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Agency Secretary  
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## Department of Toxic Substances Control

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TREASURE ISLAND  
SSIC NO. 5090.3.A



Arnold Schwarzenegger  
Governor

January 24, 2006

Ms. La Rae Landers  
Lead Remedial Project Manager  
Department of the Navy  
Base Realignment and Closure  
Program Management Office West  
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San Diego, California 92108-4310

### IDENTIFICATION OF STATE APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS (ARARs) FOR THE SITE 30 (PARCEL T094) DRAFT FEASIBILITY STUDY, NAVAL STATION TREASURE ISLAND, SAN FRANCISCO, CALIFORNIA

Dear Ms. Landers:

Thank you for the opportunity to provide State of California laws and regulations for developing ARARs for the draft Feasibility Study for Site 30 at Naval Station Treasure Island. Below are the requirements of the Department of Toxic Substances Control (DTSC). DTSC also understands that the Navy will be soliciting ARARs from other State agencies and request that in areas where there are overlapping State requirements, that the most stringent of these requirements apply.

The following California laws and regulations are applicable to the remedial technology alternatives that include excavation and off-site disposal as determined by the Department of Toxic Substances Control.

#### **Determination of a Hazardous Waste**

California Code of Regulations, Title 22 (22 CCR), Division 4.5, Chapter 11

Hazardous Waste Determination requirements are applicable for alternatives that

will generate waste. The above identified sections include requirements for determining whether excavated material or extracted groundwater or other generated waste are either RCRA or non-RCRA hazardous waste (i.e. California only waste).

### **Land Disposal Restrictions (LDR)**

California Code of Regulations, Title 22, Chapter 18.

Land disposal restrictions prohibit disposal of hazardous waste unless treatment standards are met and are applicable for alternatives that will generate waste subject to land disposal restrictions.

### **Hazardous Waste Generator Requirements**

California Code of Regulations, Title 22, Chapter 12 and Chapters 15 and 18 as referenced in Chapter 12.

On-site hazardous waste accumulation requirements are applicable if hazardous waste is generated and accumulated on site before transport.

### **Drinking Water Primary Standards**

California Code of Regulations, Title 22, Div. 4, Ch. 15, Article 4, Section 64431 et seq., and Article 5.5, Section 64444 et seq.

These requirements are considered relevant and appropriate where the aquifer is a potential drinking water source and the State MCLs are more stringent than Federal MCLs (Even though Treasure Island groundwater has been de-designated as a potential drinking water source, concentrations of contaminants at Site 30 should be compared to the State MCLs as a basis for the establishment of institutional controls to prohibit the use of groundwater).

### **Remediation Waste Staging and On-Site Storage**

California Health and Safety Code, Chapter 6.5, Article 2, section 25123.3

This section provides definitions and requirements for on-site storage of non-RCRA hazardous waste soil prior to on-site treatment or off-site transportation and is applicable if non-RCRA hazardous waste soil is accumulated and stored on-site.

### **Transportation of Hazardous Waste**

California Code of Regulations, Title 22, Chapter 13, Sections 66263.10 - .18

This regulation is applicable as these requirements must be fully complied with when transporting hazardous waste off-site.

The following regulation is relevant and appropriate for remedial technology alternatives that involve the consolidation of waste and the installation of a protected cap. These regulations are relevant and appropriate because Site 30 is known to contain hazardous waste.

### **Construction of Landfill Cover Systems**

California Code of Regulations, Title 22, Chapter 14, Article 14. Landfills, section 66264.303. Monitoring and Inspection.

This section describes the requirements for inspections during construction or installation cover systems. These systems shall be inspected for uniformity, damage, and imperfections.

### **Landfill Closure and Post Closure Care**

California Code of Regulations, Title 22, Chapter 14, Article 14. Landfills, section 66264.310.

This section describes the design and construction requirements for landfill cover as well as post closure requirements. Also, describes requirements for gas recovery.

The following regulation is applicable for the remedial technology alternatives using land use controls.

### **Covenants to Restrict Use of Property - Environmental Restriction**

California Civil Code, section 1471

This section allows an owner of land to make a covenant to restrict use of land for the benefit of a covenantee. The covenant runs with the land to bind successive owners, and the restrictions must be reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials, as defined in section 25260 of the California Health and Safety Code. Requires recording of the covenant in the county where the land is located.

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California Health and Safety Code section 25202.5

This section allows DTSC to enter into an agreement with the owners of a hazardous waste facility to restrict present and future land uses.

California Health and Safety Code sections 25221.1 and 25355.5(a)(1)(C)

This section allows DTSC to enter into voluntary agreements with land owners to restrict the use of property. The agreements run with the land restricting present and future uses of the land.

California Health and Safety Code sections 25233(c) and 25234

This section provides the process and criteria for obtaining written variances from land use restrictions, and for termination of land use restrictions.

California Code of Regulation, Title 22, Division 4.5, Chapter 39, section 67391.1

This section defines requirements for establishing land use covenants for imposing limitations on land use when hazardous materials, hazardous waste or constituents, or hazardous substances will remain at the property at levels which are not suitable for unrestricted use of the land.

The above State of California ARARs reflects DTSC's understanding of the remedial alternatives that are to be presented in the upcoming draft Feasibility Study for Site 30. The State of California may submit additional ARARs as more specific information on the remedial alternatives is provided by the Navy. If you have any questions regarding State ARARs please call me at 510-540-3763.

Sincerely,



David Rist  
Hazardous Substance Scientist  
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cc: See next page.

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