



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

June 28, 1994

Mark Evans, RPM
U.S. Department of the Navy
Northern Division
10 Industrial Highway
Code 1823, Mail Stop 82
Lester, PA 19113-2090

RE: Building 31 Removal Action Community Relation Requirements, Rod Schedules for Spent Acid/DRMO and Additional Comments on the DRMO, Spent Acid and Area "A" DownStream Focused Feasibility Studies at the Naval Submarine Base-New London, Groton, Connecticut

Dear Mr. Evans:

The purpose of this letter is to transmit EPA's comments on the subject schedule, additional comments on the subject documents and to provide you with a reminder of the Navy's community relations obligations for the Building 31 Removal Action.

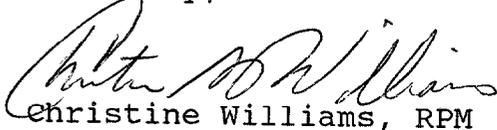
The schedule is aggressive. In light of the poor quality of the FFSes, a ROD would not be possible this fiscal year. We must have a much better FS released to the public before we can release a Proposed Plan. If you have any suggestions as to how we could rectify this problem, I would be happy to discuss these issues in a meeting with you and the State or you should feel free to call me at (617) 573-5736 and I can set up a conference call.

I have not yet received the Administrative Record Index for the removal at Building 31. I would like a chance to review it prior to release to the public. The NCP regulations 300.820(b) state that "Documents in the Administrative Record file shall be made available for public inspection no later than 60 days after initiation of on-site removal activity." Since the construction contract was awarded on September 30, 1993 (contractor mobilization on January 24, 1994 and May 16, 1994 for Treatability Study Approval) the Navy should have submitted the draft index prior to receipt of this letter.

There is also a public notice and a 30 day public comment period required. I have enclosed our guidance that has some EPA peculiar major and minor breaks which will not be appropriate for your index, however it may be helpful.



Sincerely,



Christine Williams, RPM
Federal Facilities Superfund Section

Attachment

- cc. Mark Leone, CT DEP w/attach
- Andy Stockpole, NLNSB w/attach
- LT J.P. Rios, NLNSB w/attach
- Mary Sanderson, EPA w/o attach
- Patti Tyler, EPA w/o attach
- Rona Gregory, EPA w/o attach
- Dan Winograd, EPA w/o attach

General Comments Applicable to both DRMO and Spent Acid

1. The Navy has not provided adequate documentation regarding background levels for inorganics in soils. Therefore, the cleanup levels for inorganics cannot be evaluated. Since there are no previous documents which detail the development of background inorganic concentrations in soils, these data need to be presented in the FFS.
2. The FFS must present information on the zonal approach (averaging) used to evaluate site risks to support the Navy's proposed cleanup goals.
3. The FFS needs to provide a list of specific contaminants of concern which were evaluated for each site.
4. The FFS must provide chemical specific toxicity values, exposure parameters, risk indices, and hazard quotients to verify the risk assessment and to indicate which contaminants are "driving" risk.

Additional Comments on the DRMO FFS

1. Table 3-1/DRMO

Corrective Action for Solid Waste Management

the information in the Action column is not accurate

Toxic Substance Control Act

the information in the Action column is not accurate; the spill policy may indeed be guidance but there are also regulations which govern PCB cleanups; a better analysis needs to be done explaining the effect of the regulations and the effect of the guidance

2. Table 3-3/DRMO

Federal RCRA Location Standards

needs some statement/explanation that DRMO is a TSDF

Executive Order 11988

the synopsis is not complete; the information in the Action column is confusing and conclusory; if the ARAR is applicable, its requirements must be fulfilled and it is not clear how that will happen

Coastal Zone Management Act

the information in the Action column is incomplete; what are the requirements and how will they be met

3. Table 3-5\DRMO

RCRA/SWDA

again need some context concerning identification of DRMO as a TSDF or SWMU; then need to identify those requirements that apply and explain how the requirements will be met

4. Although the FFS is targeted at unsaturated soils at the DRMO site, it does not fully examine the all soils and contaminants of concern in this operable unit. Unsaturated soils deeper than three feet are excluded from consideration. VOCs are not addressed. Intermedia transfer of contaminants, other than TCE, from the vadose zone to ground water needs to be evaluated.

5. There are several technical factors which were overlooked in the development and screening of alternatives:

- The FFS suggests a significant amount of fill is saturated, however, no data are presented to illustrate the relationship of fill to ground water.
- The effect of flooding on the proposed alternatives needs to be evaluated. The RI states that the DRMO area is flood prone. The interim remedial measures should focus on protection of surface soils against erosional transport during flooding. The FFS alternatives need to promote surface water drainage rather than infiltration.
- The FFS eliminates dikes and levees from consideration for run-on control and includes a low permeability cap design in most alternatives. In a flood prone area, it is likely that dikes and levees would be needed to offer protection against erosional damage to caps and transport of contaminated surface soils.
- Most of the remedial alternatives include a low permeability cap. Given the shallow water table and the potential for flooding, a low permeability cap would be susceptible to floating which could result in cap failure. A low permeability cap may not be practical at this site.
- Cost estimates for FFS alternatives appear incomplete and are likely underestimated.
- It is not clear why different volumes of soil are considered for treatment in the stabilization alternatives (6,800-cubic yards) versus the non-stabilization alternatives (880-cubic yards). If there is an error in the volume estimates, the stabilization alternatives may have been screened out prematurely. Based on the different volumes, it is not possible to compare the stabilization alternatives to the non-stabilization alternatives.

6. The Navy needs to add at least the following information to demonstrate that the horizontal and vertical contaminant distribution are defined well enough to support an interim measure.

- The nature and extent of contamination needs to be presented using concentration isopleth maps.
- A conceptual site physical and/or exposure model needs to be included in the FFS. Both types of conceptual

site models are very useful in establishing remedial action objectives. The RI/FS guidance provides, in Figures 3-2, 3-4, and 4-2, examples of such interpretations.

- The areal extent of contamination is poorly defined and the volume of contaminated soil appears to be underestimated. Furthermore the cost sensitivity analysis does not appear to have been performed over a broad enough range of costs. There appear to be a number of sample locations with COCs above target remediation levels which are outside of the defined hotspots. There also appears to be COCs above cleanup goals below three feet. There may be a great deal of error in the contaminated soil volume estimates.

