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August 8, 2007

Mr. Thomas L. Macchiarella
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Department of the Navy
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REVIEW OF THE DRAFT FINAL SOIL REMEDIAL INVESTIGATION REPORT FOR IR SITE 31 MARINA VILLAGE HOUSING, ALAMEDA POINT, ALAMEDA, CALIFORNIA

Dear Mr. Macchiarella:

The Department of Toxic Substances Control (DTSC) has reviewed the document cited above, dated July 2007, and prepared by CDM Federal Programs Corporation. DTSC concurs with the findings of the Draft Final Site 31 RI Report. However, we do have concerns with the manner in which comments were resolved, and the response to comments included as Appendix L in the Report.

1. The primary concern of the regulatory agencies with respect to Site 31 has been the concentration of arsenic in soil, which is responsible for about 90 percent of the cancer risk at the site. The nature and occurrence of arsenic at Site 31 was discussed in a telephone meeting on June 1, 2007 between the Navy's consultant, Brown and Caldwell, and the DTSC internal consultant from the Human and Ecological Risk Division (HERD). While it is understandable that technical consultants are tempted to discuss matters with each other directly rather than to invite the Base Realignment and Closure Cleanup Team (BCT) to participate, meetings such as this should not occur without the knowledge and concurrence of the BCT. In the future, please refrain from having a consultant contact DTSC internal consultants except through the DTSC remedial project manager.
2. In the response to comments from United States Environmental Protection Agency (U.S. EPA) regarding arsenic, the Navy frequently states that DTSC HERD agreed to conclusions made by the Navy regarding arsenic at Site 31. In the future, please refrain from using one agency to respond to the concerns

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stated by another agency, with minor exception. At a minimum, the Navy should notify DTSC if DTSC staff comments will be used to respond to comments made by other agencies. Although we had an opportunity to respond to comments at the informal, draft stage, we typically have only enough time to review our own comments, not those of our sister agencies. Thus, we were not aware that DTSC HERD was being relied on so extensively until the close of the Draft Final review period. Given the number of times that DTSC HERD is cited in the RTCs, it would have been helpful had Navy drawn our attention early on for DTSC to review responses to U.S. EPA comments.

If you have any questions, please contact me at (916) 255-6449 or by e-mail at dlofstro@dtsc.ca.gov.

Sincerely,



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