Department of Toxic Substances Control

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ALAMEDA POINT
SSIC NO. 5090.3

May 7, 2002

Richard Weissenborn
Department of Navy
Southwest Division
Naval Facilities Engineering Command
1230 Columbia Street, Suite 1100
San Diego, CA 92101

ACTION MEMORANDUM, CERCLA TIME-CRITICAL REMOVAL ACTION, INSTALLATION RESTORATION SITE 2, OPERABLE UNIT 4A, ALAMEDA POINT, ALAMEDA, CALIFORNIA

Dear Mr. Weissenborn:

The Department of Toxic Substances Control (DTSC) has reviewed the above referenced document prepared by the Navy on February 8, 2002. Attached are our comments. If you have any questions, please contact me at 510-540-3767.

Sincerely,

Marcia Y. Liao

Marcia Y. Liao, Ph.D., CHMM
Hazardous Substances Engineer
Office of Military Facilities

Enclosure

cc: Michael McClelland, SWDiv
Andrew Dick, SWDiv
Steve Edde, Alameda Point
Anna-Marie Cook, EPA
Laurent Meillier, RWQCB
Elizabeth Johnson, City of Alameda
Peter Russell, Northgate Environmental mgt
Michael John Torrey, RAB Co-Chair
Lea Loizos, Arc Ecology

MEMORANDUM

TO: Marcia Liao
Project Manager
Office of Military Facilities
Department of Toxic Substances Control

Via: Donn Diebert, P.E.
Chief, Open Base Navy and FUDS Unit
Office of Military Facilities
Department of Toxic Substances Control

From: James C. Austreng, P.E.
State Unexploded Ordnance Coordinator
Office of Military Facilities
Department of Toxic Substances Control

Date: May 7, 2002

SUBJECT: REVIEW OF ACTION MEMORANDUM, CERCLA TIME-CRITICAL REMOVAL ACTION, INSTALLATION RESTORATION SITE 2, ALAMEDA POINT, ALAMEDA, CALIFORNIA, DATED FEBRUARY 08, 2002

Per your request, I have reviewed the subject document. My comments follow. Please note that I have listed the more critical issues numerically (items 1-3). Other comments are alphabetized.

1) The Navy has not recognized DTSC's authority to regulate both the investigation and treatment of ordnance waste. (The Navy has indicated that waste disposal took place prior to the effect date of Sub part F (see page 5-10). While this may be true, DTSC has taken the closure process as an act of abandonment. Consequently, we view the items in place as solid waste and therefore, because of the characteristics, a hazardous waste. Consequently, both the investigation and clean up (including treatment) are regulated activities.

I should add that the issue of authority is a national issue which the Navy will likely challenge. However, I think the Navy's position becomes irrelevant when they excavate materials. Clearly, any hazardous waste excavated that requires treatment or transport must comply with Section 66264.600 of Title 22 and Department of Transportation requirements.

As a further note, the Navy states that the munitions in IR Site 2 are ordnance and explosive wastes. They also cite the Military Munitions rule, which clearly delineates that disposed munitions are solid wastes, and therefore, if reactive, are **characteristic hazardous wastes**.

To reiterate, treatment of a hazardous waste which will be recovered as part of the time critical removal action will be regulated under Title 22 and must comply with Section 66264.600 of the California Code of Regulation....an ARAR they did not cite. (Note, the Navy did cite Section 66265.382 of CCR , which addresses separation distances for open detonation for interim facilities. However, this is not the only applicable, or relevant and appropriate requirement. A full assessment of potential impacts from open detonation, as well as alternatives, i.e., detonation chambers vs. open detonation, must be preformed in order to comply with requirement of CCR 66264.600).

2) I am also concerned with the Navy's use of the Corps of Engineers' prioritization model to define risks from ordnance and explosives. Page 1-2 states "These [risks and impacts] are ***defined*** within Appendix C, Evaluation of Removal Alternatives. (emphasis added)

The Navy is fully aware that the Department of Defense (DoD) has not promulgated any regulations governing how risks from ordnance will be assessed. Furthermore, there is no model to my knowledge that has been developed by DoD or others that quantitatively defines ordnance and explosive risk. The stated use of the prioritization model is inappropriate. A change of text is needed.

3) The Navy also failed to address how residuals (explosives and or constituents from tear gas) from items below the one foot excavation may or may not leach and migrate into ground or surface waters. I suppose this could be done as part of the RI/FS. However, I did not get the sense the Navy has recognized such potential and is planning on addressing this in other documentation.

Other Comments:

A) The Table of Contents (page iii) indicates three figures are included, although there were no such figures provided with the document I reviewed. Of particular importance is figure 2-3, the magnetic anomaly map generated as part of the 1999 effort. In addition to providing the maps, all raw and processed geophysical data from the 1999 survey should be made available to DTSC.

B) Page 2-4 discusses the previous investigation and documented in the Unexploded Ordnance Site Investigation Final Summary Report, SSPORT Environmental Detachment, October 1999. Text following the citation of that report reads - "A geophysical survey was conducted....because of high background noise, however, it could not be determined whether they were ordnance."

I am concerned that this paragraph implies that the application of geophysics without high background noise can be used to discriminate buried items. While DoD and others have done many tests in efforts to learn more about discrimination, results confirm that such ability does not come with great assurances, especially in mixed debris environments. Consequently, I doubt the Navy (or their contractor) would be able to differentiate anomalies in a landfill setting even if there was a low back ground signature. I suggest this text be rewritten to clarify that intrusive efforts were not performed to confirm source of anomaly. Furthermore, if such discrimination is attempted, test plots to confirm geophysical signatures followed with quality control/quality assurance will be needed.

C) Page 2-5, Section 2.2.2:
The Department of Navy (DON) notes that they are currently cutting existing vegetation "...conducting a surface sweep at IR Site 2 as part of the Draft Focused RI Work Plan (FWENC, 2002).

While such efforts may be needed, the clean up of ordnance and explosives remains a regulated activity. To that matter, and to the fact that the surface sweep is a planned action, a Removal Action Workplan (RAW) or Remedial Action Plan (RAP), or equivalent document that evaluates impacts and complies with CCR Section 66264.600 must be finalized prior to initiating the actions. And as state above, impacts and alternatives to open detonations must be assessed and incorporated into the RAW/RAP (or equivalent document).

D) Additional data regarding optimizing geophysical efforts must also be provided. The documents fail to address lane spacing or how the high background noise will be addressed. Given such high back ground noise, details as to how the geophysical data will be leveled must be provided.

E) The document should also indicate proposed risk management issues (institutional controls, deed restrictions, education, covenants, etc.) and when these measures will be addressed.