



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF THE
REGIONAL ADMINISTRATOR

April 25, 2016

Mr. James Anderson
BRAC PMO East
Attn: Newport EIS
4911 South Broad Street, Building 679
Philadelphia, PA 19112-1303

RE: Draft Environmental Impact Statement for the Disposal and Reuse of Surplus Property at Naval Station Newport, Rhode Island CEQ #20160060

Dear Mr. Anderson:

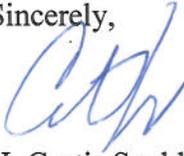
In accordance with our responsibilities under the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act, we have reviewed the Department of Navy (Navy) Draft Environmental Impact Statement (DEIS) for the proposed Disposal and Reuse of Surplus Property at Naval Station Newport, Rhode Island.

According to the DEIS, "The proposed action is the disposal of surplus property at NAVSTA Newport by the Navy and subsequent redevelopment of the surplus property by the respective municipalities in which the surplus property is geographically located." The DEIS considers the no action alternative and two alternative build scenarios featuring differing levels of redevelopment of the surplus property. Alternative 1 is the preferred alternative identified by the Navy for reuse in accordance with the Redevelopment Plan. The plan includes a mix of land uses and includes provisions for areas maintained in a natural condition and as open space. Alternative 2 incorporates a different mix of uses at a higher density and larger footprint than Alternative 1. Under both alternatives most of the existing buildings/facilities would be demolished. Both alternatives are described with a twenty year buildout period.

The DEIS describes potential direct, secondary, and cumulative impacts associated with cleanup, transfer, and eventual reuse of the surplus property. While we found the DEIS largely responsive to our scoping comments on a number of issues, we recommend that the discussion be expanded to address our attached comments focused primarily on the cleanup and eventual transfer of the property. EPA's detailed comments on the environmental cleanup are attached. We look forward to a response to these issues in the Final Environmental Impact Statement (FEIS). We have rated the DEIS "EC-2" (Environmental Concerns-Insufficient Information) in accordance with EPA's national rating system, a description of which is enclosed. EPA is ready to work with the Navy, as necessary, to help with FEIS development related to the issues raised in the attachment to this letter.

Please contact William Walsh-Rogalski of the Office of Environmental Review at (617) 918-1035 if you wish to discuss these comments further.

Sincerely,



H. Curtis Spalding
Regional Administrator

Enclosure

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

Detailed Comments on the DEIS for the Disposal and Reuse of Surplus Property at Naval Station Newport, Rhode Island

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Page 2 of the DEIS Executive Summary states that “Upon completion of the NEPA process, the Navy will issue its final disposal decision and will convey the surplus property to the local governments.” As noted below, EPA expects the four parcels (*i.e.*, Tank Farms 1 and 2; the former Naval Hospital; the former Navy Lodge and the Midway Pier/Green Lane Property) (the parcels) to undergo additional investigation and perhaps remediation prior to transfer. EPA anticipates that the parcels will be investigated for perfluronated compounds and munitions at a minimum. Appendix E to the DEIS also identifies several locations where asbestos is present. Future investigations and remedial actions, including expanded land use controls (LUCs), may be necessary to assure that identified risks are appropriately managed. Without information obtained from a number of future investigations and appropriate response actions, as discussed below, the expected date when all remedial action has been completed appears difficult to determine with certainty at this point.

The current schedule for completion of remedial action at Tank Farms 1 and 2 is 2021. We recommend that the FEIS specify, to the extent possible, the dates on which parcels will be transferred and whether all remedial action will have been completed at the time of transfer. This should include identification of which parcels are currently planned for “early transfer” and the actions that will be taken to meet the CERCLA Section 120 requirements for early transfer.

The preferred alternatives adopt the land uses identified in the Aquidneck Island Redevelopment Plan that was prepared when the property was to be transferred to the local redevelopment authority. Those plans have changed and the Navy now intends to convey the parcels to the municipalities in which they are located. The DEIS acknowledges that once the parcels are conveyed, the municipalities may implement the Redevelopment Plan “on its own and in some instances, refine or re-evaluate the re-use plans for the individual properties.” We recommend that the FEIS state whether the Navy knows of any plans where municipalities intend to re-evaluate the reuse of properties. The FEIS should discuss how any such plan will affect the environmental consequences of the reuse, including changes to remedy selection decisions, which will be based on the new uses.

CERCLA Section 120(h) requires any deed transferring federal property to contain a warranty that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property has been taken before the date of such transfer. It also specifies that such deed contain a warranty that any additional remedial action found to be necessary after the date of transfer shall be conducted by the United States. We recommend that any text and tables in the FEIS discussing this issue (both the duty to remediate before and after transfer and the conveyance deeds) be amended to reflect these requirements.

