



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA. 02109-3812

March 28, 2023

Mr. David Barney
BRAC Environmental Coordinator
BRAC Program Management Office East
P.O. Box 169
South Weymouth, MA 02190

Re: ***Fifth (2023) Five-Year Review Report for the Former Naval Construction Battalion Center (NCBC) Davisville, North Kingstown, Rhode Island***

Dear Mr. Barney:

This letter is regarding the fifth (2023) Five-Year Review (FYR) Report for the former Naval Construction Battalion Center (NCBC) Davisville in North Kingstown, Rhode Island (hereinafter "NCBC"). The U.S. Environmental Protection Agency (EPA) is making an independent finding of protectiveness for this Site pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Sections 120 and 121, consistent with the National Contingency Plan (NCP) (40 C.F.R. Section 300.430(f)(4)(ii)) and considering EPA policy. The completion date for the 2023 NCBC FYR is recorded as March 28, 2023.

As will be discussed below, this finding satisfies EPA's obligations under CERCLA and the Federal Facilities Agreement (FFA) for NCBC to evaluate the remedies at NCBC and to determine if the remedies are and will continue to be protective of human health and the environment.

EPA received the draft 2023 FYR Report on November 30, 2022, for Operable Units (OUs) 01, 07, 08, and 09. Upon EPA's examination of the document and subsequent submission of comments, several meetings were convened to facilitate identification and resolution of issues prior to Navy's preparation and issuance of responses to comments. Although most issues were successfully addressed in the March 16, 2023, draft final FYR Report and response to comment package, EPA is unable to concur with Navy's protectiveness determination for the OU08 remedial action.

EPA is issuing an independent finding of the protectiveness for each of the OUs at NCBC to meet the due date of March 28, 2023. The protectiveness determinations were developed in accordance with CERCLA, which requires reviews no less than every five years of remedial actions that do not allow unlimited use and unrestricted exposure, and the NCP and relevant EPA guidance. The protectiveness determinations are based on EPA's review of existing site conditions and recent site activities, site-specific reports and related documents issued, and sampling conducted, since issuance of the last (2018) NCBC FYR Report.

The remedial actions implemented at the following OUs are considered “Short Term Protective” at this time:

- OU01 (Site 09) Allen Harbor Landfill (AHL)
- OU07 (Sites 02 and 03; SAs 01 and 04) Construction Equipment Department (CED) Area
- OU08 (Site 07) Calf Pasture Point (CPP)
- OU09 (Site 16) Creosote Dip Tank Area, Fire-Fighting Training Area (FFTA), and former Building 41

The attached NCBC 2023 Five-Year Review, Summary of Issues and Recommendations and OU-specific and Sitewide Protectiveness Statements (2023 FYR Summary) outlines in more detail EPA’s protectiveness determinations identified above and lists all necessary recommended actions, or Additional Work, that is required to ensure long-term protectiveness and/or assess protectiveness.

In addition, EPA will report in the Annual Report to Congress its independent finding of “short-term protective” for the site, as required by CERCLA § 121(c). The statutory deadline for the sixth NCBC FYR Report is March 28, 2028.

Sincerely,

Olson, Bryan

Digitally signed by Olson, Bryan
Date: 2023.03.28 16:57:56
-04'00'

Bryan Olson, Director
Superfund & Emergency Management Division

Attachment (2023 FYR Summary)

cc: Monica McEaddy, EPA HQs/FFFRO
Jonathan Tso, EPA HQs/FFFRO
David Peterson, EPA Region 1
Anni Loughlin, EPA Region 1
Carol Keating, EPA Region 1

NCBC DAVISVILLE 2023 FIVE-YEAR REVIEW
SUMMARY OF ISSUES AND RECOMMENDATIONS AND
OU-SPECIFIC AND SITEWIDE PROTECTIVENESS STATEMENTS

