of asbestos in the sediments have been provided to EPA (only visual confirmation by divers). EPA agreed that asbestos sampling could be done as part of the PDI to determine the extent of potential contamination. In light of this, the Navy should include the PRG for asbestos in the

ROD that was referenced earlier letters from EPA. The risk-based value establishes the level at which the Navy needs to take action if sediment asbestos levels are higher than anticipated. The asbestos concentration is relevant for sediment disposal purposes. Since it is a risk-based value, an action would not be prompted unless risk factors are identified during the PDI. Specifically, the RAOs should be: "1) Prevent inhalation of asbestos fibers from sediment having asbestos concentrations greater than or equal to 1% and 2) Prevent exposure to asbestos fibers from sediment that would contribute to a cumulative ILCR of $> 1E-04$ through the inhalation pathway." EPA expects the remedy for Derecktor Shipyard to meet ARARs, including those for asbestos.

Attachment B – General Comments #2 and #8 – See comment above and the Blackburn ROD for the proper ARARs for sites with asbestos in sediments. Finally, any asbestos that falls into the water is under the jurisdiction of this CERCLA remedy. To the extent that asbestos is still a threat to be released from the pier, the CERCLA remedy cannot achieve cleanup standards until the potential threat of release is addressed.

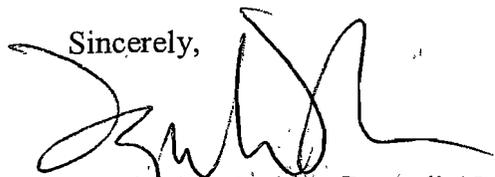
Attachment C – Specific Comments #14 – See previous responses concerning asbestos. The Navy should include a risk based PRG for asbestos in sediment.

Specific Comment #50a, 70c, 71b – State hazardous waste regulations are relevant and appropriate to any lead contaminated sediment that exceeds toxicity characteristic thresholds. The extent of any such sediment needs to be identified so that they are addressed by the remedial alternatives. There is a human health risk from such sediments if they are not addressed by the remedial action (at a minimum identifying their location for developing effective institutional controls to prevent exposure).

Specific Comment #68b, 72a – The OSHA standard is not an ARAR. EPA identified ARARs for the proper handling of asbestos contaminated sediments.

I look forward to working with you and the Rhode Island Department of Environmental Management toward the cleanup of the Derecktor Shipyard. Please do contact me at (617) 918-1385 to arrange a meeting.

Sincerely,



Kimberlee Keckler, Remedial Project Manager
Federal Facilities Superfund Section

cc: Paul Kulpa, RIDEM, Providence, RI
Cornelia Mueller, NETC, Newport, RI
David Peterson, USEPA, Boston, MA
Bart Hoskins, USEPA, Boston, MA
Ken Finkelstein, NOAA, Boston, MA
Todd Finlayson, Gannet Fleming, Orono, ME
Steven Parker, Tetra Tech-NUS, Wilmington, MA