We recommend that the discussion on the Navy’s pre-conveyance and post-conveyance remediation requirements acknowledge that those responsibilities apply not only to sites covered by the Federal Facility Agreement (such as the Tank Farm parcel), but also to parcels that are

neither on the National Priorities List nor covered by the Federal Facility Agreement, such as the Midway Pier/Green Lane Property; the Former Navy Lodge and the Former Naval Hospital. Section 120 of CERCLA requires that the federal landowner prior to transfer identify uncontaminated parcels of land on which no contaminants were stored for more than one year, disposed of or released. We recommend previous studies on this issue be updated and discussed in the FEIS before transfer occurs.

The Navy submitted a *Draft Technical Memorandum Perfluorinated Compound (PFC) Assessment* to EPA in June 2015. The purpose of this technical memorandum was to present the findings of an installation-wide review of potential historic use and/or release of perfluorinated compounds (PFCs), specifically perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA), at the Naval Station (NAVSTA) Newport, Rhode Island. This work was prompted by the most recent five-year review (December 2014) prepared by the Navy in accordance with CERCLA. Based upon EPA comments on the *Draft Technical Memorandum Perfluorinated Compound (PFC) Assessment* and the discovery of additional documentation of the use of PFCs at NAVSTA, the Navy proposed to incorporate the findings of the Technical Memorandum into an installation-wide PFC Preliminary Assessment. The Navy intends to complete the draft Preliminary Assessment in May 2016. It is likely that that numerous locations throughout the installation will be identified for future sampling of PFCs. EPA Region 1's Office of Site Remediation and Restoration plans to review and comment on this report. We strongly encourage the Navy to consider both the May 2016 report and EPA's comments on the report as it works to prepare the FEIS for the project.

The Midway Pier parcel served as a second fueling station for ships at the Naval Operating Base during World War II. The Midway Pier/Greene Lane Property includes the following demolished buildings: Building 70, the Midway Booster Pump House; Building 71, Boiler House No. 3; and Building 111 (unknown purpose). In the June 2015 *Draft Technical Memorandum Perfluorinated Compound Assessment NAVSTA Newport*, Table 1 indicates that Building 111 (Equipment House – Foamite) was used as a storage facility for bulk powdered Foamite and other firefighting foam equipment, including pumps, hoses, and fittings. EPA recommends that the Navy include this information in the FEIS for the project along with a description of how any contamination associated with Foamite will be addressed.

The DEIS states that the existing pier at Midway is proposed to be rebuilt as a 15-foot-wide and 250-foot-long concrete pier and that the existing pier at the Naval Hospital site would be reused in its current condition. Additionally, the preferred alternative for the Naval Hospital includes a waterfront park comprised of the pier, pedestrian path, water taxi dockage, a 1,300-square-foot boat storage facility and two new concrete floating docks, which would be constructed on either side of the existing pier. We note that an expended 5" powder case was recently encountered during debris removal activities within dredge cell C21 north of Pier 2 at the Derektor Shipyard, CERCLA Site 19. It is our understanding that the Navy will submit a Munitions Response Program (MRP) Preliminary Assessment for NAVSTA to EPA soon. If the MRP indicates the possible presence of munitions and explosives of concern (MEC) at the parcels, we recommend that the FEIS incorporate the report and describe the potential environmental impacts of MEC in the vicinity of the piers during construction activities.

In June, 2011, the Navy issued an Environmental Assessment and Finding of No Significant Impact in preparation for the transfer of the Melville Backyard property that sits across Defense Highway and close to Tank Farm 1. Tank Farm 1 is hydrogeologically upgradient of the Melville Backyard. Remediation of the Melville Backyard is not complete. We recommend that the FEIS discuss the relationship between the cleanup activities at the two sites. We also recommend that the FEIS also discuss the cumulative impact between the sale and redevelopment of the parcels discussed in the DEIS, with the past and reasonably foreseeable conveyance and reuse of other parcels at NAVSTA. These could include impacts related to noise and traffic at a minimum.

General Comments

EPA supports the Best Management Practices identified throughout the DEIS and detailed in Chapter 14. In particular, we appreciate the attention to mitigation of construction period emissions. In addition, the discussion of low impact development (LID) principles in Chapter 13 of the DEIS is a worthwhile approach to protect water quality. We support the pledge to follow the Navy's LID policy that features "a goal of no net increase in storm water volume and sediment or nutrient loading from major renovation and construction projects" as applicable. We encourage the Navy to investigate opportunities to reduce net stormwater loadings from reconstruction activities. Lastly, we found the consideration of sea level rise issues in Chapter 12 of the DEIS appropriate given the nexus of portions of the proposed project with the coastline.