

N00236.000061  
ALAMEDA POINT  
SSIC NO. 5090.3

**FINAL  
REMEDIAL ACTION PLAN/ RECORD OF DECISION  
FOR THE MARSH CRUST AT THE  
FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND  
ALAMEDA FACILITY/ALAMEDA ANNEX  
AND FOR THE MARSH CRUST AND FORMER  
SUBTIDAL AREA AT ALAMEDA POINT**

**February 2001**



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

5090  
Ser 06CA.LO\0224  
01 Mar 01

From: Commander, Southwest Division, Naval Facilities Engineering Command  
To: Distribution

Encl: (1) Final Remedial Action Plan/Record of Decision for Marsh Crust at the Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex and for the Marsh Crust and Sub-tidal Area at Alameda Point, Alameda, California, of February 2001

1. Enclosure (1) is forwarded for your information and use. The Remedial Action Plan/Record of Decision is signed by the Navy, Department of Toxic Substances Control and the Regional Water Quality Control Board; and approved by the United States Environmental Protection Agency, Region IX.
2. Should you have any questions, please contact me at (619) 532-0965.

  
MICHAEL McCLELLAND, PE  
BRAC Environmental Coordinator  
By direction

**Distribution List:**

California Department of Toxic Substances Control (Attn: Ms Mary Rose Cassa)  
California Regional Water Quality control Board (Attn: Mr. Brad Job)  
US Environmental Protection Agency, Region IX, (Attn: Mr. Phillip Ramsey)  
Alameda County Department of Environmental Health (Attn: Mr. Larry Setto)  
United States Fish and Wildlife Service (Attn: Mr. Steve Schwarzbach)  
National Oceanic Atmospheric Agency (Attn: Ms. Laurie Sullivan)  
Bay Area Air Quality Management District (Attn: Mr. Julian Elliot)  
California Fish and Game (Attn: Ms. Susan Ellis)  
ERM West (Attn: Mr. Mike Quillin)  
Russell Resources, Inc. (Attn: Mr. Peter Russell)  
Catellus Development Corporation (Attn: Mr. James Adams)  
Restoration Advisory board Co-chair (Attn: Mr. Ken Hansen)  
City of Alameda (Attn: Mr. Jeff Bond)

5090  
Ser 06CA.LO\0224  
01 Mar 01

Blind copy to: (w/encl)

06CA.AK

06CA.MM

06CA.AD

06CA.WT

06CA.LO

09C.RC

04en.MP

04MG.DS (w/ 6 copies)

Chron File

Read File

Writer: L. Ocampo, Code 06CA.LO, 2-0969

Typist: B. Foster, Code 06BU.BF, 2-0914, A:\TRANSLTR-F RRMCI01 MAR 01

w/ 2/1  
06CA.MM  
w/ 2/1  
06CA.LL  
A.F.



## Tetra Tech EM Inc.

10670 White Rock Road, Suite 100 ♦ Rancho Cordova, CA 95670 ♦ (916) 852-8300 ♦ FAX (916) 852-0307

March 1, 2001

Mr. Lou Ocampo, PE  
Remedial Project Manager  
Naval Facilities Engineering Command  
BRAC Operations, Southwest Division  
1230 Columbia Street, Suite 1100  
San Diego, California 92132-5190

**Subject: Transmittal of the Final Remedial Action Plan/Record of Decision, for Marsh Crust at Fleet and Industrial Supply Center, Oakland Alameda Facility/Alameda Annex, and Marsh Crust and Former Subtidal Area at Alameda Point, Alameda, California CLEAN Contract No. N62474-94-D-7609, Contract Task Order No. 271**

Dear Mr. Ocampo:

Enclosed is one copy of the replacement pages for the above referenced Remedial Action Plan/Record of Decision (RAP/ROD) dated February 2001. Please insert these replacement pages into the Final RAP/ROD dated January 2001. These replacement pages represent changes that were made during the Navy and regulatory signatory period of the RAP/ROD. These replacement pages are also being sent to Ms. Mary Rose Cassa of the Department of Toxic Substance Control, Mr. Brad Job of the Regional Water Quality Control Board, Mr. Phillip Ramsey of U.S. Environmental Protection Agency, and Mr. Mike McClelland of the Navy. Also, six complete copies of the February 2001 Final RAP/ROD are being sent to Ms. Dianne Silva of the Navy's information repository for inclusion into the Alameda Annex and Alameda Point information repositories. *and Admin. Record.*

If you have any questions, please call me at (619) 718-9676.

Sincerely,

*Mark R. Pasing For*

Steve Geyer, PE  
Installation Coordinator

Enclosures

cc: Ms. Mary Rose Cassa, RG, Department of Toxic Substance Control  
Mr. Brad Job, PE, Regional Water Quality Control Board  
Mr. Phillip Ramsey of U.S. Environmental Protection Agency  
Mr. Mike McClelland, PE, Navy Alameda Facility/ Alameda Annex and Alameda Point BEC  
Ms. Dianne Silva, Navy Information Repository (6 complete copies of the RAP/ROD)  
File



TRANSMITTAL/DELIVERABLE RECEIPT

Contract No. N62474-94-D-7609

Document Control No. DS . 0271.16093

TO: Mr. Richard Selby, Code 02R1
Contracting Officer
Naval Facilities Engineering Command
Southwest Division
1230 Columbia Street, Suite 1100
San Diego, CA 92132-5190

DATE: 3/01/01
CTO: 0271
LOCATION: Alameda Annex, Alameda and Alameda Point

FROM: [Signature] Daniel Chow, Program Manager

DOCUMENT TITLE AND DATE: Final Remedial Action Plan/ Record of Decision for Marsh Crust at the Fleet and Industrial Supply Center Oakland Alameda Facility/ Alameda Annex and for the Marsh Crust and Former Subtidal Area at Alameda Point, February 2001.

TYPE: [ ] Contractual Deliverable [x] Technical Deliverable [ ] Other

VERSION: Final REVISION #: N/A
(e.g., Draft, Draft Final, Final)

ADMIN RECORD: Yes [x] No [ ] CATEGORY: Confidential [ ]

SCHEDULED DELIVERY DATE: NA ACTUAL DELIVERY DATE: 3/02/01

NUMBER OF COPIES SUBMITTED TO NAVY: O/13C/14E
O = original transmittal form
C = copy of transmittal form
E = enclosure

COPIES TO: (Include Name, Navy Mail Code, and Number of Copies)

Table with 3 columns: NAVY, TtEMI, OTHER. Rows include names like L. Ocampo, M. McClelland, D. Silva, A. Klimek, A. Dick and their respective copy counts.

Date/Time Received



TRANSMITTAL/DELIVERABLE RECEIPT (continued)

COPIES TO (continued): (Include Name, Navy Mail Code, and Number of Copies)

Navy (continued):

W. Thorton (06CAWT)

1C/1E

R. Callaway (09CRC)

1C/1E

M. Pound (4ENMP)

1C/1E

TtEMI (continued):

OTHER (continued):

P. Ramsey (USEPA)

1E

L. Setto (Alameda County)

1E

S. Schwarzbach (USF&W)

1E

L. Sullivan (NOAA)

1E

J. Elliot (BAAQMD)

1E

S. Ellis (CA F&G)

1E

M. Quillin (ERM West)

1E

T. Splitter (Northgate)

1E

J. Adams (Catellus)

1E

K. Hansen (RAB co-chair)

1E

J. Bond (City of Alameda)

1E

## CONTENTS

<u>Section</u>	<u>Page</u>
ACRONYMS AND ABBREVIATIONS .....	iv
1.0 DECLARATION.....	1-1
1.1 SITE NAME AND LOCATION.....	1-1
1.2 STATEMENT OF BASIS AND PURPOSE.....	1-2
1.3 ASSESSMENT OF THE SITE.....	1-2
1.4 DESCRIPTION OF THE SELECTED REMEDY .....	1-2
1.5 DECLARATION/STATUTORY DETERMINATION.....	1-6
2.0 DECISION SUMMARY .....	2-1
2.1 SITE NAME, LOCATION, AND DESCRIPTION.....	2-1
2.1.1 Site Name and Location.....	2-1
2.1.2 Lead and Support Agencies.....	2-1
2.1.3 Site Type and Description .....	2-1
2.2 SITE HISTORY AND ENFORCEMENT ACTIVITIES.....	2-2
2.2.1 Facility History .....	2-2
2.2.2 Environmental Investigations and Remedial Actions .....	2-4
2.2.3 Enforcement Activities .....	2-5
2.3 HIGHLIGHTS OF COMMUNITY PARTICIPATION .....	2-5
2.4 SCOPE AND ROLE OF RESPONSE ACTION FOR ALAMEDA FACILITY/ALAMEDA ANNEX AND ALAMEDA POINT .....	2-6
2.5 SITE CHARACTERISTICS .....	2-7
2.5.1 Geology .....	2-7
2.5.2 Hydrogeology .....	2-8
2.5.3 Contamination in the Marsh Crust and Former Subtidal Area.....	2-8
2.6 CURRENT AND POTENTIAL FUTURE LAND AND RESOURCE USES.....	2-9
2.6.1 Demography and Land Use.....	2-10
2.7 SUMMARY OF SITE RISKS .....	2-11
2.7.1 Summary of Human Health Risk Assessment .....	2-11
2.7.2 Ecological Risk Assessment .....	2-13
2.7.3 Basis for Action.....	2-14
2.8 REMEDIAL ACTION OBJECTIVES .....	2-14

## CONTENTS (Continued)

<u>Section</u>	<u>Page</u>
2.8.1 Remedial Action Objective for the Former Subtidal Area and Marsh Crust .....	2-14
2.9 DESCRIPTION OF ALTERNATIVES .....	2-14
2.9.1 Remedial Alternatives for Marsh Crust and Former Subtidal Area .....	2-14
2.10 SUMMARY OF COMPARATIVE ANALYSIS OF ALTERNATIVES .....	2-24
2.11 PRINCIPAL THREAT WASTES .....	2-28
2.12 SELECTED REMEDY .....	2-28
2.13 STATUTORY DETERMINATIONS .....	2-32
2.13.1 Protection of Human Health and the Environment .....	2-32
2.13.2 Compliance with Applicable or Relevant Appropriate Requirements .....	2-32
2.13.3 Cost-Effectiveness .....	2-33
2.13.4 Utilization of Permanent Solutions and Alternative Treatment Technologies (or Resource Recovery Technologies) to the Maximum Extent Practicable .....	2-33
2.13.5 Preference for Treatment as a Principal Element .....	2-34
2.13.6 Five-year Review Requirements .....	2-34
2.14 DOCUMENTATION OF SIGNIFICANT CHANGES .....	2-34
REFERENCES .....	R-1

### Appendix

A	NONBINDING ALLOCATION OF RESPONSIBILITY
B	CITY OF ALAMEDA ORDINANCE NO. 2824
C	ADMINISTRATIVE RECORD INDEX
D	CALIFORNIA ENVIRONMENTAL QUALITY ACT NEGATIVE DECLARATION
E	RESPONSIVENESS SUMMARY
F	SUMMARY OF <sup>MAJOR</sup> TEXT CHANGES

## FIGURES

### Figure

- 1 SITE LOCATION MAP
- 2 FILL PLACEMENT
- 3 EXISTING AND OLD SHORELINES FOR EAST BAY MARGIN
- 4 EXTENT OF FORMER SUBTIDAL AREA AND TIDAL MARSHLAND
- 5 DEPTH TO TOP OF FORMER SUBTIDAL AREA AND TIDAL MARSHLAND

## TABLES

### Table

- 1 SUMMARY OF RISK CHARACTERIZATION FOR FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND, ALAMEDA FACILITY/ALAMEDA ANNEX AND ALAMEDA POINT
- 2 COMPARATIVE ANALYSIS OF ALTERNATIVES FOR THE MARSH CRUST AT FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND, ALAMEDA FACILITY/ALAMEDA ANNEX AND THE MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT

## ACRONYMS AND ABBREVIATIONS

Airdrome	San Francisco Bay Airdrome
ARAR	Applicable or relevant and appropriate requirement
BAAQMD	Bay Area Air Quality Management District
B(a)P	Benzo(a)pyrene
bgs	Below ground surface
BRAC	Base Realignment and Closure
CCR	California Code of Regulations
Cal/EPA	California Environmental Protection Agency
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
COC	Chemical of concern
DMB	Data management bench mark
DoD	Department of Defense
DTSC	California Environmental Protection Agency, Department of Toxic Substances Control
EPA	U.S. Environmental Protection Agency
ERA	Ecological risk assessment
FFSRA	Federal Facility Site Remediation Agreement
FISC	Fleet and Industrial Supply Center
FISCO	Fleet and Industrial Supply Center, Oakland
FS	Feasibility study
GAC	Granular activated carbon
HSAA	Hazardous Substances Account Act
HSC	Health and Safety Code
IR	Installation restoration
IRP	Installation Restoration Program
LRA	Local Reuse Authority
LUCICP	Land Use Control Implementation and Certification Plan
NAS	Naval Air Station
Navy	Department of the Navy
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NPL	National Priorities List
NSC	Naval Supply Center
O&M	Operation and maintenance
Ordinance	City of Alameda Ordinance No. 2824
OU	Operable unit

## ACRONYMS AND ABBREVIATIONS (Continued)

PA/SI	Preliminary assessment/site inspection
PAH	Polynuclear aromatic hydrocarbon
PCB	Polychlorinated biphenyl
PRC	PRC Environmental Management, Inc.
PRG	<i>Preliminary Remediation Goal</i>
RAB	Restoration Advisory Board
RAO	Remedial action objective
RAP	Remedial action plan
RI	Remedial investigation
ROD	Record of decision
RWQCB	Regional Water Quality Control Board
SVOC	Semivolatile organic compound
TtEMI	Tetra Tech EM Inc.
TPH	Total petroleum hydrocarbons
yd <sup>3</sup>	Cubic yard

## 1.0 DECLARATION

### 1.1 SITE NAME AND LOCATION

This remedial action plan/record of decision (RAP/ROD) addresses two adjoining, closing naval installations located in Alameda, California. They are:

- Fleet and Industrial Supply Center Oakland (FISCO)  
Alameda Facility/Alameda Annex  
Alameda, California
- Alameda Point (former Naval Air Station [NAS])  
Alameda, California

In 1996, Alameda Facility/Alameda Annex was designated for closure under the Base Realignment and Closure (BRAC) Act of 1990. It was closed as of September 1998. Alameda Facility/Alameda Annex is not on the National Priorities List (NPL). Eight installation restoration (IR) sites, the marsh crust, and shallow groundwater were identified in the past as potentially being contaminated. The marsh crust is a layer of sediment contaminated with semivolatile organic compounds (SVOC) that was deposited across the Alameda Facility/Alameda Annex from the late 1800s until the 1920s. The contamination is believed to have resulted from direct discharges of petroleum products and wastes from former manufactured gas plants and oil refineries to the marshlands. This RAP/ROD for Alameda Facility/Alameda Annex addresses only the marsh crust. Please note that this is a change from the draft RAP/ROD that addresses groundwater at Alameda Facility/Alameda Annex. Additional RAP/RODs will be prepared for other IR sites and contamination in the shallow groundwater at Alameda Facility/Alameda Annex.

Alameda Point was identified for closure under BRAC in September 1993, and the installation ceased all naval operations in April 1997. Alameda Point was listed on the NPL in 1999. The NPL listing does not include the subsurface soil contamination layer known as the marsh crust and the former subtidal area. Twenty-nine IR sites, the marsh crust, and the former subtidal area were identified in the past as potentially being contaminated. Like the marsh crust, the former subtidal area is a layer of sediment contaminated with SVOCs; however, it was deposited on tidal flats at the western end of Alameda Point, rather than on the marshes. This RAP/ROD for Alameda Point addresses only the marsh crust and the former subtidal area.

## **1.2 STATEMENT OF BASIS AND PURPOSE**

This RAP/ROD decision document presents the remedy selected by the Department of the Navy (Navy) for the marsh crust at Alameda Facility/Alameda Annex and the marsh crust and the former subtidal area at Alameda Point. The selected remedy was chosen in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 and, to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). In addition, the selected remedy was chosen in accordance with the State of California Hazardous Substance Account Act (HSAA), which is contained in Chapter 6.8 of the California Health and Safety Code (HSC), and specifically complies with California HSC Section 25356.1. Appendix A contains the nonbinding allocation of responsibility required by the California HSC and prepared by the California Environmental Protection Agency (Cal/EPA), Department of Toxic Substances Control (DTSC). This decision document is based on the administrative record file for Alameda Facility/Alameda Annex and for Alameda Point.

DTSC, the U.S. Environmental Protection Agency (EPA), and the California Regional Water Quality Board (RWQCB) concur with the selected remedy.

## **1.3 ASSESSMENT OF THE SITE**

Hazardous substances are present in the marsh crust at Alameda Facility/Alameda Annex. At Alameda Point, hazardous substances are present in the marsh crust and former subtidal area. The response action selected in this RAP/ROD is necessary to protect public health or welfare or the environment from potential releases of hazardous substances into the environment.

## **1.4 DESCRIPTION OF THE SELECTED REMEDY**

The selected remedy is the final, comprehensive remedial action to address the marsh crust at Alameda Facility/Alameda Annex and to address the marsh crust and former subtidal area at Alameda Point. Site-specific RAP/RODs will be prepared in the future to address the selected remedy for soil at IR sites and the shallow groundwater at Alameda Facility/Alameda Annex. Operable unit-specific RAP/RODs will be prepared in the future to address contaminated soil and groundwater at Alameda Point. Either the determination that "all necessary remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken before the date of such transfer,..." as provided under Section 120(h)(3)(A)(ii)(I) of CERCLA or, in the case of early transfers,

the determinations required by Section 120(h)(3)(C)(i) of CERCLA, will be made at a date subsequent to the date of issuance of this RAP/ROD and prior to the conveyance of individual parcels."

Based on the results of the remedial investigation (RI), the Navy has concluded that compounds in the marsh crust at Alameda Facility/Alameda Annex and in the marsh crust and former subtidal area at Alameda Point could pose an unacceptable risk to human health or the environment under future land use. A potential future exposure scenario that could result in unacceptable risk at Alameda Facility/Alameda Annex and Alameda Point is the possibility that future construction activities could raise the contaminated marsh crust and deposits from the former subtidal area to the surface, where they could remain as a source of exposure.

Therefore, the Navy and DTSC, with the concurrence of EPA and the RWQCB, have selected the following remedy

- **Land Use Controls for the Marsh Crust at Alameda Facility/Alameda Annex and Alameda Point and the Former Subtidal Area at Alameda Point:** The Navy and DTSC, with the concurrence of EPA and RWQCB, have selected land use controls as the remedy for the marsh crust and former subtidal area. The selected remedy addresses principal threats by restricting future site occupants from excavating into the marsh crust and deposits from the former subtidal area, unless proper procedures are used to ensure that workers are not unduly exposed and that all contaminated material brought to the surface undergoes appropriate disposal. The selected remedy of institutional controls consists of the following three tiers of land use controls:

- Environmental Restrictions in Deed

The Navy has included Environmental Restrictions addressing marsh crust land use controls pursuant to California Civil Code Section 1471 in the deeds transferring title to Fleet and Industrial Supply Center (FISC) Alameda and East Housing Portion of NAS Alameda to the City of Alameda on July 20, 2000. The Environmental Restrictions require that the City of Alameda and its transferees comply with the City of Alameda Ordinance No. 2824 (included as Appendix B), passed on February 15, 2000, when excavating below specified threshold depths or, when excavating with DTSC approval if the Ordinance is repealed or DTSC determines that the Ordinance does not comply with the Covenant to Restrict Use of Property (discussed below in Item 2). These Environmental Restrictions shall be interpreted in a manner that is consistent with and does not conflict with the Covenant to Restrict Use of Property between DTSC and the City of Alameda. These Environmental Restrictions (1) run with the land; (2) are for the benefit of, and enforceable by, the Navy; (3) are binding upon future owners and occupants of the property; and (4) shall be enforced by the Navy when necessary and appropriate. The deed provides that failure to enforce the Environmental Restrictions in the Covenant between DTSC and the City of Alameda shall not preclude the Navy from enforcing the equivalent Environmental Restrictions in

the deed. In the future, deeds transferring title to former Navy properties included in the marsh crust and subtidal area of Alameda Point will contain these Environmental Restrictions, as appropriate.

- Covenant to Restrict Use of Property

On July 20, 2000, DTSC and the City of Alameda entered into a Covenant to Restrict Use of Property (Covenant) that includes Environmental Restrictions addressing marsh crust land use controls pursuant to California Civil Code Section 1471 and HSC Section 25355.5. The Environmental Restrictions prohibit excavation below specified threshold depths, except in compliance with the City of Alameda Ordinance No. 2824, passed on February 15, 2000 (see description below), or with DTSC approval if the Ordinance is repealed or DTSC determines that the Ordinance does not comply with the Covenant. The Covenant covers FISCO Alameda Facility/Alameda Annex and Alameda NAS East Housing and contains Environmental Restrictions that (1) run with the land; (2) are for the benefit of and enforceable by DTSC; and (3) are binding upon future owners and occupants of the property. In the future, transfers of former Navy properties included in the marsh crust and subtidal area of Alameda Point will require a similar covenant.

- Marsh Crust Ordinance

The City of Alameda has enacted City of Alameda Ordinance No. 2824, passed on February 15, 2000, and included as Appendix B, that prohibits engaging in any excavation below specified threshold depths on former Navy property without an excavation permit and without taking proper measures to ensure that workers are not unduly exposed and that all contaminated material brought to the surface is properly disposed of. The City of Alameda will directly implement and enforce the Ordinance. If the excavation Ordinance is repealed in the future, or if DTSC has made a written determination with 30 days prior written notice to the City of Alameda that the excavation Ordinance does not comport with the intent of the DTSC-City Covenant, then a permitted excavation may be conducted only in accordance with written approval by DTSC. The permittee's application for such an approval will be submitted to DTSC and would comply with the permit application requirements of the last version of the excavation ordinance or other requirements as DTSC may specify.

The roles and responsibilities for implementing, monitoring, and enforcing the land use controls selected in this RAP/ROD will be documented in a Land Use Control Implementation and Certification Plan (LUCICP), which will be prepared after the completion of the RAP/ROD. The LUCICP will include the following elements:

- Site descriptions, a map showing the site locations and the approximate size of the site, and a description of any chemicals of concern (COC)

- The land use control objectives and restrictions stated in the RAP/ROD
- The specific legal mechanism that will be used to achieve the RAP/ROD's land use control objectives and restrictions
- The required frequency for periodic inspections of the sites
- Identification of the entities responsible for implementation of the monitoring and inspections
- Methods that will be used to periodically certify compliance with institutional controls upon completion of inspections
- Procedures for notifying the Navy and the signatories to the Federal Facility Site Remediation Agreement (FFSRA) in the event of a failure to comply with land use restrictions

The draft LUCICP will be provided to FFSRA signatories and EPA for approval and to the Local Reuse Authority (LRA) and the transferee for review.

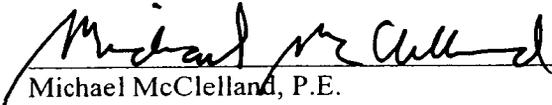
The following information is included in the Decision Summary section of this RAP/ROD. Additional information can be found in the Administrative Record file for this site.

- COCs and their respective concentrations
- Baseline risk represented by COCs
- Cleanup levels established for COCs and the basis for these levels
- How source materials that constitute principal threats are addressed
- Current and reasonably anticipated future land use assumptions and current and potential future beneficial uses of groundwater used in the baseline risk assessment and RAP/ROD
- Potential land use that will be available at the site as a result of the selected remedy
- Estimated capital, annual operation and maintenance (O&M), total present worth costs, the discount rate, and the number of years over which remedy cost estimates are projected
- Key factor(s) that led to selecting the remedy (that is, how the selected remedy provides the best balance of tradeoffs with respect to the balancing and modifying criteria, highlighting criteria key to the decision)

**1.5 DECLARATION/STATUTORY DETERMINATION**

The selected remedy for the marsh crust at Alameda Facility/Alameda Annex and Alameda Point and the former subtidal area at Alameda Point is protective of human health and the environment. It complies with federal and state requirements that are legally applicable or relevant and appropriate to the remedial action and is cost-effective. This remedy makes use of permanent solutions to the maximum extent practicable. However, the selected remedy does not satisfy the statutory preference for remedies that employ treatment to reduce toxicity, mobility, or volume of contaminants as a principal element. Treatment was not considered to be easily implementable or cost-effective for the marsh crust and former subtidal area at Alameda Facility/Alameda Annex and Alameda Point.

Because the selected remedy may allow hazardous substances to remain on site above levels that allow for unrestricted use, a statutory review will be conducted within 5 years after remedial action begins to ensure that the selected remedy for the former subtidal area and marsh crust continues to provide adequate protection of human health and the environment.

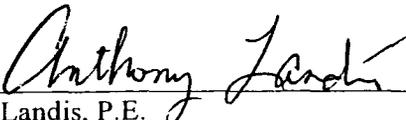
  
\_\_\_\_\_  
Michael McClelland, P.E.  
BRAC Environmental Coordinator  
Alameda Facility/Alameda Annex and Alameda Point

Feb 1, 2001  
Date

**1.5 DECLARATION/STATUTORY DETERMINATION**

The selected remedy for the marsh crust at Alameda Facility/Alameda Annex and Alameda Point and the former subtidal area at Alameda Point is protective of human health and the environment. It complies with federal and state requirements that are legally applicable or relevant and appropriate to the remedial action and is cost-effective. This remedy makes use of permanent solutions to the maximum extent practicable. However, the selected remedy does not satisfy the statutory preference for remedies that employ treatment to reduce toxicity, mobility, or volume of contaminants as a principal element. Treatment was not considered to be easily implementable or cost-effective for the marsh crust and former subtidal area at Alameda Facility/Alameda Annex and Alameda Point.

Because the selected remedy may allow hazardous substances to remain on site above levels that allow for unrestricted use, a statutory review will be conducted within 5 years after remedial action begins to ensure that the selected remedy for the former subtidal area and marsh crust continues to provide adequate protection of human health and the environment.

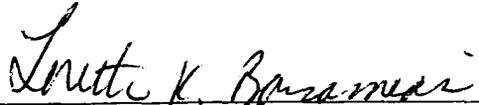
  
\_\_\_\_\_  
Anthony Landis, P.E.  
Chief, Northern California Operations,  
Office of Military Facilities  
California Environmental Protection Agency,  
Department of Toxic Substances Control

2-2-01  
Date

1.5 DECLARATION/STATUTORY DETERMINATION

The selected remedy for the marsh crust at Alameda Facility/Alameda Annex and Alameda Point and the former subtidal area at Alameda Point is protective of human health and the environment. It complies with federal and state requirements that are legally applicable or relevant and appropriate to the remedial action and is cost-effective. This remedy makes use of permanent solutions to the maximum extent practicable. However, the selected remedy does not satisfy the statutory preference for remedies that employ treatment to reduce toxicity, mobility, or volume of contaminants as a principal element. Treatment was not considered to be easily implementable or cost-effective for the marsh crust and former subtidal area at Alameda Facility/Alameda Annex and Alameda Point.

Because the selected remedy may allow hazardous substances to remain on site above levels that allow for unrestricted use, a statutory review will be conducted within 5 years after remedial action begins to ensure that the selected remedy for the former subtidal area and marsh crust continues to provide adequate protection of human health and the environment.

  
\_\_\_\_\_  
Loretta K. Barsamian  
Executive Officer  
California Regional Water Quality Control Board

1.12.01  
Date

## 2.0 DECISION SUMMARY

The decision summary provides an overview of site characteristics, alternatives evaluated, and the analysis of those options. It also identifies the selected remedy and explains how the remedy fulfills statutory and regulatory requirements.

### 2.1 SITE NAME, LOCATION, AND DESCRIPTION

This section contains basic information about each facility, including its location, lead and support agency, and a description.

