



C-NAVY-09-09-3303W

September 8, 2009

Project Number 112G01474

Ms. Kymberlee Keckler, Remedial Project Manager
U.S. EPA Region I
1 Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

Reference: CLEAN Contract No. N62472-03-D-0057
Contract Task Order No. 130

Subject: Response to Comments, EPA Letter Dated July 30, 2009
Former Derecktor Shipyard,
Naval Station Newport, Newport RI

Dear Ms Keckler:

On behalf of Ms. Winoma Johnson, U.S. Navy NAVFAC, I am providing to you a response to your comment letter dated July 30, 2009, which was in reference to the Draft Final FS Revision 1 for the Former Derecktor Shipyard, and the Navy's response to comments dated July 8, 2009.

If you have any questions, please do not hesitate to contact me at 978-474-8434.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Stephen S. Parker', written over a white background.

Stephen S. Parker, LSP
Project Manager

Enclosures

c: S. Bird, NAVFAC (w/encl.)
J. Forrelli, TtNUS (w/encl.)
G. Glenn, TtNUS (w/encl.)
W. Johnson, NAVFAC (w/encl.)
P. Kulpa, RIDEM (w/encl.)
C. Mueller, NAVSTA (w/encl.)
J. Ropp, TtNUS (w/encl.)
S. Parker TtNUS (w/encl.)
File 112G01474-3.1 (w/encl.)
AR, c/o Glenn Wagner, TtNUS Pittsburgh (w/encl.)

**Response To Comments From U.S. EPA
Comments on Navy Correspondence 7/8/09
Former Robert E. Derecktor Shipyard, NAVSTA Newport.
EPA Letter dated July 30, 2009**

1. The Navy's response to General Comment 2 should acknowledge EPA's comments on the minutes from the May 18, 2009 conference call, where EPA noted that the "...resolution is correctly summarized; if concentrations of TBT over 228 mg/kg are discovered, a PRG for it will be established. While selection of a single value may be the easiest way forward, ignoring TOC may not be appropriate in light of the limited scope of the toxicity testing conducted (i.e., acute only)...." Further discussion to resolve this issue is warranted.

Response: EPA's request for the Navy to include TOC in the sediment PDI is noted. It is our understanding that this is a change from the discussion held May 18, 2009. Based on subsequent discussions between the risk assessors, the Navy agrees to conduct TOC measurements at the PDI step, concurrent with the TBT sampling.

2. On July 15, 2009, representatives from the Navy and EPA met to discuss outstanding comments that affect several bases in New England. Two of those issues, namely RCRA applicability and asbestos cleanup, affect the progress at Derecktor Shipyard.

For the asbestos, we discussed three options and are awaiting the Navy's response:

- 1. Sign the ROD with NESHAPs as action-specific ARAR, but no asbestos PRGs; sample for asbestos during the PDI; calculate risk from asbestos if it is detected; revise the action through an ESD if the risk is unacceptable (greater than 10E-4)*
- 2. Sample now for asbestos; develop a PRG and incorporate it into the FS, proceed with a final ROD, PDI, and RA*
- 3. Sign a ROD with asbestos as a contingency using a PRG of 1% or less than 10E-4 risk; sample during the PDI*

EPA maintains that future risk from asbestos needs to be evaluated to ensure that the remedy is protective of human health. It is likely that institutional controls will be needed on areas that will not be dredged, but contain asbestos at levels that are found to pose an unacceptable risk.

Response: Following receipt of this letter, the EPA and Navy corresponded on addressing asbestos without calculating risk or a PRG. The Navy suggested that in accordance with the EPA "Framework for Investigating Asbestos at Superfund Sites", an assumption can be made that there is asbestos in the sediment and a response action could be established without calculation of risk. Because the contaminated source material is sediment under water, and because of the unlikely exposure, institutional controls are an appropriate remedy. EPA noted that the IC will need a boundary, and the Navy proposes that the IC will be bounded to an area within a limited distance from the release area.

The other options to address asbestos that were discussed and are identified above are based on calculation of risk from the released asbestos. The Navy is concerned with calculation of risk from asbestos under water. As stated in the framework, risk from asbestos is calculated using measured airborne asbestos concentrations. Similar to the way an Industrial Hygienist would conduct an aggressive indoor air test, the framework suggests devising a manner in which source material can be subjected to an air test. Because the source media for Derecktor is sediment under up to 30 feet of water, development of such a test will require far-reaching assumptions about the manner in which the exposure can occur, including the volume of sediment that will be removed from the water to dry, where it

would dry, and how the exposure would occur. We have not found precedence on these variables.

