



July 22, 1997

Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection

Mr. Keith S. Forman
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**REMOVAL OF WASTE SLUDGE FROM POINT OF INTEREST NUMBER 38,
STEAM TUNNELS, NAVAL TRAINING CENTER, SAN DIEGO**

Dear Mr. Forman:

On June 3, 1997, the Department of Toxic Substances Control (DTSC) sent a "no further action" concurrence letter to you regarding the Steam Tunnels, Point of Interest number 38 (POI 38). The letter was written based on the agreement between the BRAC Cleanup Team members that the existing sludge is a hazardous waste and that it will be removed from the steam tunnels. Since that letter, we have not received a confirmation or a proposed removal date for the sludge. DTSC requests that the Navy provide us with a schedule for the sludge removal and notify us in writing when the removal is complete. DTSC would like to reiterate that the sludge found in the steam tunnels is a hazardous waste which was generated by the Navy during the operation of the steam tunnels, and that it must be removed and properly disposed off-site.

The following will explain DTSC's rationale for this determination:

1. Pursuant to Title 22, California Code of Regulations (22CCR), Section 66261.2 (a), a "Waste" is defined as any discarded material of any form unless specifically excluded by regulation or law. These exclusions include industrial wastewater discharges, a special nuclear source or by-product material, a spent sulfuric acid, treatability study samples under specify conditions, or a recyclable material meeting the requirements of the California Health and Safety Code. DTSC has determined that the sludge in the steam tunnels does not meet any of these exclusions.
2. 22CCR further defines, in Section 66261.3 (a), that a waste is a "hazardous waste" if it exhibits any characteristics of a hazardous waste identified in article 3 of Chapter 11, 22CCR. During the investigations of the steam tunnels, it was found

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that the sludge is contaminated with lead and copper. The concentrations of lead and copper were found to exceed the regulatory threshold concentrations for a hazardous waste as specified in 22CCR, section 66261.24. Based on this information, and the understanding that the sludge should not be present in the concrete tunnels at the time it was placed into service, DTSC considers the sludge to have been generated through the use of the tunnels. In addition, since the Navy has not conducted a background study of the soils surrounding the steam tunnels, it cannot be determined that the accumulated sludge inside the tunnels is the same as the exterior soils. DTSC, therefore, cannot make a finding that it is appropriate to leave the sludge in-place based on background concentrations.

DTSC would like to remind the Navy that the necessity of removing the sludge as a hazardous waste has been discussed with the Restoration Advisory Board during the May 27, 1997 meeting, and that it was determined to be the appropriate action to safeguard against human exposure during future tunnel maintenance activities. Furthermore, the removal of the sludge will reduce the Navy's future liabilities after the conversion of the base for reuse.

If you have any questions regarding this letter, you may contact me at (562) 590-4897.

Sincerely,



Aaron Yue
Remedial Project Manager

cc: Ms. Content P. Arnold
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