#### 2.1.1 Site Name and Location

Alameda Facility/Alameda Annex is located about 1 mile southeast of the FISCO main base and less than 1 mile east of the former NAS Alameda, along the southern shore of the Oakland Inner Harbor in Alameda, California (see Figure 1). NAS Alameda is now known as Alameda Point. Alameda Point is located on the western end of Alameda Island, adjacent to Alameda Facility/Alameda Annex (see Figure 1).

#### 2.1.2 Lead and Support Agencies

The Navy is the lead agency for the investigation and cleanup of Alameda Facility/Alameda Annex and Alameda Point. DTSC, EPA, and RWQCB are the regulatory support agencies, as defined by the NCP. Pursuant to state law, DTSC is the lead regulatory agency for the non-NPL areas (that is, the marsh crust and East Housing site). For areas that are on the NPL, such as IR sites at Alameda Point, EPA has a necessary concurrence role in the selection of the remedy.

#### 2.1.3 Site Type and Description

Alameda Facility/Alameda Annex occupies about 143 acres and served during its period of operation as part of the main supply facility supporting Department of Defense (DoD) operations of military fleets and shore activities in the Pacific Basin. Alameda Point occupies about 2,675 acres and was a major center of naval aviation for Pacific Fleet ships.

From the late 1800s until the 1920s, two manufactured gas plants and an oil refinery were located near the present locations of Alameda Facility/Alameda Annex and Alameda Point. These facilities are

believed to have discharged petroleum products and wastes and possibly, CERCLA hazardous substances to adjacent marshlands, during their operation. The waste migrated over much of the surface of the surrounding marsh and was deposited on the marsh surface through tidal actions, leaving a discontinuous layer of contaminated sediment under the 143-acre area that is now Alameda Facility/Alameda Annex and the eastern portion of the 2,675-acre area that is now Alameda Point. This layer is known as the marsh crust. Farther to the west at Alameda Point, the waste was deposited on tidal flats, now known as the former subtidal area. Fill material dredged from the Oakland Inner Harbor and sediment from locations surrounding San Francisco Bay were placed on these areas from as early as 1887 to as late as 1975, encapsulating the former subtidal area and marsh crust.

## **2.2 SITE HISTORY AND ENFORCEMENT ACTIVITIES**

This section provides background information about each facility, including activities that have led to the current environmental conditions, site investigations, and removal actions conducted to date.

### **2.2.1 Facility History**

Until the 1920s, the Alameda Facility/Alameda Annex and Alameda Point facilities and the surrounding area existed as undeveloped marshlands and tidal flats along the fringe of San Francisco Bay. The area south of the facilities consisted primarily of residential properties. Before 1930, at least two large industrial sites (an oil refinery and a borax processing plant) were located on the western tip of Alameda Island. Several industries were located on the northern side of Oakland Inner Harbor, including two manufactured gas plants.

Many of these industries are believed to have stored and used hazardous materials and generated hazardous wastes during their daily operations and manufacturing processes (PRC Environmental Management [PRC] 1996a). In particular, lighter hydrocarbon by-products and sludges laden with polynuclear aromatic hydrocarbons (PAH) are likely to have been discharged directly into the waters of San Francisco Bay or the Oakland Inner Harbor. Because many of these materials are lighter than water, they would have floated and been transported by tidal flows into the marsh by historical tidal channels. These materials are believed to have been deposited along the sides of the tidal channels and marsh surface. This deposited material is the marsh crust that currently exists between 10 and 20 feet (at an average depth of 15 feet below ground surface [bgs]) at Alameda Facility/Alameda Annex (PRC 1996a). These same materials appear to have been deposited in sediments, ranging from 4 to 10 feet bgs (at an average depth of 8 feet bgs), at Alameda Point. These materials are referred to as the former subtidal

area and marsh crust at Alameda Point. The history of Alameda Facility/Alameda Annex and Alameda Point is described below.

### **History of Alameda Facility/Alameda Annex**

From 1900 to 1939, the area that now comprises the Alameda Facility/Alameda Annex was covered with fill soil obtained from unknown sources (International Technology Corporation 1998); it is likely that the fill came from dredge spoils from the Oakland Inner Harbor (see Figure 2).

A commercial airport known as the San Francisco Bay Airdrome (Airdrome) was constructed in the mid-1920s in the current location of the facility's southern portion. The Airdrome consisted of a 2,500-foot runway, a passenger terminal, and an aircraft maintenance hangar. Aircraft maintenance would likely have involved use and storage of hazardous materials and generation of associated wastes in the form of solvents, paints, and petroleum-based products (such as aircraft fuel and lubricating oil). The Airdrome reached peak operation by 1932, serving about 11,000 customers per month. In 1941, wartime activities at nearby NAS Alameda caused air traffic conflicts, resulting in closure of the Airdrome (PRC 1996a).

The U.S. Government purchased the property that now comprises the facility from the Regents of the University of California. An elongated piece of property, which consists of multiple sets of railroad tracks and bisects the facility from east to west, belongs to the Southern Pacific Railroad. In 1946, the U.S. Government purchased the portion of the facility south of the Southern Pacific railroad tracks, and in 1966, purchased the portion north of the Southern Pacific railroad tracks. The facility consists of two parts: the Alameda Facility (the portion north of Southern Pacific railroad tracks) and the Alameda Annex (the portion south of Southern Pacific railroad tracks). The property comprising the Alameda Facility was occupied by the Alameda Medical Depot of the U.S. Army as of 1945 and was later used by Sharpe Army Depot. In 1964, command of the Alameda Facility was transferred to the Naval Supply Center (NSC) Oakland. The property that comprises the Alameda Annex was assigned to NAS Alameda in 1951. In 1980, the Alameda Annex was transferred to NSC Oakland.

The facility, in conjunction with NSC Oakland, served as the main supply facility supporting DoD operations of military fleets and shore activities in the Pacific Basin. The Defense Logistics Agency Defense Reutilization and Marketing Office occupied warehouse space and former parking lots for display of saleable general surplus military goods. The Fleet Hospital Support Office used some of the warehouses and former parking lots to store hospital supplies. In 1996, the Alameda Facility/Alameda Annex was designated for closure, and it was closed in September 1998 under BRAC.

## **History of Alameda Point**

The western tip of Alameda Island (prior to the construction of Alameda Point) was used as farmland before it became an industrial and transit center. Railroad yards and rights-of-way for Southern Pacific, Central Pacific, and small local railways were built over the site and sloughs to the north. The western terminus for the transcontinental railroad was at the southeastern corner of the site for a short period in 1869. The Army acquired the western tip of Alameda Island from the City of Alameda in 1930 and began construction in 1931. In 1936, the Navy acquired title to the land from the Army and began building NAS Alameda in response to the military buildup in Europe before World War II. The construction involved filling the natural tidelands, marshes, and sloughs between the Oakland Inner Harbor and the western tip of Alameda Island. The fill largely consisted of dredge spoils from the surrounding San Francisco Bay and Oakland Inner Harbor. After the United States entered the war in 1941, the Navy acquired more land west of the installation. After the end of the war in 1945, the installation continued its primary mission of providing facilities and support for fleet aviation activities. While it operated as an active naval base, the installation provided berthing for Pacific Fleet ships and was a major center of naval aviation.

Alameda Point was identified for closure in September 1993. The installation ceased all naval operations in April 1997, and the Navy is currently returning the land to the City of Alameda. The Navy is working with the City of Alameda and the Alameda Reuse and Redevelopment Authority to identify appropriate reuse for the land.

### **2.2.2 Environmental Investigations and Remedial Actions**

Alameda Facility/Alameda Annex and Alameda Point have undergone investigations for environmental contamination and remedial action. These investigations and remedial actions are discussed below.

#### **Alameda Facility/Alameda Annex**

The Navy began investigating sites under the Installation Restoration Program (IRP) beginning in the 1980s. Eight IRP sites were identified at Alameda Facility/Alameda Annex as a result of a preliminary assessment/site inspection (PA/SI) (National Energy and Environmental Support Activity 1988) under CERCLA and a Resource Conservation and Recovery Act facility assessment (DTSC 1993). A FFSRA between the Navy and the State of California was signed in 1992 for subsequent investigations and response actions.

An RI has been conducted at seven of the eight IR sites within Alameda Facility/Alameda Annex. No RI was conducted for Site IR01; the PA/SI report concluded that no further investigation was necessary at that site, because no evidence existed of a release of hazardous substances, pollutants, or contaminants. As part of the RI for IR02 – IR08, samples were collected of shallow soil (soil from the surface to 10 feet bgs), deep soil (soil from 10 feet to 22.5 feet bgs), and shallow and deep groundwater. Complete descriptions of these investigations can be found in the Alameda Facility/Alameda Annex RI report (PRC 1996a).

Two removal actions were completed at IR02 for soil contaminated with polychlorinated biphenyls (PCB) and lead. The Navy is preparing to conduct a remedial action for additional surface soil contaminated with PCBs and cadmium at IR02 (PRC 1996b; Tetra Tech EM, Inc. [TtEMI] 1998b). Two removal actions were completed for contaminated sediment and debris from the storm water drainage system at Alameda Facility/Alameda Annex (TtEMI 1998a). A summary of these removal actions can be found in the feasibility study (FS) report (TtEMI 1999b, 1999d) for Alameda Facility/Alameda Annex.

### **Alameda Point**

Several phases of investigation have been conducted at the 29 IR sites at Alameda Point for soil, sediment, and groundwater. Six operable units (OU) have been designated to streamline the investigation and reporting process. To date, RI reports for OU-1 (TtEMI 1999a), OU-2 (TtEMI 1999g), and OU-3 (TtEMI 1999c) have been prepared. The RI report for OU-4 and OU-5 are being prepared. Because this RAP/ROD addresses only the former subtidal area and marsh crust, the results of the OU-1, OU-2, and OU-3 RIs are not summarized. Instead, investigative results related to the former subtidal area and marsh crust are presented in Section 2.5.3. In May 2000, DTSC prepared a Removal Action Workplan for Marsh Crust at East Housing (DTSC 2000).

#### **2.2.3 Enforcement Activities**

No enforcement actions are pending at the installations.

### **2.3 HIGHLIGHTS OF COMMUNITY PARTICIPATION**

The Navy formed restoration advisory boards (RAB) in March 1995, consisting of members of the Navy, the community, and regulatory agencies, for Alameda Facility/Alameda Annex and Alameda Point. The

RABs meet regularly and provide input into cleanup at these two installations. The RABs are also sources of information regarding future anticipated land use and potential beneficial uses of groundwater.

#### **2.4 SCOPE AND ROLE OF RESPONSE ACTION FOR ALAMEDA FACILITY/ALAMEDA ANNEX AND ALAMEDA POINT**

The RI report for Alameda Facility/Alameda Annex was finalized in January 1996. The FS report for the marsh crust, the former subtidal area, and shallow groundwater was finalized in March 2000. The proposed plan for Alameda Facility/Alameda Annex and Alameda Point was made available to the public on June 20, 2000. The RI report, FS report, proposed plan, and draft RAP/ROD were made available to the public through information repositories, which contain the administrative record index (see Appendix C) and materials related to the environmental cleanup program at Alameda Facility/Alameda Annex and Alameda Point. The information repositories are located at the Alameda Public Library, 220 A Central Avenue, Alameda, California, and the Alameda Point Library, 950 West Mall Square, Main Office Building (Building 1), Alameda Point, Alameda, California. In accordance with the California Environmental Quality Act, DTSC has conducted an Initial Study for the selected remedy. A proposed Negative Declaration was also made available through the information repositories. The notice of availability for the proposed plan, the draft RAP/ROD and the Negative Declaration (see Appendix D) was published in the Oakland Tribune and the Alameda Times on June 20, 2000. A public comment period was held from June 20 to July 20, 2000. A public meeting was held on June 29, 2000. At the meeting, representatives from the Navy, DTSC, EPA, and RWQCB answered questions about the proposed plan and the preferred alternatives. A response to comments received during the public comment period is presented in the responsiveness summary, which is included as Appendix E of this RAP/ROD. These activities fulfill the requirements of the HSCA (HSC Section 25356.1), CERCLA community participation requirements of Sections 113(k)(2)(B)(i-v) and 117(a)(2), and the NCP, 40 Code of Federal Regulations (CFR) Section 300.430(f)(3). Subsequent to the publication of the Draft RAP/ROD and the aforementioned public meeting, the Navy and DTSC agreed to remove the groundwater portion of this RAP/ROD. A RAP/ROD for groundwater at Alameda Facility/Alameda Annex will be produced separately.

This RAP/ROD selects the final remedy for the marsh crust at Alameda Facility/Alameda Annex and Alameda Point and the former subtidal area at Alameda Point. The remedy will be conducted in accordance with CERCLA and the NCP. This is the first RAP/ROD for Alameda Facility/Alameda Annex and Alameda Point. RIs were conducted at seven sites at the Alameda Facility/Alameda Annex

from June 1992 through September 1994 under the Navy's IRP, in accordance with the FFSRA. Separate RAP/RODs for soil will be prepared for IR sites and shallow groundwater at Alameda Facility/Alameda Annex. The IR sites and groundwater at Alameda Point are not addressed in this RAP/ROD. RI/FSs are currently underway for most IR sites at Alameda Point. Separate RAP/RODs will be prepared for the remaining OUs at Alameda Point.

## **2.5 SITE CHARACTERISTICS**

This section provides a comprehensive overview of the two facilities, including geology and hydrogeology, and the probable sources and extent of contaminants detected in samples from the former subtidal area at Alameda Point and the marsh crust at both facilities. Additional information about site characteristics can be found in Section 2.1.3, Site Type and Description, and Section 2.2.2, Environmental Investigations and Remedial Actions. Specifically, sampling strategy is discussed in Section 2.2.2, and information about sources of contamination is presented in Section 2.1.3.

### **2.5.1 Geology**

Surface and near-surface soil at Alameda Facility/Alameda Annex consists of artificial fill emplaced during historical filling of the tidal marshlands (see Figure 3) and postfill construction during site development. The fill material is characterized by sands, clays, and silts dredged from the tidal flats in the region and mixed with material from the Merritt Sand Formation. The fill is present to depths ranging from about 10 feet bgs in the northern portion of the facility to 20 feet bgs in the southern portion. The marshland layer underneath the artificial fill material on the facility was observed during investigations to be an organic-rich peat and grass layer that is about 2 to 6 inches thick, at depths that range from about 10 to 20 feet bgs (PRC 1996a). This peat and grass layer was also recognized during previous geotechnical investigations and was termed the marsh crust (Lee and Prazsker 1979). Immediately below the marsh crust layer is the Bay Mud layer, which underlies the fill material across the entire site. The Bay Mud consists of recent sediments deposited in an estuarine environment. The Merritt Sand Formation underlies the Bay Mud across most of the facility.

The geology of Alameda Point is similar to Alameda Facility/Alameda Annex. However, Alameda Point was constructed by placing fill not only on the former marshlands, but also beyond the limits of the former marshlands and into the subtidal area of San Francisco Bay (see Figures 3 and 4). As at Alameda Facility/Alameda Annex, the Bay Mud consists of recent sediments deposited in an estuarine

environment. The thickness of the Bay Mud ranges from 10 to 110 feet throughout the installation. The Bay Mud is thin or absent in the southeastern region of the installation. A layer of marsh crust in the eastern portion of the Alameda Point facility is found below the surface fill material and on top of the Bay Mud that is the same as that at Alameda Facility/Alameda Annex described above. The marsh crust layer is present at depths ranging from 4 to 10 feet bgs.

Farther west, a layer high in organic content is typically located under the fill soil and on top of the Bay Mud, in an area that was mapped as tidal flats in a 1856 U.S. Coast and Geodetic Survey study, as noted in Radbruch (1957). The layer high in organic content consists of highly decayed organic matter incorporated in the mineral soil, typically from plant detritus (such as decayed stems and leaf skeletons or humus) and algae. This layer makes up the subtidal zone that is one of the subsurface layers targeted for remedial action in this RAP/ROD. At Alameda Point, the Merritt Sand Formation also underlies the Bay Mud over most of the facility.

### **2.5.2 Hydrogeology**

Fill material above the Bay Mud Formation constitutes the shallow, unconfined water-bearing zone beneath Alameda Point and Alameda Facility/Alameda Annex. Groundwater is usually first encountered between 4 and 6 feet bgs. The Bay Mud forms an aquitard between the shallow groundwater and the Merritt Sand that composes much of the deeper confined aquifer beneath the facility (PRC 1996a; TtEMI 1999a, TtEMI 1999g.). Regional groundwater in the shallow aquifer flows radially, toward the Oakland Inner Harbor and San Francisco Bay. Aquifer tests indicate that the Bay Mud aquitard acts as an effective hydraulic barrier between the confined aquifer and the unconfined water-bearing zone.

### **2.5.3 Contamination in the Marsh Crust and Former Subtidal Area**

#### **Alameda Facility/Alameda Annex**

Alameda Facility/Alameda Annex was constructed on top of a tidal marshland, interlaced with numerous tidal channels. The marsh crust is thought to be a layer of refinery by-products and sludges deposited within tidal channels and up to the high water mark on the tidal marshland (TtEMI 2000). Fifty-seven wells and boreholes that extend to depths exceeding 10 feet were installed at Alameda Facility/Alameda Annex. Thirty-seven of the 57 wells or boreholes encountered the interface between the Bay Mud and fill soil, where the marsh crust is expected to be found. The mean depth of the interface was found to be

15.3 feet bgs. Based on available lithologic data, the marsh crust appears to be a discontinuous layer about 6 inches thick, located intermittently between 10 and 20 feet bgs.

Analyses of soil samples from the marsh crust in and around site IR02 indicated high concentrations of SVOCs and total petroleum hydrocarbons (TPH) (TtEMI 2000). SVOCs are common components of TPH. Because of the site's history, geology, and previous investigations, all marsh crust that underlies Alameda Facility/Alameda Annex is assumed to contain SVOCs at concentrations similar to IR02. Chemical data are presented in the RI report (PRC 1996a).

### **Alameda Point**

Alameda Point was constructed by placing artificial fill material on top of a subtidal area and a tidal marshland. The eastern portion of Alameda Point was constructed on top of the same tidal marshland as the Alameda Facility/Alameda Annex, and the central and southeastern portions of the facility were constructed on a subtidal area adjacent to the tidal marshland and the original Alameda Island landmass. The western portion of the facility was constructed beyond the subtidal area, directly in San Francisco Bay. The same layer of refinery by-products and sludges that compose the marsh crust at the Alameda Facility/Alameda Annex appears to have been deposited on both the tidal marshland and former subtidal area at Alameda Point. Data from 133 boreholes, extending to depths below the artificial fill-Bay Mud interface, were used to define the lateral extent and chemical characteristics of the former subtidal area and the marsh crust at Alameda Point. Analysis of soil samples showed elevated levels of SVOCs. These SVOCs were selected for further evaluation in the RI, based on their high frequency of occurrence and potential to pose a risk to human health. Chemical data are presented in the OU-1 RI report (TtEMI 1999a), the OU-2 RI report (TtEMI 1999g), and the OU-3 RI report (TtEMI 1999c).

Figure 4 shows the extent of the subtidal area and tidal marshland at Alameda Facility/Alameda Annex and Alameda Point. Figure 5 shows the depth to the top of the former subtidal area and marsh crust.

## **2.6 CURRENT AND POTENTIAL FUTURE LAND AND RESOURCE USES**

This section discusses the current and reasonably anticipated future land uses at Alameda Facility/Alameda Annex and Alameda Point and the basis for assumptions on future use.

### **2.6.1 Demography and Land Use**

Alameda Facility/Alameda Annex and Alameda Point are located in the City of Alameda. Land use has been industrial since the land was created from fill between 1887 and 1939. Land use at Alameda Facility/Alameda Annex is currently general industrial, including military operations with a special government-combining overlay. Alameda Point is currently a mixed-use area with family housing, along with industrial and office space. San Francisco Bay lies west of the facility. The Oakland Inner Harbor, which is north of the Alameda Facility/Alameda Annex and Alameda Point, contains a ferry terminal, shipyards, several marinas, and yacht clubs. The area east of Alameda Facility/Alameda Annex encompasses commercial and industrial properties, including the former location of a Phillips Petroleum bulk storage plant. The area south of Alameda Facility/Alameda Annex and Alameda Point consists of residential developments, including housing, elementary schools, a middle school, and the College of Alameda (PRC 1996a). The area west of Alameda Facility/Alameda Annex is occupied by the Alameda Point facility.

Future land use at Alameda Facility/Alameda Annex and Alameda Point is expected to be a continuation of current land use, which is a mixture of commercial, industrial, recreational, and residential.

### **Natural Resources**

The Oakland Inner Harbor, which is an arm of San Francisco Bay, is adjacent to the northern boundary of both facilities. The shoreline of Oakland Inner Harbor is almost entirely modified by human activity, and a variety of industries are located along its length (including port facilities, shipbuilding and repair facilities, sand and gravel off-loading areas, and marinas). Although harbor seals and birds, including California brown pelicans, double-crested cormorants, and several species of gulls, have been observed in the Inner Harbor area, these species do not nest or feed at Alameda Facility/Alameda Annex, because it offers no supporting habitat. Similarly, of the wildlife species in the Bay Area that are classified by either state or federal governments as endangered or threatened, none nest or feed at Alameda Facility/Alameda Annex (Port of Oakland and U.S. Army Corps of Engineers 1994).

Alameda Point is almost entirely modified by human activity, and a variety of industries and activities are located at the facility (including port facilities, aircraft repair facilities, office buildings, runways, and landfills). Alameda Point includes contiguous and noncontiguous properties such as constructed breakwaters. Major habitat types present at Alameda Point are described in the OU-1 RI report (TtEMI

1999a) and include open water areas; estuarine intertidal emergent wetlands; nonnative grassland; ruderal upland vegetation; disturbed areas; beach, urban, and ornamental landscapes; and riprap. Several special status species have been identified that occur or are expected to occur at Alameda Point (U.S. Fish and Wildlife Service 1993; TtEMI 1999a).

## **2.7 SUMMARY OF SITE RISKS**

This section summarizes the results of the HHRA and ecological risk assessment (ERA) conducted for the marsh crust and former subtidal area.

### **2.7.1 Summary of Human Health Risk Assessment**

The baseline risk assessment estimates the risks the site will pose if no action were taken. It provides the basis for action and identifies contaminants and exposure pathways that should be addressed by the remedial action. This section of the RAP/ROD summarizes results of the baseline risk assessment for both the Alameda Facility/Alameda Annex and Alameda Point. Table 1 provides a narrative summary of the baseline risk assessment.

#### **2.7.1.1 Identification of Chemicals of Concern**

COC for Alameda Facility/Alameda Annex were identified by reviewing chemical concentration data in the RI and comparing them with concentrations known as data management bench marks (DMB). The DMBs for each chemical at the site were based on a target residential excess lifetime cancer risk of  $1 \times 10^{-6}$ . A chemical was deemed to be a COC if the 95 percent upper confidence level exceeded the DMB. COC for Alameda Point were identified through HHRA in the RIs for OU-1 (TtEMI 1999b), OU-2 (TtEMI 1999g), and OU-3 (TtEMI 1999c).

#### **Alameda Facility/Alameda Annex**

An HHRA was conducted at Alameda Facility/Alameda Annex as part of the final RI report for the installation (PRC 1996a). The HHRA evaluated potential risks posed by the marsh crust.

#### **Alameda Point**

HHRA have been conducted for soils, including the marsh crust and former subtidal area at OU-1 (TtEMI 1999b), OU-2 (TtEMI 1999g), and OU-3 (TtEMI 1999c).

### **2.7.1.2 Exposure Assessment**

An HHRA exposure assessment identifies (1) mechanisms by which contaminants can be released from a site into the environment, (2) subsequent migration of contaminants through environmental media, and (3) human receptors that may be exposed to these contaminants. The marsh crust and former subtidal area are the environmental media addressed by this RAP/ROD. Contaminants associated with these media may be either site-related or related to historical non-Navy activities. Potential human exposure pathways associated with these media are summarized below.

#### **Alameda Facility/Alameda Annex**

The HHRA in the final RI report (PRC 1996a) evaluated potential risks posed by contaminants in the marsh crust at Alameda Facility/Alameda Annex. The RI report concluded that at the depth the marsh crust is now located, the material does not pose a risk to human health. However, an exposure pathway would exist for workers or residents if contaminated material were ever brought to the surface or disposed of in an uncontrolled manner.

#### **Alameda Point**

HHRAs for Alameda Point concluded that an exposure pathway could exist for workers exposed to the former subtidal area and marsh crust during construction of building foundations and utility work at depths of 4 to 10 feet bgs. In addition, if the contaminated layer were ever brought to the surface or disposed of in an uncontrolled manner, workers or residents could be exposed.

### **2.7.1.3 Toxicity Assessment**

No COCs were identified in the HHRA for the marsh crust, because no completed exposure pathways existed; therefore, no toxicity assessment discussion is included in this RAP/ROD.

### **2.7.1.4 Risk Characterization**

The risk characterization summarizes and combines outputs of the exposure and toxicity assessments to characterize baseline risks.

#### **Alameda Facility/Alameda Annex**

After the FS was completed, the Navy estimated risk for the future scenario of excavation and uncontrolled distribution on the surface. Risks were estimated by comparing benzo(a)pyrene (B(a)P)

concentrations in the marsh crust with the EPA Region 9 preliminary remediation goal (PRG) for residential land use. B(a)P concentrations were used for the comparison because of the compound's potential toxicity. Based on these comparisons, excess lifetime cancer risks of  $2 \times 10^{-3}$  were estimated for individual marsh crust borehole samples at Alameda Facility/Alameda Annex. This level of risk was determined to be unacceptable for unrestricted use.

### **Alameda Point**

The HHRA for Alameda Point estimated that the risk to construction workers is less than  $10^{-6}$  at all IR sites, except for IR 25, where the risk was estimated to be  $3.4 \times 10^{-5}$ . After the FS was completed, the Navy estimated risk for the future scenario of excavation and uncontrolled distribution on the surface. Risks were estimated by comparing B(a)P concentrations in the marsh crust to the EPA Region 9 PRG for residential land use. B(a)P concentrations were used for the comparison because of the compound's potential toxicity. Based on these comparisons, excess lifetime cancer risks of  $3 \times 10^{-4}$  were estimated for individual marsh crust borehole samples at Alameda Point. This level of risk was determined to be unacceptable for unrestricted use.

## **2.7.2 Ecological Risk Assessment**

Several ERAs were conducted to evaluate whether contaminants in soil at Alameda Facility/Alameda Annex and at Alameda Point are causing adverse ecological impacts to the environment. The ERAs are discussed below.

### **Alameda Facility/Alameda Annex**

The Navy conducted a qualitative ERA of terrestrial habitat at Alameda Facility/Alameda Annex (PRC 1996a). The terrestrial ERA found no potential risks to terrestrial receptors, because Alameda Facility/Alameda Annex has (1) limited and unsuitable habitat, (2) no endangered species that feed or nest on the facility, (3) a scarcity of mammalian receptors, and (4) contaminants found in deep soil (the marsh crust), with limited potential for adverse effects to terrestrial biota.

### **Alameda Point**

ERAs have been conducted for OU-1 (TtEMI 1999a), OU-2 (TtEMI 1999g), and OU-3 (TtEMI 1999c); however, ERA results are not discussed further, because the marsh crust and former subtidal area are at a depth that prevents a completed exposure pathway for ecological receptors. Although wildlife habitats

are located at Alameda Point, excavation of the marsh crust and the former subtidal area in the future is not expected to create an ecological risk. This is because development and construction would generally not be conducted in established habitats, but in areas already modified by human activity, such as port facilities, office buildings, and runways, which comprise most of Alameda Point.

### **2.7.3 Basis for Action**

Response actions selected in this RAP/ROD are considered to be necessary to protect the public health or welfare or the environment from actual or threatened releases of hazardous substances into the environment.

## **2.8 REMEDIAL ACTION OBJECTIVES**

Remedial action objectives (RAO) are either medium or OU-specific goals for protecting human health and the environment. An RAO specifies (1) each COC, (2) the exposure route and each receptor, and (3) an acceptable contaminant concentration or range of concentrations for each exposure pathway and medium. The RAO discussed below was developed for the exposure route the Navy identified.

