



DEPARTMENT OF THE NAVY  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
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MARE ISLAND  
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**APR 14 2010**

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Ms. Janet Naito  
California Environmental Protection Agency  
Department of Toxic Substances Control (DTSC)  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710-2737

Dear Ms. Naito:

Subj: IDENTIFICATION OF STATE "APPLICABLE" OR "RELEVANT AND APPROPRIATE" REQUIREMENTS (ARARS) FOR THE REMEDIAL INVESTIGATION AND FEASIBILITY STUDY (RI/FS) AT INVESTIGATION AREA F1, FORMER MARE ISLAND NAVAL SHIPYARD

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 Investigation Area (IA) F1, former Mare Island Naval Shipyard (MINS). The Navy previously issued a ARARs request letter for IA F1 to the DTSC on January 6, 1999, however, a response was not received. ARARs identified by the State will be considered and evaluated during the preparation of the Remedial Investigation and Feasibility Study (RI/FS) for the site.

In the *Draft Final Remedial Investigation Report Installation Restoration Program Sites, Investigation Area F1, Former Mare Island Naval Shipyard, Vallejo, California* (ChaduxTt 2010), we transmitted to you site characterization data for IA F1. 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 following alternatives are proposed for IA F1.

No Remedial Action. This alternative provides a baseline against which other remedial action alternatives can be compared. Its evaluation is required by the NCP. Under this alternative, no remedial measures or institutional controls (ICs) would be implemented.

Institutional Controls – Deed Restrictions. Under this alternative, ICs in the form of deed restrictions would prohibit certain activities at IA F1.

Containment – In Situ Capping. Under this alternative, impacted soil would be left in place and capped. ICs would be necessary to protect the cap from potentially damaging activities.

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Removal of Soil to an Off-site Landfill: Under this alternative, impacted soil would be excavated and transported to an off-site landfill.

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 IA F1, 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, for IA F1, 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 potential 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.

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 (619) 532-0967 and any legal questions to Mr. Edward Balsamo, Counsel, NAVFAC SW (619) 532-0910.

Sincerely,



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