OU01 (Site 09) Allen Harbor Landfill

OU(s): 01	Issue Category: Changed Site Conditions			
	Issue: <i>THE NATURE AND EXTENT OF PFAS THAT MAY BE ASSOCIATED WITH UNACCEPTABLE RISK VIA VARIOUS MEDIA HAVE NOT BEEN DETERMINED</i>			
	Recommendation: PFAS have been detected in groundwater at OU1 at concentrations exceeding current screening levels, but because groundwater at the facility is not used for drinking water and LUCs prevent withdrawal and use of groundwater, there are no short-term protectiveness concerns related to PFAS in groundwater at the site. To ensure long-term protectiveness, additional investigation of PFAS is required. Navy will prepare a Sampling and Analysis Plan, for EPA and RIDEM review and approval, to define the nature and extent of PFAS and determine whether additional action is required under CERCLA.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
No	Yes	Navy	EPA/State	03/28/2028

Protectiveness Statement(s)		
Operable Unit: 01 Site 09 Allen Harbor Landfill	Protectiveness Determination: Short-term Protective	Planned Completion Date: 03/28/2028
Protectiveness Statement: The remedy at OU 1 currently protects human health and the environment because exposure pathways that could result in unacceptable risks are being addressed via the landfill cap, remedy-required LUCs, and a state-enforced prohibition of shellfishing in Allen Harbor. However, for the remedy to be protective in the long term, further evaluation of PFAS via the CERCLA process is required to define the nature and extent of PFAS contamination and to determine whether additional actions are required to be protective of human health and the environment.		

OU07 (Sites 02 and 03; SAs 01 and 04) CED Area

OU(s): 07	Issue Category: Institutional Controls			
	Issue: <i>THE SITEWIDE LUCIP DOES NOT INCORPORATE ROD-REQUIRED LUCS TO ENSURE REMEDY PERFORMANCE AND EFFECTIVENESS</i>			
	Recommendation: The remedy is functioning currently as intended by the ROD. LUCs have been implemented to prevent exposure to contaminated soil remaining on site. There have been no changes in physical conditions at the site since the enactment of the remedy, toxicity factors, or to standardized risk assessment methodology that would affect the protectiveness of the remedy. Although LUCs are effectively preventing exposure to site-related contamination in the short term, the LUCs have not been memorialized in the Sitewide LUCIP. To ensure that the existing remedy is protective of human health and the environment in the long term, Navy will finalize the draft final Sitewide Land Use Control Implementation Plan (LUCIP) Update to incorporate the LUCs identified in the OU 7 ROD, specify requirements for the effective implementation, monitoring and enforcement of the LUCs, and include an enforceable Soil Management Plan (SMP). Upon issuance of the final LUCIP Update, the Navy will ensure that all LUC requirements (and the SMP) are included in any future transfer documents.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
No	Yes	Navy	EPA/State	03/28/2028

Protectiveness Statement(s)		
Operable Unit: 07	Protectiveness Determination: Short-term Protective	Planned Completion Date: 03/28/2028
Protectiveness Statement: The remedy at OU 7 is currently protective of human health and the environment because exposure pathways that could result in unacceptable risks are being addressed through remedy-required LUCs. A Lease in Furtherance of Conveyance provides conservative restrictions upon the Lessee, currently operating within OU 7 property, that meet the substantive LUC restrictions required by the OU 7 ROD. However, for the remedy to be protective in the long term, the Navy must finalize the draft final Sitewide Land Use Control Implementation Plan (LUCIP) Update to incorporate the LUCs identified in the OU 7 ROD, memorialize requirements for the effective implementation, monitoring, and enforcement of the LUCs, and include an enforceable Soil Management Plan (SMP). Upon issuance of the final LUCIP Update, Navy will ensure that all LUC (and SMP) requirements are included in any future transfer documents.		

