



Department of
Toxic Substances
Control

700 Heinz Avenue
Suite 200
Berkeley, CA
94710-2737

N00217.003443
HUNTERS POINT
SSIC NO. 5090.3



November 26, 1996

Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection

Engineering Facility Activities, West
Attn: Mr. Richard Powell [1832]
900 Commodore Drive
San Bruno, California 94066-5006

Dear Mr. Powell:

**PARCEL B DRAFT RECORD OF DECISION (ROD) REPORT HUNTERS
POINT**

The Department of Toxic Substances Control (Department) received the above report on October 17, 1996. After careful examination, we found the report to require a revision with respect to cleanup levels, remedial action objectives, data gaps, ARARs, and remedial alternative. To facilitate the process, the agencies and the Navy met on November 14, 1996 to discuss the issues of concern. The State is very pleased with the cooperation from the Navy in resolving remaining issues in that meeting. Since the Navy agreed to the changes sought by the agencies, the Department will only discuss the issues in general. Although, some changes are required, there are no disputable items to be resolved in the dispute resolution process under the provisions of the Federal Facility Agreement.

1. The selection of soil remedy should be expanded to include community concerns. The Navy agreed to look into the soil remedy further. Off site disposal of contaminated soil was recommended by community members.
2. The Navy will look into the designation of IR-1/21 as a Corrective Action Management Unit (CAMU). If off site disposal is chosen to be overall protective and cost effective remedy, the CAMU designation will not be an issue anymore.
3. The submittal of revised ROD might be extended because the community members requested to extend the public review of proposed plan by 30 days. Despite that extension, the Navy agreed to submit the revised ROD by January 15, 1997 unless significant comments are received.



4. The section on ARARs should be expanded to include requirements from the Bay Area Air Quality Management District, Regional Water Board and the Department. The Navy and the agencies will work together to complete the section.
5. The groundwater contingency plan should be expanded to include a schedule for agency notification and implementation.
6. Information presented in the report could be construed to indicate that the Navy intends to cleanup to only the risk level of 10^{-4} . To state the position clearly, the Navy agreed to revise all the pertinent sections in the report.
7. To reflect the conditions at the site, access to the groundwater will be restricted and that should be captured through a deed restriction on groundwater for all use.
8. Mitigative measures, thermal desorption, groundwater monitoring and present removal actions should be discussed in detail. The text should also explain how, for example, monitoring groundwater will address the threat to the Bay. Further, consolidating treated soil on IR-1/21 should be consistent with the Parcel E cleanup scheme and reuse plan. Since, remedial action at Parcel E has not been developed, it is important to be cognizant of that fact.
9. Please ensure that soil cleanup remedy is explained clearly. It appears that the text seems to be confusing in several places.

SPECIFIC COMMENTS:

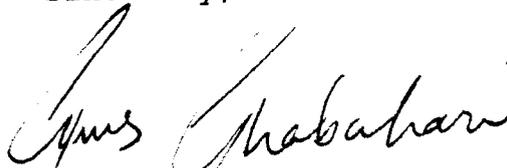
10. Page 1, the statement of declaration should state that the selection of remedy is consistent with the criteria established by US EPA.
11. Page 2, please state that the TPH cleanup corrective action is being overseen by the Regional Water Board. The Navy will undertake that cleanup concurrent with CERCLA cleanup in order to meet the property transfer goals

Mr. Richard Powell
November 26, 1996
Page Three

12. Page 2, please describe how the groundwater DNAPL will be removed. Some community members were confused
13. Page 3, placing deed restriction on groundwater covers drinking, irrigation, and other domestic and industrial uses.
14. Page 3, please keep in mind that solidification of untreated soil is not consistent with regulatory requirement of reducing "volume".
15. Page 13, please include that samples were also analyzed for gross radiation.
16. Page 18, please delete references to PELs. It is not appropriate to use OSHA's requirements in the cleanup of Hunters Point.
17. Page 19, please expand the discussion of indoor air contamination. It is not clear how the Navy is mitigating the indoor contamination.

Should you have any questions with respect to this letter, please call me at (510)540-3821.