7. Cleanup goals for the site are not well supported by data presented in the FFS. The FFS needs to include the following:

- The FFS must explain why VOCs (other than TCE), pesticides, inorganics (other than Pb) are not addressed.

Additional DRMO FFS Page Specific Comments

1. Page 1, ¶4 The FFS needs to further define "soils", since it does not address saturated zone soils, or soils below 3 ft BGS. The FFS definition of the Operable Unit (OU) needs to clearly indicate the specific soils the operable unit (OU) addresses.
2. Page 4 This figure appears to indicate that remedial actions have been either planned, selected, or implemented. This is not an appropriate figure for Section 1 of the FFS.
3. Page 5, ¶2 The focussing of the FFS is appropriate to execute a removal action, but may cut short some of the considerations needed to achieve a ROD for an OU.
4. Page 5, ¶4 The FFS disconnects ground water contamination from soil contamination, in order to remediate soils first, and address ground water later. This approach may be limited; however, since it neglects intermedia transfer of contaminants from soil to ground water and contaminant transport pathways to environmental receptors. In fact, the procession of site remediation under this approach requires that soils remediation be conservative and based on modelling for all COCs, given the absence of the required chemical and physical ground water data.
5. Page 7, ¶1 The FFS must indicate whether the tank has been removed, whether there are wastes in the tank, any closure activities at the landfill and whether batteries remain. Insufficient detail regarding current site conditions is presented.
6. Page 16, ¶2 The vertical extent of contamination at the DRMO is not well defined, since, boring termination was based on encountering the base of fill, not the extent of contamination. The FFS needs to indicate the depth of the ground water at this site. The boring logs in the appendices indicate ground water was encountered within 5-6 feet. This is a significant factor that should be discussed relative to the proposed alternatives. (See comment for Page 30, paragraph 3).
7. Page 16, ¶5 The XRF data may not be usable as some values are less than zero. Please explain how these values were used in the screening process.
8. Page 30, ¶3 The FFS states that fill extends to 20 ft BGS. Given the shallow ground water at the DRMO location, a significant volume of waste is likely present in the saturated zone. No analysis of the amount of wastes in the saturated zone is presented in the FFS. The presence of wastes in the saturated zone is significant in that it renders containment options relatively ineffective without vertical containment components.

It is unclear whether samples were collected from within the saturated zone. If samples were collected from the saturated zone and analyzed as soils, the data would actually represent soil and ground water concentrations, not soil concentrations.

9. Page 41, Figure 2-3 Samples 6SS2C-1 and 2C-2 both point to one box which contains only one set of data. This figure indicates that contamination is extensive. It is unclear; however, whether or not the limits of contamination have been adequately defined.

10. Page 42 The grain size percentages total less than 100 percent. This information needs to be corrected to achieve a figure of 100 percent grain size distribution.

11. Page 43, ¶2 RI limitations to detection limits are important to note. The Navy should describe their plan to address the data gap.

12. Page 43, ¶4 Use of a screening level derived for another Superfund Site to determine whether or not dioxin is a chemical of concern is not appropriate due to differences in site conditions and potential exposure scenarios. The determination of whether or not dioxin is a chemical of concern at this site needs to be performed using the methodology presented in the EPA's "Risk Assessment Guidance for Superfund Volume I human Health Evaluation Manual" dated December 1989.

In order for the EPA to adequately evaluate the Navy's assessment of risk posed by dioxin, the Navy must clearly present all analytical results for dioxin (a summary providing the minimum, average, and maximum concentration detected, location of the maximum concentration, and the frequency of detection would be useful). Based on the information provided in the FFS, the EPA cannot agree to eliminating dioxin as a chemical of concern at the site.

In addition, toxic equivalent factors are intended to be applied to the appropriate toxicity value to account for the differing toxicities of various dioxin congeners. TEFs are not intended to be applied to detected contaminant concentrations. Although the end result of the risk calculation will be the same, application of the TEF to the concentration terms implies that the specific congener was detected at a lower concentration. This is incorrect and potentially misleading.

12. Page 46, ¶3 The text states that the FFS worked back from ground water data to decide what contaminants need partition modelling to address ground water contamination. Given the incomplete nature of ground water investigations at the DRMO, and the fact that impacts may not be manifested at locations sampled

to date, this approach may underestimate actual ground water impacts at the site. Additionally, inorganics require a different approach than the Summers model, given the chemistry of metals in the subsurface.

13. Page 47, ¶1 The conclusions regarding baseline risk assessments appear premature given the status of the ground water investigations and lack of transport modelling.

14. Page 47, ¶2 It is unclear whether the COCs include pesticides, metals (other than Pb), and VOCs.

15. Page 47, ¶3 The EPA should note that the Navy proposes only to remediate "accessible" soils located in the upper three to four feet even though elevated concentrations also exist at depth. This seems inappropriate considering that, as stated in appendix D, utilities are currently buried 4 to 6 feet below the ground surface and may result in the exposure of utility workers to contaminants at these greater depths. In addition, contaminants detected at elevated concentrations in deeper soils may leach resulting in unacceptable ground water concentrations.

16. Page 47, ¶5 This discussion does not address non carcinogenic systemic toxicants.

17. Page 47, ¶4 It is not clear based on the information provided that the target levels developed for a risk level of one in one-hundred-thousand will be protective of site workers who may be exposed to multiple/additional contaminants located at other sites at the base.

18. Page 48, ¶1 As stated in EPA's review of the Phase I RI report risk assessment dated August 1991, an ingestion rate of soil of 480 mg/day is appropriate for utility maintenance workers and other receptors involved in short-term outdoor construction/landscaping type activities. The Navy needs to demonstrate that target levels calculated using the 100 mg/day rate and a prolonged exposure period is sufficiently conservative to protect these workers.

19. Page 48, Section 3.2.1.1 Several problems were noted with the methodology used to develop target levels for PCBs in surface soils:

- The proposed target levels will not be protective of potential future receptors if the base is closed and developed for other uses.
- The statement "because it is consistent with federal levels that have been used elsewhere..." is not sufficient justification for use of the 10 mg/kg target level.

20. Page 49, Section 3.2.1.2 The Navy does not provide sufficient information to explain the derivation of the PAH target levels and to allow the reviewer to evaluate the derivation. No information is provided which demonstrates that a maximum target level concentration of 100 mg/kg and an average target level concentration of 13 mg/kg is protective of site receptors. The statements, "For all receptors, a level of 100 mg/kg would be less than 1 E^{-4} risk level..." and "The average of 13 mg/kg was selected ... as a level equivalent to a risk of 1 E^{-5} ." cannot be verified based on the information presented here or in Appendix D. The Navy must also clearly show how the value of 13 mg/kg was calculated using the Toxic Equivalence Approach for PAH compounds.

