



California Regional Water Quality Control Board

San Francisco Bay Region



Gray Davis

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Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

N30519_000372
NFD POINT MOLATE
SSIC NO. 5090.3.A

Date: SEP 02 2003
File No. 2119.1057 (AVC)

Southwest Division
Naval Facilities Engineering Command
Attn: Mr. Michael S. Bloom
BRAC Environmental Coordinator
1230 Columbia Street, Suite 1100
San Diego, CA 92101

Subject: Staff Response to the Request on Identification of State Applicable or Relevant and Appropriate Requirements for the Feasibility Study of the Waste Disposal Area, Installation Restoration Site 1 at Former Naval Fuel Depot Point Molate, Richmond, California

Dear Mr. Bloom:

This letter is in response to your request to identify State Applicable or Relevant and Appropriate Requirements (ARARs) for the Feasibility Study of the Waste Disposal Area, Installation Restoration Site 1 at Naval Fuel Depot Point Molate, Richmond, California. Per your request, Regional Board staff attached to this letter Table 16: *Final Federal and State ARARs*, used for the *Final Record of Decision, Site 22 Landfill, Moffett Federal Airfield, Moffett Field, California* approved by the Regional Board on June 25, 2002.

Don't hesitate to call me at (510) 622-2353 or E-mail to avc@rb2.swrcb.ca.gov if you would like to discuss this letter or any other issues relating to NFD Point Molate clean up.

Sincerely,

Adriana Constantinescu, RG
Project Manager

Attachement: Table 16: Final Federal and State ARARs

cc: Mr. Duane Rollefson, Navy RPM
Mr. Rod Satre, City of Richmond RPM
Mr. Don Gosney, Community Chairperson, Point Molate RAB

C:\MyDocuments\PtMolate\PtMolSite1\ARARsRequestLetter.doc

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

ATTACHMENT

TABLE 16
FINAL FEDERAL AND STATE ARARs*

Citation	Requirement	ARAR Determination	Rationale
Location-Specific ARARs			
Coastal Zone Management Act San Francisco Bay Plan McAteer-Petris Act, California Government Code Sections 66600 et seq.	Activities within a coastal zone must be consistent with approved state management programs. The approved state management plan for San Francisco Bay consists of the McAteer-Petris Act and the San Francisco Bay Plan, developed pursuant to the act.	Relevant and appropriate	Site 22 is located within the coastal zone.
Migratory Bird Treaty Act 16 USC 701-715	This act prohibits the taking, killing, or possessing of migratory birds.	Relevant and appropriate	Site 22 is home to the burrowing owl, which is protected under this act. It is not applicable because the federal government is exempt from liability. However, the act is relevant and appropriate due to the presence of the burrowing owl.
Action- and Chemical-Specific ARARs			
Waste Characterization and Disposal from Landfill Reconfiguration			
22 CCR, Sections 66261.24(a)(2) and (3)	Requires the characterization (hazardous waste determination) of waste to determine appropriate off-site disposal options.	Relevant and appropriate	If drums or containers or other potentially hazardous waste items are discovered during reconfiguration or excavation of the landfill, or waste is generated (i.e., drill cuttings, used oil), the waste will be analyzed in accordance with these requirements.

TABLE 16
FINAL FEDERAL AND STATE ARARs*

Citation	Requirement	ARAR Determination	Rationale
22 CCR, Section 66268.7(a)	Requires generators to determine if hazardous waste is subject to land disposal restrictions (LDRs).	Relevant and appropriate	If waste materials requiring off site disposal are determined to be hazardous waste, the waste will be evaluated to determine the applicability of LDRs.
27 CCR, Sections 20200(c) and Section 20210	Requires generators to properly characterize waste and to dispose of designated waste at Class I or II units.	Relevant and appropriate	If drums or containers are discovered during reconfiguration of the landfill, or waste is produced (i.e., drill cuttings, used oil) the contents will be analyzed in accordance with these requirements to select the appropriate off-site disposal requirements.
Groundwater Monitoring			
27 CCR, Section 20385 (a)(1), (a)(2), (a)(3), (c); Section 20420; Section 20425 (b), (c), (d)(1), (d)(2), (e), (f), (g), (h), (i)	Establishes groundwater monitoring program requirements for waste management units.	Relevant and appropriate	Establishes a groundwater detection monitoring program to demonstrate effectiveness of the selected remedy, and an evaluation monitoring program to assess the nature and extent of a release, if discovered.
27 CCR, Section 20415 (b)(1)(A-C), (e)	Provides general water quality monitoring and system requirements for the post-remedial action groundwater monitoring program.	Relevant and appropriate	A sufficient number of background points and monitoring points will be used for the monitoring.
27 CCR, Section 20390 (a); Section 20395 (a); Section 20400 (a), (d), (g)	Discusses requirements for the development of a water quality protection standard and establishment of the constituents of concern and concentration limits.	Relevant and appropriate	Applies to the development and selection of interim concentration limits and to the establishment of concentration limits greater than the background for constituents of concern.