Sincerely,



Cyrus Shabahari
Project Manager
Office of Military Facilities

Enclosure

cc: Please See Next Page

US EPA
Region IX
Attn: Anna-Marie Cook [H-9-2]
75 Hawthorne Street
San Francisco, California 94105

Regional Water Quality Control Board
Attn: Richard Hiatt
2101 Webster Street, Suite 500
Oakland, California 94612

City and County of San Francisco
Department of Public Health
Attn: Amy Brownell
101 Grove Street, Room 207
San Francisco, California 94102

Engineering Facility Activities, West
Attn: Mr. Mike McClelland [62.3]
900 Commodore Drive
San Bruno, California 94066-5006



**San Francisco Bay
Regional Water
Quality Control
Board**

2101 Webster Street
Suite 500
Oakland, CA 94612
(510) 286-1255
FAX (510) 286-1380



Pete Wilson
Governor

VIA FACSIMILE
510.540.3819
Mr. Cyrus Shabahari
DTSC, Office of Military Facilities
700 Heinz Avenue
Berkeley, CA 94710

November 20, 1996
File: 2169.6032

RE: **DRAFT PARCEL B RECORD OF DECISION (ROD)
HUNTER'S POINT ANNEX (HPA)**

Dear Mr. Shabahari:

Board staff have reviewed the referenced report and have the following comments:

GENERAL COMMENTS:

Board staff met with the Navy and their consultants on November 14, 1996 to discuss outstanding issues with the Parcel B ROD. Board staff are particularly concerned with the ARARS evaluation for this Parcel. ARARs for HPA were given to the Navy on January 18, 1994. Board staff encouraged the Navy to revisit this letter (ARARs) again in our June 5, 1996 letter regarding ARARs solicitation for HPA. It is not clear how the Navy made an ARARS determination for Parcel B from this document.

SPECIFIC COMMENTS:

1. **Page 3, Statutory Determinations:** *"The selected remedy for soil and groundwater...complies with Federal and State requirements that are legally applicable or relevant and appropriate to the remedial action and is cost effective."*

Below are listed the ARARs for Parcel B and brief descriptions of how and why they are ARARS for this Parcel. Please describe how the Navy evaluated these ARARs and where this evaluation may be found.



Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

CHEMICAL-SPECIFIC POTENTIAL STATE ARARs	
Requirements	Comments
Porter-Cologne Water Quality Control Act (Water Code), Section 13304	This section of the Water Code is applicable and authorizes the Regional Boards to require cleanup and abatement of discharges of waste into waters of the state or discharges to land that have or threaten to result in discharges to waters of the state. The goal of Section 13304 is to attain background for the cleanups, the cleanup level must at least protect the beneficial uses of the water and comply with the plans and policies of the State and Regional Water Boards. This applies to all groundwater that does or may discharge from Parcel B.
Water Quality Control Plan for the Regional Water Quality Control Board, San Francisco Bay Region (Water Code § 13240)	The Basin Plan describes the water basins in the Region, established beneficial uses of the ground and surface waters, establishes water quality objectives including narrative and numerical standards, establishes implementation plans to meet water quality objectives and protect beneficial uses, and incorporates statewide water quality control plans and policies. Drinking water is listed as one of the many beneficial uses that must be evaluated regarding remedy selection for Parcel B.

ACTION-SPECIFIC POTENTIAL STATE ARARs	
Requirements	Comments
Porter-Cologne Water Quality Act as administered by the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB)	Porter-Cologne delegates standard-setting authority to the RWQCBs. RWQCB emission standards are set on a case-by-case basis and apply to the treated waste-water to be injected.