The Navy should note that a clean up goal for benzo(a)pyrene based on a risk target level of 1 E^{-6} and ingestion exposure scenario involving an intake rate of 480 mg/day, exposure duration of 65 days during a one year period, and body weight of 70 kg results in a calculated risk-based cleanup goal of 8 mg/kg using the cancer potency factor of $7.3 \text{ (mg/kg/day)}^{-1}$. A risk-based target cleanup level based on a standard residential child ingestion exposure scenario would be more than one order of magnitude less.

21. Page 50, Section 3.2.1.3 The Navy does not provide sufficient information to allow the reviewer to confirm the derivation of the estimated target levels presented nor to evaluate the appropriateness of these derived target levels. The Navy must provide sufficient information on models used and input variables used to allow review of the target levels presented. Currently, insufficient information is provided to justify target levels which exceed the current EPA target level for lead of 500 to 1,000 ppm.

22. Page 51, ¶3 The FFS indicates that the Navy has not established a cleanup goal for DDT because "The DDT contamination above TBC levels is isolated to two sample locations and is not present in concentrations that pose unacceptable hazards to human health or the environment." The Navy needs to state whether or not this conclusion is based on the findings of the risk assessment.

23. Page 57, ¶3 It should be noted that the EPA has requested the Navy to quantitatively assess potential risks to future receptors as a result of exposure to ground water contaminants. This assessment has not been presented and may indicate that additional ground water contaminants, in addition to TCE and selenium, represent unacceptable risk and require remediation.

24. Page 58, ¶1 Soil cleanup standards must be established for all contaminants detected in subsurface soils at concentrations that may leach and result in ground water concentrations which

exceed applicable ARARs and/or present unacceptable risk. It is not sufficient to derive cleanup goals for soil contaminants when they are also present in ground water at concentrations exceeding MCLs.

25. Page 61, This figure appears to arbitrarily establish bounds to hotspots with little constraining data. The hotspots could easily be drawn considerably larger, using the same data. The ramifications regarding costs of alternatives from this uncertainty are not reflected in the limited range used for sensitivity analysis in Section 5. Pb levels over 1000 mg/kg are indicated, but not considered hot spots. This seems contrary to the text regarding hot spot definition.

26. Page 62, ¶1 The water table at 6TB16 is 2 feet BGS, yet the TCE contamination depth is shown to extend to 10 feet. Soils characterization below the water table in the upper aquifer is unlikely to have been differentiated from ground water contamination in the RI. Soils contamination in the water table is best addressed via ground water remediation. However, the vadose soils should be addressed.

27. Page 64 This table and the water portion of Table 3-7 go through the motions of the technology screening process but basically consider only off site remedial technologies, and do not specify the technology, only that it will be used off site. This does not meet the NCP requirements or follow RI/FS guidance.

28. Page 65, ¶2 Consideration of water treatment technologies is addressed in the comment above. Given the possibility of ground water treatment in the future, perhaps containment of water in an onsite frac tank should be considered.

29. Page 66 Caps of low permeability are not technically suitable for areas that flood routinely (unless protected) or in areas where the water table could rise (a potential here). Dikes and floodwalls are eliminated, but not on the basis of technical feasibility. Sediment removal technologies should not appear on this table.

30. Page 67 Aerobic degradation is retained despite a list of technical feasibility concerns, while anaerobic degradation is eliminated because it is only in the pilot stage. The table in general does not follow the NCP and RI/FS guidance and eliminates or retains technologies for reasons other than technical feasibility. The table includes contradictory logic. For example, soil venting is retained, while steam injection, a variation specifically designed to address semi-volatiles, a key COC, is not. Also, venting is retained despite its failure to address PCBs or Pb, but steam is ruled out because it is limited to volatiles and semi-volatiles. These decisions appear somewhat arbitrary.

30. Page 69 The screening comment for the on-site landfill technology regarding "must be RCRA hazardous waste" should be revised.

31. Page 70 I am unaware of any off site asphalt batching plants that would accept PCB contaminated soils. The same is true for cement kilns.

32. Page 74, ¶4 The evaluation of process options was reportedly completed without regard to the specific waste site. In accordance with Page 4-16 of the RI/FS guidance, this evaluation must be site specific and consider site wastes and volumes, setting, etc. There is little evidence of this in this FFS.

33. Page 74, ¶5 The fact that process options will need to be used in series is important, and contrary to the reasons provided in the FFS for eliminating some technologies and process options based on inability to handle one waste type, such as organics. The FFS proposes only two alternatives that do so, and retains only one for detailed analysis. Thus few of the many potential treatment trains have been evaluated.

34. Page 74, ¶6 The text states VOC impacted soils will be remediated, if necessary, as part of final remedies to address ground water. This is contrary to the statements earlier about this FFS leading to a final remedy for soils at the DRMO. The text also states VOC remediation is not compatible with process options for other COCs. This is not an issue, as per the preceding paragraph, and is also not true, for approaches such as steam stripping. Also, since the VOCs are collocated with the other contaminants, how can co-remediation be avoided when these soils are addressed? It seems that VOC treatment would be mandatory under these circumstances.

35. Page 75 It is unclear why sediment dewatering would be retained. There are no sediments in the OU. Also, soil washing is eliminated from consideration in spite of the Pb issue, and dechlorination and oxidation eliminated because of the Pb issue. This is contrary to the logic regarding the need for treatment trains.

36. Page 77 The on-site RCRA landfill is eliminated because no suitable site locations exist; however, capping the wastes in a floodplain in a shallow ground water setting is retained. This is inconsistent with site conditions.

37. Page 79 Stabilization alone is inappropriate due to VOCs in wastes. Each alternative that includes treatment also includes capping, which makes the overall analysis heavily containment dependant. Given previously stated questions regarding capping this location, this may not make sense for this location. On

site thermal desorption will likely require some type of post-treatment for desorbed organics including PCBs.

37. Page 80, ¶4 The RI/FS allows for screening of alternatives within a class of alternatives (type of alternatives called out in 40 CFR 300), but requires a range of alternatives be retained to allow for regulators to have flexibility in remedy selection. Alternatives with differing protectiveness and effectiveness are specifically required to be evaluated.

