



TETRA TECH

C-NAVY-07-10-3724W

July 2, 2010

Project Number 112G02747

Ms. Kimberlee Keckler
U.S. EPA Region I
5 Post Office Square, Suite 100
Mail Code OSRR07-3
Boston MA, 02109-3912

Mr. Gary Jablonski
Rhode Island Department of Environmental Management
235 Promenade St.
Providence RI 02908-5767

Reference: CLEAN Contract No. N62470-08-D-1001
Contract Task Order No. WE61

Subject: Transmittal of Response To Comments, Draft PRAP
Site 19, Former Robert E. Derecktor Shipyard Marine Sediment
Naval Station Newport, Newport RI

Dear Ms. Keckler, Mr. Jablonski:

On behalf of Ms. Winoma Johnson, U.S. Navy NAVFAC, I am providing to you enclosed a response to your comments on the Proposed Remedial Action Plan (PRAP) for the site referenced above. Comments were received from USEPA dated April 27, 2010 and from RIDEM dated May 26, 2010.

This response, in conjunction with the document entitled "Technical Memorandum on Monitored Natural Recovery at Site 19," which was provided to your office under a Tetra Tech cover letter dated June 16, 2010, constitutes the Navy's full response to your comments on the subject document.

If you have any questions regarding this material, please do not hesitate to contact me.

Very truly yours,

Stephen S. Parker, LSP
Project Manager

SSP/lh

encl.

c: K. Finkelstein, NOAA (w/encl.)
P. Golonka, Gannett Fleming (w/encl.)
W. Johnson, NAVFAC Mid-Atlantic (w/encl.)
C. Mueller, NAVSTA (w/encl.)
S. Parker TtNUS (w/encl.)
G. Glenn, TtNUS (w/o encl.)
AR c/o G. Wagner, TtNUS (w/encl.)
File G02747-3.2 (w/o encl.) File G02747-8.0 (w/encl.)

**ATTACHMENT A
RESPONSE TO COMMENTS FROM USEPA
PROPOSED REMEDIAL ACTION PLAN (PRAP)
SITE 19, FORMER DERECKTOR SHIPYARD
NAVSTA NEWPORT RI
Comments Dated April 27, 2010**

Comment 1: p. 1 In the first box, please change the selected remedy to an alternative that meets NCP criteria. As stated earlier, EPA does not believe that Alternative 2 meets the Protectiveness or ARARs criteria and therefore it cannot be the selected remedy.

Response: Please refer to the Technical Memorandum for Monitored Natural Recovery dated June 16, 2010. As stated in that document, MNR is the most protective of human health and the environment because: a) sediment contaminant concentrations are generally low and highly dispersed, b) it prevents the need for destruction of habitat and further resuspension of contaminated sediment by dredging, c) it is already occurring as evidenced by physical and chemical data collected, and d) it is enhanced by the physical conditions at the site (currents and geography).

Responses to other comments within this document pertaining to the selection of MNR have not been provided, pending the regulatory review of the Technical Memorandum.

Comment 2a: p. 2 After the bullets in the first column, please include this solicitation for specific public comments stating the following: "The Navy is also seeking public comment on EPA's finding under the Toxic Substances Control Act (TSCA) that the risk-based PCB cleanup level used for the remedy will not pose an unreasonable risk of injury to health or the environment. In addition, the Navy requests public comment on its finding that the cleanup represents the least environmentally damaging practical alternative regarding potential impacts to wetlands. Page 2 contains more detail regarding these items."

Response: The Navy needs clarification on as why the Navy should seek public comment on an EPA finding under TSCA.

Comment 2b: p2. Alternative 2 does not meet either TSCA risk-based standards nor federal wetlands/aquatic habitat protection standards so the selected alternative must be changed to an alternative that meets both of these ARARs.