### **2.8.1 Remedial Action Objective for the Former Subtidal Area and Marsh Crust**

This RAP/ROD is based on the possibility that future construction could raise contaminated material from the former subtidal area and marsh crust to the surface. Therefore, the RAO for the former subtidal area and marsh crust is to prevent potential future uncontrolled excavation and placement of marsh crust soil and former subtidal area soil at the surface, where they may pose an unacceptable risk to human health.

## **2.9 DESCRIPTION OF ALTERNATIVES**

This section provides a concise description of the alternatives considered to address contamination in the marsh crust at Alameda Facility/Alameda Annex and Alameda Point and the former subtidal area at Alameda Point.

### **2.9.1 Remedial Alternatives for Marsh Crust and Former Subtidal Area**

For the purpose of alternatives evaluation, marsh crust at Alameda Facility/Alameda Annex and the former subtidal area and marsh crust at Alameda Point were grouped together, based on common soil characteristics and contaminants. Four remedial alternatives were developed for contaminated marsh

crust underlying Alameda Facility/Alameda Annex and Alameda Point as well as the former subtidal area at Alameda Point (TtEMI 2000). These alternatives are described below.

**Alternative 1: No Action.** The no action alternative involves no remedial action and would leave contaminated marsh crust and former subtidal deposits in place as they currently exist.

Key components of this no action alternative are as follows:

- No restrictions, controls, or active remedial measures are applied to the site.
- The no action alternative is required by the NCP to serve as a baseline for evaluating other alternatives.

Common elements and distinguishing features of the no action alternative are as follows:

- No applicable or relevant and appropriate requirements (ARAR) apply to this alternative.
- This alternative is not reliable in the long term to protect public health and the environment.
- No material from the marsh crust or former subtidal area would be removed or treated, disposed of off site, or managed on site in a containment system under this alternative.
- Residual risk would remain at the site in the event that the marsh crust or former subtidal area materials are brought to the surface.

Estimated time for implementation:	None
Estimated time to meet RAO:	Indefinite
Estimated capital cost:	None
Estimated annual O&M cost:	None
Estimated total present worth cost:	None

The expected outcome of the no action alternative is as follows:

- No impacts to the community, current occupants, workers, or the environment are associated with the no action alternative, because this alternative would involve no construction.

**Alternative 2: Land Use Controls.** Under this alternative, land use controls would be implemented that would prevent excavation into the marsh crust and the former subtidal area, unless proper health and safety and disposal procedures are followed.

Key components of the land use controls alternative are as follows

- Environmental Restrictions in Deed

The Navy has included Environmental Restrictions addressing marsh crust land use controls pursuant to California Civil Code Section 1471 in the deeds transferring title to FISC Alameda and East Housing Portion of NAS Alameda to the City of Alameda on July 20, 2000. The Environmental Restrictions require that the City of Alameda and its transferees comply with the City of Alameda Ordinance No. 2824 (see Appendix B) passed on February 15, 2000, when excavating below specified threshold depths, or when excavating with DTSC approval if the Ordinance is repealed or DTSC determines that the Ordinance does not comply with the Covenant to Restrict Use of Property (discussed below in Item 2). These Environmental Restrictions shall be interpreted in a manner that is consistent with and does not conflict with the Covenant to Restrict Use of Property between DTSC and the City of Alameda. These Environmental Restrictions (1) run with the land; (2) are for the benefit of, and enforceable by, the Navy; (3) are binding upon future owners and occupants of the property; and (4) shall be enforced by the Navy when necessary and appropriate. The Deed provides that a failure to enforce the Environmental Restrictions in the Covenant between DTSC and the City of Alameda shall not preclude the Navy from enforcing the equivalent Environmental Restrictions in the Deed. In the future, deeds transferring title to former Navy properties included in the marsh crust and subtidal area of Alameda Point will contain these Environmental Restrictions, as appropriate.

- Covenant to Restrict Use of Property

On July 20, 2000, DTSC and the City of Alameda entered into a Covenant to Restrict Use of Property (Covenant) that includes Environmental Restrictions addressing marsh crust land use controls pursuant to California Civil Code Section 1471 and HSC Section 25355.5. The Environmental Restrictions prohibit excavation below specified threshold depths, except in compliance with the City of Alameda Ordinance No. 2824, passed on February 15, 2000 (see description below), or with DTSC approval if the Ordinance is repealed or DTSC determines that the Ordinance does not comply with the Covenant. The Covenant covers the FISCO Alameda Facility/Alameda Annex and Alameda Naval Air Station East Housing and contains Environmental Restrictions that (1) run with the land; (2) are for the benefit of, and enforceable by, DTSC; and (3) are binding upon future owners and occupants of the property. In the future, transfers of former Navy properties included in the marsh crust and subtidal area of Alameda Point will require a similar covenant.

- Marsh Crust Ordinance

The City of Alameda has enacted City of Alameda Ordinance No. 2824 on February 15, 2000, included as Appendix B, that prohibits engaging in any excavation below specified threshold depths on former Navy property without an excavation permit and without taking proper measures to ensure that workers are not unduly exposed and that all contaminated material brought to the surface is properly disposed of. The City of Alameda will directly implement and enforce the Ordinance. If the excavation

Ordinance is repealed in the future, or if DTSC has made a written determination with 30 days prior written notice to the City of Alameda that the excavation ordinance does not comport with the intent of the DTSC-City covenant, then a permitted excavation may be conducted only in accordance with a written approval issued by DTSC. The permittee's application for such an approval would be submitted to DTSC and would comply with the permit application requirements of the last version of the excavation ordinance or such other requirements as DTSC may specify.

A LUCICP will be prepared to document the roles and responsibilities for implementing, monitoring, and enforcing land use controls. The LUCICP will include the following elements:

- Site descriptions, a map showing the site locations and the approximate size of the site, and a description of any COCs
- The land-use control objectives and restrictions stated in the RAP/ROD
- The specific legal mechanism that will be used to achieve the RAP/ROD's land use control objectives and restrictions
- The required frequency for periodic inspections of the sites
- Identification of the entities responsible for implementation of monitoring and inspections
- Methods that will be used to periodically certify compliance with institutional controls upon completion of inspections
- Procedures for notifying the Navy and signatories to the FFSRA in the event of a failure to comply with land use restrictions

The draft LUCICP will be provided to FFSRA signatories and EPA for approval and to the LRA and the transferee for review.

Common elements and distinguishing features of the land-use control alternative are as follows:

- The land use Covenant and excavation ordinance components of this alternative will be implemented by DTSC and the City of Alameda. The Navy prepared, with input from the City of Alameda, the Environmental Restrictions in the Deed and will cooperate with implementation of the Covenant and Ordinance.
- The Navy and DTSC have identified state statutes as ARARs for implementing land use controls and entering into a land use covenant and agreements that include substantive provisions of California Civil Code Section 1471 and California HSC Sections 25202.5 and 25222.1.
- Pursuant to Assembly Bill 871, which became effective on January 1, 1999, DTSC is required to maintain a list of all land use restrictions recorded pursuant to HSC Sections 25200, 25200.10, 25202.5, 25222.1, 25229, 25230, 25355.5, and 25398.7. At a minimum, this list must provide the street address, or if a street address is not available,

an equivalent description of location for a rural location or the latitude and longitude of each property. DTSC is also required to (1) update the list as new land use restrictions are recorded; (2) make the list available to the public, upon request and (3) place the list on the DTSC Internet website.

- The substantive provision of Civil Code Section 1471 is the following general narrative standard: "...to do or refrain from doing some act on his or her own land... where... (c) Each such act relates to the use of land and each such act is 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 2560 of the Health and Safety Code." This narrative standard would be implemented through incorporation of restrictive environmental covenants in the deed at the time of transfer. These covenants would be recorded with the environmental restriction covenant and agreement and run with the land.
- The substantive provision of HSC Section 25202.5 is the general narrative standard to restrict "present and future uses of all or part of the land on which the ... facility... is located..." These substantive provisions will be implemented by incorporation of restrictive environmental covenants in the environmental restriction covenant and agreement at the time of transfer for purposes of protecting present and future public health and safety.
- California HSC Section 25222.1 provides the authority for the state to enter into voluntary agreements to establish land use covenants with the owner of the property. HSC Section 25222.1, Land Use Covenant Agreement, is in the form of an agreement, and this procedural form does not qualify as a legally binding "applicable or relevant and appropriate" requirement under CERCLA, because it is administrative (procedural) in nature. The substantive provision of HSC Section 25222.1 is the general narrative standard: "restricting specified uses of the property." The substantive provisions of HSC Section 25222.1 may be interpreted in a manner consistent with the substantive provisions of Civil Code Section 1471. The covenants would be recorded with the deed and would run with the land.
- The appropriate and relevant portions of California HSC Sections 25202.5, 25221.1, 25230, 25232, and 25233 and California Civil Code Section 1471 shall also be implemented through the deed between the Navy and the transferee.
- EPA does not agree with the Navy and DTSC that the sections of the California Civil Code and HSC cited above are ARARs. These state regulations fail to meet the criteria for ARARs stated in EPA guidance – that is, they are administrative and not substantive requirements that establish a discretionary way to implement land use restrictions. Although EPA does not agree that these state regulations require the Navy to enter into a land use covenant with DTSC, EPA believes that, if necessary for the protection of human health and the environment, it may be appropriate for the facility to enter into an enforceable written agreement with DTSC in order to enforce land use restrictions at a site.
- No chemical-specific ARARs are pertinent to this alternative.

- This alternative is reliable in the long term to protect the public health and the environment, as long as the Covenant, Ordinance, and deed restrictions remain enforceable.
- No material from the marsh crust or former subtidal area would be removed, disposed of off site, or managed on site, except as permitted by DTSC.
- Residual risk would remain at the site; however, human health would be protected by restricting excavation into the marsh crust and former subtidal area without obtaining the required permits and taking proper health and safety measures to protect on-site workers and to dispose of excavated soil.

Estimated time for implementation:	Less than 2 months
Estimated time to meet RAO:	Less than 2 months
Estimated capital cost:	\$12,500
Estimated 5-year review cost:	\$5,000
Discount rate:	7 percent
Performance period for 5-year review:	30 years
Estimated total present worth cost:	\$59,800

Expected outcomes of the land use controls alternative are as follow:

- The timeframe to implement this alternative is immediate. Because land use controls would restrict site occupants from excavating into the marsh crust without obtaining required permits and taking proper measures to dispose of excavated soil, installations (excluding areas requiring remediation of soil above the marsh crust) should be available for residential or industrial uses. Groundwater use would still be restricted under existing state regulations.
- No impacts to the community, current occupants, workers, or the environment are associated with implementation of the land-use controls alternative, because it would involve no construction.

**Alternative 3: Excavation and Off-site Disposal.** This alternative involves excavation and transportation of the marsh crust and former subtidal area for off-site disposal in a Class I, Class II, or Class III landfill, depending on the appropriate waste classification. The volume of soil that would be disturbed would be extremely large, because the alternative would consist of excavating the entire surface area (143 acres) of Alameda Facility/Alameda Annex to an average depth of 16.5 feet and 548 acres of Alameda Point to an average depth of 9.5 feet, approximately 1.5 feet below the average depth of the former subtidal area and marsh crust.

Key components of the excavation and off-site disposal alternative are as follows:

- The site would be divided into several areas that can be accessed by construction equipment.
- Overburden would be excavated first and stockpiled on site.
- The former subtidal area and marsh crust material would be excavated.
- Confirmation samples would be collected to evaluate whether the former subtidal area and marsh crust had been sufficiently removed.
- Excavated areas would be restored by backfilling with overburden and clean fill.
- Shoring would be provided when the depth of excavation exceeded 5 feet bgs.
- A dewatering pumping system would be installed to remove water from excavation pits.
- Contaminated water generated during excavation operations would be treated on site using a granular activated carbon (GAC) process or air stripping and would be discharged into the sanitary sewer.
- Spent GAC would be transported off site for contaminant destruction and GAC regeneration at an approved facility.

Common elements and distinguishing features of the excavation and off-site disposal alternative are as follows:

- No chemical-specific ARARs have been identified for Alternative 3. Cleanup goals would be established using a risk-based analysis.
- Alternative 3 would comply with all location- and action-specific ARARs. Excavation and disposal activities would be conducted, to the maximum extent practicable, consistent with the San Francisco Bay Plan (revised June 1998), because they may affect resources of the coastal zone at adjacent facilities. In addition, the Navy has identified Section 5650 of the California Fish and Game Code as being relevant and appropriate for Alternative 3. Section 5650 prohibits deposition of materials deleterious to fish into waters of the state. Excavation would be conducted in a manner that would prevent deposition of contaminated material into the Oakland Inner Harbor that could be deleterious to birds or fish that live there.
- The Navy's excavation and disposal could trigger a variety of hazardous waste requirements under the California Hazardous Waste Control Law (California HSC Section 25100 and following sections). These requirements would specify how excavated soil (the former subtidal area and the marsh crust and overburden) and extracted groundwater must be managed. The Navy would analyze samples from excavated soil and extracted groundwater in accordance with hazardous waste identification regulations in Title 22 of the California Code of Regulations (CCR), Division 4.5, Chapter 11, Articles 2 and 3 to assess whether soils and groundwater exhibit state or federal hazardous waste characteristics. Soils in the former subtidal area

and the marsh crust and other media that qualify as hazardous waste would be managed in accordance with the substantive generator requirements in 22 CCR, Division 4.5, Chapter 12, 22 CCR Section 66262.34. Soils would be stockpiled within the area of contamination; therefore, minimum technology requirements and land disposal restrictions would not be triggered. As appropriate, extracted overburden and groundwater would be evaluated in accordance with 22 CCR, Division 4.5, Chapter 18, Article 1, 22 CCR § 66268.7(a) to determine whether they were subject to land disposal restrictions prior to disposal off site.

- In addition, if it is not hazardous waste, soils from the marsh crust and former subtidal area would be characterized in accordance with Title 27 requirements for nonhazardous solid waste and designated waste to determine if the material must be disposed of at a Class II or III landfill.
- Several Bay Area Air Quality Management District (BAAQMD) regulations are potential ARARs for excavation activities. First, substantive requirements in BAAQMD Regulations 6 and 8-40 would be ARARs for excavation. Specifically, Regulations 6-301, 6-302, and 6-305, which specify standards for particulates and visible emissions, are applicable to limit dust and particulates emissions during excavation and removal of soils. The Navy would take appropriate actions, such as water spraying, to control dust emissions during excavation and transport. Regulation 8-40-301, which limits uncontrolled aeration, and Regulation 8-40-303, which contains requirements for soil storage piles, are also ARARs for soil stockpiling.
- The treatment of extracted groundwater by air stripping would be designed to comply with the substantive provisions of BAAQMD requirements in Regulation 8-47. The treated groundwater would be discharged under permit to a publicly owned treatment works.
- In addition to air regulations, the Navy has identified precipitation and drainage requirements for soil stockpiling in 23 CCR, Division 3, Chapter 15, Section 2546, as relevant and appropriate to Alternative 3, assuming that the soil must be managed as a hazardous waste. Because off-site transportation and disposal requirements are not ARARs, both substantive and administrative requirements would be followed.
- Alternative 3 is reliable in the long term, because removing the source would permanently eliminate residual risks.
- The amount of untreated soil that would require off-site disposal in a Class I, Class II, or Class III landfill is about 2,287,142 cubic yards (yd<sup>3</sup>). The degree of hazard remaining in the material at the disposal facility would be minimal, because the off-site disposal facility would meet off-site disposal regulations in 40 CFR 300.440.

Estimated time for implementation:	2 years
Estimated time to meet RAO:	2 years
Estimated capital cost:	\$1.564 billion
Estimated annual O&M costs:	Included in the capital cost

Discount rate:	7 percent
Period of performance	2 years
Estimated total present worth cost:	\$1.564 billion

Expected outcomes of the excavation and off-site disposal alternative:

- The timeframe to achieve this alternative is about 2 years. Because the excavation and off-site disposal alternative would permanently eliminate the source of contamination and potential pathways, the site would be available for unrestricted use. Groundwater use would still be restricted under existing state regulations.
- The excavation and off-site disposal alternative would create significant short-term risks to the community, site workers, and the environment because of the massive excavation, stockpiling, and transportation of marsh crust and former subtidal area required.

**Alternative 4: Excavation and On-site Treatment with Thermal Desorption.** This alternative includes excavating contaminated marsh crust and the former subtidal area, on-site treatment of the excavated material using a thermal desorption process, and backfilling and restoring excavation areas with treated soil. The average anticipated excavation depth would be approximately 16.5 feet bgs at the Alameda Facility/Alameda Annex and 9.5 feet bgs at Alameda Point. The total volume of soil to be remediated is estimated at about 2,287,142 yd<sup>3</sup>.

Key components of the excavation and on-site thermal desorption alternative are as follows:

- The site would be divided into several areas that could be accessed by construction equipment.
- Overburden would be excavated first and stockpiled on site.
- The former subtidal area and marsh crust material would be excavated.
- Confirmation samples would be collected to show that the former subtidal area and marsh crust had been sufficiently removed.
- Excavated soil would be treated on site by thermal desorption.
- Organic compounds in the vapor phase would be collected and burned in an afterburner.
- Particulate matter would be removed by conventional air pollution control methods.
- Treatment residual streams would be properly managed to meet state and federal requirements.
- Trial-burn test runs would be conducted before operation of the thermal desorption unit.

- Excavated areas would be restored by backfilling with overburden and treated soil.
- Shoring would be provided when the depth of excavation exceeded 5 feet bgs.
- A dewatering pumping system would be installed to remove water from excavation pits.
- Contaminated water generated during excavation operations would be treated on site using a GAC process or air stripping and would be discharged into the sanitary sewer.
- Spent GAC would be transported off site for contaminant destruction and GAC generation at an approved facility.

Common elements and distinguishing features of Alternative 4 are as follows:

- No chemical-specific ARARs have been identified for Alternative 4. Cleanup goals would be established using a risk-based analysis.
- Alternative 4 would comply with all location- and action-specific ARARs. As stated in Alternative 3, the Navy would comply with all hazardous waste ARARs identified for excavation and handling of contaminated media, and these same ARARs would be followed for this alternative. These ARARs are described under Alternative 3. In addition, the substantive environmental performance standards of 22 CCR 66264.601 (miscellaneous units) are relevant and appropriate for operating the thermal desorption unit if soil must be managed as a hazardous waste. BAAQMD Regulation 2-2-301, which requires use of best available control technologies, may also be relevant and appropriate for treating the former subtidal area and the marsh crust and possibly contaminated groundwater by thermal desorption if nitrogen oxides, volatile organic chemicals (VOCs), SVOCs, or other ozone precursors could be emitted in sufficient quantities for the facility to be considered a new source under BAAQMD rules. Removing and treating the source under this alternative permanently eliminates residual risks.
- The treatment of extracted groundwater by air stripping would be designed to comply with the substantive provisions of BAAQMD requirements in Regulation 8-47. The treated groundwater would be discharged under permit to a POTW.
- Alternative 4 is reliable in the long term, because removing the source and treating the material under this alternative would permanently eliminate residual risks.
- Treated soil would be returned to the site for use in backfilling. Clean off-gas would be released to the atmosphere. No hazard would remain in the treatment residuals because of the demonstrated effectiveness of the thermal desorption process for COCs in the marsh crust and former subtidal area.

Estimated time for implementation:	2 years
Estimated time to meet RAO:	2 years
Estimated capital cost:	\$981 million

Estimated annual O&M costs:	Included in the capital cost
Discount rate:	7 percent
Period of performance:	2 years
Estimated total present worth cost:	\$981 million

Expected outcomes of Alternative 4:

- The timeframe to achieve this alternative is 2 years. Because Alternative 4 permanently would eliminate the source of contamination and treat the source material, the site should be available for unrestricted use. Groundwater use would still be restricted under existing state regulations.
- Alternative 4 could create significant short-term risks to the community, site workers, and the environment because of the massive excavation, stockpiling, and treatment of the contaminated material required.

## 2.10 SUMMARY OF COMPARATIVE ANALYSIS OF ALTERNATIVES

The following sections summarize the comparative analysis of alternatives for the marsh crust and former subtidal area against the EPA's nine evaluation criteria. The comparative analysis provides the information needed to decide which alternative or alternatives best satisfies the goals and expectations of the NCP. The discussion of each evaluation criterion generally proceeds from the alternative that best satisfies the criterion to the one that least satisfies the criterion. The nine criteria are summarized as follows:

- **Overall protection of human health and the environment.** This criterion address whether a remedy provides adequate protection of human health and the environment and describes how risks posed by each pathway are eliminated, reduced, or controlled through treatment, engineering controls, or land use controls.
- **Compliance with applicable or relevant and appropriate requirements.** This evaluation criterion is used to determine whether each remedy will meet all ARARs or provide grounds for invoking a waiver of the requirements. This criterion includes chemical-, location-, and action-specific ARARs.
- **Long-term effectiveness and permanence.** This criterion evaluates the long-term effectiveness of alternatives in protecting human health and the environment after response objectives have been met, in terms of the magnitude of residual risk and the adequacy and reliability of controls.
- **Reduction of toxicity, mobility, or volume through treatment.** This criterion evaluates treatment technologies that an alternative may employ based on their degree of expected reduction in toxicity, mobility, or volume of hazardous material. This criterion

also evaluates the irreversibility of the treatment process and the type and quantity of residuals that remain after treatment.

- **Short-term effectiveness.** This criterion addresses the effectiveness of alternatives in protecting human health and the environment during remedial construction and implementation until the remedial action is complete.
- **Implementability.** This criterion addresses the technical and administrative feasibility of alternatives and the availability of required goods and services. It assesses the ability to construct and operate the technology, the reliability of the technology, the ease of undertaking additional remedial actions, and the ability to obtain approvals from other agencies.
- **Cost.** This criterion addresses the capital and O&M costs of each alternative and estimates of the total present worth cost of each alternative.
- **State acceptance.** This criterion addresses whether the state concurs with, opposes, or has no comment on the Navy's preferred alternative.
- **Community acceptance.** This criterion indicates whether community concerns are addressed by each cleanup method and whether the community has indicated a preferred cleanup method. Community acceptance of the Navy's proposed plan was evaluated based on comments received during the public comment period. Community concerns are documented in the responsiveness summary presented in Appendix C of this RAP/ROD.

Table 2 summarizes the comparative analysis of alternatives for the marsh crust and former subtidal area at Alameda Facility/Alameda Annex and Alameda Point.

### **Overall Protection of Human Health and the Environment**

All alternatives, including Alternative 1, no action, would protect human health and the environment under current land uses. However, Alternative 1 is not protective in the event that the marsh crust and the former subtidal area were excavated and disposed of on the surface without proper controls. Alternative 2 (land use controls) provides a reliable method of restricting excavation of the marsh crust and former subtidal area, unless proper health and safety and disposal procedures are followed. With regard to short-term risks, Alternatives 1 and 2 are more effective in protecting the community, current occupants, site workers, and the environment than are Alternatives 3 and 4, because no construction would occur under Alternatives 1 and 2. Massive disruption to the environment and the community would be caused by the construction involved in implementing Alternatives 3 and 4.

### **Compliance with ARARs**

No ARARs apply to Alternative 1. Alternatives 3 and 4 would comply with the identified location- and action-specific ARARs. For Alternative 2, DTSC and City of Alameda would draft the Covenant in accordance with the action-specific ARARs of the California Civil Code and HSC. Deed restrictions drafted by the Navy and the City of Alameda would also comply with these action-specific ARARs.

### **Long-term Effectiveness and Permanence**

Alternatives 3 and 4 would provide the highest level of long-term effectiveness and permanence, because the former subtidal area and marsh crust would be excavated. No significant residual risks would remain, and the potential for exposure to hazardous substances in the marsh crust and the former subtidal area would be eliminated. Both Alternatives 3 and 4 would be adequate and reliable, because they would result in removal of the former subtidal area and the marsh crust. The potential for residual risks from contaminants in the former subtidal area and marsh crust would remain under Alternative 2; however, human health would be protected by restricting excavation in the former subtidal area and marsh crust, unless health and safety and disposal procedures were adequate to minimize exposure. No remedial action would be conducted under Alternative 1; therefore, Alternative 1 would provide no long-term effectiveness or permanence, and residual risk would remain at the site in the unlikely event that the former subtidal area and marsh crust were brought to the surface.

### **Reduction in Toxicity, Mobility, or Volume through Treatment**

Only Alternative 4 uses treatment to reduce the toxicity, mobility, and volume of contaminants in the former subtidal area and marsh crust. None of the other alternatives involve treatment.

### **Short-term Effectiveness**

Because no site construction would be required under Alternatives 1 and 2, both would provide the highest level of short-term protection to the community, workers, and the environment. Both Alternatives 3 and 4 provide less short-term effectiveness because of the massive excavation required in the former subtidal area and marsh crust and because large quantities of contaminated soil and groundwater (as a result of dewatering) must be managed. In addition, Alternative 3 could pose an additional short-term risk to the public as a result of the increased truck traffic associated with transporting excavated soil from the former subtidal area and the marsh crust off site for disposal.

Implementation of Alternatives 1 and 2 would have no impact on the environment, because no construction would be involved. Both Alternatives 3 and 4 would have significant, short-term adverse impacts to the environment from the complex nature of large-volume excavation of the area below groundwater and the treatment and handling of a large volume of contaminated soil or residual treatment materials. Both Alternatives 3 and 4 would destroy virtually all established habitat at the facilities.

Alternative 2 would require a minimal amount of time to implement, whereas Alternatives 3 and 4 would take several years to implement.

### **Implementability**

Alternative 1 would be easy to implement, because no action would be taken. Alternative 2 could be implemented without significant delays, because no construction is involved, although negotiations between the City of Alameda and DTSC and between the Navy and the City of Alameda are required. Both Alternatives 3 and 4 would be difficult to implement when compared with Alternatives 1 and 2 because of the complex nature of site conditions (described earlier), the excavation of a large area at depths below groundwater, and the requirements for managing a large volume of contaminated soil and treatment residuals.

### **Cost**

No known costs would be associated with Alternative 1. Only minimal costs (approximately \$59,800) would be associated with selecting Alternative 2 (land use controls) for both facilities. The estimated costs of implementing Alternatives 3 and 4 would be \$1.564 billion and \$981.7 million, respectively. Although these cost figures are only estimates, with a possible margin of error of between minus 30 and plus 50 percent, the costs would be vastly greater than for Alternatives 1 and 2. The costs of implementing Alternatives 3 and 4 are excessive when compared to Alternatives 1 and 2.

### **State Acceptance**

Based on this RAP/ROD, DTSC and RWQCB believe that land use controls are the preferred remedy for the marsh crust and former subtidal area.

## **Community Acceptance**

Community acceptance of this alternative is favorable. Specific comments from the public and the Navy's responses are included in the responsiveness summary (see Appendix E).

### **2.11 PRINCIPAL THREAT WASTES**

Hazardous substances are present in the marsh crust at Alameda Facility/Alameda Annex. At Alameda Point, hazardous substances are present in the marsh crust and former subtidal area. However, these substances are considered to be low-level wastes because of their low concentrations and toxicity.

### **2.12 SELECTED REMEDY**

The rationale for the selected remedy, a description of the selected remedy, estimated remedy costs, and the expected outcomes of the selected remedy are described in detail below for the marsh crust and subtidal area at Alameda Facility/Alameda Annex and Alameda Point.

#### **Selected Remedy for the Marsh Crust and Former Subtidal Area**

Based on CERCLA requirements, BRAC program goals, future land uses of the Alameda Facility/Alameda Annex and Alameda Point (a mixed reuse of residential, commercial, and industrial), and the comparative analysis of alternatives in this RAP/ROD, the Navy and DTSC, with the concurrence of RWQCB, have chosen land use controls (Alternative 2) as the selected remedy for the marsh crust and former subtidal area.