38. Page 85, ¶3 This and subsequent alternatives include the installation of a cap excepting paved areas. This essentially relies on pavement as a cap in some DRMO areas. The protectiveness of pavement for alternatives that need other than direct contact mitigation is questioned. The pavement is not engineered to be as protective as the caps in most alternatives.

39. Page 85, ¶4 The FFS indicates that a large amount of fill (which is potentially contaminated) is below the water table. This, plus the shallow depth to ground water, raises the issue of whether a low permeable cap is appropriate and offers any advantage over perhaps a flushing scenario under a pump and treat ground water remedy.

40. Page 86 Each alternative has a fence O & M cost, but only one has a fence capital cost. The costs for off site incineration appear unrealistically high, given current incineration marketplace costs. There are no transport costs for Alternatives 6-4 and 6-5. The transport off site for desorption or extraction costs may need to be larger to address both water and wastes to be incinerated. The on site incineration option includes treatability study, while off site with the same technology does not. This is inconsistent. Significant dollar value costs are presented in the "other" category without definition. No off site liquid waste treatment line items are present.

41. Page 88, ¶5 The cap is, due to the low volume of soils destined for treatment, a significant remedy component.

42. Page 90, ¶6 The alternative is screened out mainly on cost; however the basic cost of \$1800 per ton appears unreasonably high.

43. Page 90, ¶8 The long term liability to the Navy is not an effectiveness criterion.

44. Page 91, ¶8 The stabilization alternative includes 6,800 cy of material to be treated rather than 880 cy for other non-stabilization alternatives. This renders comparisons invalid. The issue is the role of containment. The stabilization alternatives use a pervious cap and thus rely more on the

"treatment" technology for protection rather than containment. This is not accurately conveyed in the FFS.

45. Page 95, ¶1 Given the fundamental difference of stabilization alternatives from that of other remedies, a better range of alternatives would have been evaluated in Section 5 if one of the stabilization alternatives was retained. Certainly the reduction of contaminant mobility is a key element in alternative selection according to the NCP (one of the balancing criteria). However, in situ stabilization may not be practical in a shallow ground water setting.

46. Page 99, ¶5 The claim that thermal desorption can achieve the acceptable treatment levels does not acknowledge that incineration can achieve superior treatment DREs, and units are licensed for PCB treatment.

47. Page 100, ¶2 The Navy should note that thermal desorption cannot match treatment levels achievable using incineration.

48. Page 104, ¶6 Very limited range of alternatives evaluated, with only one treatment alternative. The treatment alternative also relies on containment to a significant degree. The absence of incineration, BDAT for liquid PCB wastes, is notable.

49. Page 116 This design needs to include protective bedding of sand above and below the geocomposite and geotextile, and drainage is unlikely to be promoted by the 12-inch stone layer. A less pervious top layer would better direct precipitation off the liner and avoid freeze-thaw concerns. In the absence of this, perhaps more discussion of the drainage function of the geonet above the unit would be useful.

50. Page 118 The logic to conclude that the cap meets RCRA location standards is untenable. This option essentially closes a landfill in a floodplain.

51. Page 120, last sentence. It is unclear how capping reduces the amount of contaminated soil remaining in the unsaturated zone.

52. Page 121, ¶1 Significant limitations to caps in this setting are not acknowledged in the effectiveness discussions. It is unclear what will trigger the requirement to stabilize the wastes prior to land disposal since TCLP tests do not indicate the soils are RCRA characteristic. PCBs will not.

53. Page 123, table It is unclear how an increase in cap area can result in a negative change in costs.

54. Page 123, ¶2 The text establishes confirmation sampling in excavation side walls but not base. The logic of not sampling the excavation base and proceeding downward is not based on contaminant distribution.
55. Page 131, ¶2 The first and last sentences are contradictory. See earlier comment on the questionable need for stabilization. No data to date suggests soils are RCRA hazardous wastes.
56. Page 133 The tipping fees appear high, based on recent experience with PCB contaminated soils. Also, there are no transport costs in the cost basis.
57. Page 134, ¶2 The referenced Figures 5-4 and 5-5 are not presented; Figures 5-4 and 5-5 are duplicates of the same alternative illustration, with the variation in desorbed organics remediation. It is unlikely that on site incineration of PCB liquid wastes would meet BDAT standards without a very comprehensive incineration scheme in excess of an afterburner. This issue does not receive much discussion, and no basis for the tonnage estimate of liquid organic wastes is given.
58. Page 141, ¶4 The detailed effectiveness discussion does not include COC- specific performance data. This data is needed to evaluate the remedy, and suitable data should be provided from reference documents. Without performance data, there exists a question as to whether the alternative will meet cleanup objectives.
59. Page 145 Transport costs are missing for liquid wastes. This results in lower than expected costs.
60. Page 150, ¶3 Alternatives is 6-9, is the most effective since it alone relies on treatment to destroy contaminants. This is not made clear in this discussion.
61. Page 150, ¶4 There is no mention of transportation risks in this section. It was a concern of the citizens in the area and should be addressed.
62. Page 151, last Off site landfiling risks are not necessarily superior to on site desorption; transport risks were dismissed.
63. Appendix D: Page 9, A maximum target level of 10 mg/kg is not sufficiently justified with the information presented. Two of the three guidance/regulations cited suggest a clean up level of 10 mg/kg assuming that soils are covered with 10 inches of clean soil. Cleanup goals which assume 10 inches of clean soil cover do not seem appropriate for this site because contaminated soils exist at the surface. A risk-based target level for the

site must be derived using a conservative exposure scenario, appropriate for the site, which will be protective of current and all potential future receptors.