Response: It is the Navy's position that Alternative 2 meets protectiveness standards, given the conditions cited in the MNR Tech Memo, and as cited in the response to Comment no. 1 above. The Navy requests clarification on what wetlands are being referred to. It is also the Navy's position that dredging may not meet habitat protection standards because it is not the least damaging alternative available.

Comment 3: p. 3 In the text that discusses the berthed inactive warships, discuss whether the release of metals from the bottom paint on the ships is contributing to the contamination of the Site.

In the text that discusses asbestos under the piers, discuss in more detail the asbestos abatement that has been conducted. Monitoring is not an abatement activity. Abatement needs to consist of either removal or stabilization so that there is no risk of release into the environment.

Response: Requested information on the possible release of metals from the berthed ships will be sought and added if appropriate. It is noted that this has not been identified as an issue during the development of the FS. Therefore statements made on the issue in the PRAP will not be supported by the FS documentation.

The requested information on the asbestos present and the planned abatements can be added to the proposed plan. Although abatement of insulation on piping is an infrastructure issue and not CERCLA issue, the Navy understands that EPA is concerned that further deterioration might result in additional release of asbestos to the water. Therefore, the planned abatement projects will be briefly described.

Comment 4: p. 4, Metals In the second paragraph, please modify the parenthetical phrase to say "... samples were analyzed"

In the third paragraph, please correct the first sentence to read "... reference levels though at only a few stations"

Response: The typographical errors will be corrected.

Comment 5: p. 4 Under How much and what type of contamination is present?, it would be helpful to specify how many samples of each medium were collected, so that the description of a certain number of samples (e.g., exceeding EPA criteria, exceeding reference, etc.) has context relative to the overall number of samples collected.

Increase the size of the "Investigations" box so that the last sentence is not truncated.

In the final paragraph, the text states: "Concentrations of organic contaminants in muscle tissue of both fish and lobsters from the study area were in the same range as those from the reference stations." This statement is in the PCB section. Please clarify whether it refers to all organic chemicals or just PCBs.

Response: Based on recent comments received from EPA on the Proposed Plan for NAVSTA Newport Site 9, EPA requested that the document be simplified to a fifth grade reading level. Specifically, this section should only identify what was analyzed and which contaminants posed a risk. Therefore, consistent with the Proposed Plan for Site 9, the requested clarifications and format corrections will be made to the extent possible without making the document unduly lengthy and difficult to understand.

Comment 6: p. 5 Under Pesticides, at the top of the page, the text states: "Elutriate samples showed the presence of small amounts of p,p'-DDE." Please define whether "small amounts" are relative to standards or a reference.

The text on page 4 states that sediment, elutriate, and biota samples were analyzed for metals, PCBs, pesticides, PAHs, and butyltins. In the subsequent descriptions for each chemical group, not all media are discussed. Specifically, the Pesticides section does not provide biota tissue data and the PAH and butyltins sections do not provide elutriate data. Please add this information.

Response: Please refer to the response to comment 5 above. The requested information will be added to the extent possible without making the document unduly lengthy and difficult to understand.

Comment 7: p. 6 The final paragraph states: "Water-borne asbestos is not thought to have health effects except in drinking water, and only if it is present at concentrations (millions of fibers per liter)." Please clarify if the intent is that health effects are only expected if the concentration is a million fibers per liter or greater.

Discuss the risk of exposure to asbestos in sediment if sediment under the pier is dredged or otherwise brought to the surface where it could become dried and then airborne.

Response: The document is clear that health risks from asbestos in water are associated with drinking water with concentrations in the millions of fibers per liter range. It can be clarified that risk from asbestos in water is not expected because salt water is not potable.

However, the text will be revised to note that any asbestos in the sediment would be controlled and disposed of in accordance with appropriate practices and regulations during any dredging activities. These changes will be made to the extent possible without making the document unduly lengthy and difficult to understand.