#### **Summary of the Rationale for the Selected Remedy**

For the marsh crust and former subtidal area, the comparative analysis indicates that Alternative 2 (land use controls), consisting of excavation requirements that would be implemented through a land use covenant between the City of Alameda and the state, City of Alameda Ordinance No. 2824, and deed restrictions, provides overall protection of human health and the environment, meets the threshold criteria for remedy selection, and is cost-effective. Alternative 1 will not be protective of public health and the environment. Alternatives 3 and 4 offer protection of human health and the environment; however, they may be less effective in the short term because of the disruption expected from such a massive excavation and either off-site disposal or on-site treatment. In addition, the costs for implementing Alternatives 3 and 4 are excessive when compared with Alternatives 1 and 2. According to the NCP (40 CFR

300.430(e)(7)(iii)), “. . . costs that are grossly excessive compared to the overall effectiveness of alternatives may be considered as one of the several factors used to eliminate alternatives.” Although this NCP provision is specifically directed to the screening of remedial alternatives, it is also relevant to the comparative analysis of alternatives under a RAP/ROD. Consideration of Alternatives 3 and 4 shows that they would provide no greater effectiveness or implementability than Alternative 2 and at a grossly excessive cost.

### **Description of the Selected Remedy**

The selected remedy for remediating the marsh crust soil and former subtidal area is land use controls. The selected remedy would prohibit excavation within the marsh crust and former subtidal area, unless proper precautions are taken to protect worker health and safety and to ensure that excavated material is disposed of properly. This prohibition will be implemented through a land use covenant between DTSC and the City of Alameda, Environmental Restrictions in Deed imposed by the Navy, and City of Alameda Ordinance No. 2824. No active engineering or construction would be required. Roles and responsibilities for implementing and enforcing the land use controls would be documented in a LUCICP. The LUCICP will address the following elements:

- Site descriptions, a map showing the site locations and the approximate size of the site and a description of any COCs
- The land-use control objectives and restrictions stated in the RAP/ROD
- The specific legal mechanism that will be used to achieve the RAP/ROD’s land use control objectives and restrictions
- The required frequency for periodic inspections of the sites
- Identification of the entities responsible for implementation of the monitoring and inspections
- Methods to be used to periodically certify compliance with institutional controls upon completion of inspections
- Procedures for notifying the Navy and signatories to the FFSRA in the event of a failure to comply with land use restrictions

The draft LUCICP will be provided to the FFSRA signatories and EPA for approval and to the LRA and the transferee for review.

Specific actions required to implement the selected remedy include the following:

- Environmental Restrictions in Deed

The Navy has included Environmental Restrictions addressing marsh crust land use controls pursuant to California Civil Code Section 1471 in the deeds transferring title to FISC Alameda and East Housing Portion of NAS Alameda to the City of Alameda on July 20, 2000. The Environmental Restrictions require that the City of Alameda and its transferees comply with City of Alameda Ordinance No. 2824 passed on February 15, 2000, when excavating below specified threshold depths or when excavating with DTSC approval if the Ordinance is repealed or DTSC determines that the Ordinance does not comply with the Covenant to Restrict Use of Property (discussed below in Item 2). These Environmental Restrictions shall be interpreted in a manner that is consistent with and does not conflict with the Covenant to Restrict Use of Property between DTSC and the City of Alameda. These Environmental Restrictions (1) run with the land; (2) are for the benefit of, and enforceable by, the Navy; (3) are binding upon future owners and occupants of the property; and (4) shall be enforced by the Navy when necessary and appropriate. The Deed provides that a failure to enforce the Environmental Restrictions in the Covenant between DTSC and the City of Alameda shall not preclude the Navy from enforcing the equivalent Environmental Restrictions in the Deed. In the future, deeds transferring title to former Navy properties included in the marsh crust and subtidal area of Alameda Point will contain these environmental restrictions, as appropriate.

- Covenant to Restrict Use of Property

On July 20, 2000, DTSC and the City of Alameda entered into a Covenant to Restrict Use of Property (Covenant) that will include Environmental Restrictions addressing marsh crust land use controls pursuant to California Civil Code Section 1471 and HSC Section 25355.5. The Environmental Restrictions prohibit excavation below specified threshold depths, except in compliance with the City of Alameda Ordinance No. 2824 passed on February 15, 2000 (see description below) or with DTSC approval if the Ordinance is repealed or DTSC determines that the Ordinance does not comply with the Covenant. The Covenant covers the FISCO Alameda Facility/Alameda Annex and Alameda Naval Air Station East Housing and contains Environmental Restrictions that (1) run with the land; (2) are for the benefit of, and enforceable by, DTSC; and (3) are binding upon future owners and occupants of the property. In the future, transfers of former Navy properties included in the marsh crust and subtidal area of Alameda Point will require a similar covenant.

- Marsh Crust Ordinance

The City of Alameda has enacted City of Alameda Ordinance No. 2824 passed on February 15, 2000, and included as Appendix B, that prohibits engaging in any excavation below specified threshold depths on former Navy property without an excavation permit and without taking proper measures to ensure that workers are not unduly exposed and that all contaminated material brought to the surface is properly disposed of. The City of Alameda will directly implement and enforce the Ordinance. If the excavation Ordinance is repealed in the future, or if DTSC has made a written determination with 30 days prior written notice to the City of Alameda that the excavation ordinance does not comport with the intent of the DTSC-City covenant, then a

permitted excavation may be conducted only in accordance with written approval by DTSC. The permittee's application for such an approval will be submitted to DTSC and will comply with the permit application requirements of the last version of the excavation ordinance or such other requirements as DTSC may specify.

### **Summary of the Estimated Remedy Costs**

Estimated capital cost:	\$12,500
(Includes \$10,000 to draft land use control documents and six 5-year reviews, \$5,000 per event)	
Discount rate:	7 percent
Estimated total present worth cost:	\$59,800

The information in this cost estimate summary is based on the best available information and engineering judgment regarding the anticipated scope of the remedial alternative. Cost elements are likely to change as a result of new information and data collected during implementation of the remedial alternative.

Major changes would be documented as a memorandum in the administrative record file, an explanation of significant differences, or an amendment to the RAP/ROD. This order-of-magnitude engineering cost estimate is expected to be within plus 50 to minus 30 percent of the actual project cost.

### **Expected Outcomes of the Selected Remedy**

Land use controls will restrict excavation into the marsh crust without the required permits and will require proper measures to dispose of excavated soil, excluding those areas requiring remediation of soil above the marsh crust. Therefore, the facilities would be available for residential or industrial use.

This response action is intended to control risks posed by excavation that could bring marsh crust to the surface, where it could remain as a source of exposure and could pose an unacceptable risk to human health or the environment. Under current conditions, the marsh crust and former subtidal area do not pose a risk to human health or the environment because of their depth. The selected remedy would meet the RAO, because land use controls will prevent exposure at levels that may pose a threat to human health by prohibiting excavation of the marsh crust and former subtidal area below a certain depth without an excavation permit. Also, the remedy will require that proper health and safety and disposal procedures be followed. Land use controls contain mechanisms and procedures to allow DTSC to enforce them.

## **2.13 STATUTORY DETERMINATIONS**

CERCLA Section 121 establishes several statutory requirements and preferences. They specify that, when complete, the selected remedial action for the installations must be protective of human health and the environment and must comply with applicable or relevant and appropriate standards established under federal and state environmental laws, unless a statutory waiver is justified. The selected remedy also must be cost-effective and use permanent solutions and alternative treatment or resource recovery technologies to the maximum extent practicable. Finally, the statute includes a preference for remedies that employ treatment technologies that permanently and significantly reduce the volume, toxicity, or mobility of the hazardous substances as their principal element. The following section discusses how the selected remedy meets the statutory requirements.

### **2.13.1 Protection of Human Health and the Environment**

The selected remedy (Alternative 2, land use controls) is protective of human health and the environment, as required by Section 121 of CERCLA, because it restricts any future pathways that would expose humans to contaminants in the marsh crust or former subtidal area.

### **2.13.2 Compliance with ARARs**

DTSC and the City of Alameda implemented the Covenant to Restrict Use of Property and marsh crust Ordinance components of the selected remedy, and the Navy has implemented the Environmental Restrictions in Deed. The ARARs include substantive provisions of California Civil Code Section 1471 and California HSC Sections 25202.5 and 25222.1. Specifically, the substantive provisions are as follows:

- Civil Code 1471: “. . . to do or refrain from doing some act on his or her own land . . . where . . . : (c) Each such act relates to the use of land and each such act is 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 material, as defined in Section 25260 of the Health and Safety Code.”
- HSC Section 25202.5: to restrict “. . . present and future uses of all or part of the land on which the . . . facility . . . is located . . . .”
- HSC Section 25222.1: “. . . restricting specified uses of the property.”

These ARARs are discussed in detail in Section 2.9.1. The substantive provisions of California Civil Code Section 1471 and HSC Sections 25202.5 and 25222.1 are implemented through the Covenant between the City of Alameda and DTSC and through the Environmental Restrictions in Deed implemented by the Navy.

### **2.13.3 Cost-Effectiveness**

The selected remedy (Alternative 2, land use controls) is cost effective. The costs for implementing Alternatives 3 and 4 are grossly excessive when compared to the selected remedy. According to the NCP (40 CFR 300.430(e)(7)(iii)), “. . . costs that are grossly excessive compared to the overall effectiveness of alternatives may be considered as one of the several factors used to eliminate alternatives.”

### **2.13.4 Utilization of Permanent Solutions and Alternative Treatment Technologies (or Resource Recovery Technologies) to the Maximum Extent Practicable**

The land-use control alternative (Alternative 2) provides the best balance of tradeoffs among the three alternatives that address the contaminated marsh crust and former subtidal area. All alternatives (except the no action alternative) meet the two threshold criteria of protectiveness and achievement of ARARs. Alternatives 3 and 4 afford better long-term effectiveness than Alternative 2, because they remove the contamination from the site. Only Alternative 4 reduces the toxicity, mobility, or volume of the contaminants through treatment. With respect to short-term effectiveness, Alternative 2 is highly protective, because it involves leaving the contaminated materials at a depth where they are unlikely to cause a threat to human health. The short-term effectiveness of Alternatives 3 and 4 are considered to be low because of extensive on-site handling requirements of contaminated material, and the large-scale disruption of current activities on the facilities while years of excavation, treatment, and backfilling are completed. Off-site transportation of the excavated material will increase traffic in adjacent neighborhoods and increase the potential for uncontrolled releases of contaminated material along the route to off-site disposal units. On-site thermal treatment also creates a threat of uncontrolled air emissions from equipment upsets. With respect to the implementability criteria, Alternative 2 presents a better tradeoff than Alternatives 3 and 4, because there is no mobilization of equipment, no permits to secure, and no special engineering to overcome difficult site logistics. As discussed in Section 2.12.1, the tradeoff for implementing Alternative 3 or 4 instead of Alternative 2 is spending an excessive amount of the Navy's IRP funds which could be used to address contamination elsewhere at Alameda Facility/Alameda Annex and Alameda Point. Finally, community and state acceptance have historically been high for Alternative 2, which results in a more expeditious transfer of Navy property into public

hands than Alternative 3 and 4. To summarize, except for long-term effectiveness and permanence, Alternative 2 outweighed Alternatives 3 and 4 in all of the balancing and modifying criteria.

#### **2.13.5 Preference for Treatment as a Principal Element**

The selected remedy does not meet the statutory preference for treatment as a principal criterion, because no treatment is employed. Treatment was not considered to be easily implementable or cost-effective for the marsh crust and the former subtidal area at Alameda Facility/Alameda Annex and Alameda Point.

#### **2.13.6 Five-year Review Requirements**

Because the selected remedy will leave hazardous substances on site above levels that allow for unlimited use and unrestricted exposure, a statutory review will be conducted no less often than each 5 years after initiation of such remedial action to ensure that the selected remedy for the former subtidal area and marsh crust continues to provide adequate protection of human health and the environment.

#### **2.14 DOCUMENTATION OF SIGNIFICANT CHANGES**

No significant changes to the remedy selected in this RAP/ROD were required as a result of public comments received by the Navy. Appendix F identifies major text changes in the draft RAP/ROD that are now in this final RAP/ROD. These changes address comments from the public, EPA and DTSC on the Proposed Plan and draft RAP/ROD.

As a result of discussions with DTSC on groundwater at Alameda Facility/Alameda Annex it was decided to remove the groundwater at Alameda Facility/Alameda Annex from the final RAP/ROD. A separate RAP/ROD will be prepared for the groundwater at Alameda Facility/Alameda Annex. Appendix F identifies the major text changes associated with this change.

## REFERENCES

- Department of Toxic Substances Control (DTSC). 1993. "RCRA Facility Assessment, Fleet and Industrial Supply Center Oakland (FISCO), Alameda Facility/Alameda Annex, Annex Site." Alameda, California. May.
- DTSC. 2000. "Removal Action Workplan for Marsh Crust East Housing." May.
- International Technology (IT) Corporation. 1998. "Draft History of NAS Alameda and Alameda Point. NAS Alameda, Alameda California." January.
- Lee and Praszker. 1979. "Geotechnical Investigation Defense Property Disposal Office, Alameda, California." January.
- Naval Energy and Environmental Support Activity. 1988. "Preliminary Assessment Report, Naval Supply Center, Alameda Annex/Alameda Facility." May.
- Port of Oakland and U.S. Army Corps of Engineers. 1994. "Draft Supplemental Environmental Impact Report/Environmental Impact Statement, Oakland Harbor Deep-draft Navigation Improvements." March.
- PRC Environmental Management, Inc.. 1996a. "FISCO Alameda Facility/Alameda Annex, Alameda, California, Final Remedial Investigation Report." January.
- PRC. 1996b. "Removal Action Implementation Report for Removal of PCB and Lead Contaminated Soils, Screening Lot and Scrapyard Area." Internal Draft. March.
- Radbruch, D.H. 1957. Aerial and Engineering Geology of the Oakland West Quadrangle California. Miscellaneous Geological Investigations MAP I-239. U.S. Geological Survey.
- Tetra Tech EM Inc. (TtEMI). 1998a. "Site 18 Storm Sewer System Solids and Debris Removal Action Closeout Report." Naval Air Station Alameda, California. April.
- TtEMI. 1998b. "FISCO Alameda Facility/Alameda Annex Site On-scene Coordinator Report, Removal Action IR02 Screening Lot and Scrap Yard Area Railroad Sump." August 14.
- TtEMI. 1999a. "OU-1 Remedial Investigation Report. Final. Alameda Point, Alameda, California." March 23.
- TtEMI. 1999b. "FISCO Alameda Facility/Alameda, Alameda, California, Final Feasibility Study for Soil at SWMU 1." January 22.
- TtEMI. 1999c. "OU-3 Remedial Investigation Report. Final. Alameda Point, Alameda, California." August 9.
- TtEMI. 1999d. "FISCO Alameda Facility/ Alameda Annex, Alameda, California, Final Feasibility Study for IR04/06 and IR08." March 31.

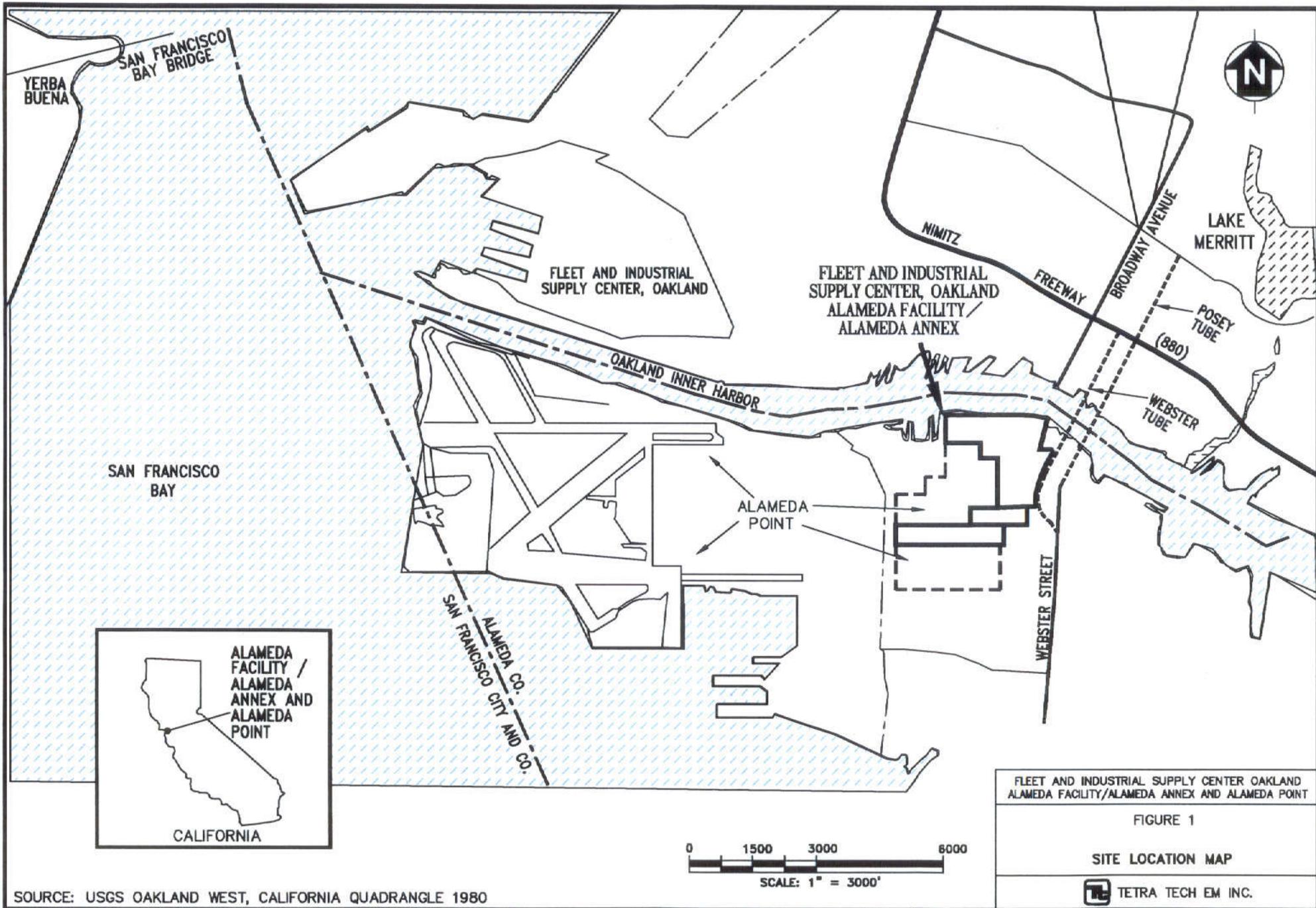
## REFERENCES (Continued)

- TtEMI. 1999g. "OU-2 Remedial Investigation Report. Draft. Alameda Point, Alameda, California." June 29.
- TtEMI. 2000. "FISCO Alameda Facility/Alameda Annex, Alameda, California, Final Focused Feasibility Study for the Marsh Crust and Groundwater at the FISCO Alameda Facility/Alameda Annex and Feasibility Study for the Marsh Crust and Former Subtidal Area at Alameda Point." March 31.
- U.S. Fish and Wildlife Service (USFWS). 1993. "Listed and Proposed Endangered and Threatened Species and Candidate Species that May Occur in the Area of the Proposed Closure of NAS, Alameda, Alameda County, California (1-1-94-SP-192, December 31, 1993)." Enclosure Attached to Letter from Dale A. Pierce, USFWS, to John H. Kennedy, Department of Navy.

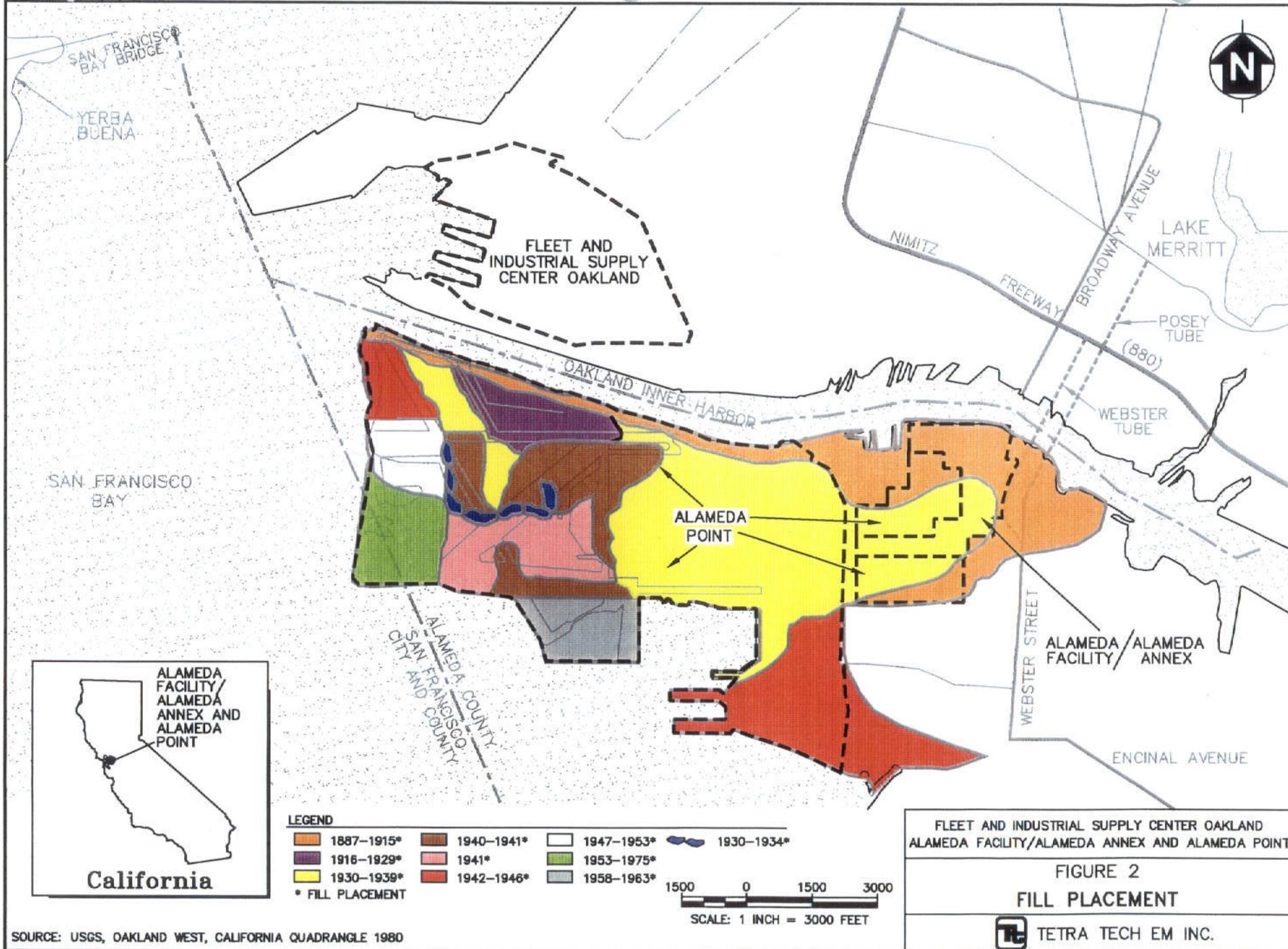
FIGURES

FINAL  
REMEDIAL ACTION PLAN/RECORD OF DECISION  
FOR THE MARSH CRUST AT THE  
FLEET AND INDUSTRIAL SUPPLY CENTER  
OAKLAND ALAMEDA FACILITY/ALAMEDA ANNEX  
AND FOR THE MARSH CRUST AND FORMER  
SUBTIDAL AREA AT ALAMEDA POINT

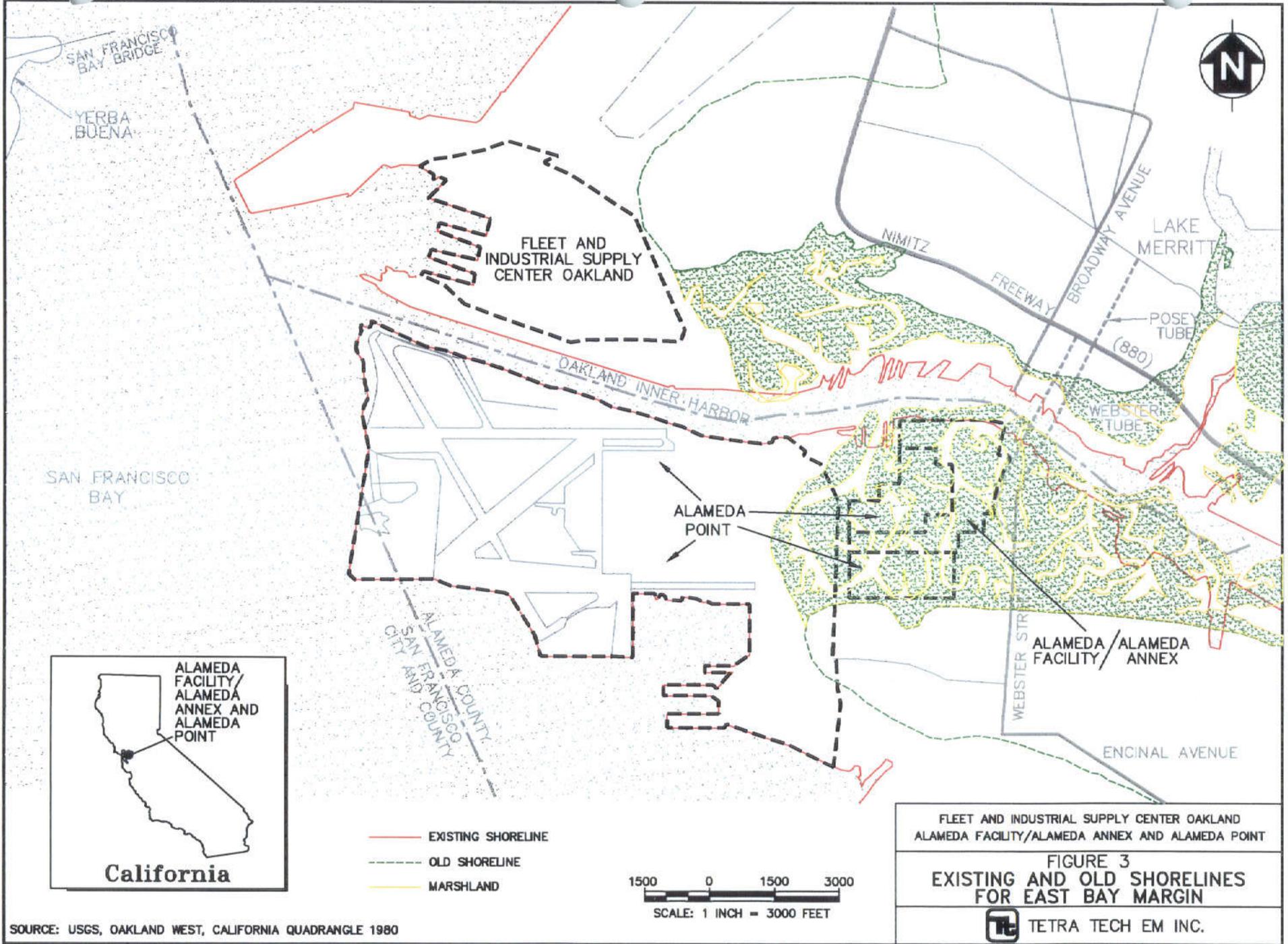
DATED 01 FEBRUARY 2001



SOURCE: USGS OAKLAND WEST, CALIFORNIA QUADRANGLE 1980



SOURCE: USGS, OAKLAND WEST, CALIFORNIA QUADRANGLE 1980



- EXISTING SHORELINE
- - - OLD SHORELINE
- MARSHLAND

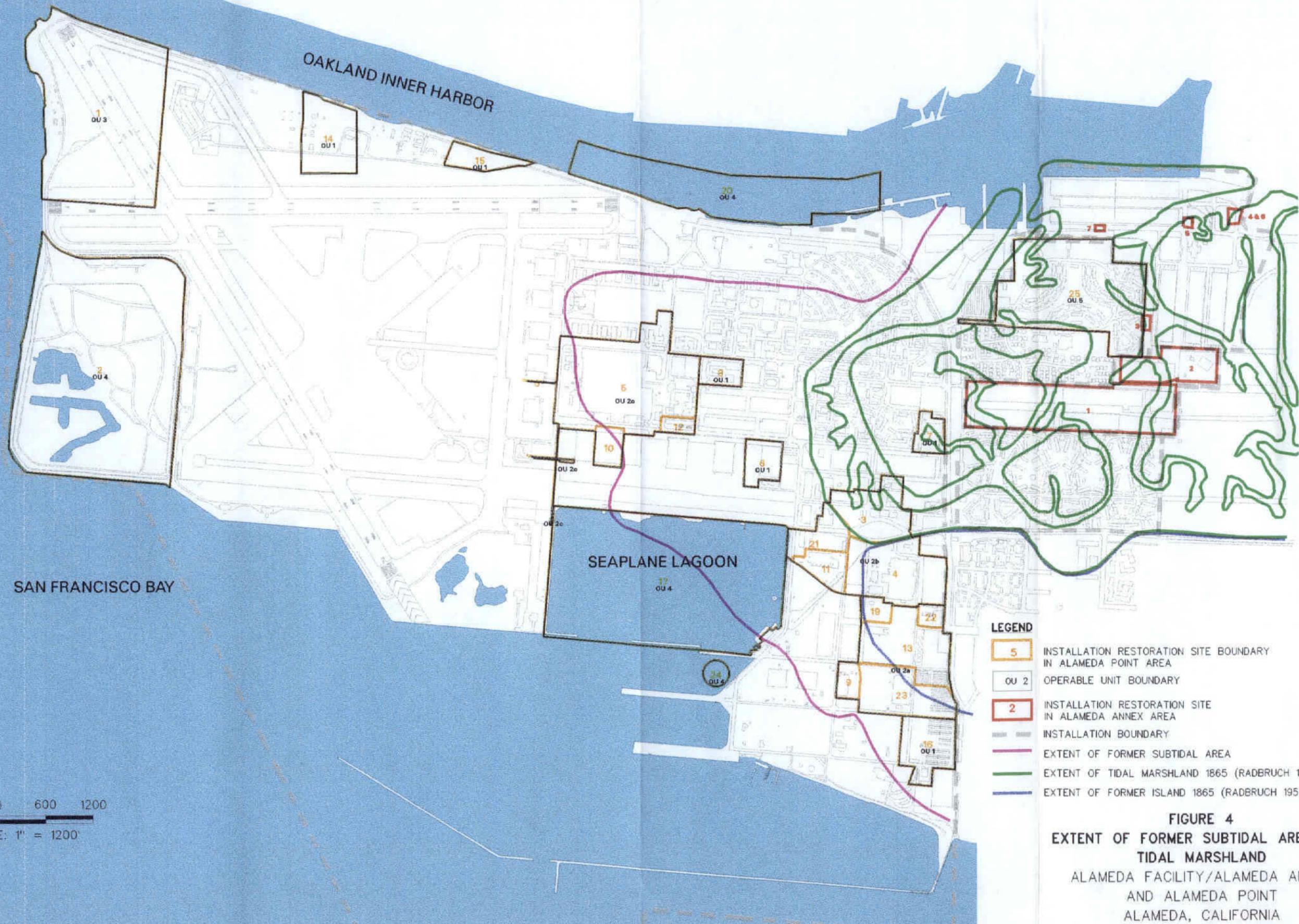


FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND  
ALAMEDA FACILITY/ALAMEDA ANNEX AND ALAMEDA POINT

**FIGURE 3**  
**EXISTING AND OLD SHORELINES**  
**FOR EAST BAY MARGIN**

 TETRA TECH EM INC.