General Comments Applicable to the Spent Acid Storage and Disposal Area

1. The establishment of cleanup goals under remedial action objectives has not addressed certain leachable metals (arsenic, cadmium, chromium), nor has it addressed PAHs, including known carcinogens, found in site soils. If EPA determines these contaminants also require consideration the technologies and alternatives that address Pb may or may not adequately address other metals or PAH compounds.
2. The FFS has prematurely concluded that remediation of soils below a depth of 4 ft BGS is not required. This issue must be addressed through characterization of these soils, to determine the nature and extent of contamination, and assessment of the potential fate and transport of these contaminants (if any) to human and ecological receptors. The nature and extent conclusions are based on only two samples from below 4 ft BGS, and rely on questionable XRF data. Given the location of these soils below the soils to be remediated, it is logical to determine the lower limits of contamination before remedy selection occurs.
3. The areal extent of contamination is poorly defined. When combined with the undefined lower extent of contamination, the potential exists for much different soil volumes than estimated on the small data base in existence at this time for the SASDA. The sensitivity of costs to volume uncertainties was assessed, as is recommended by the RI/FS Guidance (see Page 6-13); however, only a very limited volume range was considered.
4. The information regarding nature and extent of contamination, fate and transport, and exposure pathways leading to human and environmental receptors has not been integrated into a conceptual site model. The conceptual site model is very useful in establishing remedial action objectives. The FFS has not performed this exercise. We recommend a conceptual model be developed for the site, and that the FFS objectives include addressing all potential exposures indicated. Data substantiating the lack of evidence of contamination and or absence of any significant exposure should be presented prior to arriving at the conclusion that only remediation for lead in soils is appropriate.
5. The presence of inorganics in an altered subsurface matrix (i.e. previously subject to acidification) suggests the mobilization of contaminants to the ground water (located less than or equal to 8 ft BGS). The FFS states on several occasions (e.g. Pages 5 and 45) that the remedy for soils is intended to be a final remedy, and that it was presumed that

ground water, if contaminated, would be addressed at a later time. A site conceptual model would indicate the presence of a secondary source (the vadose zone soils) potentially contributing to ground water contamination. The TCLP data presented in the FFS substantiate the leachability of contaminants from these soils. Intermedia transfer of contaminants from vadose zone soils to the ground water has not been factored into the FFS.

6. The FFS has considered a number of superfluous remedial technologies that are inapplicable to a lead acid site, and has not considered acid leaching, a potentially viable remedial alternative.
7. The FFS eliminated the stabilization options without sufficient effectiveness, implementability, and cost considerations. The final candidate alternatives did not include performance data for soil washing the only treatment option carried as a principal element alternative.
8. The FFS has not acknowledged the regulatory (RCRA LDR) issues associated with re-placement of treated soils at the site.
9. The FFS cost estimates for alternatives appear incomplete and are likely underestimated.
10. The specific performance and residuals management issues associated with the preferred alternative, soils washing, have not been fully assessed. Concerns regarding the reliability of this alternative remain.

Additional Comments on Spent Acid Storage and Disposal Site FFS
Page-Specific Comments

1. Page 1, ¶4 The FFS definition of the Operable Unit needs to clearly indicate that the OU addresses vadose zone soils only.
2. Page 5, ¶2 The operable unit is defined as contaminated soils. The definition of the operable unit needs to be precise enough to allow for assurance that once all operable units at a site are integrated, all areas of concern will be addressed. For example, saturated soils may contain contaminants that leach to ground water passing through these soils. This situation will need to be addressed in the ground water operable unit for the site. This operable unit definition should clarify the scope of coverage is limited to unsaturated soils at site.
3. Page 5, ¶4 The FFS attempts to disconnect ground water contamination from soil contamination in order to remediate soils first, then address ground water later. For this to work effectively, intermedia transfer of contaminants from soil to ground water must be factored into the soil remediation scheme. In fact, the procession of site remediation under this approach requires the soils remediation be conservative and based on modelling, given the absence of the required chemical and physical ground water data.
4. Page 5, ¶5 Work performed to date has not adequately addressed the potential for soil contaminants to leach and result in unacceptable concentrations in ground water. Therefore, it is premature to state that no further soil remediation is anticipated at this site after the remedial actions have been completed.
5. Page 9, ¶4 This statement should acknowledge that EPA established the TCLP to determine if wastes were hazardous by characteristic as well.
6. Page 16, ¶5 It is unclear from this FFS if the Navy's contractor provided any XRF QA to give the Navy and/or EPA any confidence in the XRF data, which generated negative values. The data would appear unreliable without much additional information, and conclusions regarding contamination at depth are questionable.
7. Page 33, ¶5 The significant levels of carcinogenic and non-carcinogenic PAHs detected are not addressed further in the FFS, in spite of commitments to do so on Page 37.
8. Page 34 The grain size percentages only total 85.8 percent; a total of 100 percent needs to be supported by the data. This information needs to be corrected to achieve a figure of 100 percent grain size distribution.

9. Page 35, ¶3 The additional inorganics are present at levels that on occasion qualify soils as hazardous waste, and should be addressed.
10. Page 35, ¶3 The Navy must demonstrate that inorganics are not a concern at this site. Statements such as "... inorganics do not appear to be of concern at this site." must be justified based on a comparison to background concentrations and a risk assessment.
11. Page 37, ¶1 The third bullet suggests the FFS should address PAH compounds.
12. Page 38, ¶2 The other metals are no longer considered. This appears to be a subjective determination with no quantitative justification provided.
13. Page 38, ¶2 The inorganics which exceeded background concentrations should also be mentioned in this section.
14. Page 38, ¶3 The exposure pathways do not consider soil erosion via water or dust, intermedia transfer, or other potential future land use scenarios/pathways.
15. Page 38, ¶5 The Navy must provide backup for statements such as "Overall, risks to human health are judged to be low". Although the Navy compares detected lead concentrations to an appropriate EPA benchmark, no justification is provided for the conclusion that detected concentrations of other inorganics, semivolatiles, pesticides and PCBs provide insignificant or low risk to human health. The Navy must provide information which justifies the conclusion that these contaminants do not pose an unacceptable risk.
16. Page 39, Section 3.2.1.6 The statement, "However, there **may** be "hot spots" of lead..." indicates that the nature and extent of contamination at the site is not sufficiently characterized to develop remedial actions intended to protect human health. The Navy must consider the potential for soil contaminants to leach into ground water when developing risk-based target levels in soil for the site.
17. Page 39, ¶5 The Navy needs to note that copper, mercury, and zinc exceeded background concentrations and that several PAHs, pesticides, PCBs, and cyanide were detected. The Navy has not provided sufficient justification for eliminating these contaminants, with the exception of lead, from consideration in developing remediation goals.
18. Page 39, ¶6 Remediation goals should be established for all soil contaminants which are shown to present a potential to leach and result in unacceptable ground water concentrations. This must be done regardless of whether or not it is determined that ground water quality at the site is currently degraded because the potential exists for ground water to become degraded.