OU08 (Site 07) Calf Pasture Point

OU(s): 08	Issue Category: Remedy Performance			
	Issue: <i>THE CURRENT GROUNDWATER REMEDY DOES NOT MEET CURRENT EPA GROUNDWATER GUIDANCE STANDARDS FOR RESTORING GROUNDWATER WITHIN THE OU TO ITS BENEFICIAL USE AS DRINKING WATER</i>			
	Recommendation: Exposure pathways that could result in unacceptable risks are being addressed through remedy-required LUCs that prevent exposure to contaminants in site groundwater, and the updated risk screening evaluation indicates that there is no unacceptable risk to recreational swimmers/waders, shell fishermen, or ecological receptors from site-related contaminants in surface water and sediment. Supplemental data collection and risk assessments have been conducted during LTM to monitor the protectiveness of the remedy. There have been no changes in physical conditions at the site, toxicity factors, or to standardized risk assessment methodology that would affect the protectiveness of the remedy. Therefore, the remedy is protective in the short-term. However, the groundwater is classified for drinking water use and no component of the existing remedy requires restoration of groundwater to drinking water standards. In order for the remedy to be protective in the long-term, the Navy must evaluate modifications to the remedy to restore groundwater to beneficial use standards for drinking water.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
No	Yes	Navy	EPA/State	03/28/2028

Protectiveness Statement(s)

Operable Unit: 08	Protectiveness Determination: Short-term Protective	Planned Completion Date: 03/28/2028
Protectiveness Statement: The remedy at OU8 is currently protective of human health and the environment because remedy-required LUCs prevent exposure to contaminants in site groundwater and the updated risk screening evaluation indicates that there is no unacceptable risk to recreational swimmers/waders, shell fishermen, or ecological receptors from site-related contaminants in surface water and sediment in the short-term. However, for the remedy to be protective in the long-term, Navy must evaluate and select a remedial alternative that can achieve drinking water standards within a reasonable time frame and issue a modification to the existing remedy.		

OU09 (Site 16) Creosote Dip Tank Area, Fire-Fighting Training Area (FFTA), and Former Building 41

OU(s): 09	Issue Category: Institutional Controls			
	Issue: <i>LUCs, IN THE FORM OF ELURS, HAVE NOT BEEN RECORDED ON TRANSFERRED PROPERTY</i>			
	Recommendation: The Navy, in cooperation with the current property owner(s), will submit the amended ELURs to EPA and RIDEM for review and comment, and when finalized, will work with the current owner(s) to record these restrictions on the deed for Parcel 8, Zone 4, the area south of Davisville Road and the eastern Pier area that was previously transferred.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
No	Yes	Navy	EPA/State	03/28/2028

Protectiveness Statement(s)

Operable Unit: 09	Protectiveness Determination: Short-term Protective	Planned Completion Date: 03/28/2028
Protectiveness Statement: The remedy at OU 9 is currently protective of human health and the environment because exposure pathways that could result in unacceptable risks are being addressed through remedy-required LUCs. A Lease in Furtherance of Conveyance (LIFOC) with Lessees within OU 9 provides conservative restrictions upon the Lessee that meet the substantive LUC restrictions required by the OU 9 ROD. However, for the remedy to be protective in the long-term, the Navy, in cooperation with the current property owner(s), will submit the Environmental Land Use Restrictions (ELURs) to EPA and RIDEM for review and comment, and when finalized, will work with the current owner(s) to record them on the deed for Parcel 8, Zone 4, the area south of Davisville Road and the eastern Pier area that was previously transferred.		

Site-wide Protectiveness Statement

Protectiveness Determination: **Short-Term Protective**

Protectiveness Statement: A site-wide protectiveness determination of Short-Term Protective is based on EPA's finding that exposure pathways that could result in unacceptable risks are being addressed through current activities. Additional activities are needed to ensure remedies are protective in the long-term. This determination is based on the assessment of Protectiveness Determinations for the following OUs:

- OU01 (Site 09) Allen Harbor Landfill
- OU07 (Sites 02 and 03; SAs 01 and 04) CED Area
- OU08 (Site 07) Calf Pasture Point
- OU09 (Site 16) Creosote Dip Tank Area, Fire-Fighting Training Area (FFTA), and former Building 41