Comment 8: p. 6, left box, bullet 3 Arsenic is identified as a COC in drinking water rather than in sediment. Based on the FS, Appendix B, page 31, arsenic in water caused unacceptable human health risks but no arsenic PRG was developed. Monitoring of organic arsenic was the only recommendation. The text for this bullet is incorrect and needs to be revised.

Response: The cited bullet is correct as stated. There is no discussion in the PRAP in regards to drinking water risks.

Comment 9: p. 7 Under Risk Analysis for ecological receptors, please clarify how risk was estimated for each receptor group. For example, how was the daily uptake for avian aquatic predators calculated?

Response: Technical detail on the avian predator model is not appropriate subject matter for the PRAP. Such information is far too technical for this venue. Given that in June 2010, the EPA requested the Site 9 PRAP be reduced to a fifth grade reading level, the Navy proposes to not add this material.

Comment 10: p. 8 Add a third RAO: "Prevent exposure to sediment containing asbestos that may pose a human health risk if removed and allowed to become airborne."

Response: There is no need for an RAO to prevent exposure to sediment that is removed from the site. If sediment contains asbestos, it would be handled as asbestos-containing waste material as is mandated under state and federal regulations.

Comment 11: p. 8, left box - In the last paragraph under RAOs, please clarify that these PRGs for human health shellfish consumption are sediment PRGs, not shellfish PRGs.

Response: The requested clarification will be made that the PRGs are sediment PRGs, protecting humans by reducing exposure to the shellfish that would be eaten by humans.

Comment 12: p. 8, right box Bullets 2 & 5 - In order to select this remedy, the administrative record must already document that decreasing trends exist. Likewise, modeling should have been completed to demonstrate when the PRGs would be established. Such data do not exist for this site to date.

Response: The reviewer is asked to refer to the Technical Memorandum for Monitored Natural Recovery dated June 16, 2010. This technical memorandum reviews the analytical data collected for this site that already shows decreasing contaminant concentrations. It is agreed that EPA guidance on monitored natural recovery states that use of models to predict future recovery is advisable, but it is not evident that such modeling or the provision of a date at which remediation goals will be achieved is required.

Comment 13: p. 8, right box, bullet 3 - Please revise sentence to "...for the duration of the remediation period would be implemented Site-wide."

Response: The extent of the implementation is inferred by the existing text, and the suggested revised sentence above is awkward. It is unclear why this revision is necessary. The reviewer should be advised that the area where PRGs are exceeded are within the IC boundary presented in Figure 3. The Navy will reference this figure on this sentence which should clarify the intent.

Comment 14 (a): p. 8, Alternative 2 It is not apparent that the listed remedial components would be sufficient to achieve the second RAO identified on this page. The first bullet on page 6 refers to the amount of ship traffic in the impacted area as a reason that the amount of subsistence fishing assumed might be overestimated. Ship traffic is likely to be a significant impediment to natural recovery by resuspending contaminated sediment. Ongoing exposure of environmental receptors to the resuspended

contaminated sediment as well as to the contaminated sediment redeposited at the top of the sediment layer would prevent or significantly delay achievement of the environmental RAO. The result would be an alternative that would not be protective for a long time. Since contaminated sediment is presently in the surface sediments, even though the Dereecktor Shipyard ceased operations in 1992, the Navy has not sufficiently met EPA guidance standards for a protective Monitored Natural Recovery alternative.

Response: Please refer to the Technical Memorandum for Monitored Natural Recovery dated June 16, 2010. As that memorandum states, and as demonstrated in the 2005 Sediment Monitoring Report, contaminant concentrations in surface sediment are reduced from those measured during the ERA. This is likely a result of continued sedimentation, which is a key factor in natural reduction. The technical memorandum does explain how the site meets EPA guidance standards for the MNR alternative.

Comment 14(b): In the fourth bullet describing the IC component of Alternative 2, add ICs for managing any sediment removed from under the piers that may be contaminated with asbestos.

Response: An IC would not be needed to manage sediment removed from the site that contains asbestos. Such material would be handled as asbestos-containing waste material as is mandated under state and federal regulations.