19. Page 39, ¶2,3 The FFS RAOs do not address potential pathways of concern, but offer instead a general statement regarding worker protection. Specifics regarding exposure route (dermal contact, inhalation of airborne Pb-contaminated dust, ingestion, etc.) have not been addressed, as recommended in EPA RI/FS guidance. In addition, surface water and wind transport of contaminated surface soils from current unpaved areas and under future land use scenarios should be considered.

20. Page 39, ¶6 Addressing ground water contamination at a later date could require additional soils remediation. Given the actions proposed in the FFS, this may involve removal of clean fill placed during interim remediation efforts. This may increase project costs and contaminated media volumes.

21. Page 45, ¶2 The Navy needs to explain why it is only addressing lead when cadmium soil concentrations are shown on Table 2-14 to exceed the CT DEP TBC value for TCLP leachate by more than one order of magnitude. The Navy also needs to explain why it is not addressing soil concentrations of arsenic and chromium which are also shown on Table 4-18 in Appendix F to exceed CT DEP TBC values for TCLP leachate. Also, it is unclear why the presence of lead in TCLP extracts of soil is not considered indicative of a health risk. The Navy must address the potential for soil contaminants at the site to leach and result in ground water concentrations which present an unacceptable human health risk. This must be done regardless of whether or not soil contaminants are currently detected in ground water at unacceptable levels because the potential may exist for these contaminants to leach.

22. Page 45, ¶2 The statement regarding the expectation on the part of the Navy that Pb less than 500 mg/kg should not migrate to the water table from the vadose zone soils is unsubstantiated. With 500 mg/kg Pb in soils, and a ground water MCL for Pb of 15 µg/L, plus the historical presence of acids in this subsurface environment, and the demonstrated leachability of site soils containing lead, there is a likelihood of significant contributions of Pb from soils to ground water.

23. Page 45, ¶3 The leachability of the Pb in site soils, demonstrated under the TCLP testing, is evidence of a direct threat to the useability of the ground water. If the materials will leach lead in an engineered landfill setting, they are likely to leach lead in this site as well.

24. Page 47 The volume of contaminated soils above the ground water table is based on the interpretation of areal extent of contamination as represented in this figure. The figure indicates the arbitrary nature of this determination, since only four samples exist outside of the area considered above cleanup goals. The Northwest, south, and southeast limits of contamination are drawn without basis. This may result in very different, potentially larger, volumes of contaminated soils at this location. None of these "outside" samples were from depth.

25. Page 48, ¶1 The Navy needs to state that inaccessible and accessible soils at the site will be remediated if they are shown to contain contaminants at concentrations which may leach into ground water at unacceptable levels.

26. Page 48, ¶3 The volume is actually approximately 370 cy; 2500 feet x 4 feet by 4 ft. This is 23 percent more soils than 300 cy.

27. Page 49 This table fails to include vitrification and acid leaching, two potentially applicable treatment technologies. It also introduces a number of technologies and process options, which are clearly never considered for Pb-contaminated soils, such as dredging (used for sediments), biological treatment, and thermal treatment. In addition, a number of the process options are also not potentially relevant to metals-contaminated soils, especially a number of those under physical/chemical treatment. These should not appear in this table.

28. Page 51 This table includes sediment remedial technologies, which are not applicable to soils. A multitude of unnecessary potential technologies were included and screened out, and technologies not included on Table 3-6, the so-called technology master list.

29. Page 54 The on site and off site landfill technology could be retained. However, if the soils are RCRA characteristic hazardous, then they must be treated under the land ban provisions before they can be land disposed. If the treatment renders these soils non-hazardous as determined via TCLP testing, then these wastes can be disposed in a Subtitle D landfill.

30. Page 57 The on site backfill option is potentially at odds with RCRA requirements, but could be used if CT allows a variance from Subtitle D disposal requirements.

31. Page 64, ¶6 The text states "all aspects of this alternative are technically feasible". The remainder of the implementability discussion presents no indication of implementability difficulties. On Page 66, the alternative is screened out based on, in part, "difficult to implement". The conclusions and analyses are thus inconsistent.

32. Page 66, ¶4 The first sentence references solvent risk. This is inconsistent with the contaminants present.

33. Page 67 This table includes no costs for confirmation sampling during remedy implementation. The operations and maintenance costs for covers is addressed for Alternatives 6-5 and 6-6, but no capping capital cost is included (other than pavement replacement, which is also included in the capping alternative costs.) The cover costs for Alternatives 6-5 and 6-6 appear missing. Discharge to POTW line item is not factored into any remedy. No basis year data is included to allow for checking

present value cost calculations. The costs for landfilling are unreasonably low if thought to include stabilization, which is costed at 0 for this option. RCRA LDRs require this stabilization prior to land disposal. No transportation costs are included.

34. Page 69, ¶3 The stabilization to meet LDRs is functionally equivalent to the stabilization that would be addressed under Alternative 6-6, and should be costed into this remedy.

35. Page 73, ¶1 The FFS should explain how the tank will be managed under this alternative. It is unclear if the tank will be removed or left in place and possibly interfere with the large diameter augers needed to mix in the stabilization agents.

36. Page 73, ¶6 Costs are not comparable since stabilization costs were not included in Alternative 6-3.

37. Page 75, ¶3 The soils removed from the earth will, in some cases, constitute generation of a RCRA characteristic hazardous waste. This material will need to be treated to allow for disposal in a Subtitle D landfill. The statement that no coordination with outside environmental agencies, or permits required, is not accurate.

38. Page 75, ¶7 The screening of both Alternatives 6-5 and 6-6 is not supported by the specific screening criteria of 40 CFR 300.430. Neither alternative screening identifies specific factors within the NCP guidelines that justifies screening both Alternatives 6-5 and 6-6.

39. Page 76, ¶1 The residuals management aspects of this alternative are not fully costed. Table 4-2 does not include justification for the value presented for off site RCRA landfilling of fines. The liquid wastes treatment costs are not addressed. The RCRA LDR issues need to be considered.

40. Page 79, ¶1 The comparative analysis is in Section 6, not Section 5 as stated.

41. Page 87, ¶3 The cap description is very general. The cap construction would likely require a sand layer above and below the bentonite composite sandwich liner, particularly if heavy equipment will operate on the asphalt above.

42. Page 89, ¶4 The UST standards are not met by the alternative.

43. Page 92, ¶1 A cap under an asphalt cover will not be "readily repaired".

44. Page 92, ¶7 The statement that surficial soils require grading is significant, in that this could potentially be avoided by grading through placement of fill over existing soils.