SOURCE: USGS, OAKLAND WEST, CALIFORNIA QUADRANGLE 1980



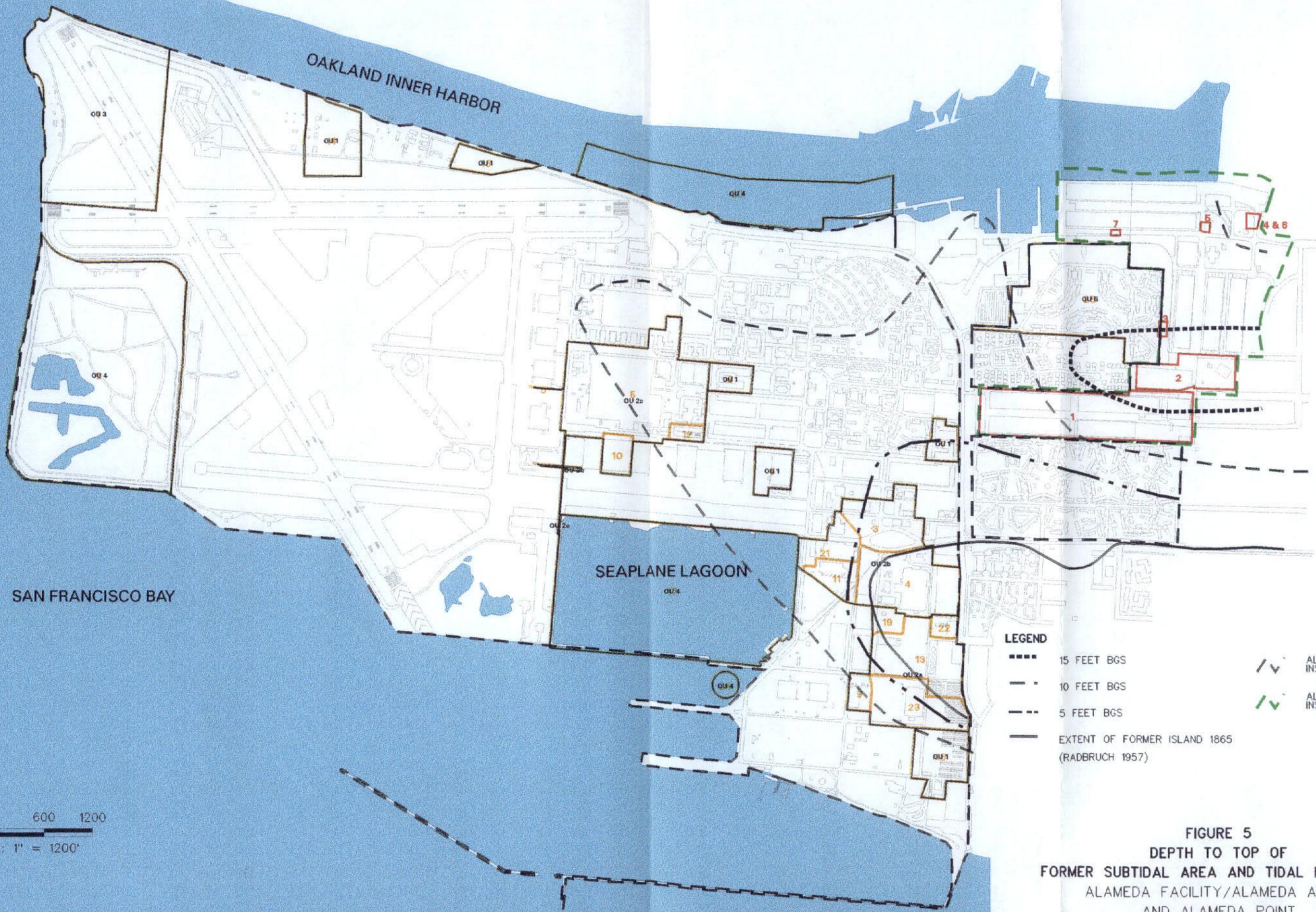
**LEGEND**

- 5 INSTALLATION RESTORATION SITE BOUNDARY IN ALAMEDA POINT AREA
- OU 2 OPERABLE UNIT BOUNDARY
- 2 INSTALLATION RESTORATION SITE IN ALAMEDA ANNEX AREA
- INSTALLATION BOUNDARY
- EXTENT OF FORMER SUBTIDAL AREA
- EXTENT OF TIDAL MARSHLAND 1865 (RADBRUCH 1957)
- EXTENT OF FORMER ISLAND 1865 (RADBRUCH 1957)

**FIGURE 4**  
**EXTENT OF FORMER SUBTIDAL AREA AND TIDAL MARSHLAND**  
ALAMEDA FACILITY/ALAMEDA ANNEX  
AND ALAMEDA POINT  
ALAMEDA, CALIFORNIA

600 0 600 1200  
SCALE: 1" = 1200'

08/16/00 i:\damado\sewer\hottf\am\_and\_boliff\am2.mxd



**LEGEND**

- 15 FEET BGS
- - - - 10 FEET BGS
- - - - 5 FEET BGS
- EXTENT OF FORMER ISLAND 1865 (RADBRUCH 1957)
- ALAMEDA POINT INSTALLATION BOUNDARY
- ALAMEDA ANNEX INSTALLATION BOUNDARY

600 0 600 1200  
SCALE: 1" = 1200'

**FIGURE 5**  
**DEPTH TO TOP OF**  
**FORMER SUBTIDAL AREA AND TIDAL MARSHLAND**  
**ALAMEDA FACILITY/ALAMEDA ANNEX**  
**AND ALAMEDA POINT**  
**ALAMEDA, CALIFORNIA**

k:/demando/dework/Port11111\_ana.dwg bol1111\_ana.dwg 09/07/00

TABLES

FINAL  
REMEDIAL ACTION PLAN/RECORD OF DECISION  
FOR THE MARSH CRUST AT THE  
FLEET AND INDUSTRIAL SUPPLY CENTER  
OAKLAND ALAMEDA FACILITY/ALAMEDA ANNEX  
AND FOR THE MARSH CRUST AND FORMER  
SUBTIDAL AREA AT ALAMEDA POINT

DATED 01 FEBRUARY 2001

**TABLE 1**

**SUMMARY OF RISK CHARACTERIZATION FOR FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND  
ALAMEDA FACILITY/ALAMEDA ANNEX AND ALAMEDA POINT**

<b>Alameda Facility/Alameda Annex</b>		<b>Alameda Point</b>
Marsh Crust	No unacceptable risk exists under the current land use, because exposure pathways are incomplete. Future risk would result from contact with excavated marsh crust brought to the surface.	No unacceptable risk exists under the current land use, because exposure pathways are incomplete. Future risk would result from contact with excavated marsh crust brought to the surface.
Subtidal Area	Not applicable	No unacceptable risk exists under the current land use, because pathways are incomplete. Future risks would result from contact with excavated, former subtidal area brought to surface.
Ecological	Quantitative risk assessments show no unacceptable risk.	Quantitative risk assessments show no completed exposure pathways.

**TABLE 2**

**COMPARATIVE ANALYSIS OF ALTERNATIVES FOR THE MARSH CRUST  
AT FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND, ALAMEDA FACILITY/ALAMEDA ANNEX AND  
THE MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT**

<b>Evaluation Criteria</b>	<b>Former Subtidal Area and Marsh Crust Alternatives (Alameda Facility/Alameda Annex and Alameda Point)</b>			
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
	<b>No Action</b>	<b>Land Use Controls</b>	<b>Excavation and Off-site Disposal</b>	<b>Excavation and On-site Treatment with Medium Thermal Desorption</b>
Overall Protection of Human Health and the Environment	Not protective	Protective	Protective	Protective
Compliance with ARARs	None	Complies	Complies	Complies
Long-term Effectiveness and Permanence	Low	Moderate to high	High	High
Reduction of Toxicity, Mobility, or Volume through Treatment	None	None	None	High
Short-term Effectiveness	Highly protective	Highly protective	Low to moderate	Low to moderate
Implementability	High	High	Low	Low
State Acceptance	Low	High	Low	Low
Community Acceptance	Low	High	Low	Low
<b>Cost (Present Worth)</b>	<b>\$0</b>	<b>\$59,800</b>	<b>\$1,564,000,000</b>	<b>\$981,700,000</b>

**Note:**

ARAR Applicable or relevant and appropriate requirement

**APPENDIX A**  
**NONBINDING ALLOCATION OF RESPONSIBILITY**  
**(One Page)**



# Department of Toxic Substances Control



Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

Edwin F. Lowry, Director  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2721

Gray Davis  
Governor

## PRELIMINARY NONBINDING ALLOCATION OF RESPONSIBILITY

Health and Safety Code (HSC) section 25356.1(e) requires the Department of Toxic Substances Control (DTSC) to prepare a preliminary nonbinding allocation of responsibility (the "NBAR") among all identifiable potentially responsible parties (PRPs). HSC section 25356.3(a) allows PRPs with an aggregate allocation in excess of 50% to convene an arbitration proceeding by submitting to binding arbitration before an arbitration panel. If PRPs with over 50% 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% and can therefore convene arbitration if they so choose. The NBAR, which is based on the evidence available to the 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 HSC 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 HSC section 25356.7 for the sole purpose of showing the good faith of the parties who have discharged the arbitration panel's decision.

For the marsh crust and subtidal areas at the FISC Annex and Alameda Point, the Navy agrees that the preliminary NBAR may designate that the Navy will be 100% responsible for the implementation of the required Navy activities covered in this RAP. The Navy does not concur with the findings of the NBAR and reserves any and all rights that it may have to challenge the findings of the NBAR in any future proceedings. DTSC's preliminary NBAR is without prejudice to the Navy's right to challenge such allocation in any subsequent proceedings, except the right to seek binding arbitration pursuant to HSC section 25356.3(a) which right is expressly waived. The Navy has further agreed that it reserves its rights to seek recovery of its costs against any party whether currently identified as a PRP or otherwise. Consistent with the agreement of the Navy, DTSC's preliminary NBAR allocates 100% of the responsibility for implementation of the required Navy activities covered by this RAP to the Department of the Navy.

**APPENDIX B**

**CITY OF ALAMEDA ORDINANCE NO. 2824**

**(14 Pages)**

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 15th day of February, 2000, by the following vote to wit:

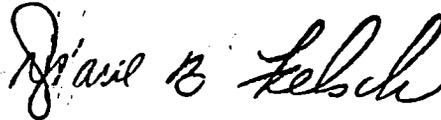
AYES: Councilmembers Daysog, DeWitt, Johnson, Kerr and Mayor Appezzato - 5.

NOES: None.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 16th day of February, 2000.



\_\_\_\_\_  
Diane Felsch, City Clerk  
City of Alameda

*Marsh Coast  
Ordinance*

*File*

**NOTICE OF EXEMPTION**

To:      Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: City of Alameda  
Planning Department  
City Hall, Room 120  
2263 Santa Clara Avenue  
Alameda, CA 94501

or   x   County Clerk  
County of Alameda  
1225 Fallon Street  
Oakland, CA 94612

RECEIVED  
MAR 08 2000  
CITY OF ALAMEDA  
ALAMEDA, CA

**Project Title:** Marsh Crust Excavation Ordinance No. 2824

**Project Location - City:** Alameda **Project Location - County:** Alameda

**Description of Project:** City Council adoption of Ordinance No. 2824 on February 16, 2000, providing environmental protection during excavation of potentially hazardous soils in the shoreline Marsh Crust area of Alameda along Oakland/Alameda Estuary. Project does not include individual construction activities within the Marsh Crust; projects will receive individual review under CEQA Guidelines.

**Name of Public Agency Approving Project:** Alameda City Council

**Name of Person or Agency Carrying Out Project:** Alameda City Public Works Department

**Exempt Status:** (check one)

- Ministerial (Sec. 15268)
- Declared Emergency (Sec. 15269(a))
- Emergency Project (Sec. 15269(b)(c))
- Categorical Exemption. State type & section number.
- XX Statutory Exemptions. State code number: S. 15308 ; also S. 15061(b)(3)

**Reasons why project is exempt:** The Ordinance is an "action by a regulatory agency for protection of the environment," a Class 8 exemption under Section 15308 of CEQA Guidelines, "to assure the maintenance, restoration, enhancement or protection of the environment." The Ordinance establishes standards for control of subsurface hydrocarbon and other deposits during future construction processes. Individual construction projects are to be evaluated by subsequent CEQA review, under standards of the Ordinance. In addition, Section 15061(b)(3) of the CEQA Guidelines provide, where it can be seen with certainty that a program will not involve activities which may have a significant effect on the environment, the project is exempt. Adoption of an Ordinance causes no physical activities and enhances regulation.

**Lead Agency Contact Person:** David Valeska, Planner III  
**Area Code/Telephone:** (510) 748-4554

**If filed by applicant:**

- 1. Attach certified document of exemption finding.
- 2. Has a notice of exemption been filed by the public agency approving the project:  Yes  No

Signature: 

Title: Development Review Manager

Date Received for Filing: \_\_\_\_\_

Date Posted: \_\_\_\_\_

Date Removed: \_\_\_\_\_

## **SUPPLEMENT TO NOTICE OF EXEMPTION, MARSH CRUST EXCAVATION ORDINANCE**

### **BACKGROUND**

The City of Alameda borders the Oakland/Alameda Estuary, a waterway connecting to San Francisco Bay. The Estuary shoreline was at a lower elevation in the early 20th Century, when shipping and manufacturing left hydrocarbon deposits on these marsh areas. Later in the 20th Century, landfill raised the elevation of these shoreline areas above the tidal action line, covering the hydrocarbon-impacted tidal marshes. This process resulted in a buried layer of hydrocarbon-saturated soils known as Marsh Crust. Exposure of the Marsh Crust may result in hazardous conditions.

In recent years, construction along the north Alameda shoreline has involved excavation and installation of pilings to create foundations for new structures. Excavation below the surface of such properties may result in exposure of the Marsh Crust to the public.

Mitigated Negative Declarations adopted by the City in recent years for this area have included mitigations and conditions addressing excavation and pile driving in the Marsh Crust. The City has identified a need for establishment of standards for Marsh Crust excavation and pile driving, which resulted in adoption of the attached Ordinance.

### **ORDINANCE**

The Ordinance provides for standards and procedures to be followed regarding excavation and pile driving in the Marsh Crust area. These regulations will minimize the risk of exposure of the public to subsurface hydrocarbon or other chemical deposits which have entered the Marsh Crust due to past chemical leakages. The regulations will protect Estuary wildlife by minimizing the risk of chemical spills into Estuary waters.

The Ordinance does not approve any individual construction projects. Each excavation or pile driving activity in the Marsh Crust will separately be evaluated under the California Environmental Quality Act as either requiring a Mitigated Negative Declaration, Categorical Exemption or other procedure.

### **CONCLUSION**

The Ordinance is Categorically Exempt under Section 15308 of the CEQA Guidelines because it establishes regulatory standards for protection of the environment without approving any individual construction projects.

March 1, 2000 dv

**NOTICE OF EXEMPTION**

**Appendix E**

**To:**  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**From:** City of Alameda  
Public Works Department  
2263 Santa Clara Avenue  
Alameda, CA 94501

County Clerk  
County of Alameda  
1225 Fallon Street  
Oakland, CA 94612

**Project Title:** Excavation Ordinance

**Project Location - Specific:** Former Alameda Naval Air Station and Fleet Industrial Supply Center, Alameda Annex and Facility

**Project Location - City:** Alameda

**Project Location - County:** Alameda

**Project Description:** Adoption of an excavation ordinance to regulate excavation into the Marsh Crust at Fleet Industrial Supply Center and Alameda Naval Air Station, Alameda. The excavation ordinance will require testing and proper handling of soils which may be hazardous, protecting health and human safety.

**Name of Public Agency Approving Project:** City of Alameda

**Name of Person or Agency Carrying Out Project:**

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section Number: 15061(b)(3)
- Statutory Exemptions. State code number:

**Reasons why project is exempt:** The project involves adoption of an excavation ordinance. There is no possibility that the adoption of this ordinance will have a significant impact on the environment. (See attachment)

**Lead Agency Contact Person:** Dina Tasini      **Area Code/Telephone/Extension:** 510/749-5922

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

**Signature:** 

**Date:** 2/18/00

**Title:** Environmental Policy Manager

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

CITY OF ALAMEDA ORDINANCE NO. 2824  
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING CHAPTER XIII (BUILDING AND HOUSING) BY ADDING A NEW SECTION 13-56 (EXCAVATION INTO THE MARSH CRUST/SUBTIDAL ZONE AT THE FORMER NAVAL AIR STATION ALAMEDA AND FLEET INDUSTRIAL SUPPLY CENTER, ALAMEDA ANNEX AND FACILITY) TO ARTICLE XVII (PITS, WELLS AND EXCAVATIONS)

WHEREAS, the marshlands and near shore areas once located adjacent to the island of Alameda were filled with dredge material between approximately 1900 and 1940; and

WHEREAS, the marsh crust, and the subtidal zone extending from it, is a horizon that is identifiable in the subsurface (the interface at the bottom of the fill material) which contains remnants of grasses and other intertidal and subtidal features; and

WHEREAS, the marsh crust/subtidal zone also contains, at least locally, elevated levels of petroleum-related substances, such as semi-volatile organic compounds, which substances may pose an unacceptable risk to human health and the environment if excavated in marsh crust/subtidal zone materials, brought to the ground surface and handled in an uncontrolled manner; and

WHEREAS, proper handling, storage and disposal of materials excavated from the marsh crust/subtidal zone, pursuant to state and federal hazardous materials laws, will help eliminate unacceptable exposures and risks to human health and the environment; and

WHEREAS, the Draft Base-wide Focused Feasibility Study for the Former Subtidal Area and Marsh Crust and Ground Water (U.S. Navy, February 20, 1999) recommends implementation by the City of an institutional control, such as an excavation ordinance, as a remedial action related to the cleanup by the United States Navy of Naval Air Station Alameda and the Fleet Industrial Supply Center, Alameda Annex and Facility, which closed military installations are anticipated to be transferred to the City; and

WHEREAS, it can be seen with a certainty that adoption of a permitting program by the City that requires proper handling, storage and disposal, pursuant to existing state and federal hazardous materials laws, of materials excavated from the marsh crust/subtidal zone will not involve or require any physical activities other than optional testing of excavated materials and, therefore, is exempt from the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15061(b)(3) because there is no possibility that the enactment of the ordinance may have a significant effect on the environment.

*W. J. ...*  
CITY ATTORNEY

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended by adding a new Section 13-56 (Excavation Into the Marsh Crust/Subtidal Zone at the Former Naval Air Station Alameda and Fleet Industrial Supply Center) to Article XVII (Pits, Wells and Excavations) of Chapter XIII (Building and Housing) thereof to read:

**13-56 EXCAVATION INTO THE MARSH CRUST/SUBTIDAL ZONE AT THE FORMER NAVAL AIR STATION ALAMEDA AND FLEET INDUSTRIAL SUPPLY CENTER, ALAMEDA ANNEX AND FACILITY.**

**13-56.1 DEFINITIONS.**

For purposes of this Section 13-56 the following definitions shall apply:

*Bay* shall mean San Francisco Bay, including the Oakland Estuary and the Oakland Inner Harbor.

*DTSC* shall mean the California Environmental Protection Agency, Department of Toxic Substances Control.

*Earth material* shall mean any rock, natural soil or fill or any combination thereof.

*Excavation* shall mean the mechanical removal of earth material.

*Hazardous materials*, as defined in California Health and Safety Code sections 25260(d) and 25501(k), shall mean any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant or potential hazard to human health and safety, or to the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste and any material which a handler or the administering agency has reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

*Marsh crust* shall mean the underground layer that is the remnant of the tidal marsh that existed along the shoreline of Alameda Island before filling to create additional dry land. In many places, this layer contains substances from former industrial discharges that were retained in the historic marsh before filling.

*Subtidal zone* shall mean the underground layer that is the pre-filling Bay floor extension of the historic marsh. Together, the marsh crust and the subtidal zone constitute a single, continuous, underground layer that extends Bayward of the original mean higher high tide line of Alameda Island, before filling, throughout the area that was filled.

*Threshold depth* shall mean the depth below which a permit is required by this Section 13-56. The threshold depth is conservatively identified with the elevation above which there is little likelihood that substances from the historic marsh or Bay floor would have mixed during filling, including a margin of safety above the elevation of the historic marsh surface or subtidal zone. In no event will the threshold depth be above mean higher high water.

**13-56.2 Permit Required.**

- a. It shall be unlawful for any person, including utility companies and their employees and contractors, to excavate below a threshold depth above the marsh crust/subtidal zone within the area of the former Naval Air Station Alameda and Fleet and Industrial Supply Center, Alameda Annex and Facility, as depicted in Exhibit A, hereto, without first obtaining a permit in writing from the Chief Building Official.
- b. All excavation below the threshold depth in the area subject to this Section 13-56 shall be performed solely in accordance with the permit as approved and issued by the City.

**13-56.3 Depth of Excavation Subject to Permit Requirement.**

The Chief Building Official shall establish a threshold depth, consistent with DTSC's remedial decision documents pertaining to the marsh crust/subtidal zone, below which a permit shall be required for excavation pursuant to this Section 13-56. The threshold depth may vary by location. The Chief Building Official shall publish a map depicting the parcels and threshold depths for which a permit is required under this Section 13-56. The Chief Building Official may update the map, consistent with DTSC's remedial decision documents pertaining to the marsh crust/subtidal zone, as necessary to incorporate any new information concerning the depth of the marsh crust/subtidal zone received by the City since the preparation of the initial map or last update.

**13-56.4 Exception to Permit Requirement.**

- a. No permit shall be required under this Section 13-56 for pile driving or other penetration of the marsh crust/subtidal zone that involves neither (i) bringing materials from below the threshold depth to above the threshold depth; nor (ii) exposure of construction workers to soil excavated from below the threshold depth.
- b. No permit shall be required under this Section 13-56 for excavation associated with emergency repair of public infrastructure facilities; provided, however, that soil excavated from below the threshold depth in the area of the marsh crust/subtidal zone, as depicted on Exhibit A, must be managed as though it were hazardous in accordance with Subsection 13-56.8b.

### **13-56.5 Permit Application.**

Application for a permit shall be made in writing on forms available in or from the Building Services Office and shall be filed in the Building Services Office. Subsection 13-1.2 of Article I of Chapter XXIII regarding Appeals (Section 105.1), Appeal Fee (Section 105.2), Expiration (Section 106.4.4), Permit Fees (Section 107.2) and Plan Review Fees (Section 107.3) shall apply to all permits issued pursuant to this Section 13-56. The information required to be provided on the application shall be determined by the Chief Building Official and shall include at a minimum:

- a. A description and map of the property that is to be excavated sufficient to locate the area of proposed excavation on Exhibit A.
- b. Detailed plans, prepared by a registered civil engineer licensed in the State of California, of the excavation work to be done, including a drawing with dimensions to scale of all proposed excavation activity.
- c. A statement of the maximum depth of excavation.
- d. All elevations in plans and application materials submitted to the City shall be referenced to City Datum and shall show depth below ground surface.
- e. A cost estimate for purposes of determining the amount of the bond required to be obtained pursuant to Subsection 13-56.11.

### **13-56.6 Certifications and Acknowledgments.**

- a. The following certifications shall be required as part of the permit application:
  1. The applicant shall sign a certification prepared by the Chief Building Official acknowledging receipt of notice that the property to be excavated may be in the area of the marsh crust/subtidal zone, and that hazardous materials may be encountered during excavation.
  2. The applicant shall sign a certification prepared by the Chief Building Official acknowledging that federal and state hazardous materials laws and regulations will apply to storage, transportation and disposal of any materials excavated from the marsh crust/subtidal zone that are hazardous materials.
  3. The applicant shall sign a certification prepared by the Chief Building Official acknowledging liability for disturbing and removing all materials from the marsh crust/subtidal zone in accordance with this Section 13-56 and the permit.

- b. All building and excavation permits issued for construction or excavation within the area subject to this SubSection 13-56 shall contain the following written warning:

“Pursuant to Section 13-56 of Article XVII of Chapter XIII of the Alameda Municipal Code, excavation work in the area of the marsh crust/subtidal zone within the area of the former Naval Air Station Alameda and Fleet and Industrial Supply Center, Alameda Annex and Facility, as depicted in Exhibit A to Section 13-56 of Article XVII of Chapter XIII of the Alameda Municipal Code, may be subject to special materials handling requirements. The permittee acknowledges that he or she has been informed of the special materials handling requirements of Section 13-56 of Article XVII of Chapter XIII of the Alameda Municipal Code and that hazardous materials may be encountered during excavation.”

