



## Department of Toxic Substances Control

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December 7, 2006

Mr. James B. Sullivan  
BRAC Environmental Coordinator  
Department of the Navy  
Base Realignment and Closure  
Program Management Office West  
1455 Frazee Road, Suite 900  
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**ACTION MEMORANDUM / INTERIM REMEDIAL ACTION PLAN: NON-TIME  
CRITICAL REMOVAL ACTION FOR SOLID WASTE DISPOSAL AREAS,  
INSTALLATION RESTORATION SITE 12, OLD BUNK AREA, NAVAL STATION  
TREASURE ISLAND, SAN FRANCISCO, CALIFORNIA**

Dear Mr. Sullivan:

The Department of Toxic Substances Control (DTSC) has received the November 10, 2006 *Action Memorandum / Interim Remedial Action Plan: Non-Time Critical Removal Action for Solid Waste Disposal Areas, Installation Restoration Site 12, Old Bunker Area, Naval Station Treasure Island, San Francisco, California* (AM/IRAP). The AM/IRAP is a decision document for upper four feet of soils at four solid waste disposal areas (SWDA) (i.e., SWDA A&B, SWDA 1207/1209, SWDA 1231/1233, and SWDA Bigelow Court) within Installation Restoration Site 12 at the former Naval Station Treasure Island. DTSC provides the followings comment on the AM/IRAP:

1. Remedial Action Plan: The Navy applies the non-time critical removal process for the proposed removal. DTSC has a similar Removal Action Workplan process for removal actions less than one million dollars. Since the proposed Site 12 remedy is more than 10 million dollars, DTSC reviews and approves the AM/IRAP as a Remedial Action Plan in accordance with all applicable State laws, statues, codes, guidelines, and policies.
2. DTSC Approval: Please replace the AM/IRAP, section 10 title with "Declaration / Statutory Determination" and replace the text preceding DTSC's signatory with the following:

"The Navy prepared this AM/IRAP pursuant to the California Health and Safety Code, section 25350 and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300.400 et seq.). The selected remedy, as described in section 9 of this AM/IRAP, for the upper four feet of soils within the SWDA A&B, SWDA 1207/1209, SWDA 1231/1233, and SWDA Bigelow Court boundaries is intended to be protective of residents and utility workers in current building configuration. DTSC will select the final remedy for IR Site 12 on a separate decision document. The selected remedy complies with federal and state requirements that are legally applicable or relevant and appropriate to the remedial actions and is cost effective. DTSC hereby approves this AM/IRAP in accordance with the California Health and Safety Code, section 25356.1(b)."

3. Non-Binding Allocation of Responsibility: Please create a new section entitled "Non-Binding Allocation of Responsibility" and insert the following paragraphs:

"The California Health and Safety Code, section 25356.1(e) requires the preparation of a nonbinding allocation of responsibility (NBAR) among all identifiable potentially responsible parties (PRPs). The California Health and Safety Code, section 25356.3(a) allows PRPs with an aggregate allocation in excess of 50 percent to convene an arbitration proceeding by submitting to binding arbitration before an arbitration panel. If PRPs with over 50 percent of the allocation convene arbitration, then any other PRP wishing to do so may also submit to binding arbitration.

"The sole purpose of the NBAR is to establish which PRPs will have an aggregate allocation in excess of 50 percent and can therefore convene arbitration if they so choose. The NBAR, which is based on the evidence available to DTSC, is not binding on anyone, including PRPs, DTSC, or the arbitration panel. If a panel is convened, its proceedings are de novo and do not constitute a review of the provisional allocation. The arbitration panel's allocation will be based on the panel's application of the criteria spelled out in the California Health and Safety Code, section 25356.3(c) to the evidence produced at the arbitration hearing. Once arbitration is convened, or waived, the NBAR has no further effect, in arbitration, litigation or any other proceeding, except that both the NBAR and the arbitration panel's allocation are admissible in a court of law, pursuant to the California Health and Safety Code, section 25356.7 for the sole purpose of showing the good faith of the parties who have discharged the arbitration panel's decision.

"DTSC sets forth the following preliminary nonbinding allocation of responsibility for SWDA A&B, SWDA 1207/1209, SWDA 1231/1233, and SWDA Bigelow Court within IR Site 12 at the former NAVSTA TI:

"The Navy is responsible for the investigation and cleanup activities within the area covered in this AM/IRAP. The Navy has an aggregate allocation of liability in excess of the 50 percent level required to convene arbitration pursuant to the California Health and Safety Code, section 25356.3(a)."