45. Page 93, ¶5 The unit costs for capping are unrealistically low. Please provide justification for these costs.

46. Page 95, ¶3 The statement that "only small amounts of contaminant would remain at levels above background but below target remediation levels" must be provided.

47. Page 100, ¶4,5 Under 40 CFR 268, land disposal of characteristic hazardous wastes is banned unless wastes are treated. The stabilization that must occur at the landfill thus is treatment that is part of this remedy. This is acknowledged in the next FFS paragraph. These paragraphs are inconsistent.

48. Page 102 The density of soils is a rather conservative number, but the costs for stabilizing the soils prior to land disposal appear to be missing. No transport costs are included. As this is a concern with the public, it should not go unaddressed. A treatability study may be needed to assure the LDRs can be met by the landfill; this is not included in the cost estimate. Overall, the costs are likely underestimated.

49. Page 104 A mixing unit would need to be in place upstream of the clarifier; adding polymers to a clarifier directly as illustrated is illogical. The water treatment specifics, and their residuals, are not highlighted. Neither is waste stabilization, which is needed prior to land disposal.

50. Page 108, ¶1 The first and last sentences are contradictory.

51. Page 108, ¶4 The key part of this analysis is missing. It is unclear what levels of residual Pb will remain after treatment. No performance data is presented. Soil washing performance data is needed to assess the benefits in risk reduction. Also, since no other alternatives rely principally on treatment, the residuals levels are key to assessing the relative protectiveness of this alternative. Re-placement of some soils will need to address RCRA LDRs.

52. Page 111 The costs for disposal appear low; the costs for stabilization prior to land disposal appear missing. The costs for transport are missing. The costs for liquid waste management are missing. No backfill costs are included. Overall the costs are likely underestimated.

53. Page 112, ¶3 The ranking does not address the issue of replacement of soils under the soil washing alternative. As proposed, it may not be compliant with ARARs.

54. Page 115, ¶1 This section does not acknowledge the water treatment issues associated with soil washing.

55. Page 115, ¶3 The off site RCRA landfill may take more time than soil washing but less than the other alternatives, since stabilization of the soils may require treatability studies.

56. Appendix D Previous comments for Sections 2.0 and 3.0 apply to the information contained in Appendix D, specifically:

- On Page 2, ¶3, the Navy needs to address the health risks associated with exposure to the other inorganics detected at the site at concentrations above background as well as with exposure to detected organics and cyanide. In addition, the Navy must address the potential for detected soil contaminants to leach into ground water and pose unacceptable health risks.

57. Appendix F Table 4-18 of Appendix F indicates that arsenic, cadmium, and chromium, in addition to lead, are detected at concentrations in soils which result in TCLP leachate concentrations which exceed TBC values. The Navy needs to explain why cleanup goals are not being established for these chemicals.

Additional comments on OBDA/Area "A" Downstream FFS

General Comments

1. The ARARs table need to list only those laws that are "applicable" or "relevant and appropriate", or non-promulgated guidances or advisories that are "to be considered". Statutes that are not ARARs should not be listed in the table as "Not an ARAR".
2. The statutes that are listed should be designated under "Status" as either "applicable" or "relevant and appropriate". Statutes should not be listed as "potentially relevant and appropriate" or "potentially applicable". Also, statutes should not be listed as "relevant and appropriate and to be considered".
3. The actions for source control proposed to be undertaken at OBDA are interim actions, focusing only on some of the contaminated soils and none of the groundwater. In this situation, with an interim action, the ARARs are only those requirements that relate to the actions being taken, not the entire remediation that will ultimately occur.

Because the proposed interim remedies will state that they do not address the groundwater or surface water, the remedies do not need to list or attempt to satisfy chemical specific ARARs that pertain to groundwater or surface water. All of the statutes listed that focus on groundwater cleanup levels or surface water cleanup levels should not be listed in these tables. However, if there are location specific or action specific ARARs that involve groundwater or surface water, such as an NPDES permit, those should still be listed.

(The proposed plan and the ROD must clearly acknowledge that the groundwater component of the remedy is not being addressed now, but will be addressed at a later time.)

4. The information under the "Synopsis" column should be a summary of the requirements of the statute or guidance. A few of the entries in the tables include information that belongs in the "Action to be Taken" column.
5. The information under the "Action to be Taken" column should describe how the proposed remediation will satisfy the requirements of the statute or the guidance. Some of the entries in the tables do not provide this information.
6. At various times, the ARARs tables will refer back to an earlier table rather than repeat the information for each statute or guidance. It is much easier to read the table with the information listed there instead of trying to locate the earlier table. If the comments are not too long, it would be easier on a reader to repeat them each time.

7. Although this memo provides comments on the Connecticut ARARs tables, EPA needs to review those tables with CT DEP and may make additional comments after that discussion.

Specific Comments for Area A/OBDA ARARs tables

Table 4-1

1. RCRA ID and listing - the "Status" column says "applicable" but the "Action to be Taken" column says DDTR is not a RCRA hazardous waste. Is DDTR a hazardous substance? If it is, ID and listing is "applicable" and land disposal restrictions is "applicable".
2. RCRA Groundwater protection - delete from table. relates to groundwater (GW) which is not addressed in interim action.
3. RCRA Solid Waste - delete.
4. UST - delete.
5. SDWA - delete.
6. Water Quality Criteria - delete from table. relates to GW which is not addressed in interim action.
7. NAAQS - can't be "potentially" rel. and approp. should either be "rel. and approp. if there will be emissions, or not an ARAR and deleted.
8. TSCA - delete.
9. FIFRA - explain why is this not "applicable"?

Table 4-2

1. Haz. Waste Man. - repeat comments for RCRA from table 3-1. also, in the "Synopsis" column, the second sentence should be revised to read "For all applications to chemical specific ARARs, Connecticut's regulations are substantially similar to EPA's with some minor differences."
2. Haz. Waste Disposal Site Regs. - if not yet promulgated, these are TBC.
3. Solid Waste Man. - delete if not an ARAR. If this is an ARAR, the "Synopsis" and "Action to be Taken" columns do not make sense and would need to be revised. the "synopsis" column states that RCRA Solid Waste concerns municipal solid waste. If sediments containing DDTR are municipal solid waste, the column should make that connection. The "Action to be Taken" column states that sediments are solid waste only if removed and that there are no chemical specific standards that apply to removed sediments. To be more clear, this statement should be revised to read "Sediments are solid

waste only if removed, but there are no chemical specific standards. These statements should be in the "Synopsis" column, and the "Action to be Taken" column should explain how the requirements will be met.

