

August 7, 2003

Ms. Lida Tan
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street, SFD-73
San Francisco, CA 94105

RE: Remediation of Site 25
(Stevens Creek Shoreline Nature Study Area)

Dear Ms. Tan:

On behalf of the District, I would like to express our thoughts and concerns regarding a recent letter, date stamped June 30, 2003, submitted by Ms. Olliges for NASA. In that letter NASA outlined its current, and proposed future use of the so-called "Stormwater Retention Pond" at Site 25, stressing its importance for stormwater management and the prevention of flooding at the base and airfield. The letter also stated NASA's intent to conduct engineering studies, after passage of five or more years, to determine the feasibility of allowing the retention basin to be restored to tidal wetlands. While the District is encouraged by NASA's willingness to undertake responsibility for the engineering studies necessary for tidal restoration, involving and consulting with the District throughout the process is still of the utmost importance.

First, please be aware that although NASA expects to continue long-term use of its portion of Site 25 for stormwater management, the District's reasonable anticipated use of the Stevens Creek Shoreline Nature Study Area (SCSNSA), comprising approximately 54 acres of Site 25, is tidal restoration and a continuation of low-intensity public recreation. We have clearly articulated this intention for more than 20 years and documented it in a comprehensive Use and Management study entitled "Stevens Creek: A Plan for Opportunities". If you have not seen this study, we would be pleased to provide you with a copy.

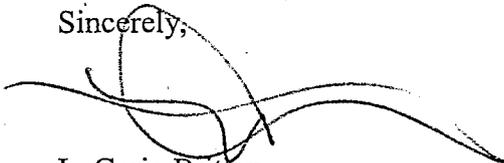
It is unfortunate that anticipated future uses for Site 25 currently result in conflicting cleanup levels with a lower standard for NASA's property and a more environmentally protective cleanup proposed for District land. We firmly believe that the Navy should not be so limited in their remediation obligation, and indeed should not even consider setting differing cleanup goals. Since the District's portion of Site 25 requires remediation to a level that will support the presence of piscivorous birds, and since there are no physical boundaries to prevent contaminant migration, there is no evidence to suggest even a potential for successful implementation of the two distinct levels of cleanup. The District is disappointed with the emphasis on implementing and justifying different cleanup levels rather than on raising the level of required cleanup for the entire stormwater basin.

Second, the current proposal suggests that once a Remedial Action Objective (RAO) is set and the remediation work completed, the site will be subjected to "institutional controls" to ensure that the remediation and final contamination levels achieved remain adequate for the appropriate future use of the site. While this may be an option available for use over NASA's property, it is not acceptable for District lands. The District has not entered into any agreement with the Navy, nor even indicated a willingness to consider an agreement that would restrict the District's intended tidal restoration of the public open space baylands. Institutional controls over public lands are not an adequate substitute for a more protective cleanup goal.

Third, as a public agency landowner of a significant portion of Site 25, and in light of the earlier oversight of this ownership, we request participation in future Base Closure Team meetings when Site 25 is of topic. Given that the stormwater retention basin is both physically and hydro-geologically connected, any discussions and decisions made regarding Site 25 will undoubtedly affect the interests and goals of the District. Although the District fully supports remediation efforts of contaminated sites in and around San Francisco Bay, we cannot support a remediation proposal that does not account for, and advance, our plan for the public lands of the SCSNSA. The SCSNSA will be profoundly affected by this cleanup and the District should be actively included in the decision making process.

Thank you for your thoughtful consideration of our comments.

Sincerely,



L. Craig Britton,
General Manager

LCB:amr:dms

cc: MROSD Board of Directors
Ms. Alana Lee, U.S. Environmental Protection Agency
Ms. Adriana Constantinescu, Regional Water Quality Control Board
Ms. Andrea Espinoza, BRAC Coordinator, U.S. Navy
Mr. Scott Gromko, Project Manager, Site 25, U.S. Navy
Ms. Sandy Olliges, NASA Environmental Services Office

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