



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

May 31, 1996

Mr. Stephen Chao  
Naval Facilities Engineering Command  
Engineering Field Activity, West  
900 Commodore Way, Bldg. 101  
San Bruno, CA. 94066-2402

Re: *Draft Final Operable Unit 5 Record of Decision*, dated May 10, 1996

Dear Mr. Chao,

The U.S. Environmental Protection Agency (EPA) has received the subject document and the associated response to comments. Outstanding issues are covered in the following comments. As specified in the Federal Facility Agreement (FFA) §9.9, the period between the draft final and the final submittal of a primary document normally is considered an informal dispute period. That is, if the regulatory agencies have any issues that must be addressed, the document should not be finalized. We appreciate the improvements made to the ARARs section of the draft document. Most of the following comments ask for slight clarification of ARARs information in Section 3. We have recently discussed and agreed on the Building 191 comments, but for the sake of the public record, they have been included here. If you have any questions, please call me at 415-744-2385.

Sincerely,

Michael D. Gill  
Remedial Project Manager  
Federal Facilities Cleanup Office

cc: Michael Bessette (RWQCB)  
C. Joseph Chou (DTSC)  
Ken Eichstaedt (URS)  
Sandy Olliges (NASA)  
Marvin Norman (Navy) (Fax)  
Peter Strauss (MHB)  
Mike Young (PRC) (Fax)

## COMMENTS

*Draft Final Operable Unit 5 Record of Decision, dated May 10, 1996*

### GENERAL COMMENT

1. EPA considers the operation of Building 191 to be a necessary component of the OU5 remedy. The responses to EPA comments were insufficient, as they state that its operation is not part of the Navy's remedy as an engineering or institutional control.

Since these responses were sent to us, Jeannie Cervera, EPA's attorney, has had discussions with Marvin Norman, Navy's legal counsel, wherein he has agreed that the operation of Building 191 is a necessary component of the OU5 remedy. Accordingly, we suggest the following language be inserted in the proper places of the ROD's text and Responsiveness Summary (see EPA Draft OU5 ROD comments 2, 25, 30).

"The continued operation of Building 191, the pump station, is necessary for successful implementation of the OU5 cleanup (and for continued runway operation) and is therefore considered part of the selected OU5 pump and treat remedy. Without its operation, flooding of the northern end of the runways and surrounding areas, including portions of the golf course, which overlie the OU5 east side aquifers, could occur during the rainy season. In addition, saltwater infiltration could negatively impact the pump and treat system. Therefore, the Building 191 pump station is a component of the groundwater remedy and must remain operational."

### SPECIFIC COMMENTS

2. Page DS-2, third bullet. Are there any ARARs that are triggered by discharging to a storm drain? If the drain runs to a POTW, ARARs will not be triggered because a POTW is considered off-site for ARAR purposes. Are there any ARARs that can be triggered by the "other potential uses?"
3. Section 2.0, page 26, Alternative 5A. It is particularly important to describe what the "groundwater restrictions" are, since this is the alternative that has been selected as the remedy.
4. Section 3.0, page 27, ARARs Requirements. As we have indicated in previous comments, please provide a discussion on what an ARAR is (chemical, action, and location), when it applies, where it applies (on-site/off-site), how ARARs are selected, etc. See comment #23 and Attachment #1 of EPA's comments on the Draft OU1 ROD for example information. It will give you an example of an ARARs discussion.

5. Section 3.1, page 28, Table 4. Do not cite any regulations/laws that are not ARARs. Delete the discussion on MCLGs and SMCLs (state and federal).
6. Section 3.1, page 30, Table 4, Resolution 92-49. This section is confusing. Do you intend to say that Resolution 92-49 is relevant and appropriate rather than applicable? You cite Section G. Is this the section you believe to be relevant and appropriate? If so, state so more clearly.
7. Section 3.2, page 32, Table 5, Flood Plain. In the ROD, a regulation must be definite. The regulation must either be applicable or relevant and appropriate. You cannot state that it "may be applicable" because the ARARs freeze at the time of signing the ROD. Thus, the regulation either is or is not an ARAR.
8. Section 3.2, page 32, Table 5, Critical Habitat. Again, ARARs freeze in the ROD. You cannot postpone making an ARAR determination for some future time.
9. Section 3.3, page 33, Table 6, Surface Water Discharge. A POTW for ARAR purposes is considered off-site. Thus, discharges to a POTW will have to meet both substantive and administrative requirements. If you have identified the NPDES regulations because of the POTW discharge you can either delete it, because it is not an ARAR, or you can explain that both administrative and substantive requirements will be met.
10. Section 3.3, page 33, Table 6, Surface Water Discharge #2. Federal WQC are not ARARs if the state has established numeric discharge limitations for surface water discharges that are more stringent than the Federal WQC. If the Federal WQC is not an ARAR, it should be deleted.
11. Section 3.3, page 35, Table 6, Air Emissions. Provide citations for the air rules and regulations. Without seeing a summary of the nuisance rule/regulation, it is difficult to tell whether it is an ARAR.
12. Section 3.3, page 35, Table 6, Land Treatment. Is land treatment of hazardous waste a part of this remedy? If it is, the ARARs must be more specific. If it is not, these regulations are not ARARs.
13. Section 3.3, page 35, Table 6, Incineration. Is incineration of hazardous waste a part of this remedy? If it is, the ARARs must be specifically identified. "Certain requirements could be relevant and appropriate" is not an appropriate identification of ARARs.
14. Section 3.3, page 36, Table 6, Storage or Treatment of Tanks; Thermal Treatment; Chemical, Physical, or Biological Treatment; Miscellaneous Units. Specifically identify what requirements are relevant and appropriate. "Certain requirements could be relevant and appropriate" is not an appropriate identification of ARARs.

15. Section 3.3, page 36, Table 6, Disposal in Landfill. Will waste be disposed of in a landfill as part of this remedy? If no, the regulation is not an ARAR. In addition, if you dispose of waste off-site, the regulations would not be ARARs because it is an action that is taking place off-site. However, all applicable laws will have to be complied with for all off-site actions.
16. Section 4.0, page 39, last para, sentence 2. Explain what you mean by the following sentence: "Specific requirements for action-specific ARARs may be different for various alternatives." The ROD should specifically state all requirements that are ARARs.
17. Section 5.0, page 43. The ROD selects the groundwater standards for the remedy. These standards are enforceable numbers that determine when the system can be turned off, i.e., when the ARAR has been met. Accordingly, change groundwater cleanup "goals" to groundwater cleanup "standards."
18. Section 6.0, page 43, sentence 1. You mention that access will be restricted. Is the "access restriction" the same as the "groundwater restrictions" you mention on page 26? What are the access restrictions? What are the groundwater restrictions?
19. Table 9, page 44. The State of California MCL for vinyl chloride is .5 ppb and should be substituted for the less stringent federal MCL noted in this table.
20. Declaration Statement, page DS-3. Please delete Julie Anderson's name from this signature page, as she has accepted a new position outside of the Federal Facilities Cleanup Office here at EPA. Leave the title in for an acting Director to sign the ROD.