**13-56.7 Notification Prior to Start of Excavation.**

- a. After receipt of a permit and no less than two (2) business days (forty-eight (48) hours minimum) before commencement of any excavation activity in the area subject to this Section 13-56, the permittee shall notify the Chief Building Official of the planned start of excavation. Said notification shall include a schedule for any excavation work that will last for more than one day.
- b. The permittee shall give adequate notice to Underground Service Alert prior to commencing any excavation activity subject to this Section 13-56.

**13-56.8 Materials Handling.**

The permittee shall elect to follow one or more of the courses of action set forth below before beginning any excavation activities in the area subject to this Section 13-56. Unless otherwise demonstrated by the permittee by means of reconnaissance investigation pursuant to Subsection 13-56.8a, or unless the permittee prepares site management plans pursuant to Subsection 13-56.8c, soil below the threshold depth in the area of the marsh crust/subtidal zone, as depicted on Exhibit A, must be managed as though it were hazardous pursuant to Subsection 13-56.8b. The permittee may elect to follow Subsection 13-56.8a, but must comply with Subsection 13-56.8b or 13-56.8c if testing demonstrates that the materials below the threshold depth are hazardous materials. Copies of all reconnaissance testing results and/or existing information used to satisfy the reconnaissance investigation requirements of Subsection 13-56.8a shall be reported to and filed with the City. All observations or encounters with the marsh crust/subtidal zone during excavation shall be reported to the City.

- a. **Reconnaissance Investigation to Rule Out the Presence of Hazardous Materials Below the Threshold Depth.**

The permittee may elect to use reconnaissance borings, pursuant to a plan prepared by a qualified registered engineer or registered geologist, licensed in the State of California, to rule out, to the satisfaction of the Chief Building Official, the presence of hazardous materials below the threshold depth in the area to be excavated. As part or all of the reconnaissance plan, the permittee may make use of existing information, where appropriate, if the existing information is directly relevant to the location and depth to be excavated and contains observations or results of analyses that assist in concluding whether hazardous materials are present. The reconnaissance report shall include a description of all observations from below the threshold depth evidencing the presence or absence of the marsh crust/subtidal zone.

1. If hazardous materials are found below the threshold depth within the area to be excavated at any time (during reconnaissance or during excavation), the permittee shall comply with either Subsection 13-56.8b or Subsection 13-56.8c, at his or her election.
2. If hazardous materials are not found below the threshold depth within the area to be excavated, no additional materials controls, except as otherwise may be required under applicable federal, state or local law, are required under this Section 13-56.

**b. Handling Materials Excavated From Below the Threshold Depth as Hazardous Materials.**

If the permittee has not ruled out the presence of hazardous materials pursuant to Subsection 13-56.8a, or elects not to prepare a site management plan and materials testing program pursuant to Subsection 13-56.8c, the permittee shall presume that materials excavated from below the threshold depth must be disposed at an appropriately permitted disposal facility. In addition, no excavated materials from below the threshold depth may be stockpiled prior to disposal or returned to the excavation.

**c. Preparation of Construction Site Management Plan for Handling Materials Excavated From Below the Threshold Depth.**

1. In lieu of handling materials excavated from below the threshold depth pursuant to the restrictions in Subsection 13-56.8b, the permittee may elect to hire a qualified registered engineer or registered geologist, licensed in the State of California, to develop a site-specific construction site management plan, including a materials testing program, to the satisfaction of the Chief Building Official. The construction site management plan shall include, at a minimum, provisions governing control of precipitation run on and run off from stockpiled soils, soil segregation, securing of stockpiled soils, duration of stockpiling, and contingency plans for handling materials excavated from below the threshold depth that prove to be hazardous materials.

2. The permittee shall hire a qualified registered engineer or registered geologist, licensed in the State of California, to oversee compliance with the approved construction site management plan, and shall transmit to the Chief Building Official upon completion of the project written certification of compliance with the construction site management plan. The certification report shall include a description of all observations from below the threshold depth evidencing the presence or absence of the marsh crust/subtidal zone.

**13-56.9 Health and Safety Plan.**

The applicant shall cause to be prepared by a certified industrial hygienist, and keep on the construction site at all times, a health and safety plan to protect workers at the excavation site and the general public to the satisfaction of the Chief Building Official. The Chief Building Official may prepare and provide to applicants a model health and safety plan which, if used by the applicant, shall be modified by the applicant's certified industrial hygienist to suit the specific requirements of the applicant's project.

**13-56.10 Excavation Site Best Management Practices.**

All excavation and materials handling activities permitted under this Section 13-56 shall be conducted in accordance with applicable Alameda Countywide Clean Water Program Best Management Practices and City of Alameda Storm Water Management and Discharge Control Program Ordinance requirements.

**13-56.11 Bonds.**

Upon a finding by the Chief Building Official that a permit should issue for excavation pursuant to this Section 13-56, a surety or performance bond conditioned upon the faithful performance and completion of the permitted excavation activity shall be filed with the City. Such bond shall be executed in favor of the City and shall be maintained in such form and amounts prescribed by the Risk Manager sufficient to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

**13-56.12 Nonassumption of Liability.**

In undertaking to require applicants for certain excavation permits to comply with the requirements of this Section 13-56, the City of Alameda is assuming an undertaking only to promote the general welfare. The City is not assuming, nor is it imposing on itself or on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

**13-56.13 Construction on City Property.**

- a. The Chief Building Official shall prepare standard work procedures that comply with all the requirements of this Section 13-56 for all City

construction or improvement activities involving excavation below the threshold depth in the area subject to this Section 13-56. All departments, boards, commissions, bureaus and agencies of the City of Alameda that conduct construction or improvements on land under their jurisdiction involving excavation below the threshold depth in the area subject to this Section 13-56 shall follow such standard work procedures.

- b. The City shall include in all contracts involving excavation below the threshold depth in the area subject to this Section 13-56 a provision requiring City contractors to comply with all the requirements of this Section 13-56. All contracts entered into by departments, boards, commissions, bureaus and agencies of the City of Alameda that authorize construction or improvements on land under their jurisdiction involving excavation below the threshold depth in the area subject to this Section 13-56 also shall contain such standard contract provision.

#### **13-56.14 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Section 13-56 or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Section 13-56 or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Section 13-56 irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective.

#### **13-56.15 Permit Fee.**

No permits for excavation in the marsh crust/subtidal zone shall be issued unless a fee has been paid. The fee shall be set by City Council resolution.

#### **13-56.16 Penalties.**

- a. Any person, including utility companies and their employees and contractors, violating any of the provisions of this Section 13-56 shall be deemed guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Section 13-56 is committed, continued or permitted, and such violation may be prosecuted and punished as an infraction or misdemeanor pursuant to the provisions of Section 1-5.1 of the Alameda Municipal Code .
- b. Any person, including utility companies and their employees and contractors, that commences any excavation without first obtaining the necessary permits therefor shall, if subsequently allowed to obtain a permit, pay an amount, in

addition to the ordinary permit fee required, quadruple the permit fee otherwise required.

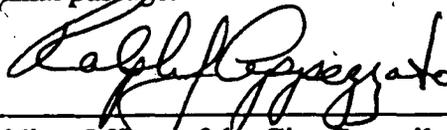
**13-56.17 Retention and Availability of Permit Files**

The City shall maintain files pertaining to all permits issued under this Section 13-56, and shall make such files available to DTSC for inspection upon request during normal business hours.

**13-56.18 Amendment of Section 13-56**

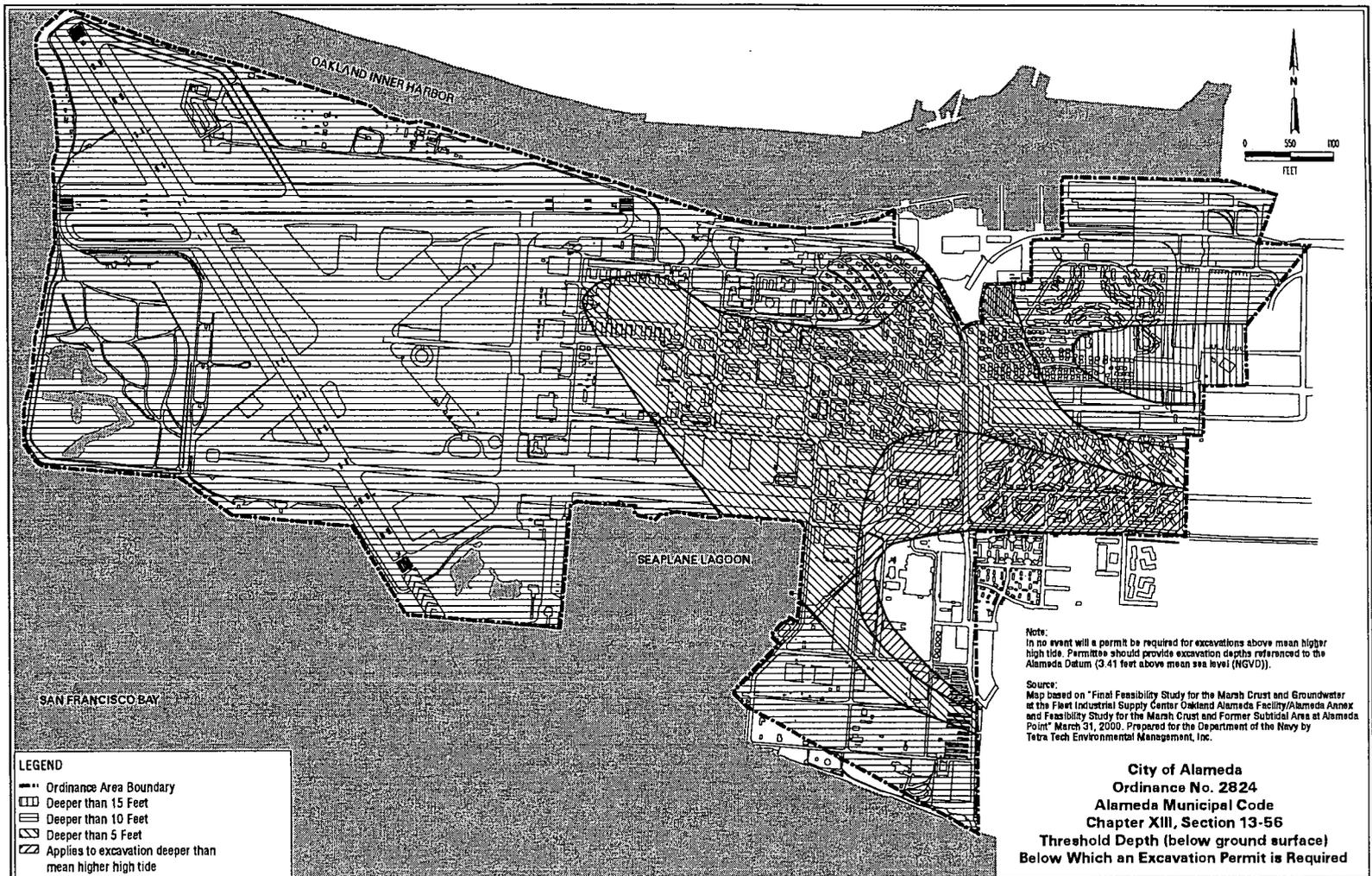
This Section 13-56 shall not be repealed or amended without thirty (30) days prior written notice to the DTSC Deputy Director for Site Mitigation.

Section 2. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

  
\_\_\_\_\_  
Presiding Officer of the City Council

Attest:  
  
City Clerk

\*\*\*\*\*



**LEGEND**

- Ordinance Area Boundary
- ▨ Deeper than 15 Feet
- ▤ Deeper than 10 Feet
- ▥ Deeper than 5 Feet
- ▧ Applies to excavation deeper than mean higher high tide

**Note:**  
 In no event will a permit be required for excavations above mean higher high tide. Permittee should provide excavation depths referenced to the Alameda Datum (3.41 feet above mean sea level (NGVD)).

**Source:**  
 Map based on "Final Feasibility Study for the Marsh Crust and Groundwater at the Fleet Industrial Supply Center Oakland Alameda Facility/Alameda Annex and Feasibility Study for the Marsh Crust and Former Subtidal Area at Alameda Point" March 31, 2000. Prepared for the Department of the Navy by Tetra Tech Environmental Management, Inc.

**City of Alameda**  
**Ordinance No. 2824**  
**Alameda Municipal Code**  
**Chapter XIII, Section 13-56**  
**Threshold Depth (below ground surface)**  
**Below Which an Excavation Permit is Required**

g:\projects\mich\alameda\plots\rmap1.amx  
 12 Jul 00 08:32:36 Wednesday

**APPENDIX C**  
**ADMINISTRATIVE RECORD INDEX**

**(13 Pages)**

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN	SI SP for Screening Lot and Scrapyard	April 14, 1987	ERM
AN	PA Report	April 1, 1988	NEESA
AN	Phase II Site Investigation at Warehouse Area	May 1, 1988	ERM
AN	Addendum to Preliminary Assessment Report	January 1, 1990	NAVY
AN	Comments on Draft RI/FS, WP, SP, QAPP, and HASP	January 1, 1990	DHS
AN	Risk Assessment Report – Military Housing Site	October 2, 1990	PRC
AN	Draft RI/FS WP, SP, QAPP, and HASP for Screening Lot and Scrapyard	November 29, 1990	NAVY
AN	Comments on RI/FS Study at Screening Lot and Scrapyard	January 12, 1991	BCDC
AN	Draft CRP	February 1, 1991	NAVY
AN	Additional Comments on RI/FS Study at Screening Lot and Scrapyard	February 28, 1991	BCDC
AN	Comments on Draft CRP	April 2, 1991	DHS
AN	Remarks on Navy's Responses to Department of Health Services Comments on Draft RI/FS WP	April 5, 1991	DHS
AN	CRP	May 8, 1991	PRC
AN	Comments on RI/FS WP	May 20, 1991	DHS
AN	Final RI/FS FSP, WP, QAPP, HASP, Screening Lot and Scrapyard Area	May 30, 1991	PRC
AN	Clarification on Use of Background Soil and Groundwater Samples	October 9, 1992	DTSC
AN	Request to Withdraw Phenolics Analysis from Current Analytical Suite	October 19, 1992	NAVY
AN	Approval for Withdrawal of Phenols Analysis from Soil and Groundwater Sampling	October 28, 1992	DTSC
AN	RCRA Facility Assessment	December 1, 1992	DTSC
AN	Facility Background Sampling	December 8, 1992	NAVY
AN	Sampling Results, TM, Screening Lot and Scrapyard Area, Naval Supply Center, Oakland, Alameda Annex and Facility, Alameda, California	February 1993	PRC
AN	Sampling Results, Draft TM, Volumes I through VI of VI	February 1, 1993	PRC
AN	Submission of Draft Risk Assessment Scoping Document	March 8, 1993	NAVY
AN	Final Report, Air Sampling and Analysis, Naval Family Housing Area	March 26, 1993	PRC
AN	Submission of Metals Summary Reports	March 31, 1993	NAVY

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN	Comments on TM	April 19, 1993	DTSC
AN	Additional Comments on TM	April 29, 1993	DTSC
AN	Comments on Risk Assessment Scoping Document	April 29, 1993	DTSC
AP	Response to Comments on the Draft Final RI/FS Phases-1 and 2A Data Summary Report	July 26, 1993	NAVY
AN	Draft Addendum Phase II WP, SP, and QAPP	July 29, 1993	NAVY
AN	Draft RI/FS Phase II WP, FSP, QAPP Addendum	July 29, 1993	PRC
AN	Comments on Draft Addendum Phase II WP, SP and QAPP	August 13, 1993	RWQCB
AN	Comments on RI/FS, FSP and QAPP	August 13, 1993	DTSC
AP	Final Data Summary Report RI/FS Phases 1 and 2A Volumes I and II	August 25, 1993	PRC
AN	Groundwater Monitoring Wells	August 28, 1993	PCCD
AN	Quantitation Limits	August 30, 1993	RWQCB
AN	Draft Final Phase II Addendums: WP and FSP	August 30, 1993	NAVY
AN	Response to Comments on Draft Phase II Addendums: QAPP and Radiological Survey	September 23, 1993	NAVY
AN	Meeting Minutes for Conference Call – Quantitation Limits	September 23, 1993	DTSC
AN	Comments on RI/FS Study Phase II Draft Final WP and FSP Addendum	October 4, 1993	DTSC
AN	Final Phase II Addendums: WP, FSP, and QAPP	October 27, 1993	NAVY
AN	Comments on RI/FS Final Phase II WP and FSP Addendum	November 23, 1993	CALF&G
AP	Comments on the Draft FSP, RI/FS Phase 2A	November 23, 1993	DTSC
AN	Final AM, Site 02 – Screening Lot and Scrapyard Area PCB and Lead Contaminated Soil Non-Time Critical	January 10, 1994	NAVY
AN	IRA WP Addendums: WP, FSP, QAPP, HASP	January 10, 1994	NAVY
AN	RI/FS Background Sampling at College of Alameda	January 24, 1994	NAVY
AN	Draft RI/FS RA EE/CA for PCB and Lead Contaminated Soils	February 25, 1994	NAVY
AN	Comments on Draft RA, EE/CA for PCB and Lead Contaminated Soils	March 31, 1994	DTSC
AN	Draft Final IRA WP Addendums: WP, Sampling Plan, QAPP, HASP, CRP	April 1, 1994	NAVY
AN	Response to Agency Comments on Draft RI/FS RA EE/CA for PCB and Lead Contaminated Soils	April 13, 1994	NAVY
AN	Comments on Draft Final IRA WP Addendums	April 22, 1994	BAAQMD

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN	Revised HHRA Scoping Document	May 5, 1994	NAVY
AN	Comments on RI/FS RA EE/CA for Soil Removal	June 10, 1994	DTSC
AP	Comments on the RI/FS WP Draft Addendum	June 13, 1994	DTSC
AN	Rationale for Collecting Filtered Groundwater Sampling for Metals Analysis	June 29, 1994	NAVY
AN	Identification of State ARARs	July 6, 1994	NAVY
AN	Comments on Revised HHRA Scoping Document	July 8, 1994	DTSC
AN	Draft Final EE/CA for PCB and Lead Contaminated Soils RA	July 14, 1994	NAVY
AN	Agency Comments on Total Metal Analysis for Groundwater Samples	July 29, 1994	DTSC
AN	Agency Comments on Revised Draft RI/FS Interim IRA WP, FSP, HASP, CRP and QAPP Addenda	August 10, 1994	DTSC
AN	Agency Comments on Revised Draft RI/FS IRA WP, FSP, HASP, CRP and QAPP Addenda	August 10, 1994	DTSC
AN	Agency Approval on Draft Final RI/FS RA EE/CA for PCB and Lead Contaminated Soils	August 15, 1994	DTSC
AN	Final RI/FS RA EE/CA for Lead and PCB Contaminated Soils	August 26, 1994	PRC
AN	Final RI/FS RA EE/CA for Lead and PCB Contaminated Soils	August 29, 1994	NAVY
AN	State ARARs	August 29, 1994	DTSC
AN	Public Notice of Comment Period for EE/CA for Installation Restoration (IR) Site 02	August 31, 1994	NAVY
AN	Response to DTSC and Regional Water Quality Control Board's (RWQCB) Comments Regarding Rationale for Collecting Filtered Groundwater Samples for Metal Analysis	September 6, 1994	NAVY
AN	State ARARs	September 27, 1994	DTSC
AN	Navy Response to Agency Letter (8/10/94) Regarding Agency Comments on Draft RI/FS IRA WP, FSP, HASP, CRP, QAPP	October 3, 1994	NAVY
AN	Draft AM for Site 02-Screening Lot and Scrapyard Area PCB and Lead Contaminated Soils RA	October 22, 1994	NAVY
AP	Identification of State ARARs	October 24, 1994	NAVY
AN	Request for Clarification on Property Boundary of FISCO Alameda Facility/Alameda Annex	November 1, 1994	DTSC
AN	Agency Approval on Use of Investigation Derived Waste (IDW) Waste Water for Dust Control	November 3, 1994	RWQCB
AN	Agency Comments on Draft AM Site 02-Screening Lot and Scrapyard Area	November 16, 1994	DTSC
AP	State Solicitation of ARARs	November 18, 1994	DTSC
AN	Response to Agency Comments on Revised HHRA Scoping Documents	December 14, 1994	NAVY

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN	Agency Comment to Navy Response on Collection of Filtered/Unfiltered Groundwater Samples	December 23, 1994	DTSC
AN	Final AM, Site 02, Screening Lot and Scrapyard Area PCB and Lead Contaminated Soil, Non-Time Critical	January 9, 1995	NAVY
AN	Agency Comments on HHRA Assessment Scoping Document	January 24, 1995	DTSC
AN	Draft RI (Volumes I through V)	March 24, 1995	NAVY
AN	Navy Response to Agency Letter Regarding Total Metal Analysis for Groundwater Samples	April 10, 1995	NAVY
AN	Draft WP Site 02 Screening Lot and Scrapyard Area PCB and Lead Contaminated Soils RA	April 19, 1995	NAVY
AN	WP, Site 02 – Screening Lot and Scrapyard Area, PCB and Lead-Contaminated Soils, Non-Time Critical RA, Revision 1 (Replacement Pages only)	May 1, 1995	ITC
AP	RI/FS Draft Data Transmittal Memorandum Sites 4, 5, 8, 10A, 12 and 14, Volumes I and II	May 18, 1995	NAVY
AN	Comments on the Draft RI Report – March 1995	May 26, 1995	RWQCB
AN	Comments on the Draft RI Report	May 31, 1995	DTSC
AN	Groundwater Monitoring of the Deep Monitoring Wells, Telephone Conference of 25 May 1995	June 1, 1995	RWQCB
AN	Comment on Groundwater Monitoring of the Deep Monitoring Wells	June 12, 1995	DTSC
AN	Identification of State ARARs for the RI/FS	June 19, 1995	NAVY
AN	ARARs	June 23, 1995	BDW
AN	Response to Letter of Claim Damages from Alleged “Hazardous Substances Emanating from U.S. Naval Supply Center”	June 30, 1995	NAVY
AN	Final WP Site 02 Screening Lot and Scrapyard Area PCB and Lead Contaminated Soil RA	July 7, 1995	NAVY
AN	Identification of State ARARs	July 13, 1995	DPESTR
AN	ARARs	July 17, 1995	OEHHA
AN	Draft Final RI Report (Volumes I and II) dated July 1995	July 25, 1995	NAVY
AN	Response to Comments on RI/FS	July 26, 1995	NAVY
AP	Comments on the RI/FS Data Transmittal Memorandum for Sites 4, 5, 8, 9, 10A, 12, and 14	July 26, 1995	DTSC
AN	Draft EE/CA Addendum for PCB Contaminated Soils; RI/FS RA	August 1, 1995	PRC
AN	Comments on the Draft RI/FS Report, Response to Navy Comments	August 18, 1995	CALF&G
AN	Draft Quarterly Groundwater Sampling Phase II WP Addendum	August 30, 1995	NAVY

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN	Comments on the Navy's Response of 26 July 1995 on the Draft RI Report and the Draft Final RI Report – July 1995	August 30, 1995	RWQCB
AN	Comments on the Draft Final RI Report – July 1995, and Navy's Response to Comments	August 30, 1995	DTSC
AN	Department of Fish and Game's Comments on the Draft Final Phase II RI	September 13, 1995	DTSC
AN	Comments on the Draft Quarterly Groundwater Sampling Phase II WP Addendum – August 1995	September 25, 1995	RWQCB
AN	Comments on Draft RA EE/CA Addendum for PCB-Contaminated Soils	September 26, 1995	DTSC
AN	DTSC Request for Navy to Reconsider Usage of Site-Specific PRG in Draft Final RI Report	November 1, 1995	DTSC
AN	Final EE/CA for PCB Contaminated Soils and Sump Removal – November 1996	November 13, 1995	NAVY
AN	FISCO the Annex Site, Alameda, California, Final Remedial Investigation Report	January 1996	PRC
AN	Final RI Report; Volumes I through V	January 1, 1996	PRC
AN	Agree to Usage of DMB to Replace Site-Specific Preliminary Remediation Goals (PRG) in the Draft Final RI Report	January 31, 1996	DTSC
AN	Quality Control (QC) Summary Report, Quarterly Groundwater Monitoring, Fourth and Fifth Quarters – February 1996	February 1, 1996	PRC
AN	Final RA EE/CA Addendum for PCB Contaminated Soils and Sump Removal	March 1, 1996	PRC
AN	Groundwater Sampling Phase II Report – February 1996	March 5, 1996	NAVY
AN	Comments on the Final RI Report	March 7, 1996	DTSC
AP	Response to Comments on RI/FS, Draft Data Transmittal Memorandum for Sites 4, 5, 8, 10A, 12, and 14	April 1, 1996	NAVY
AN	Final RI Report – 7 March 1996; (2) Response to Comments; and (2) Revised Pages	April 4, 1996	NAVY
AN	Response to Comments on the Final RI Report – 7 March 1996	April 4, 1996	NAVY
AN	Revised Pages for the Final RI Report – 7 March 1995	April 4, 1996	NAVY
AP	Final RI/FS, Data Transmittal Memorandum, Sites 1, 2, 3, Runway Area, 6, 7A, 7B, 7C, 9, 10B, 11, 13, 15, 16, and 19	May 1, 1996	PRC
AN	Comments on the Final RI Report	May 8, 1996	DTSC
AN	Comments on the Final RI Report – January 1996	May 31, 1996	RWQCB
AN	Response to Comments on the Final EE/CA Addendum, PCB Contaminated Soil and Removal of Sump, Non-Time Critical RA	June 20, 1996	NAVY

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN	Response to Comments on the Final RI Report	July 8, 1996	NAVY
AP	Identification of State ARARs for the RI/FS	September 12, 1996	NAVY
AN	ARARs for the Interim RA IR Site 02, Screening Lot and Scrapyard Area	September 19, 1996	NAVY
AN	Quarterly Groundwater Monitoring Report (First Interim Quarter, January 1996)	October 18, 1996	PRC
AN	Response to Comments on the Draft Quarterly Groundwater Monitoring Report (First Interim Quarter, January 1996)	October 28, 1996	NAVY
AP	ARARs	November 13, 1996	DTSC
AN	Final Basewide EBS Report, FISCO, Alameda Facility/Alameda Annex, Alameda, California	December 1996	PRC
AN	Final Basewide EBS Report, Revision 1	December 30, 1996	PRC
AN	Draft RA Implementation Report for Removal of PCB and Lead Contaminated Soils, Screening Lot and Scrapyard Area	February 1, 1997	PRC
AN	Quarterly Groundwater Monitoring Report (Second Interim Quarter, April 1996)	February 1, 1997	PRC
AN	Regional Water Quality Control Board (RWQCB) Approval of Navy Conducting Four Quarters of Interim Groundwater Monitoring	February 14, 1997	EPA
AN	Final Engineering EE/CA for PCB Contaminated Soils and Sump Removal	March 1, 1997	PRC
AP	Identification of ARARs for the RI/FS	March 4, 1997	NAVY
AN	Request for Identification of ARARs for the FS	March 19, 1997	NAVY
AN	Quarterly Monitoring Report (Third Interim Quarter, July 1996) – April 1997	April 7, 1997	NAVY
AN	Comments on the Draft RA IR for Removal of PCB and Lead Contaminated Soils	April 25, 1997	DTSC
AN	Comments on the Final RA Engineering Evaluation/Cost Analysis (EE/CA) for PCB Contaminated Soils – March 1997	April 30, 1997	DTSC
AN	DTSC Solicitation for ARARs	May 1, 1997	DTSC
AN	Comments on the Final Basewide EBS Report	May 6, 1997	EPA
AN	Draft Cumulative Groundwater Monitoring Report (1994-1996)	August 12, 1997	NAVY
AN	Summary of the Interim Groundwater Monitoring – August 1997	August 12, 1997	NAVY
AN	Draft FS, Site 02 Screening Lot and Scrapyard Area – August 1997	August 19, 1997	NAVY
AN	Interim Removal Action (IRA) Site 02, Replacement Pages of the Implementation Report – August 1997	September 2, 1997	NAVY