4. UST - delete.
5. Pest. Control - Provide more information as to why you feel this is not an ARAR? Does the statute regulate "disposal of pesticide containers" but not disposal of the "pesticides"? Is it correct that pesticide residues in soil are not subject to the regs?
6. Air Poll. Control - The "status" should be "applicable". under "synopsis", delete "basically". Under "action to be taken", state that pollution controls will be in accordance with CT SIP for particulate matter, dust, emissions and other regulated emissions. Delete the last two sentences, which do not relate to the "Action to be Taken" to meet the ARAR.
7. Water Quality Standards - delete from table. Relates to GW which is not addressed in interim action.
8. Water Poll. Control - delete from table. Relates to GW which is not addressed in interim action.
9. Stds. for Drinking Water - delete from table. Relates to GW which is not addressed in interim action.

Table 4-3

1. RCRA location stds. - delete if not an ARAR. if this was an ARAR, the "Action to be Taken" column would need to be replaced to state that the actions will not take place in any of the locations of concern. the current column states that the requirements do not apply since the DDTR contaminated sediments are not classified as a RCRA hazardous waste, which pertains to analysis of chemical specific ARARs.
2. Rivers and Harbors - status should be "applicable" if there will be any disposal of sediments into wetlands. Under "Action to be Taken", the first two sentences should be deleted. The third sentence should be revised to read "All activities will meet the requirements of the statute, including wetlands mitigation."
3. EX 11988 - delete.
4. EX 11990 - status should be "applicable". under "Action to be Taken", the first sentence should be deleted because it does not describe the action to be taken to meet the statute's requirement. The second sentence should be revised to read "All activities will meet the requirements of the statute, including wetlands mitigation."

5. Nat. Hist. Pres. Act - delete.
6. Endan. Spec. - delete.
7. Wild Rivers - delete.
8. Fish and Wildlife - the first sentence under "Action to be Taken needs to be moved to the "Synopsis" column. The rest of the "Action to be Taken" needs to be deleted and replaced with a sentence that reads "Measures to prevent, mitigate or compensate for project related losses of fish and wildlife resources will be developed in consultation with the fish and wildlife service."
9. Coastal Zone - delete.
10. Wilderness - delete.
11. NAAQS - need to check if this is "applicable" because CT is a non-attainment area for ozone. The first sentence under "Action to be Taken" needs to be moved to the "Synopsis" column.

Table 4-4

1. delete any entry that is "Not an ARAR".
2. Inland Wetlands - the sentences under "Action to be Taken" need to be moved to the "Synopsis" column, and the second sentence needs to be revised to read "However, these requirements are relevant and appropriate." (why does the current column state that the requirements are addressed under Federal Executive Order 11990 when the "Synopsis" states that the CT DEP or a municipality may regulate operations relating to wetlands. What is the connection between the Executive Order and CT DEP or municipal regulations.)
3. Coastal Zone Man. - the "status" column states this is not an ARAR, but the "Action to be Taken" column states that "This site is in a coastal zone management area, therefore, these requirements are applicable." Is the site in a coastal zone management area or not?
4. Haz. Waste Man. - under "synopsis", repeat comment instead of referencing table 3-3.
5. Aquifer Prot. - if the site is not located in a designated aquifer protection area today, this is not an ARAR.
6. Reg. of Dredging - if there will be no activity waterward of high tide line, this is not an ARAR.
7. Stor. of Haz. Sub. - under "status", the statute cannot be "potentially relevant and appropriate"; it is either

"relevant and appropriate", "to be considered", or not an ARAR. under the "Action to be Taken", the column states that regulations have not yet been promulgated. It also states that no defined hazardous substances have been found at the base, but that they may be relevant and appropriate in specifying best management practices for the storage of hazardous substances near watercourses. If regulations have not been promulgated, they are "to be considered".

Table 4-5

1. delete any entry that is "Not an ARAR".
2. UST - delete.
3. RCRA Solid Waste - it is unclear if this is "applicable" or not an ARAR. the "Synopsis" does not explain why dredging contaminated sediments comes under "regulating the operation and closure of solid waste disposal area", but the "Action to be Taken" states that sediments may be classified as a solid waste if removed."
4. DOT Haz. Materials - not an ARAR because it pertains to actions off-site and ARARS are only for actions on-site. however, the text of the FFS description of each remedy should state that the remedy will meet DOT requirements.
5. OSHA - not an ARAR. However, the text of the FFS description of each remedy should state that the remedy will meet OSHA requirements.
6. NPDES - status should be "applicable" if there will be a discharge. Under "synopsis", the second sentence should be deleted. Under "action to be taken", need to state that an NPDES permit will be obtained for any discharge.
7. Activities in Wetlands - status should be "applicable".
8. PCB Regs. (TSCA) - if not an ARAR, then delete. if an ARAR, under synopsis, what does "for the most part" mean. Need to clarify what the requirements are.
9. NEPA - delete because any action taken in accordance with NCP meets requirements of NEPA, so NEPA does not impose any additional substantive requirements that need to be met.

Table 4-6

1. delete any entry that is "Not an ARAR"
2. Water Poll. Control - status cannot be "potentially applicable". It's "applicable" for those alternatives that will generate a wastewater. under "action to be taken", need to state what action will be taken to meet the requirement.

3. Solid Waste Man. - need to check if this is "applicable".
4. Haz. Waste Man. - under "status", state the status rather than referencing table 3-5. Under "action to be taken", repeat the comments from table 3-5 here to make it easier to read the table.
5. safe storage/transport - under "status", state the status rather than referencing table 3-5. Under "action to be taken", repeat the comments from table 3-5 here to make it easier to read the table.
6. Air Poll. Control - status cannot be "potentially applicable". The requirement is applicable for those alternatives that include stripping or an incinerator. Under "synopsis" include the information currently in the "action to be taken" column. Under the "action to be taken" column, state the action to be taken to meet the requirement.
7. Trans. of Oil & Chem Liquids - Provide more information as to why this is "applicable"? What oil or chemical liquid is being transported?
8. UST - delete.
9. Control of Noise Regs. - Provide more information if remediation a "construction" activity, which would exempt it from the regs.