TABLE 16
FINAL FEDERAL AND STATE ARARs*

Citation	Requirement	ARAR Determination	Rationale
<p>Chapter 2, Water Quality Control Plan¹ (San Francisco Bay Regional Water Quality Control Board)</p> <p>Chapter 3, Water Quality Control Plan¹ (San Francisco Bay Regional Water Quality Control Board)</p>	<p>Presents beneficial uses of groundwater and surface waters.</p> <p>Establishes water quality objectives (WQOs) for protecting those beneficial uses.</p>	<p>Applicable</p> <p>Relevant and appropriate</p>	<p>Applies to groundwater beneath the site. Due to elevated salinity, the groundwater beneficial use is industrial service supply. The beneficial uses for surface water near the site are fresh-water/estuarine habitat and wildlife habitat.</p> <p>Applies to surrounding surface waters near the site that come into hydrological contact with groundwater beneath the site. WQOs for nearby surface water uses will be compared to the interim concentration limits at the projected point of exposure to surface water receptors (subject to any appropriate dilution and attenuation factors) for any releases of chemicals of concern developed pursuant to Title 27 CCR, Section 20395 (a), Section 20400 (a), (d), (g), and Section 20420.</p>
Gas Monitoring			
27 CCR, Section 20921 (a)(1)(2)(3)	Establishes requirements for gas monitoring and control for waste management units.	Relevant and appropriate	Gas monitoring will be implemented to ensure methane concentrations do not exceed 5 percent by volume at landfill boundaries.
Landfill Capping and Construction			
40 CFR, Parts 122, 123, and 124	Contains requirements to control stormwater discharges associated with construction activities exceeding 5 acres in size.	Relevant and appropriate	The DoN will undertake measures necessary to minimize stormwater discharges over the 7-acre area during construction of the biotic barrier.

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FINAL FEDERAL AND STATE ARARs*

Citation	Requirement	ARAR Determination	Rationale
Post-Remedial Action Monitoring			
40 CFR, Part 258.61(a)(3) and (4) and 27 CCR, Section 20385 (a)(1), (a)(2), (a)(3), (c)	Requires gas and groundwater monitoring.	Relevant and appropriate	Monitoring programs will be established for gas and groundwater.

Notes:

* To the extent that the cited provisions contain administrative requirements, those requirements are not ARARs; only the substantive provisions within the requirements are ARARs.

1 Denotes a chemical-specific ARAR

ARAR - applicable or relevant and appropriate requirement

CCR - California Code of Regulations

CFR - Code of Federal Regulations

DON - Department of the Navy

LDR - Land disposal restriction

RCRA - Resource Conservation and Recovery Act

USC - United States Code

WQO - water quality objective

MEMORANDUM

9 Sep 03

From: Code 06CM.DR

To: Code 05G.DS

Subj: LETTERS FOR ADMIN RECORD

Encl: (1) USEPA letter dated August 14, 2003

(2) California Regional Water Quality Control Board letter dated Sep 2, 2003

1. Please include enclosure (1) in the administrative record for Mare Island Naval Shipyard, and enclosure (2) in the administrative record for Naval Fuel Depot Point Molate.

2. If you have any questions regarding this matter, please contact me at extension 2-0957.

A handwritten signature in cursive script that reads "Duane Rollefson". The signature is written in black ink and is positioned above the printed name and title.

DUANE ROLLEFSON
Remedial Project Manager