Requirements	Comments
<p>State Water Resources Control Board Resolution No. 88-63</p>	<p>Defines all ground and surface waters of the state as potential drinking water sources unless the total dissolved solids are greater than 3000 ppm or the well yield is less than 200 gpd from a single well.</p>
<p>Porter-Cologne Water Quality Act (WCA 13000 13806) as administered by the SWRCB and the RWQCB</p>	<p>Regulations pertain to land disposal unit design and construction standards that minimize dangers to the water of the state. Waste are classified as hazardous, designated, or non-hazardous, and must be disposed of accordingly. Regulations regarding water quality protection standards are left to the RWQCB. Standards are determined by RWQCBs on a case-by-case basis based on federal water quality standards and state action levels. The substantive requirements of these regulations apply to remedies which discharge waste to land including IR-21 or the re-discharge of treated soils to land within Parcel B.</p>
<p>California Water Code, Division 7, Section 13000 to 13806 (Porter - Cologne Water Quality Control Act)</p>	<p>The Water Code authorizes the State and Regional Boards to establish Water Quality Control Plans beneficial uses and numerical and narrative standards to protect both the surface and ground water quality. Authorizes Regional Water Boards to issue permits for discharges to land or surface or ground water that could affect water quality, including NPDES permits, and to take enforcement action to protect water quality.</p>



Requirements	Comments
<p>State Board Resolution No. 68-16 (Policy on Maintaining the High Quality of State Waters) (Water Code § 13140, Clean Water Act regulations 40 CFR § 131.12)</p>	<p>Resolution No. 68-16 (anti-degradation policy) has been incorporated into all Regional Board Basin Plans. Requires that quality of waters of the State that is better than needed to protect all beneficial uses be maintained. Requires cleanup to background water quality or to lowest concentrations technically and economically feasible to achieve. Beneficial uses must, at least, be protected.</p>
<p>Title 23, Division 3, Chapter 15 of the California Code of Regulations (CCR) (Chapter 15)</p>	<p>Regulations pertaining to waste discharges to land which may threaten water quality. This applies to all alternatives that use IR-21 as a landfill. Also this Chapter establishes water quality protection standards including concentration limits for constituents of concern at background levels. Cleanup levels greater than background may only be approved if background is not economically or technically achievable. Cleanup levels above background must meet its applicable water quality standards, must be the lowest level technologically and economically achievable, and must consider toxicologic effects of pollutants</p>
<p>State Water Resources Control Board Resolution No. 92-49 (Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304) (Water Code § 13307)</p>	<p>Resolution 92-49 establishes policies and procedures for the oversight of investigations and cleanup and abatement activities resulting from discharges of waste which affect or threaten water quality.</p>

Requirements	Comments
<p>Water Quality Control Plan for the Regional Water Quality Control Board, San Francisco Bay Region (Water Code § 13240)</p>	<p>The Basin Plan describes the water basins in the Region, established beneficial uses of the ground and surface waters, establishes water quality objectives including narrative and numerical standards, establishes implementation plans to meet water quality objectives and protect beneficial uses, and incorporates statewide water quality control plans and policies.</p>

2. Page 26, Ecological Risk Assessment: Second paragraph, *"The Navy is currently...evaluate the risk to aquatic receptors and further evaluate the risk to terrestrial receptors from onshore contamination."*

Board staff are available to discuss the specific language that should be included in the ROD for Parcel B. Example language: Because the groundwater at Parcel B flows into the San Francisco Bay, it possesses the beneficial use of **surface water replenishment**. The San Francisco Basin Plan states that "Ground waters with a beneficial use of surface water replenishment shall not contain concentrations of chemical which adversely affect the beneficial use of the receiving water." The beneficial uses of the bay include navigation, water contact and non-contact recreation, ocean commercial and sport fishing, esturine habitat, etc. These beneficial uses will be maintained by remedial actions in site soils that will remove the source of contaminants. Residual pollution in soils, at sites upgradient of the tidally influenced zone along the Parcel B, will attenuate to meet water quality objectives in groundwater which will protect the aforementioned beneficial uses (A description of the remedial actions for plumes within the tidally influenced zone should also be included and describe how remedial actions meet beneficial uses and other State ARARs).

3. Page 28, Description of Alternatives: all pages, all sections referencing IR-21 as a potential disposal site for treated soils, or areas where treated soils are to be re-discharged on site must meet the substantive requirements of Chapter 15, Disposal of Waste to land.

4. Page 38, Soil Alternatives, Compliance with ARARs. " *No Federal or state chemical specific ARARS apply to the soil alternatives*". Board staff strongly disagree with this statement. See specific comment # 1.

Sincerely,



Richard Hiatt
Groundwater and Waste
Containment Division