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN	Comments on the Draft FS, Site 02 Screening Lot and Scrapyard Area – August 1997	October 10, 1997	EPA
AN	AM, IR Site 02 Screening Lot and Scrapyard Area PCB Contaminated Soils and Sump Removal, Non-Time Critical RA	October 16, 1997	NAVY
AN	Summarized Discussion between the Navy and Regulatory Agencies Regarding the Draft FS, Site 02 Screening Lot and Scrapyard Area	October 21, 1997	DTSC
AN	FS, Site 02 Screening Lot and Scrapyard Area Additional Sampling (Chromium) for HHRA	October 28, 1997	NAVY
AN	Comments on the Draft AM for IR Site 02	November 7, 1997	DTSC
AN	Response to Concerns Regarding the Chromium Concentrations, FS Site 02, Screening Lot and Scrapyard Area Additional Sampling Hexavalent Chromium	November 25, 1997	NAVY
AN	Comments on the Hexavalent Chromium Sampling at Site 02	December 1, 1997	DTSC
AN	Comments on the Cumulative Groundwater Monitoring Report	December 15, 1997	DTSC
AN	Comments on the EBS SAPP – November 1997	December 17, 1997	DTSC
AN	Draft History of NAS Alameda and Alameda Point NAS Alameda, Alameda, California	January 1998	IT
AN	Response to Comments on Interim RA AM for IR Site 02	January 1, 1998	NAVY
AN	Final WP, Quality Control Plan (QCP), Environmental Protection Plan, Site Health and Safety Plan (HASP), for the PCB Contaminated Soil Removal	January 1, 1998	ITC
AN	Final AM, IR Site 02 Screening Lot and Scrapyard Area, Polychlorinated Biphenyl-Contaminated Soils and Sump Removal, Non-Time-Critical RA	January 1, 1998	TtEMI
AN	Draft FS for SWMU 4/AOC 2 and AOC 8-January 1998	January 16, 1998	NAVY
AN	Final AM, IR Site 02 Screening Lot and Scrapyard Area, Polychlorinated Biphenyl (PCB) Contaminated Soils and Sump Removal, Non-Time Critical	January 16, 1998	NAVY
AN	Draft FS for Soil at SWMU 1	January 30, 1998	TtEMI
AP	Draft OU 1, RI Report, Volumes I-IV	February 10, 1998	TtEMI
AN	Response to Comments on the Summary of Groundwater Monitoring Report	March 12, 1998	NAVY
AN & AP	Site 18 Storm Sewer System Solids and Debris Removal Action Closeout Report, NAS Alameda, California	April 1998	TtEMI
AP	Comments on Draft OU-1 RI Report	April 10, 1998	EPA
AP	Comments on Draft OU-1 RI Report	April 15, 1998	DTSC

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN	Comments on the Draft FS for Soil at SWMU 1 and Draft FS for SWMU 4/AOC 2 and AOC 8- January 1998	May 11, 1998	EPA
AN	Comments on the Draft FS for IR Site 02 (IR02) – January 1998	May 11, 1998	DTSC
AN	Draft TM Groundwater Contaminant Fate and Transport Modeling	May 18, 1998	TtEMI
AN	Comments on EBS Sampling and Analysis Project Plans (SAPP)	May 20, 1998	DTSC
AN	Draft On-scene Coordinator Report, IR Site 02 Screening Lot and Scrapyard Area Railroad Sump	June 25, 1998	NAVY
AN	Comments on the Draft FS for IR04, IR06, and IR08 – January 1998	June 29, 1998	DTSC
AN	Solicitation for ARARs	July 9, 1998	DTSC
AN	Comments on the Draft TM Groundwater Contaminant Fate and Transport Modeling – 18 May 1998	July 14, 1998	DTSC
AN	Final On-scene Coordinator Report, IR Site 02 Screening Lot and Scrapyard Area Railroad Sump	July 14, 1998	TtEMI
AN	Response to Solicitation for Applicable or Relevant and Appropriate Requirements (ARARs)	July 20, 1998	CALF&G
AN	Comments on the Draft On-scene Coordinator Report – 26 June 1998	July 27, 1998	DTSC
AN	Ecological Assessment of the Sediment at Outfall 1, FISCO the Annex Site Alameda, California	August 7, 1998	TtEMI
AN	FISCO the Annex Site Alameda, On-scene Coordinator Report, RA IR Site 02 Screening Lot and Scrapyard Area Railroad Sump	August 14, 1998	TtEMI
AN	Comments on the Draft Final Cumulative Groundwater Monitoring Report – 26 June 1998	August 14, 1998	DTSC
AN	Comments on the Response to Comments for the Draft TM, Groundwater Contaminant Fate and Transport Modeling	August 20, 1998	DTSC
AN	Response to Comments on the Draft IR Site 02 FS; Proceeding with Development of the Draft Final	August 28, 1998	NAVY
AN	Draft Final FS for Soil at IR Site 02	September 1, 1998	TtEMI
AN	Draft CRP, Second Addendum	September 1, 1998	TtEMI
AN	IR Site 02 FS; Additional Information Regarding Fruit Tree Roots	September 2, 1998	NAVY
AP	Revised Draft OU-1 RI Volumes I-IV	September 3, 1998	TtEMI
AN	Response to Comments on the IR Site 04, 06, and 08 FS	September 22, 1998	NAVY
AN	Comments on the FS for IR-04, IR-06, and IR-08	September 25, 1998	DTSC
AN	Draft Final FS for SWMU 4/AOC and AOC 8	October 1, 1998	TtEMI
AN	Final Technical Memorandum (TM) Groundwater Contaminant Fate and Transport Modeling	October 2, 1998	TtEMI

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN	Response to Comments on the Groundwater Monitoring Summary Report and Proposed Plan, RAP/ROD	October 6, 1998	NAVY
AN	Draft FS for SWMU 4/AOC 2 and AOC 8 – October 1998	October 8, 1998	NAVY
AN	Comments on the Potential Exposure Pathway via Fruit Ingestion	October 8, 1998	DTSC
AN	Comments on the IR Site 02 FS, Attachment A – 02 September 1998	October 16, 1998	EPA
AN & AP	Request to Prepare a FS for the Marsh Crust and Related Subtidal Deposits	October 21, 1998	DTSC
AN	Comments on the Cumulative Groundwater Monitoring Report	October 27, 1998	DTSC
AP	Comments on Revised Draft OU-1 RI Report	November 3, 1998	DTSC
AP	Comments on Revised Draft OU-1 RI Report	November 6, 1998	EPA
AN	Response to Comments on the FS, Fruit Tree Groundwater Uptake	November 9, 1998	NAVY
AN	Final Cumulative Groundwater Monitoring Report (1994 to 1996) – 12 November 1998	November 10, 1998	NAVY
AN	Draft Basewide Focused FS for Soil and Groundwater	November 24, 1998	TtEMI
AP	EBS Data Evaluation Summaries Zones 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22	December 1998	IT
AN	Draft Basewide Groundwater Beneficial Use Report Shallow Water Bearing Zone	December 2, 1998	TtEMI
AN	Comments on the Draft Final FS for IR Sites 04, 06, and 08 – October 1998	December 4, 1998	DTSC
AN	Comments on the Draft Basewide Groundwater Beneficial Use Report – 02 December 1998	January 13, 1999	DTSC
AP	Draft Final OU1 RI Report, Volumes I through V	January 18, 1999	TtEMI
AN	FISCO the Annex Site, Alameda, California, Final Feasibility Study for Soil at Solid Waste Management Unit (SWMU) 1	January 22, 1999	TtEMI
AN	FS for IR Sites 04, 06, and 08; Response to Request for Assistance in Coordinating the Removal of Petroleum Product	February 11, 1999	RWQCB
AN & AP	Draft Basewide Focused FS for the Former Subtidal Area and Marsh Crust and Groundwater – 20 February 1999	February 18, 1999	NAVY
AN	Comments on the Draft Basewide Groundwater Beneficial Use Report Shallow Water Bearing Zone – 02 December 1998	February 22, 1999	EPA
AN	Response to Comments on the Draft Final FS for IR Site 04/06 and Site 08	March 11, 1999	NAVY
AN	Response to Comments on IR Site 04/06 RA	March 16, 1999	NAVY
AN & AP	Comments on the Draft Basewide FS for the Former Subtidal Area and Marsh Crust and Groundwater	March 23, 1999	Alameda

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN & AP	Comments on the Draft Basewide Focused FS for the Former Subtidal Area and Marsh Crust and Groundwater	March 23, 1999	EPA
AN & AP	Comments on the Draft Basewide Focused FS for the Former Subtidal Area and Marsh Crust and Groundwater	March 23, 1999	DTSC
AP	OU-1 RI Report. Final. Alameda Point, Alameda, California	March 23, 1999	TtEMI
AN & AP	Response to Comments on the Draft Basewide Focused FS	March 31, 1999	NAVY
AN	Comments on the Navy's Letter of 16 March 1999 Regarding IR Site 04/06 RA	April 7, 1999	DTSC
AN	Comments on the Response to Comments on IR Site 04/06 and Site 08 FS	April 7, 1999	DTSC
AN	FISCO the Annex Site, Alameda, California, Final Feasibility Study for Sites IR 04/06 and IR 08	April 30, 1999	TtEMI
AN	Final Community Relations Plan (CRP), Second Addendum	April 30, 1999	TtEMI
AP	Draft Final OU-3 RI Report, Volumes I through III	May 19, 1999	TtEMI
AN	Draft Supplemental Environmental Baseline Survey (EBS), Alameda Facility/Alameda Annex, Alameda, California	June 7, 1999	TtEMI
AP	Draft OU-2 RI Report (Chapters 1-9, Appendixes A-P), Alameda Point, Alameda, California	June 28, 1999	TtEMI
AP	Final OU-3 RI Report, Volumes I through III, Alameda Point, Alameda, California	August 9, 1999	TtEMI
AN	FISCO the Alameda Annex Site, California, Final Basewide Groundwater Beneficial Use Report Shallow Water Bearing Zone	October 29, 1999	TtEMI
AP	Naval Air Station Alameda Restoration Advisory Board Meeting Summary	December 7, 1999	GPI
AN	FISC Alameda Facility Alameda Annex RAB Meeting Minutes	December 14, 1999	TtEMI
AN	FISC Alameda Facility Alameda Annex BCT Meeting Minutes	December 14, 1999	TtEMI
AP	Draft FOST for East Housing	December 30, 1999	TtEMI
AN	Baseline Human Health Risk Assessment (HHRA), FISCO Alameda Facility/Alameda Annex	January 2000	NEWFIELDS
AP	Naval Air Station Alameda Restoration Advisory Board Meeting Summary	January 4, 2000	GPI
AN & AP	Draft Final FS for the Marsh Crust and Groundwater at the Alameda Facility/Alameda Annex and Marsh Crust and Subtidal Area at Alameda Point	January 6, 2000	TtEMI
AP & AN	Comments on Draft Final Marsh Crust FS	February 7, 2000	EPA
AP & AN	Comments on Draft Final Marsh Crust FS	February 7, 2000	DTSC

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AP	Draft – AM, Marsh Crust Time-Critical RA	February 18, 2000	NAVY
AN	Draft Corrective Action Plan	February 25, 2000	TtEMI
AN & AP	Navy Response to Comments – Draft Final FS for the Marsh Crust and Groundwater	February 25, 2000	NAVY
AP	Draft – RAW for Marsh Crust at the East Housing Area	March 1, 2000	DTSC
AP	Draft Final FOST for East Housing	March 3, 2000	TtEMI
AP	Naval Air Station Alameda Restoration Advisory Board Meeting Summary	March 7, 2000	GPI
AP	Comments on Action Memorandum for Marsh Crust Time-Critical Removal Action at East Housing Area	March 14, 2000	EPA
AP	Draft – Negative Declaration for RAW (includes the Notice of Public Comment Period of 3/21-4/19/00)	March 17, 2000	DTSC
AN & AP	Final Focused Feasibility Study (FS) for the Marsh Crust and Groundwater at the FISCO Alameda Facility/Alameda Annex and FS for the Marsh Crust and Former Subtidal Area at Alameda Point	March 31, 2000	TtEMI
AP	Naval Air Station Alameda Restoration Advisory Board Meeting Summary	April 4, 2000	GPI
AP	Final Finding of Suitability to Transfer (FOST) East Housing Area	April 7, 2000	TtEMI
AP	Action Memorandum (AM) Marsh Crust Time-Critical RA	April 7, 2000	NAVY
AN & AP	Internal Draft – Proposed Plan Marsh Crust and Former Subtidal Area (Alameda Point) and Marsh Crust and Shallow Groundwater (Alameda Annex)	May 1, 2000	TtEMI
AP	RAW – Marsh Crust at the East Housing Area, Alameda Point, Alameda, California	May 2000	DTSC
AP	Naval Air Station Alameda Restoration Advisory Board Meeting Summary	May 2, 2000	GPI
AN	FISC Alameda Facility Alameda Annex Base Closure Team (BCT) Meeting Minutes	May 3, 2000	TtEMI
AN & AP	Internal Draft – RAP/ROD Plan for the Marsh Crust Groundwater (Alameda Annex) and the Marsh Crust and Former Subtidal Area (Alameda Point)	May 5, 2000	TtEMI
AN	Federal Facilities Site Remediation Agreement (FFSRA), Alameda Facility Alameda Annex	May 9, 2000	NAVY & DTSC
AN	FISC Alameda Facility Alameda Annex RAB Meeting Minutes	May 9, 2000	TtEMI
AN & AP	Letter; Institutional Controls	May 11, 2000	EPA
AP	Final RAW for Marsh Crust at the East Housing Area	May 25, 2000	DTSC
AN & AP	Draft Proposed Plan Marsh Crust and Shallow Groundwater (Alameda Annex) and Marsh Crust and Former Subtidal Area (Alameda Point)	June 1, 2000	TtEMI

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AP	Transmittal of Final Negative Declaration for Removal Action Workplan (WP) (RAW)	June 2, 2000	DTSC
AN & AP	Comments on Draft Proposed Plan and Draft RAP/ROD for Marsh Crust and Groundwater at Alameda Annex Former Subtidal Area at Alameda Point	June 5, 2000	DTSC
AP	Naval Air Station Alameda Restoration Advisory Board Meeting Summary	June 6, 2000	GPI
AN & AP	Comments on Draft Proposed Plan and Draft RAP/ROD for Marsh Crust and Groundwater at Alameda Annex and Former Subtidal Area at Alameda Point	June 9, 2000	EPA
AN	FISC Alameda Facility Alameda Annex RAB Meeting Minutes	June 13, 2000	TtEMI
AN & AP	Draft Negative Declaration for RAP for the Marsh Crust and Groundwater at (Alameda Annex) and the Marsh Crust and Former Subtidal Area at (Alameda Point)	June 14, 2000	DTSC
AP	BCT Monthly Tracking Meeting	June 20, 2000	TtEMI
AN & AP	Proposed Plan Marsh Crust and Groundwater Alameda Facility/ Alameda Annex and Alameda Point, Alameda California	June 20, 2000	TtEMI
AN & AP	Draft RAP/ROD for the Marsh Crust and Groundwater (Alameda Annex) and for the Marsh Crust and Former Subtidal Area (Alameda Point)	June 20, 2000	TtEMI
AN & AP	Alameda Naval Air Station and Alameda Facility/ Alameda Annex Public Meeting Transcript	June 29, 2000	Atkinson-Baker
AN & AP	Response to Mr. Daniel Meer's 11 May 2000 letter regarding retention of an interest by Navy for enforcement of institutional controls in property transferring to City of Alameda	June 29, 2000	NAVY
AP	Naval Air Station Alameda Restoration Advisory Board Meeting Summary	July 11, 2000	GPI
AN & AP	Comments from ARC Ecology on the Draft RAP/ROD and the Proposed Plan for the Marsh Crust and Former Subtidal Area (Alameda Point) and for the Marsh Crust and Groundwater (Alameda Annex)	July 19, 2000	ARC Ecology
AP & AN	Comments on Draft RAP/ROD for Marsh Crust and Groundwater at Alameda Facility/Alameda Annex and Marsh Crust in Subtidal Area at Alameda Point	July 19, 2000	EPA
AP	Compiled Comments from West End Concerned Citizens on RAP/ROD	July 24, 2000	CRC
AN & AP	Navy Responses to Department of Toxic Substances Control (DTSC), U.S. Environmental Protection Agency (USEPA) and Restoration Advisory Board (RAB) Comments on Internal Draft RAP/ROD Proposed Plan for the Marsh Crust	July 28, 2000	NAVY
AN & AP	Response to Comments on the Internal Draft RAP/ROD and Draft Proposed Plan for Alameda Annex and Alameda Point	July 31, 2000	NAVY

**ADMIN RECORD INDEX: RAP/ROD FOR MARSH CRUST AND GROUNDWATER AT FISC ALAMEDA FACILITY ALAMEDA ANNEX (AN)  
AND FOR MARSH CRUST AND FORMER SUBTIDAL AREA AT ALAMEDA POINT (AP)**

<b>Facility</b>	<b>Document Title</b>	<b>Date</b>	<b>Author</b>
AN & AP	Draft Final RAP/ROD for the Marsh Crust and Groundwater at Fleet and Industrial Supply Center Oakland (FISCO) Alameda Facility/Alameda Annex and for the Marsh Crust and Former Subtidal Area at Alameda Point	August 18, 2000	NAVY
AN & AP	Comments on Draft Final Remedial Action Plan (RAP)/Record of Decision (ROD) for Marsh Crust and Groundwater at Alameda Annex and Former Subtidal Area at Alameda Point	August 30, 2000	EPA
AN & AP	Comments on Draft Final RAP/ROD for Marsh Crust and Groundwater at Alameda Annex and Former Subtidal Area at Alameda Point	September 1, 2000	DTSC
AN & AP	Navy Responses to Review Comments on the Draft Final Remedial Action Plan/Record of Decision (RAP/ROD) for the Marsh Crust and Groundwater at Alameda Facility Alameda Annex and Alameda Point	September 18, 2000	NAVY
AP & AN	Comments on Revised Draft Final Remedial Action Plan/Record of Decision for Marsh Crust and Groundwater at Alameda Facility/Alameda Annex and Marsh Crust in Subtidal Area at Alameda Point	October 17, 2000	DTSC

**APPENDIX D**  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**NEGATIVE DECLARATION**

**(48 Pages)**

**FINAL NEGATIVE DECLARATION**  
for  
**Remedial Action Plan for the Marsh Crust at the  
Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex  
and the Marsh Crust and Former Subtidal Area at Alameda Point**

**Project Proponent:**

U.S. Navy  
Southwest Division, Naval Facilities Engineering Command

Contact: Michael McClelland  
BRAC Environmental Coordinator, Alameda Point  
Southwest Division, Naval Facilities Engineering Command  
BRAC Office (Code 06CA.MM)  
1230 Columbia Street, Suite 1100  
San Diego, CA 92101-8517  
619-532-0965

**Project Description:**

The project is adoption of a *Remedial Action Plan* (RAP) that would establish a remedy for hazardous substances found at depth beneath the former Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex (FISC Annex) and Alameda Naval Air Station (Alameda Point), as shown in Exhibits 1 and 2. This remedy establishes restrictions on future excavation, and would bind all future property owners to these restrictions by recordation of a covenant on this property. The remedy addresses a portion of a deep layer of historical contaminated sediment known as "marsh crust" which extends across approximately 727 acres of the former Alameda Naval Air Station and the FISC Annex. The remedy is the final, comprehensive remedial action to address the marsh crust at the FISC Annex and the marsh crust and former subtidal area at Alameda Point. The remedy is not the final decision for any specific parcel or group of parcels at either facility. Either the determination that "all necessary remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken before the date of such transfer, ..." as provided under Section 120(h)(3)(A)(ii)(I) of CERCLA or, in the case of early transfers, the determinations required by Section 120(h)(3)(C)(i) of CERCLA, will be made at a date subsequent to the date of issuance of this RAP/ROD and prior to the conveyance of individual parcels.

The FISC Annex is not on the National Priorities List (NPL), and the marsh crust was excluded from the NPL for Alameda Point. Consequently, approval is being taken by the Department of Toxic Substances Control (DTSC) under authority provided in Chapter 6.8 of the California Health and Safety Code (H&SC). This Negative Declaration is being prepared by DTSC

pursuant to the requirements of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq) and accompanying Guidelines (Code of California Regulations, Section 15000 et seq).

## Background

Approval of this project and execution of the covenant in themselves constitute a decision, but do not specifically grant a permit for any physical action. It does require that any person proposing to excavate soil in the marsh crust secure approval (in effect a “permit”) from DTSC, except where the covenant allows for the City of Alameda to permit excavation. Such approval from DTSC will be based solely on a demonstration that the soil in question does not contain PAHs above the California Modified USEPA Region IX Preliminary Remediation Goals in effect at the time of the request for approval, or upon demonstration that the soil will be disposed at a facility authorized to accept such waste for disposal.

The FISC Annex closed in 1998; Alameda Naval Air Station closed in 1997. The air station was renamed Alameda Point by the City of Alameda, which is negotiating a conveyance of the property to the city from the Navy. While marsh crust exists beyond the boundary of Navy-owned property, this remedy applies only to marsh crust under the FISC Annex and Alameda Point.

Manufactured gas plants and an oil refinery which were located near the future location of the FISC Annex and Alameda Point operated from the late 1800s into the 1920s. These facilities are believed to have discharged petroleum waste to adjacent marshlands during their operation. The discharge was rich in semivolatile organic compounds, including polycyclic aromatic hydrocarbons (PAH). The waste spread over much of the surface of the surrounding marsh and was deposited on the marsh surface through tidal actions, leaving a layer of contaminated sediment under what would later become the Alameda Naval Air Station. Fill material, dredged during improvement of the Oakland Inner Harbor and surrounding San Francisco Bay sediments, was placed as fill beginning in 1887, and encapsulated the former marsh crust under the fill (IT Corporation, 1999a. *Environmental Baseline Survey Comprehensive Guide: History of NAS Alameda and Alameda Point* (March, 1999)).

Borings drilled at Alameda Point and the FISC Annex have encountered marsh crust and related deposits over a large geographic area that exceeds 700 acres (TetraTech EM Inc., 1999, *Operable Unit 1 Remedial Investigation Report*; IT Corporation, 1999a, *Environmental Baseline Survey Comprehensive Guide: History of NAS Alameda and Alameda Point*). Concentrations of PAH in the soil such as benzo(a)pyrene, a highly carcinogenic compound, commonly exceed the residential preliminary remediation goal of 0.056 mg/kg by several orders of magnitude. Based on the conceptual model of how the marsh crust was deposited, the marsh crust is believed to exist throughout the area in a reasonably predictable, planar zone, but it may not exist as a continuous layer because of the presence of tidal channels and other phenomena affecting the original deposition. The interface between fill material and the historic surface of the marsh or subtidal deposits is inferred to be present at depths of four to greater than fifteen feet below ground surface at the FISC Annex and Alameda Point Marsh crust as originally deposited may therefore be present at depths of four to greater than fifteen feet. The remedy assumes that this is

the case.

Based on the conceptual model for the deposition of the marsh crust, the contamination at the FISC Annex and Alameda Point pre-dates Navy presence. Nevertheless, the Navy as landowner has accepted responsibility for evaluating and proposing necessary remedies for the contamination.

DTSC believes that there is no set of rational investigation objectives that can be identified which would lead to a conclusive data set. DTSC therefore believes that it is impractical to further investigate the marsh crust for the purpose of more precisely delineating the areas where marsh crust is or is not present at Alameda Point and the FISC Annex. There is a reasonable probability that only a portion of the area within the conceptual model boundary of the marsh crust is actually contaminated. However, the precise locations of marsh crust areas not affected by contamination cannot be identified in any reasonable investigation scenario adequately to allow for reduction of the restriction contained in the proposed remedy.

It is also possible that some soils from the historic marsh or the subtidal areas were disturbed during fill or other unknown activities, and may have been deposited at depths other than that of the historic marsh or subtidal soil surface. This possibility cannot be reliably proved or rationally investigated, as there are no criteria for sampling locations or depths upon which a sampling plan could be based. However, since marsh crust has not been detected at depths inconsistent with the depositional model, DTSC considers the likelihood of substantial marsh crust or subtidal soil deposits at depths different from those of the original marsh crust or subtidal surface to be minimal. In the conceptual model, the marsh crust is a discrete depositional layer of a unique and definable soil type. In the model, some areas within this definable layer are contaminated. The processes that resulted in the deposition of the marsh crust layer and the processes that resulted in contamination in some regions of the marsh crust are distinct from processes that resulted in the presence of other soil layers and processes that may have resulted in contamination of those other soil layers. Because the marsh crust layer, with its associated contamination, is unique and independent in extent, location, and deposition, DTSC believes that evaluation of a remedy addressing only marsh crust is warranted. DTSC therefore is not proposing to include soil at other depths in the restrictive part of this remedy.

Other chemicals present at the FISC Annex and Alameda Point include polycyclic aromatic hydrocarbons (PAH), pesticides, and heavy metals which may have been present in the fill as dredged, or may have been introduced after the fill was placed. Many of these compounds are carcinogenic or can produce other adverse health effects, and where they are present in concentrations that exceed health-protective levels, will be remediated as necessary under a separate decision document.

Qualitative and quantitative ecological risk assessments conducted as part of the remedial investigation (PRC, 1996; Tetra Tech EM Inc., 1999) found that there are no potential risks to terrestrial or aquatic receptors because the area has (1) limited and unsuitable habitat; (2) contaminants found in deep soils (marsh crust) have limited potential for exposure to terrestrial biota (deeper than most animal burrows); and (3) PAH compounds are not highly soluble, and, based on fate and transport modeling, have a low probability for transport to adjacent surface

waters.

The proposed remedy to address and control possible releases of PAH from the marsh crust to the surface is a covenant, to restrict specific use of the property (environmental restrictions), between the City of Alameda as the future owner of the property, and DTSC. The restriction involves controls on excavation and management of soil excavated from the subsurface marsh crust layer and brought to the surface through construction or other activities. Pursuant to California Civil Code section 1471(c), DTSC has determined that the covenant is reasonably necessary to protect present or future public health and safety or the environment. DTSC therefore intends that excavation of contaminated soil be restricted. The restrictions shall run with the land, pass with each and every portion of the property, and be enforceable by DTSC. The restrictions shall be incorporated by reference in each and all deeds, leases and subleases of any portion of the property. This restriction is not intended, nor is it likely to restrict, induce, or otherwise affect general land uses, but rather applies to the marsh crust irrespective of any and all future land uses.

The covenant will prohibit engaging in any excavation below a threshold depth that is not performed in accordance with a permit approved and issued pursuant to the City of Alameda excavation ordinance. If the excavation ordinance is repealed, DTSC approval will be required for all excavation. Disposal of extracted ground water from construction site dewatering into the waters of the state is prohibited except in compliance with the requirements of the Regional Water Quality Control Board. The covenant will be executed by the City of Alameda and DTSC and shall be recorded by the City of Alameda.

A covenant to restrict specific use of property is an institutional control that is recognized in the H&SC Sections 25222.1 and 25355.5 as an appropriate remedy when more active response actions are determined not to be practical. The H&SC requires that when evaluating institutional controls as remedial alternatives, the adequacy and reliability of the controls must be evaluated. Further, as with all remedies implemented pursuant to the H&SC, 5-year review is required to verify maintenance of the institutional control.

