



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

N00221_001323
MARE ISLAND
SSIC NO. 5090.3.A

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Ser BPMOW.MDV1148
DEC 19 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 FOR THE REMEDIAL INVESTIGATION AND FEASIBILITY STUDY AT THE DEFENSE REUTILIZATION AND MARKETING OFFICE SITE AT FORMER MARE ISLAND NAVAL SHIPYARD, VALLEJO, CALIFORNIA

Pursuant to our previous discussions and the provisions of 40 CFR §§300.400(g) and 300.515(d) & (h), we are hereby requesting that the Department of Toxic Substances Control (DTSC), as the lead agency for the State of California, identify potential State action-specific ARARS for the Defense Reutilization and Marketing Office (DRMO) at former Mare Island Naval Shipyard (MINS), Vallejo, California. It should be noted, the Navy intends to handle total petroleum hydrocarbon (TPH) contamination at the DRMO under a separate TPH program. ARARs identified by the State will be considered and evaluated during the preparation of a combined remedial investigation and feasibility study for the site.

Between the summer of 2005 and the summer of 2008, a three-phased Non-Time Critical Removal Action (NTCRA) was conducted by the Navy to remove radiological materials, chemical contaminants at concentration exceeding industrial preliminary remediation goals (PRGs) and munitions of explosive concern (MEC) in surface and subsurface soil at the DRMO. In 2008, the Navy successfully achieved the objectives of the NTCRA by excavating soil from the upper 18-inches across the entire site, and excavating portions of the site to depths of up to 8.5-feet below ground surface. Confirmation soil sampling conducted as part of the NTCRA activities indicated that in general metals, PCBs, pesticides and SVOCs were below soil preliminary remediation goals (PRGs) for industrial use, which is consistent with the planned future use for the DRMO.

The confirmation sampling results from the NTCRA represent a comprehensive data set that is representative of the current conditions in soil, is uniformly distributed throughout the site, and is of sufficient data quality to characterize risk posed by residual concentrations of chemicals in soil at the DRMO Site. The confirmation results are presented in the *Final Non-Time-Critical Removal Action Completion Report*, submitted in August 2008 and approved by DTSC in October 2008. This report should provide sufficient detail to allow the State to begin identifying, with some specificity, State chemical-specific and location-specific ARARs for the RI/FS.

The following information is being provided to aid the State in their identification of potential action-specific State ARARs. The Navy plans to evaluate the following alternatives in the RI/FS Report:

- (1) No Further Action;
- (2) Institutional Controls for an Industrial Scenario; and
- (3) Excavation, Off-site Disposal, Backfill, and Site Restoration to Unrestricted Use.

The State may also identify any other criteria, advisories, guidance, and proposed standards to be considered (TBCs) for the DRMO, which has entered the RI/FS phase.

Timely identification of potential State ARARs is required under Section 121(d)(2)(A) of CERCLA and under the National Contingency Plan (NCP), 40 CFR §§300.400(g) and 300.515(d) & (h). Experience to date around the country has shown that a failure to identify ARARs with sufficient precision, early in the RI/FS process, can cause severe disruptions in timely implementation of remedial action. To ensure timely and complete ARARs identification, 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.
3. A description of how the potential State ARAR would apply to the remedial 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.

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Consistent with 40 CFR §300.515(h)(2), 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 me at (619) 532-0976) and any legal questions to Mr. Rex Callaway, Counsel, NAVFAC SW (619) 532-0988).

Sincerely,

for 

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