Comment 15(a): p. 9, Alternative 3 - In the second bullet describing the IC component of Alternative 3, add ICs for managing any sediment removed from under the piers that may be contaminated with asbestos.

Response: Please refer to the response to comment 14b above.

Comment 15(b): In the fifth bullet, correct the text to read: "... to the bay or to"

Response: The requested correction will be made.

Comment 16: p. 9, Alternative 4 - In the second bullet describing the IC component of Alternative 4, add ICs for any inaccessible sediments above CERCLA risk levels and for managing any sediment removed from under the piers in the future that may be contaminated with asbestos.

Response: A notation will be added to the PRAP regarding the need for continuing or relocating areas for ICs if inaccessible sediments remain in place above CERCLA risk levels. For sediment removed from the site that contains asbestos, refer to the response to comment 14(b) above.

Comment 17: p. 9, Evaluation of Alternatives –

a) The discussion in the second paragraph is not correct. It is not apparent that Alternative 2 would be protective of the environment because the second RAO may not be achieved for a long time, if at all. Alternative 2 does not include any action to minimize resuspension of

contaminated sediment and relies on an uncertain sedimentation mechanism, making its protectiveness highly questionable. No modeling has been referenced and no discussion included regarding the time until the PRGs are expected to be achieved.

Response: Regarding the suitability and protectiveness of Alternative 2, Please refer to the Technical Memorandum For Monitored Natural Recovery dated June 16, 2010.

b) EPA disagrees with the discussion in the third paragraph. Alternatives 3 and 4 would provide much more protection in the short-term than Alternative 2 because they would enhance the quality of the severely degraded sediment environment, not damage it. Minimal impact to the surrounding sediment environment would occur if Alternatives 3 and 4 are properly implemented. They would also be more protective in the long-term because contaminated sediment would be removed from the environment. Also, the effectiveness of Alternatives 3 and 4 is certain because of the removal of contaminated sediment. There is significant uncertainty regarding the effectiveness of Alternative 2. It is not at all clear that the PRGs would be achieved by Alternative 2. Revise the evaluation of the alternatives to provide a more realistic assessment of them.

Response: Regarding the suitability and protectiveness of Alternative 2, and the protectiveness and uncertainties posed by removal alternatives, please refer to the Technical Memorandum For Monitored Natural Recovery dated June 16, 2010.

Comment 18: p. 10, Preferred Alternative

a) EPA does not agree with the discussion in the first paragraph that Alternative 2 is protective of the environment and that it achieves the goals established for the Site as discussed in other comments on the Proposed Plan. Alternative 2 does not meet the ARARs criterion, in particular it does not address risk-based standards identified at TBC, does not meet TSCA-risk based standards for protecting human health and the environment (i.e., will not receive EPA approval as required under TSCA), and is not the "least environmentally damaging practicable alternative" under federal wetland/aquatic habitat protection standards.

b) The suggestion in the second paragraph that sampling to date demonstrates that natural contaminant reduction is occurring is premature and must to be removed from the discussion. The limited sampling conducted at the Site to date does not establish a trend that can be used to document the effectiveness of natural contaminant reduction.

c) In the first bullet, please correct the last sentence by deleting the redundant "have been" phrase.

Response: a) and b): Regarding the suitability and protectiveness of Alternative 2, Please refer to the Technical Memorandum For Monitored Natural Recovery dated June 16, 2010. The Navy's position is that Alternative 2 is a less damaging practicable

alternative at this site. Navy requests clarification on why the remedy would have to address TBC risk based values, and what role TSCA values have in this process, since risk-based PRGs have been established. The PCB cleanup goal for McAllister Landfill was 3.6 mg/kg, and this was found to meet ARARs. c): The typographical error will be corrected.

