



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
1455 FRAZEE RD, SUITE 900
SAN DIEGO, CA 92108-4310

N00221_001248
MARE ISLAND
SSIC NO. 5090.3.A

5090
Ser BPMOW.JL\0861

SEP 23 2008

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Chip Gribble
Project Manager
State of California Environmental Protection Agency
Department of Toxic Substance Control
Site Mitigation Branch
700 Heinz Avenue, Suite 200
Berkeley, CA 94710-2737

Dear Mr. Gribble

Subj: IDENTIFICATION OF STATE "APPLICABLE" OR "RELEVANT AND APPROPRIATE" REQUIREMENTS (ARARS) FOR THE TIME-CRITICAL REMOVAL ACTION AT PARCEL XVI PAINT WASTE AREA AT FORMER MARE ISLAND NAVAL SHIPYARD

Navy policy requires removal actions to comply with Applicable or Relevant and Appropriate Requirements (ARARS) to the extent practicable. Pursuant to our previous discussions and Navy policy, we are hereby requesting that the Department of Toxic Substances Control (DTSC) as the lead agency for the State of California, identify potential State ARARS for Parcel XVI Paint Waste Area at former Mare Island Naval Shipyard (MINS). ARARs identified by the State will be considered and evaluated during the preparation of the Action Memorandum Amendment for the proposed Time-Critical Removal Action (TCRA) at the site. The Action Memorandum Amendment amends the Final Action Memorandum/Interim Remedial Action Plan, of September 2007, for the TCRA at Installation Restoration (IR) Site 4, Parcel XVI Paint Waste Area, Horse Stables Area, and IR Site 5 to include Munitions and Explosives of Concern (MEC) and radiological items at Parcel XVI Paint Waste Area. MEC and radiological items were not included in the initial document.

In the "Draft Final Preliminary Assessment/Site Investigation of the Paint Waste Area, Investigation I, Reuse Parcel XVI" (SulTech 2005), and "Draft Addendum 1 Time-Critical Removal Action, Parcel XVI Paint Waste Area, Munitions Response, to Final Work Plan Time-Critical Removal Action" (Weston 2008), we transmitted to you site characterization data for Parcel XVI Paint Waste Area. In addition, we discussed this data at the Base Realignment and Closure Cleanup Team (BCT) meeting on July 31, 2008. The site characterization data should allow you to begin to identify, with some specificity, State chemical-specific and location-specific ARARs.

The following information is being provided to aid the State in their identification of potential action-specific State ARARs. The alternative proposed for Parcel XVI PWA is excavation and disposal. Radiological scans will be performed after each 12-inch lift of soil and radiological items will be recovered. Excavated soil will be transported to the screening plant located on a remote area of MINS within the former dredge pond area and mechanically screened for MEC. Recovered MEC items determined safe to handle will be transported to Naval Ordnance Safety and Security Activity (NOSSA)-approved MEC storage magazine (Building A-180) at MINS for temporary storage pending thermal treatment (detonation) at the NOSSA-approved treatment range (ordnance disposal range #2) at MINS. Recovered MEC items determined unsafe to handle will be destroyed in-place by military Explosive Ordnance Disposal personnel as an emergency response action. Recovered radiological items will be placed into a locked container in Building A-149 pending coordination with the Navy Radiological Affairs Support Office for transport to an approved disposal facility. After removal of MEC and radiological items the excavated soil will be transported to the MINS Investigation Area (IA)-H1 Containment Area for use as subgrade fill material under the landfill cap.

Additional information concerning this alternative can be found in Draft Addendum 1 Time-Critical Removal Action, Parcel XVI Paint Waste area, Munitions Response, to Final Work Plan Time-Critical Removal Action (Weston 2008).

The State of California may also identify any other criteria, advisories, guidance, and proposed standards that the State requests be considered (TBCs) for the above-identified Parcel XVI Paint Waste Area, which will be addressed by this removal action.

Timely identification of potential State ARARs is crucial to the success of the proposed Removal Action. Experience to date around the country has shown that a failure to identify ARARs with sufficient precision, early in the Removal Action selection process, can cause severe disruptions in timely implementation of the Removal Action. To ensure timely and complete ARARs identification, for each individual Parcel XVI Paint Waste Area listed above please include the following information:

1. A specific citation to the statutory or regulatory provision(s) for the potential State ARAR and the date of enactment or promulgation.
2. A brief description of why the potential State ARAR is applicable or relevant and appropriate to the particular site.

5090
Ser BPMOW.JL0861
SEP 23 2008

3. A description of how the potential State ARAR would apply to potential Removal Action, including: specific numeric discharge, effluent, or emission limitations; hazardous substance/constituent action or cleanup levels; etc., if the State intends to take the position that the potential State ARAR includes such limitations, levels, etc.
4. If the State believes its proposed ARAR is more stringent than the corresponding Federal ARAR, please provide the rationale and technical justification for this position.
5. If the State determines that there is not enough information to fully respond to our request, please identify any additional information that would be required to support identification of State ARARs.

We are requesting that you send a response via first class mail addressed to me and postmarked within 30 calendar days of receipt of this request. Please direct any technical questions that you may have concerning this request to the me(619) 532-0976 and any legal questions to Mr. Rex Callaway, Counsel, NAVFAC SW (619) 532-0988.

Sincerely,



MICHAEL S. BLOOM
BRAC Environmental Coordinator
By direction of the Director