

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

MCCC50.CCC993



Region 4

15 West Broadway, Suite 350

San Diego, CA 92102-4444

(619) 590-4868

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March 31, 1994

Mr. James R. Pawlisch
 Director, Environmental Division
 Department of the Navy
 Southwest Division
 Naval Facilities Engineering Command
 1220 Pacific Highway, Room 18
 San Diego, California 92132-5181

Dear Mr. Pawlisch:

**USE OF CALIFORNIA CANCER POTENCY FACTORS FOR MARINE CORPS BASE
 CAMP PENDLETON**

Thank you for your letter dated September 24, 1993 and your participation in subsequent meetings regarding the use of the California Environmental Protection Agency (Cal/EPA) cancer potency factors in remedial activities at the Camp Pendleton Marine Corps Base. Specifically, you requested further clarification of whether the cancer potency factors satisfy statutory and regulatory criteria for State applicable or relevant and appropriate requirements (ARARs) under Section 121 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and the National Oil and Hazardous Substances Contingency Plan (NCP).

The Department is pleased that your staff plan to utilize the "dual track analysis" of both (Cal/EPA) and United States Environmental Protection Agency (USEPA) cancer potency factors during the CERCLA process at Camp Pendleton. We assume that your staff will also utilize this same analysis at other Navy and Marine Corps bases where remedial activities are conducted under the CERCLA process. We also understand that the Navy will continue to review the Cal/EPA cancer potency factors for scientific validity and the practical impact on remedial decisions. While the dual track analysis will be useful in ascertaining any impacts upon remedy selection, the basis of the remedy selection still must be satisfaction of the nine criteria pursuant to Section 300.430 of the NCP. This selection occurs after all remedial alternatives are evaluated against these criteria during the feasibility study of the CERCLA process.

We are pleased that the Navy intends to continue constructive dialogue with the Department involving both staff and management on the use of cancer potency factors. The Department believes that the Cal/EPA cancer potency factors have been developed



Mr. James R. Pawlisch
March 31, 1994
Page 2

based on a sound application of science and technology, so any opinion that challenges this belief should be supported by credible documentary evidence. The subject-matter experts from the Navy, the Department and USEPA should be allowed to exchange their views on the matter and develop a consensus recommendation for a course of action. The Department, the USEPA, and the Services have found that developing consensus has been a useful tool to expedite the remediation at military bases.

To clarify any confusion that may have resulted in a previous letter from the Department dated June 28, 1993, you asked whether the State considers the Cal/EPA cancer potency factors as ARARs or criteria "To Be Considered" (TBCs). As these values are not promulgated and therefore not regulations or rules of general application pursuant to the Government Code, Section 11342, the Department considers the cancer potency factors as TBCs under the CERCLA definition. However, the Department intends to utilize the Cal/EPA values in risk assessments and subsequent risk management exercises at all sites subject to its authority. These same values have already been utilized at four military bases in California, as described in the summaries enclosed. We therefore believe that the Navy should view the application of the Cal/EPA cancer potency factors as a consistent application of the Department's requirements.

Thank you for your letter requesting clarification of the use of Cal/EPA cancer potency factors in remedial decisions at Camp Pendleton. If you have any questions, please contact me at (310) 590-4856. If there are legal questions, please contact Mr. Steven A. Picco, Staff Counsel at (916) 324-9929.

Sincerely,



John E. Scandura, Chief
Southern California Project Management
Site Mitigation Operations Branch

Enclosures

1. Remediation site summaries

cc: See next page.

Mr. James R. Pawlisch
March 31, 1994
Page 3

Mr. Steven A. Picco HQ-8
Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
400 P Street, 4th Floor
P.O. Box 806
Sacramento, California 95812-0806

John P. Christopher, Ph.D HQ-24
Office of Scientific Affairs
Department of Toxic Substances Control
400 P Street, 4th Floor
P.O. Box 806
Sacramento, California 95812-0806

Ms. Milasol C. Gaslan, P.E. R4-4
Unit Chief
Federal Facilities Unit
Department of Toxic Substances Control
Region 4
245 West Broadway, Suite 425
Long Beach, California 90802-4444

Mr. Patrick Omoruyi
Waste Management Engineer
Federal Facilities Unit
Department of Toxic Substances Control
Region 4
245 West Broadway, Suite 425
Long Beach, California 90802-4444

