

Superfund Program

The Superfund Program is administered under CERCLA as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1991. The purpose of the program is to assess and cleanup sites of federal interest to uses desired by the surrounding community in a manner protective of human health and the environment. EPA is authorized to use a trust fund to pay for this work and to pursue recovery of EPA expenditures from parties potentially responsible for the contamination.

By law, the Superfund program cannot currently be delegated to the states. Rhode Island, under state law, administers its own assessments and cleanup program at contaminated sites of state interest. In addition, states provide assistance to EPA to cleanup high priority sites on the National Priority List (NPL) and to undertake site assessments for sites not yet on the NPL. As part of the EPA-New England initiative, the region is working jointly with states to develop their voluntary cleanup programs.

There are currently 200 sites in Rhode Island that are suspected hazardous waste disposal sites and are listed on the federal inventory known as CERCLA. Additional sites continue to be added as warranted. Approximately ten sites per year are investigated and evaluated under this program.

This Superfund Pre-Remedial program is currently the only avenue by which a possible hazardous waste site can undergo a comprehensive investigation by an independent authority (the State funded hazardous waste site investigation program relies predominantly on responsible parties to conduct investigations). Although the initial listing of sites on the federal inventory is based on a suspicion of disposal activities, property owners and representatives from industries have repeatedly expressed concern that this listing creates a stigma on the title to the property that makes financing and further development virtually impossible.

The Superfund Pre-Remedial program provides management assistance for assessments performed by USEPA's contractor, management of the State abandoned site program and also conduct investigations for sites listed on the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, commonly referred to as Superfund. Assessments conducted by USEPA's contractor or by RIDEM are submitted to USEPA for review and approval and include Site Discovery (SD), Preliminary Assessments (PA), Site Inspection (SI), Site Reassessments (SR) and Expanded Site Inspections (ESI).

Site Investigations that are performed by RIDEM personnel are conducted in accordance with a Multi Site Cooperative Agreement between RIDEM and USEPA, and technical specifications provided by USEPA. Fieldwork is performed by RIDEM personnel, the Department's Field Investigation and Remediation Support Team (FIRST) or through the Technical Assistance Contract (TAC),

The Office has adopted the internal position that these property owners and industry representatives will be given the opportunity to take good faith actions under the State program to avoid inclusion on the federal inventory. Sites where the private parties are unwilling or unable to conduct the necessary investigations and clean-ups will be referred to this program.

Program Purpose

To conduct an increasingly complex series of evaluations of federally-listed suspected hazardous waste sites in order to determine if those sites pose sufficient threats to human health and the environment to be listed on the National Priorities List and become eligible for federally funded investigation and clean-up under Superfund.

Program Objectives

- To recommend listing of suspected hazardous waste disposal sites on the federal inventory, CERCLA, when the Department has determined that the responsible parties are unwilling or unable to sufficiently investigate and clean-up the site under the State program;
- To conduct, or evaluate, preliminary assessments of suspected hazardous waste disposal sites to determine if further action is warranted under the program;
- To conduct, or evaluate, site investigations of suspected hazardous waste disposal sites, including determining actual and potential impacts from those sites, to judge whether further action is warranted under the program;
- To conduct, or evaluate, numerical evaluations and rankings of sites using the federal Hazard Ranking System to determine if those sites should be listed on the National Priorities List and become eligible for further investigation and clean-up under Superfund; and
- To effectively track and report the level of effort expended completing tasks under this program for compliance with grant conditions and effective program management.

Superfund National Priority List Sites and Department of Defense Environmental Restoration Program

This section is responsible for fulfilling the Department's obligations relating to Superfund National Priority List sites, which are the sites posing the greatest threats to human health and the environment as ranked through a national process. The [Superfund National Priority List](#) (NPL) remediates hazardous material releases. The RIDEM ensures that the State requirements and standards are met during the process. This program is most effective on large complicated sites and can be burdensome on small and less complicated sites.

There are currently 12 active [NPL sites](#) in Rhode Island. EPA is the lead agency on most of the NPL sites, with the exception of two DoD-lead Federal Facility Superfund sites, which are the Naval Education and Training Center (NETC) and Naval Construction and Battalion Center

(NCBC) and two State-lead Superfund sites, which are the Rose Hill Regional Landfill and West Kingstown Town Dump/URI Disposal Area. Under the State lead designation the Office of Waste Management is obligated to directly oversee the work being conducted.

The Department of Defense Environmental Restoration Program is responsible for fulfilling the Department's obligations and objectives under the [Defense Environmental Restoration Program](#) (DERP). DERP funded cleanups and investigations are managed by their respective military component; Army, Navy, Air Force, Army Corps of Engineers (ACOE) and Defense Energy Support Center (DESC). The State of Rhode Island has entered into a Defense and State Memorandum of Agreement (DSMOA) with the Department of Defense (DoD) for oversight and cleanup of military sites.

Within DERP, The Installation Restoration Program (IRP) and the Military Munitions Response Program (MMRP) address cleanup activities at DoD installations and formerly used defense sites. A majority of the DERP sites in Rhode Island are Formerly Used Defense sites (FUDS). FUDS sites are former military properties that were transferred back to public use prior to October 17, 1986. There are approximately 85 FUDS in Rhode Island and the State is the lead regulatory agency at most of these sites. The [Army Corps of Engineers](#) is responsible for carrying out the FUDS program.

The RIDEM has entered into a three party agreement, called a Federal Facilities Agreement (FFA), with the Navy and the USEPA, to facilitate cooperation towards achieving remediation at the two DoD Superfund sites. These two [Federal-Facility Superfund sites](#) the Naval Education and Training Center (NETC) and Naval Construction and Battalion Center (NCBC) include approximately thirty-five distinct individual IRP sites.

As part of a military overhaul, the Base Realignment and Closure (BRAC) process was created to expedite the return of property to public use, primarily for economic development. BRAC mandates that hazardous waste contamination must be addressed before the DoD property is transferred to the local communities for reuse, though exceptions can be made through what is known as a dirty transfer, which requires the approval of the governor. An essential component of this plan is the establishment of a BRAC cleanup team made up of environmental experts from the State, EPA, and DoD. The goal of this team will be to fast-track cleanup of the contaminated parcels and identifying clean parcels for reuse. The [Naval Construction and Battalion Center](#) (NCBC) Superfund site located in Davisville, Rhode Island is the only BRAC installation of note in the DERP program. The entire Davisville area has been designated as a priority area by the RI Department of Economic Development.

Program Purpose

- To establish and implement appropriate cleanup plans at State-Lead NPL sites and provide oversight for cleanups at Federal-Lead NPL sites in Rhode Island.
- To determine the nature and extent of contamination at Department of Defense (DoD) sites, both currently active Federal Facilities and formally used defense sites (FUDs), by conducting Remedial Investigations. Alternative methods of clean-up are evaluated and

documented in a Feasibility Study to determine the most feasible remedial alternative for the site.

Program Objectives

- To ensure that the environmental impacts associated with the past and present activities at NPL sites are thoroughly investigated and to ensure that the appropriate Remedial Action is taken to protect human health and the environment;
- To ensure that the environmental impacts associated with the past and present activities at DoD sites are thoroughly investigated and to ensure that the appropriate Remedial Action is taken to protect human health and the environment;
- To review and evaluate Remedial Investigation plans, Feasibility Studies and Records of Decisions for content to ensure that they are technically sound and in compliance with State laws and regulations; and
- To participate with the DoD and the USEPA in the accelerated clean up of closing military bases (Naval Construction Battalion Center, Davisville, RI) for rapid reuse by the local community, while protecting human health and the environment.