Comment 19: Once a preferred alternative that meets NCP criteria is selected, the following text needs to be added at the end of the section:

Public Notice of Determination that the PCB Cleanup Level is Protective of Human Health

EPA has made a finding under the Toxic Substances Control Act (TSCA) PCB Regulations at 40 CFR Part 761, that the removal of PCBs in contaminated sediment above the cleanup level of 1,060 µg/kg established for PCBs at this site, will not pose an unreasonable risk of injury to health or the environment.

Public Notice of Unavoidable Impacts to Wetlands and Aquatic Resources

EPA is seeking public comment on the following:

In accordance with federal Executive Order 11990, entitled "Protection of Wetlands," Navy has determined that there will be unavoidable adverse impacts to approximately xx acres of wetlands/aquatic resources as the result of excavating (and/or capping if Alternative 3 is selected) contaminated sediment from the Site. The Navy has evaluated the requirements of the applicable regulations, including Section 404 of the Clean Water Act, and identified the proposed actions as the least environmentally damaging practicable alternative to protect federally regulated wetland and aquatic resources from exposure to contaminated sediments. This finding is based on the permanent removal of contaminated sediments and the expected natural recolonization of the remediated areas. The wetland area that will be remediated and restored at the Site is shown in Figure 3.

Response: The Navy requests clarification on what wetlands the EPA is referring to in the comment above. The revisions requested in the other comments above are held pending resolution of other comments above.

*Comment 20: Table 1 Make changes to the **COMPARISON OF REMEDIAL ALTERNATIVES** table based on comments made herein.*

Response: The revisions are held pending resolution of other comments above.

ATTACHMENT B
RESPONSE TO COMMENTS FROM RIDEM
PROPOSED REMEDIAL ACTION PLAN (PRAP)
SITE 19, FORMER DERECKTOR SHIPYARD
NAVSTA NEWPORT RI
Comments Dated May 26, 2010

General Comment 1:

As per EPA's document, "A GUIDE TO PREPAIRING SUPERFUND PROPOSED PLANS, RECORDS OF DECISION, AND OTHER REMEDY SELECTION DECISION DOCUMENTS" dated July 1999 page 2-1, Section 2.0 PROCESS FOR DEVELOPING THE PROPOSED PLAN, 2.1 OVERVIEW: "Personnel in the lead and support agencies should begin discussions on the alternatives analyzed in the FS as early as possible and attempt to reach an agreement on identifying a Preferred Alternative. These early discussions should help prevent delays in the later stages of the remedy selections process." It was this Office's understanding through previous phone discussions and various written correspondences between EPA, RIDEM, and the Navy, that the Preferred Alternative for the marine sediment at this Site was dredging. In fact, in the Draft Final Feasibility Study Revision 1 dated February 2008, there is no mention of the Navy's preferred alternative that is stated in this Proposed Plan "monitored natural recovery".

It is very disappointing to this Office that the Navy would draft and issue this Proposed Plan to both Agencies (EPA and RIDEM) for review, comment, and approval without first discussing this version of the navys proposed remedy for this Site with both Agencies. As you are aware, the original Feasibility Study was completed at this Site in July 1999 and for the Navy to propose a remedy in 2010 that has not been written in any draft version of a Feasibility Study drafted to date nor discussed with both Agencies to date is totally unacceptable to this Office. Please rewrite this proposed plan without the monitored natural recovery proposal for both Agencies review.

Response: The comment is noted. As indicated in the Technical Memorandum on Monitored Natural Recovery dated June 16, 2010, MNR as a cleanup alternative for this site has been noted in comments received from the regulatory agencies and the trustees. As RIDEM is aware, many discussions and meetings have taken place on this project since submittal of the 2008 FS report, and these discussions have been directed towards resolving the comments on that report. It is unfortunate, but acknowledged that these discussions have distracted the group from discussing potential remedies.

We acknowledge RIDEM's position as stated, and look forward to working with the agencies in determining the best path for moving this site forward. The Navy will continue to evaluate and consider all remedy alternatives that are protective and meet the objectives of CERCLA and the NCP.