



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132 - 5190

N30519_000631
NFD POINT MOLATE
SSIC NO. 5090.3.A

5090
Ser 06CM.MB/1202
August 25, 2003

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ms. Adriana Constantinescu
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Dear Ms. Constantinescu:

Subj: IDENTIFICATION OF STATE APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS FOR THE FEASIBILITY STUDY OF THE WASTE DISPOSAL AREA, INSTALLATION RESTORATION SITE 1 AT NAVAL FUEL DEPOT POINT MOLATE, RICHMOND, CALIFORNIA

Pursuant to accomplishing the goals of the Naval Fuel Depot Point Molate (NFD Point Molate) Installation Restoration (IR) Program, we are hereby requesting that the California Regional Water Quality Control Board (San Francisco Bay Region), as the lead agency for the State of California, identify potential State chemical-specific and location-specific, and action-specific Applicable or Relevant and Appropriate Requirements (ARARs) for the Waste Disposal Area, IR Site 1 at NFD Point Molate.

The site characterization data presented in the Phase I Remedial Investigation (RI) report, (October 1994), Phase II RI (June 2000), Engineering Evaluation/ Cost Analysis (September 2000) and Action Memorandum (June 2001) should allow you to begin to identify, with some specificity, State chemical-specific and location-specific ARARs. For action-specific ARARs, no action, continued maintenance, monitoring and institutional controls, and continued maintenance, monitoring, institutional controls, and engineering controls have been identified for the remediation of the Waste Disposal Area, IR Site 1. The remedial alternatives will be discussed in detail in the Feasibility Study (FS) Report, which will be issued in September 2003.

In addition, the Department of the Navy is requesting that the State of California identify any other criteria, advisories, guidance, and proposed standards that the State requests to be considered (TBC) for the above-identified IR Site, which has entered the FS phase. Please coordinate responses from all California state agencies.

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 FS process can cause severe disruptions in timely implementation of remedial action. To ensure timely and complete ARARs identification for IR Site 1, please include the following information:

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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 IR Site 1.
3. A description of how the potential State ARAR would apply to the 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 and their application.

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 Mr. Duane Rollefson (619) 532-0957 and any legal questions to Mr. Nick Bollo, Environmental Counsel at (619) 532-0909.

Sincerely,



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

Copy to:
Mr. George Nakamura
Contra Costa County
Environmental Health Services
2120 Diamond Boulevard, Suite 200
Concord, CA 94520

Mr. Scott Humpert
California Integrated Waste Management Board
1001 I Street
Sacramento, CA 95814