Because the sediment is not addressed in the framework, and because the likelihood for exposure is low, the Navy proposes to address asbestos as described in the first paragraph of this response: presume asbestos is present in sediment under the piers and use an institutional control to prevent access to un-dredged sediment from this area. This approach would allow the IR work to continue at this site in a matter that is consistent with EPA policy.

3. At Derecktor Shipyard, TCLP testing will not be required for areas that are below 400 ppm for lead. All sediment at or exceeding 168 ppm lead will be dredged. TCLP testing will be required before disposal to ensure that waste handling and disposal actions meet applicable RCRA and RI Hazardous Waste action-specific ARARs.

Response: The comment is noted, and the Navy concurs with the approach for TCLP testing as stated above for the dredging alternatives evaluated in the FS.

Specific Comments:

Page

Comment

4. Attachment A, SC 3 & 4

Please revise the action to be taken to comply with NESHAPS and ensure that the plan is consistent with the options discussed with EPA and Navy management on July 15, 2009 outlined in this letter.

a) Clarify what is meant by "Handle any asbestos as 'incidental' to the main removal action."

Response: To clarify, the passage was intended to mean that the dredging action would not be directed to capture sediments containing asbestos (there would not be a PRG for asbestos), but that sediments removed would be handled in accordance with NESHAPS.

b) Change the wording in the second bullet to acknowledge that all sediment excavated during the removal action must be sampled for asbestos whether destined for off-Site disposal or not and compared to risk-based concentrations and managed accordingly.

Response: The suggested revision is not completely correct. Sediment excavated during the removal action would be sampled for asbestos prior to disposal: this has been agreed to in the past. However, the data would be compared to disposal parameters, which are specific to the receiving facility. It is not clear what a risk based concentration would be, and how it would apply in this manner, unless the sediment was to be used for general fill. In this case it should not be dredged in the first place. It is safe to presume that waste generated from a CERCLA site will be managed carefully.

c) Please also refer to the RAOs discussed in EPA's comment and refer to the Blackburn ROD for proper ARARs for sites with asbestos in sediment.

Response: The RAOs will be established based on the agreements made after completing discussions pertaining to general comment 2 above.

ARARs in the Blackburn ROD have been reviewed and considered for the FS. The Navy agrees that the following ARARs and the manner in which they are met by the remedial actions can be included in the revised FS:

- The interpretation of NESHAPs is agreed, as stated in the Blackburn ROD Table 12D-5, page 7; Line 2, Table 12B-6, page 7, Line 2; Table 12C-2, page 9, Line 1; and Table 12C-3, page 9, Line 1.
- The interpretation of the Clean Air Act, 40CFR, Part 61.150 – 61.151 – In the Blackburn ROD Table 12D-5, page 7, Line 1, regarding control of asbestos during dewatering of excavated sediment is agreed.
- Regarding Clean Air Act, 40 CFR Part 61.150 – 61.151 in the Blackburn ROD Tables 12C-2 and 12C-3, page 8, Line 2, the Navy agrees to include these for alternatives that involve excavation and disposal of materials that contain asbestos.
- Regarding TSCA, 40 CFR 763, subpart E, Appendix D – Navy agrees that the disposal standards apply for material removed during dredging, as stated in the Blackburn ROD Table 12D-5, page 6, Line 4. The citations presented in Table 12C-2 and 12C-3, page 8, Line 1 that state that institutional controls meet these standards would be acceptable, if a risk was present requiring institutional controls.
- Regarding the citation of the EPA memorandum 8/10/04 “Clarifying Cleanup Goals and Identification of New Assessment Tools for Evaluating Asbestos as Superfund Cleanups” as stated in the Blackburn ROD Table 12-C-2, page 1, line 1, it is acknowledged that this is “To Be Considered” Guidance, for sites where risk is established. It is also believed that it could be “TBC” for areas where risk is presumed to be present.

5. Attachment B, GC 2 & 8 *The response appears to address the threat of release of asbestos at Pier 1. Please confirm that the planned demolition project will address all damaged asbestos at Pier 1. Please indicate whether asbestos is also present at Pier 2 and discuss its condition. Indicate whether any action is planned to remove asbestos there.*

Response: NAVSTA reports that the planned demolition project will address all the asbestos (damaged and undamaged) at Pier 1. Asbestos is also present at Pier 2 and some of this piping is active. A separate project will address that asbestos: NAVSTA reports that there is a project to study and design a removal of the asbestos insulation from piping under Pier 2, and this project is scheduled for early FY10 award.

6. Attachment C, SC 14 *Please refer to EPA comments in this cover letter and on Attachments A and B above.*

Response: Please refer to the response to issues 1 and 2 above.