Mr. Anthony J. Landis, Chief R1-1
Operations
Office of Military Facilities
Department of Toxic Substances Control
10151 Croydon Way, Suite 3
Sacramento, California 95827

Mr. James R. Pawlisch
March 31, 1994
Page 4

Mr. David Wang, P.E. HQ-24
Chief Program Executive
Office of Military Facilities
Department of Toxic Substances Control
8950 Cal Center Drive
Building 3, Suite 101
Sacramento, California 95826

Ms. Margaret C. Felts HQ-24
Deputy Director
Site Mitigation Program
Department of Toxic Substances Control
400 P Street, 4th Floor
P.O. Box 806
Sacramento, California 95812-0806

Michael Wade, Ph.D HQ-24
Office of Scientific Affairs
Department of Toxic Substances Control
400 P Street, 4th Floor
P.O. Box 806
Sacramento, California 95812-0806

Richard Becker, Ph.D HQ-24
Office of Scientific Affairs
Department of Toxic Substances Control
400 P Street, 4th Floor
P.O. Box 806
Sacramento, California 95812-0806

Mr. James R. Pawlisch
March 31, 1994
Page 5

ATTACHMENT

Military Facilities Utilizing California Cancer Potency Factors

Fort Ord

Fort Ord is an NPL site. Both the Department and USEPA Region IX have received, commented upon, and accepted a proposed approach to assessing carcinogenic risks at Fort Ord. The following quotation is taken from "Draft Technical Memorandum, Preliminary Remediation Goals, Fort Ord, California", which was prepared by Harding Lawson Associates, contractors to the U.S. Army Engineer Corps. The document is dated 14 June 1993. On page 5, in the section dealing with selecting toxicity values, the authors stated:

"Cal/EPA SFs were used instead of EPA SFs if they were more conservative.

"SFs" are slope factors, as defined above, which are identical with cancer potency factors. "More conservative" means the more stringent of the two. The authors referred specifically in the text to the June 1992 memorandum from the Cal/EPA Standards and Criteria workgroup as their source of California cancer potency factors. Harding Lawson and the Corps have been busy applying this method in another dozen or so documents submitted in the last few months. Dr. Dan Stralka, toxicologist for USEPA Region IX, may be contacted for any clarifications of the agency's position (415-744-2310).

McClellan Air Force Base

The Air Force has submitted a draft risk assessment for a site operated by McClellan AFB staff known as the Davis site. The reference is "Draft Risk Assessment for Davis Site", which is dated 9 September 1993 and was prepared by CH2M/Mill, contractors to the Air Force.

A hierarchy of sources for toxicity criteria is described in Appendix E. The primary source is given as the June 1992 memorandum from the Standards and Criteria workgroup of Cal/EPA which contains cancer potency factors. Sources of toxicity criteria compiled by USEPA are given as secondary in the hierarchy. This submission by the Air Force indicates the willingness of a uniformed service to make use of Cal/EPA cancer potency factors.

Mr. James R. Pawlisch
March 31, 1994
Page 6

Naval Air Station Moffett Field

Both USEPA and the Department have commented on "Draft Remedial Investigation Report, operable Unit 1: Landfill Sites I and 2, NAS Moffett Field, California". This document was prepared by IT Corporation, contractors for Naval Facilities Engineering, western Division (WESTDIV). It is dated November 1992. WESTDIV's responses were received on 22 March 1993, together with change pages for the draft document. Although it is stated in Section 7.4 of the document that cancer potency factors are taken from USEPA sources, the listing of the factors to be used given in Table 7.4-1 shows cancer potency factors from both USEPA and Cal/EPA. The results of the risk assessment for carcinogens at the site are summarized in Tables 7.5-1 through 7.5-10. The cancer potency factors used in these tables are clearly the more stringent of the Cal/EPA and USEPA factors. Dr. Dan Stralka is the contact for any clarifications of the agency's position on this site also.

Naval Supply Center Oakland

The Department has received and commented upon "Naval Supply Center Oakland Alameda Annex and Facility, Screening Lot and Scrapyard Area, Risk Assessment Scoping Document". This is dated 8 March 1993. It was prepared by WESTDIV. The document is a somewhat simplified workplan for a risk assessment at this RCRA site. Under the heading of toxicity assessment, the authors state that the values of cancer slope factors will be obtained from DTSC, while toxicity criteria for non-carcinogenic toxic effects will be obtained from various USEPA sources. This is identical to the proposal from the Air Force for the Davis Site of McClellan Air Force Base.