4. Public Comment Period: Per Navy-DTSC conference call on December 6, 2006, the Navy and DTSC have agreed to start the 34-day public comment period for the AM/IRAP on December 27, 2006 and end the comment period on January 29, 2007. DTSC plans to hold a public meeting on either January 17 or 23<sup>rd</sup>. DTSC will work diligently to complete our review process and approve the AM/IRAP by January 31, 2007.
5. Remedial Design: The Navy is preparing a "comprehensive work plan" which will include a sampling and analysis plan, health and safety plan, radiological screening plan, stormwater management plan, and traffic management plan. Regardless of the plan's nomenclature, DTSC will review such plan as a Remedial Design and requests that the Navy to prepare the document pursuant to the U.S. Environmental Protection Agency's (EPA) Remedial Design guidance. To expedite the review and approval process, please submit the Remedial Design to DTSC soonest.
6. California Environmental Quality Act (CEQA): Approval of the AM/IRAP is a discretionary decision pursuant to CEQA. DTSC needs to evaluate whether project activities would have a significant impacts to the environment, especially to the adjacent residents and nearby communities. Pursuant to CEQA, DTSC will solicit public inputs on the draft CEQA documents during the AM/IRAP public comment period. DTSC is preparing a draft Initial Study and Negative Declaration, and anticipates that they will be suitable for public review by December 27, 2006 to coincide with the AM/IRAP public comment period commencement.
7. Section 2.3: The AM/IRAP states that the Water Board is responsible for overseeing cleanup of petroleum-contaminated sites and groundwater. Please delete "groundwater" from the statement.
8. Hardscape: Alternative 3 excludes excavation below hardscape such as concrete sidewalks and driveways. Please provide a figure distinctively showing

all hardscape areas, including building locations and carports, where excavation will not be performed. The AM/IRAP should include rationales for leaving these areas intact. Please recall that DTSC expects the Navy to excavate most sidewalks, roadways, backyards, patios, and driveways.

9. Excavation Slope: Figure 4 suggests a 1:1 sloped excavation adjacent to buildings and hardscape areas. Since DTSC has not selected institutional controls to prevent vegetable gardening adjacent to buildings and hardscape areas, DTSC requires vertical cut on the excavation sidewalls down to two to four feet below ground surface, depending on engineering considerations, to minimize the potential for produce grown in contaminated soils.
10. Action Levels: The AM/IRAP proposes the following residential soil cleanup targets at Site 12 and likely to all Naval Station Treasure Island sites: dioxins at 12 ng/kg, lead at 400 mg/kg, polychlorinated biphenyl at 1 mg/kg, polycyclic aromatic hydrocarbon equivalent at 0.62 mg/kg, and methane at 5% by volume in air at the facility property boundary. These cleanup targets exceed the U.S. EPA Region IX and California-Modified residential preliminary remediation goals. DTSC nonetheless believes that these residual concentrations may be acceptable as final cleanup targets. In the final Site 12 Remedial Investigation/Feasibility Study, DTSC will review these cleanup targets for appropriateness as final cleanup targets. Pending such determination, DTSC requires that the Site 12 SWDAs' cleanup targets be applied as maximum concentrations.

Please note that if Site 12 were to be developed as a wetland, the proposed residential soil cleanup targets are not likely adequate to protect ecological receptors.

11. Confirmation Samples: Please provide the frequencies and identify locations of confirmation sidewall and floor samples.
12. Excavation Depth: The AM/IRAP proposes excavation down to four feet below ground surface. To document this agreed-upon strategy, please provide the rationale for not excavating potentially contaminated soil beyond the four-foot depth.
13. Clean Soil Backfill: The AM/IRAP proposes backfilling the excavation with clean soil. Please identify the source and specify performance standards for clean backfill. DTSC's fact sheet "Information Advisory, Clean Import Fill Material"

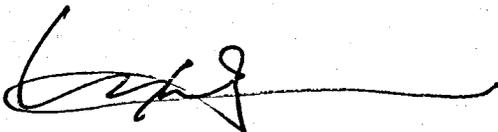
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dated October 2001 specifies criteria for clean fill materials. DTSC requests the Navy to adopt these criteria.

14. Section 5.1.2: Please replace "Proposed Plan" with "Proposed Plan / Draft Remedial Action Plan" and replace "Record of Decision" with "Record of Decision / Remedial Action Plan."
15. Section 5.1.1.8: Upon completion of the remedial action, DTSC requires soil sampling at selected locations to ensure that remediation activities have not introduced new contamination to the project areas. The Remedial Design should detail this sampling plan.
16. Unexploded Ordnance: The Navy used the Site 12 areas for ammunition storage from 1940s to 1960s. Please discuss whether the Navy has conducted unexploded ordnance survey and received clearance at the Site 12 areas.
17. Page iv and other sections: Please cite the California Health and Safety Code without using an acronym.
18. Page iv: Please replace "Interim Remedial Action Work Plan" with "Interim Remedial Action Plan."

If you have any questions, please contact me at (510) 540-3770

Sincerely,



Henry Wong  
Remedial Project Manager  
Office of Military Facilities

cc: Mr. Charles Perry  
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