Pursuant to Assembly Bill 871, which became effective on January 1, 1999, DTSC is required to maintain a list of all land use restrictions recorded pursuant to Health and Safety Code sections 25200, 25200.10, 25202.5, 25222.1, 25229, 25230, 25355.5, and 25398.7. At a minimum, this list must provide the street address, or if a street address is not available, an equivalent description of location for a rural location or the latitude and longitude of each property. DTSC is also required to update the list as new land use restrictions are recorded, and make the list available to the public, upon request, and place the list on the DTSC Internet website. DTSC is evaluating our system for tracking the effectiveness of institutional controls, but this evaluation should not delay such remedies, including the one before us. Alternatives to institutional controls, such as excavation of marsh crust, are infeasible. The contaminated layer at depth cannot be removed without incurring onerous and unnecessary cost and disruption to the community. The only other alternative is complete prohibition of any residential use.

A Notice of Determination for a Negative Declaration on a Removal Action Workplan for Marsh

Crust at Parcels 170 and 171 at Alameda Point was filed with the Governor's Office of Planning and Research (OPR) on June 14, 2000. The current project encompasses a larger area and applies the same remedy for marsh crust.

The purpose of this project is solely for the implementation of institutional controls as a remedy for marsh crust and related deposits at the FISC Annex and Alameda Point and for shallow. Any environmental impacts associated with future development are addressed in the Catellus Mixed Use Development Draft Environmental Impact Statement (December 1999) and the Final Environmental Impact Report for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility (March 2000).

**Project Location:**

The project comprises two adjoining closed naval installations located in Alameda, California (see Exhibits 1 and 2). They are:

- (1) Former Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex (FISC Annex), located between Webster Street and Main Street, and between the Oakland Inner Harbor and Atlantic Avenue, northwest of the College of Alameda;
- (2) Former Alameda Naval Air Station, located at the western end of Alameda, west and south of the FISC Annex, at the intersection of Main Street and Atlantic Avenue, and surrounded on the north, west, and south by the Oakland Inner Harbor and San Francisco Bay.

**Findings of Significant Effect on Environment:**

The Department has determined that the proposed project could not have a significant effect on the environment. This finding is supported by the Special Initial Study prepared by the California Environmental Protection Agency, Department of Toxic Substances Control (attached).

**Mitigation Measures:**

No mitigation measures have been added. The proposed remedy to address and control possible releases of PAH from the marsh crust to the surface is a covenant, to restrict specific use of the property (environmental restrictions), between the City of Alameda as the future owner of the property, and DTSC. The covenant will prohibit engaging in any excavation below a threshold depth that is not performed in accordance with a permit approved and issued pursuant to the City of Alameda excavation ordinance. If the excavation ordinance is repealed, DTSC approval will be required for all excavation. The covenant will be executed by the City of Alameda and DTSC and shall be recorded by the City of Alameda.

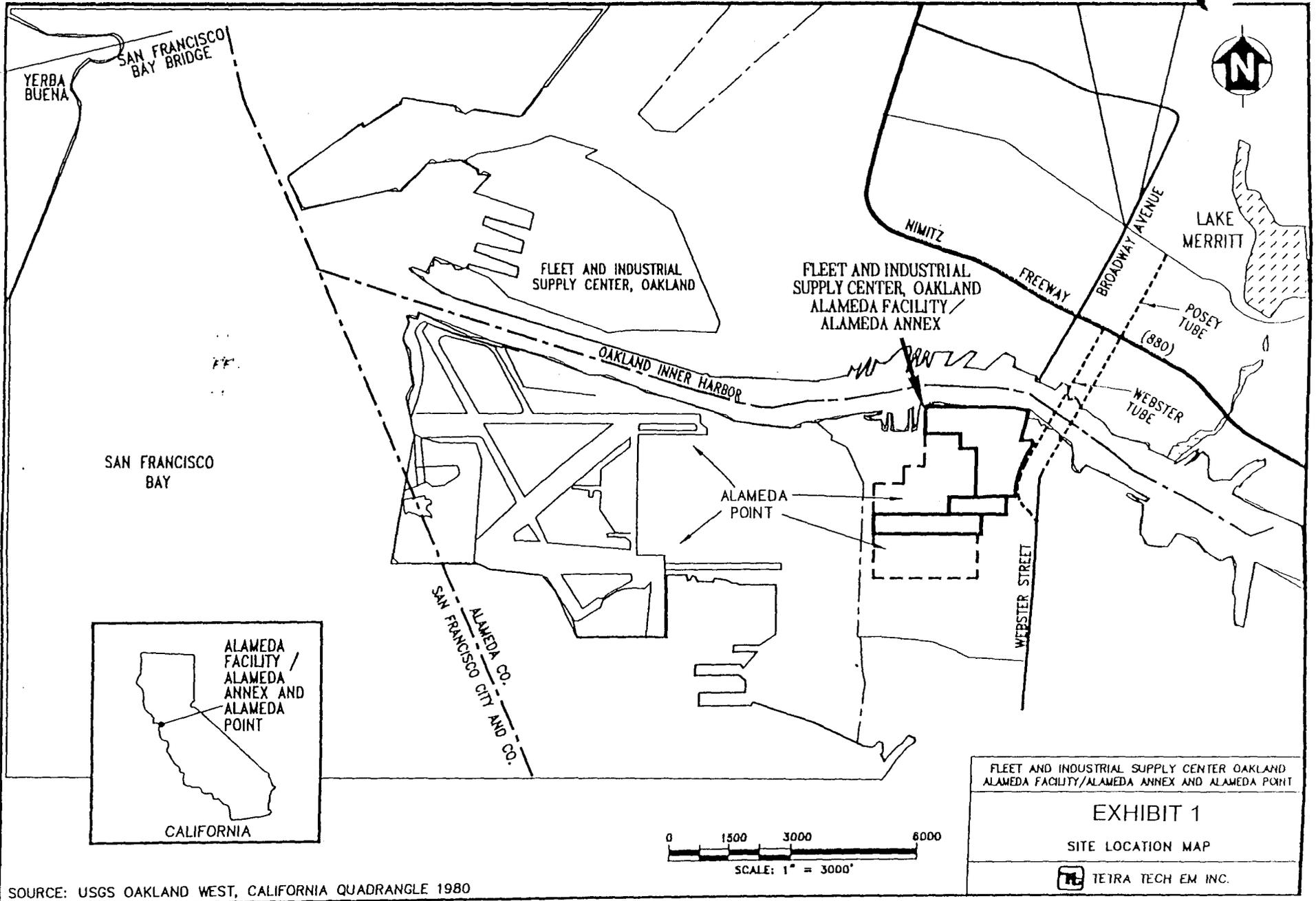
Signature Mary Ann Bann Date 1/11/01  
Project Manager

Signature A. J. Lande Date 2-2-01  
Branch Chief

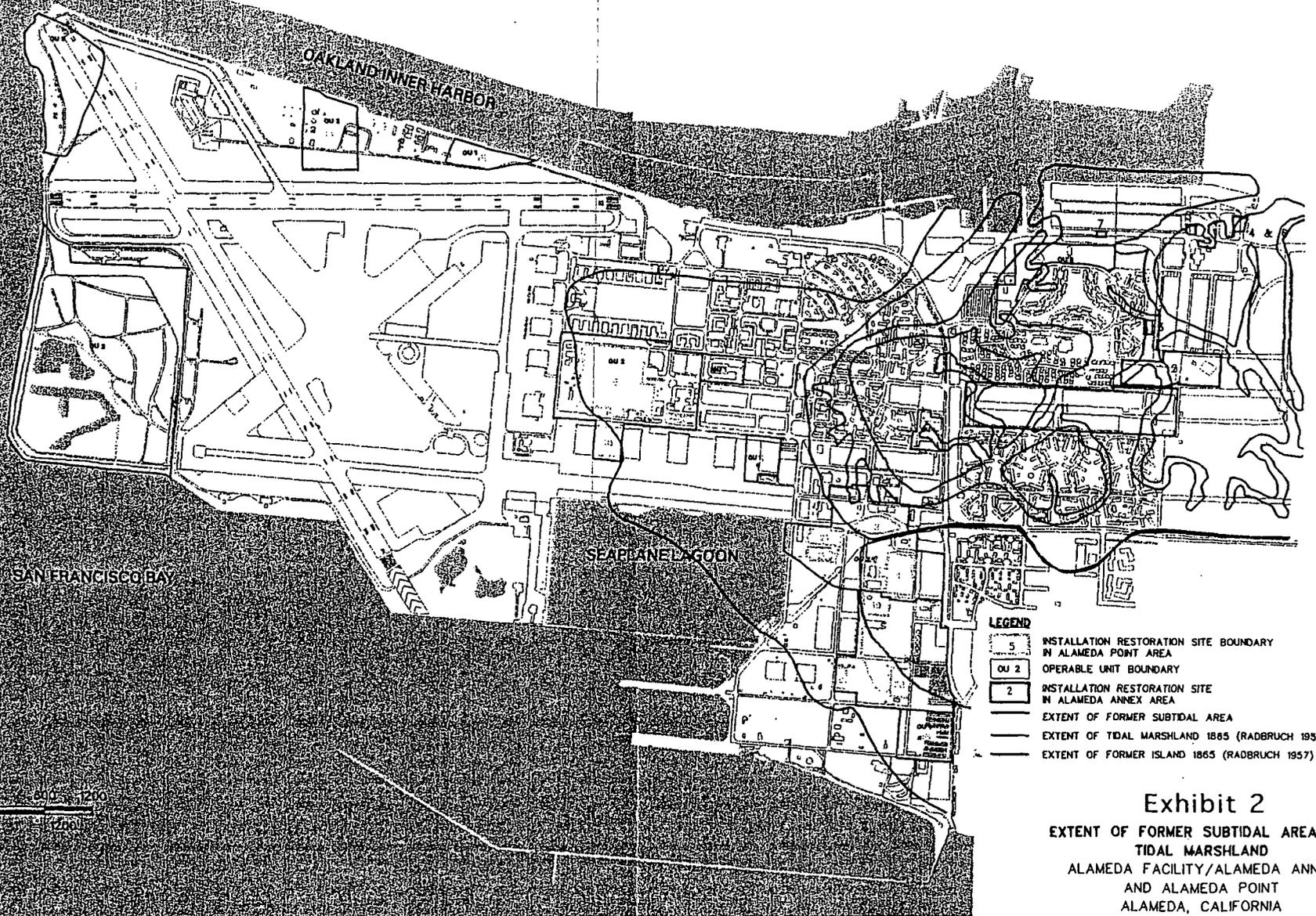
**FINAL NEGATIVE DECLARATION**  
**for**  
**Remedial Action Plan for the Marsh Crust at the**  
**Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex**  
**and the Marsh Crust and Former Subtidal Area at Alameda Point**

**RESPONSE TO COMMENTS**

DTSC has reviewed the Navy's responses to comments on the Proposed Plan and Draft Remedial Action Plan, and we have concluded that the responses also address comments on the Negative Declaration.



SOURCE: USGS OAKLAND WEST, CALIFORNIA QUADRANGLE 1980



**LEGEND**

-  5 INSTALLATION RESTORATION SITE BOUNDARY IN ALAMEDA POINT AREA
-  OU 2 OPERABLE UNIT BOUNDARY
-  2 INSTALLATION RESTORATION SITE IN ALAMEDA ANNEX AREA
-  EXTENT OF FORMER SUBTIDAL AREA
-  EXTENT OF TIDAL MARSHLAND 1865 (RADBRUCH 1957)
-  EXTENT OF FORMER ISLAND 1865 (RADBRUCH 1957)

**Exhibit 2**  
**EXTENT OF FORMER SUBTIDAL AREA AND TIDAL MARSHLAND ALAMEDA FACILITY/ALAMEDA ANNEX AND ALAMEDA POINT ALAMEDA, CALIFORNIA**

Scale: 1" = 1200'  
1:24,000

*CALIFORNIA ENVIRONMENTAL QUALITY ACT*

*SPECIAL INITIAL STUDY*

*For*

*Remedial Action Plan for the Marsh Crust and Groundwater at the  
Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex  
and the Marsh Crust and Former Subtidal Area at Alameda Point*

*The Department of Toxic Substances Control (DTSC) has completed the following Special Initial Study for this project in accordance with the California Environmental Quality Act (§ 21000 et seq., California Public Resources Code) and implementing Guidelines (§ 15000 et seq., Title 14, California Code of Regulations). This Special Initial Study has also been used to satisfy the requirements of § 711.4, Fish and Game Code and § 753.5, Title 14, Code of California Regulations relating to filing of environmental fees.*

---

*I. PROJECT INFORMATION*

**Project Name:** Remedial Action Plan for the Marsh Crust and Groundwater at the Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex and for the Marsh Crust and Former Subtidal Area at Alameda Point

**Site Location:** City of Alameda, Alameda County (see Exhibit 1, Site Location )

**Contact Person/ Address/ Phone Number:** Michael McClelland / Southwest Division, Naval Facilities Engineering Command / BRAC Office (Code 06CA.MM) / 1230 Columbia Street, Suite 1100, San Diego, CA 92101-8517 / 619-532-0965

**Project Description**

The project is adoption of a *Remedial Action Plan* (RAP) that would establish a remedy for hazardous substances found at depth beneath the former Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex (FISC Annex) and Alameda Naval Air Station (Alameda Point), as shown in Exhibits 1 and 2. The RAP would also establish a remedy for hazardous substances in the shallow groundwater beneath the former FISC Annex. This remedy establishes restrictions on future excavation and use of shallow groundwater, and would bind all future property owners to these restrictions by recordation of a covenant on this property. The remedy addresses a portion of a deep layer of historical contaminated sediment known as "marsh crust" which extends across approximately 727 acres of the former Alameda Naval Air Station and the FISC Annex. The FISC Annex is not on the National Priorities List (NPL), and the marsh crust was excluded from the NPL for Alameda Point. Consequently, approval is being taken by the Department of Toxic Substances Control (DTSC) under authority provided in Chapter 6.8 of the California Health and Safety Code (H&SC). This Initial Study is being prepared by DTSC pursuant to the requirements of the California Environmental

Quality Act (Public Resources Code, Section 21000 et seq) and accompanying Guidelines (Code of California Regulations, Section 15000 et seq).

## Background

Approval of this project and execution of the covenant in themselves constitute a decision, but do not specifically grant a permit for any physical action. It does require that any person proposing to excavate soil in the marsh crust secure approval (in effect a "permit") from DTSC, except where the covenant allows for the City of Alameda to permit excavation. Such approval from DTSC will be based solely on a demonstration that the soil in question does not contain PAHs above the California Modified USEPA Region IX Preliminary Remediation Goals in effect at the time of the request for approval, or upon demonstration that the soil will be disposed at a facility authorized to accept such waste for disposal. Extraction of shallow groundwater at the FISC Annex for domestic use or consumption is prohibited.

The remedy addresses two types of contamination, described below:

**Marsh Crust:** The marsh crust is a deep layer of historical contaminated sediment which is known to underlie certain areas of the FISC Annex and Alameda Point.

**Shallow Groundwater at the FISC Annex:** Organic and inorganic chemicals are present in groundwater in the shallow water-bearing zone beneath the FISC Annex. No chemicals were detected at levels of concern in the deep groundwater. The source of the contamination in the shallow groundwater beneath the FISC Annex is not known; however, for the purposes of the RAP, the contamination is assumed to originate at least in part from releases of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances. Some floating product that is not a CERCLA hazardous substance is present in the shallow groundwater. This contamination is being addressed under a separate petroleum cleanup action in cooperation with the California Regional Water Quality Control Board, San Francisco Region.

The FISC Annex closed in 1998; Alameda Naval Air Station closed in 1997. The air station was renamed Alameda Point by the City of Alameda, which is negotiating a conveyance of the property to the city from the Navy. While marsh crust exists beyond the boundary of Navy-owned property, this remedy applies only to marsh crust under the FISC Annex and Alameda Point.

Manufactured gas plants and an oil refinery which were located near the future location of the FISC Annex and Alameda Point operated from the late 1800s into the 1920s. These facilities are believed to have discharged petroleum waste to adjacent marshlands during their operation. The discharge was rich in semivolatile organic compounds, including polycyclic aromatic hydrocarbons (PAH). The waste spread over much of the surface of the surrounding marsh and was deposited on the marsh surface through tidal actions, leaving a layer of contaminated sediment under what would later become the Alameda Naval Air Station. Fill material, dredged during improvement of the Oakland Inner Harbor and surrounding San Francisco Bay sediments, was placed as fill beginning in 1887, and encapsulated the former marsh crust under the fill (IT Corporation, 1999a).

*Environmental Baseline Survey Comprehensive Guide: History of NAS Alameda and Alameda Point* (March,

1999)).

Borings drilled at Alameda Point and the FISC Annex have encountered marsh crust and related deposits over a large geographic area that exceeds 700 acres (TetraTech EM Inc., 1999, *Operable Unit 1 Remedial Investigation Report*; IT Corporation, 1999a, *Environmental Baseline Survey Comprehensive Guide: History of NAS Alameda and Alameda Point*). Concentrations of PAH in the soil such as benzo(a)pyrene, a highly carcinogenic compound, commonly exceed the residential preliminary remediation goal of 0.056 mg/kg by several orders of magnitude. Based on the conceptual model of how the marsh crust was deposited, the marsh crust is believed to exist throughout the area in a reasonably predictable, planar zone, but it may not exist as a continuous layer because of the presence of tidal channels and other phenomena affecting the original deposition. The interface between fill material and the historic surface of the marsh or subtidal deposits is inferred to be present at depths of four to greater than fifteen feet below ground surface at the FISC Annex and Alameda Point Marsh crust as originally deposited may therefore be present at depths of four to greater than fifteen feet. The remedy assumes that this is the case.

Based on the conceptual model for the deposition of the marsh crust, the contamination at the FISC Annex and Alameda Point pre-dates Navy presence. Nevertheless, the Navy as landowner has accepted responsibility for evaluating and proposing necessary remedies for the contamination.

DTSC believes that there is no set of rational investigation objectives that can be identified which would lead to a conclusive data set. DTSC therefore believes that it is impractical to further investigate the marsh crust for the purpose of more precisely delineating the areas where marsh crust is or is not present at Alameda Point and the FISC Annex. There is a reasonable probability that only a portion of the area within the conceptual model boundary of the marsh crust is actually contaminated. However, the precise locations of marsh crust areas not affected by contamination cannot be identified in any reasonable investigation scenario adequately to allow for reduction of the restriction contained in the proposed remedy.

It is also possible that some soils from the historic marsh or the subtidal areas were disturbed during fill or other unknown activities, and may have been deposited at depths other than that of the historic marsh or subtidal soil surface. This possibility cannot be reliably proved or rationally investigated, as there are no criteria for sampling locations or depths upon which a sampling plan could be based. However, since marsh crust has not been detected at depths inconsistent with the depositional model, DTSC considers the likelihood of substantial marsh crust or subtidal soil deposits at depths different from those of the original marsh crust or subtidal surface to be minimal. In the conceptual model, the marsh crust is a discrete depositional layer of a unique and definable soil type. In the model, some areas within this definable layer are contaminated. The processes that resulted in the deposition of the marsh crust layer and the processes that resulted in contamination in some regions of the marsh crust are distinct from processes that resulted in the presence of other soil layers and processes that may have resulted in contamination of those other soil layers. Because the marsh crust layer, with its associated contamination, is unique and independent in extent, location, and deposition, DTSC believes that evaluation of a remedy addressing only marsh crust is warranted. DTSC therefore is not proposing to include soil at other depths in the restrictive part of this remedy.

Other chemicals present at the FISC Annex and Alameda Point include polycyclic aromatic hydrocarbons (PAH), pesticides, and heavy metals which may have been present in the fill as dredged, or may have been introduced after the fill was placed. Many of these compounds are carcinogenic or can produce other adverse health effects, and where they are present in concentrations that exceed health-protective levels, will be remediated as necessary under a separate decision document.

The "shallowest groundwater zone" is in the fill at the FISC Annex, is first encountered at depths from 4 to 8 feet below ground surface (bgs) and extends to a maximum depth of approximately 20 feet bgs. The shallowest groundwater zone does not include any deeper groundwater zone that is hydraulically separated from the fill. In particular, the shallowest groundwater zone does not include the "Merritt Sand" zone, which is first encountered at approximately 10 to 105 feet bgs and is hydraulically separated from the fill by Bay Mud, the thickness of which ranges from 5 to 95 feet at the Property. The shallowest groundwater zone is currently not usable for drinking water because of the presence of naturally occurring inorganic constituents (total dissolved solids and some metals). Because of this intrinsic use limitation of the groundwater, the contamination of organic constituents (volatile organic compounds, TPH, and PAHs) related to former activities at or in the vicinity the FISC Annex, may, at this time, remain in place provided there are sufficient controls and restrictions to protect the public health, safety, and the environment.

Human health risk assessments (HHRA) were conducted during the remedial investigation for several specific uses at the FISC Annex and Alameda Point (PRC Environmental Management, Inc., 1996; TetraTech EM Inc., 1999) and for groundwater at the FISC Annex (PRC, 1996; NewFields, 2000). Consistent with U.S. EPA and DTSC guidelines for conducting HHRA, the risk assessment found that there is no pathway to humans from the PAH in the marsh crust because of its depth. The HHRA determined that workers could be exposed to possible PAH contamination during construction of building foundations and utility work. However, DTSC has concluded that such exposures are unlikely to result in significant risk. The PAH may pose an unacceptable risk to human health and the environment if excavated marsh crust materials are brought to the ground surface and handled in an uncontrolled manner (e.g., if contaminated marsh crust soil is placed at the surface as a result of construction activities, thus creating an exposure pathway). Because shallow groundwater has been found to have no beneficial uses as drinking water and has limited use for agricultural or industrial supply the HHRA determined that the main route of human exposure is by volatilization of VOCs into indoor air spaces. Subsequent evaluation of soil gas concentrations and modeling results indicated that potential risks due to volatilization into indoor air spaces are within a risk-management range as defined by U. S. EPA Region IX. After completion of the RI, additional pathways for human exposure to contaminants in shallow groundwater became evident, including (1) the potential exposure of humans to groundwater through uses other than consumption and (2) the potential exposure of children and adult workers at a location proposed for future use as a school site to VOCs in indoor air. A supplemental HHRA was conducted using scenarios based on car wash workers and landscape workers using groundwater from the shallow aquifer to evaluate the potential risk due to exposure of adults to groundwater brought to the surface for irrigation or industrial purposes. The supplemental HHRA also evaluated children and adult workers to evaluate the potential risk due to exposure to indoor air that could be contaminated with VOCs that may volatilize from the contaminated ground water. In all cases, Hazard Indices and cancer risks were within or below the risk-management range as defined by U. S. EPA Region IX. The supplemental HHRA concluded that "there is no scientific basis for restricting either the potential non-potable beneficial uses of the ground water at the site or the proposal for placement of a school

near the site as an acceptable land-use option.” This HHRA is not intended to meet the requirements of the California Education Code Section 17210 et seq. When a school site is formally proposed, the California Education Code will be triggered.

Qualitative and quantitative ecological risk assessments conducted as part of the remedial investigation (PRC, 1996; Tetra Tech EM Inc., 1999) found that there are no potential risks to terrestrial or aquatic receptors because the area has (1) limited and unsuitable habitat; (2) contaminants found in deep soils (marsh crust) have limited potential for exposure to terrestrial biota (deeper than most animal burrows); and (3) PAH compounds are not highly soluble, and, based on fate and transport modeling, have a low probability for transport to adjacent surface waters.

The proposed remedy to address and control possible releases of PAH from the marsh crust to the surface is a covenant, to restrict specific use of the property (environmental restrictions), between the City of Alameda as the future owner of the property, and DTSC. The restriction involves controls on excavation and management of soil excavated from the subsurface marsh crust layer and brought to the surface through construction or other activities. Pursuant to California Civil Code section 1471(c), DTSC has determined that the covenant is reasonably necessary to protect present or future public health and safety or the environment. DTSC therefore intends that excavation of contaminated soil be restricted. The restrictions shall run with the land, pass with each and every portion of the property, and be enforceable by DTSC. The restrictions shall be incorporated by reference in each and all deeds, leases and subleases of any portion of the property. This restriction is not intended, nor is it likely to restrict, induce, or otherwise affect general land uses, but rather applies to the marsh crust irrespective of any and all future land uses.

The covenant will prohibit engaging in any excavation below a threshold depth that is not performed in accordance with a permit approved and issued pursuant to the City of Alameda excavation ordinance. If the excavation ordinance is repealed, DTSC approval will be required for all excavation. At the FISC Annex, the covenant will also prohibit construction of any water well screened for the extraction of water from the shallowest groundwater zone (as defined above) and extraction (except for necessary construction site dewatering), utilization or consumption of water from the shallowest groundwater zone for use other than irrigation or emergency use ( e.g. firefighting). Disposal of extracted ground water from construction site dewatering into the waters of the state is prohibited except in compliance with the requirements of the Regional Water Quality Control Board. The covenant will be executed by the City of Alameda and DTSC and shall be recorded by the City of Alameda.

A covenant to restrict specific use of property is an institutional control that is recognized in the H&SC Sections 25222.1 and 25355.5 as an appropriate remedy when more active response actions are determined not to be practical. The H&SC requires that when evaluating institutional controls as remedial alternatives, the adequacy and reliability of the controls must be evaluated. Further, as with all remedies implemented pursuant to the H&SC, 5-year review is required to verify maintenance of the institutional control.

Pursuant to Assembly Bill 871, which became effective on January 1, 1999, DTSC is required to maintain a list of all land use restrictions recorded pursuant to Health and Safety Code sections 25200, 25200.10, 25202.5, 25222.1, 25229, 25230, 25355.5, and 25398.7. At a minimum, this list must provide the street address, or if a

street address is not available, an equivalent description of location for a rural location or the latitude and longitude of each property. DTSC is also required to update the list as new land use restrictions are recorded, and make the list available to the public, upon request, and place the list on the DTSC Internet website. DTSC is evaluating our system for tracking the effectiveness of institutional controls, but this evaluation should not delay such remedies, including the one before us. Alternatives to institutional controls, such as excavation of marsh crust, are infeasible. The contaminated layer at depth cannot be removed without incurring onerous and unnecessary cost and disruption to the community. The only other alternative is complete prohibition of any residential use.

A Notice of Determination for a Negative Declaration on a Removal Action Workplan for Marsh Crust at Parcels 170 and 171 at Alameda Point was filed with the Governor's Office of Planning and Research (OPR) on June 14, 2000. The current project encompasses a larger area and applies the same remedy for marsh crust, but also includes institutional controls on use of shallow ground water at the FISC Annex.

The purpose of this project is solely for the implementation of institutional controls as a remedy for marsh crust and related deposits at the FISC Annex and Alameda Point and for shallow ground water at the FISC Annex. Any environmental impacts associated with future development are addressed in the Catellus Mixed Use Development Draft Environmental Impact Statement (December 1999) and the Final Environmental Impact Report for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility (March 2000).

#### Other Agencies Having Jurisdiction Over the Project/ Types of Permits Required:

City of Alameda - Execution of the Covenant between the City of Alameda and DTSC constitutes a decision, but does not specifically grant a permit for any action. Rather, it establishes soil excavation and ground water extraction restrictions on the City as the property owner. The covenant allows DTSC to rely on a City ordinance to ensure that the restrictive provisions and intent of the covenant are met with regard to soil excavation. Approval of excavation requires a permit from the City as long as the excavation ordinance is in effect and is consistent with the provisions of the covenant.

US Navy - The Navy is required to approve a decision document pursuant to the federal CERCLA that provides for institutional controls similar to the decision proposed by DTSC. Among other things, the decision may be used by the Navy to support a Finding of Suitability for Transfer (FOST) for FISC Annex and Alameda Point property. In the FOST, the Navy must certify that all remedial actions have been taken, and they could support this determination in full or in part by implementing the remedy described in their decision document. DTSC has no approval authority over the FOST, but may offer comments on it. The Navy is required to place a media notice inviting public comment on a FOST. DTSC's decision is not dependent on the Navy's decision or on completion of the FOST, as the remedy is necessary under State law irrespective of the Navy's decision in this instance or of who owns the property.

II. DISCRETIONARY APPROVAL ACTION BEING CONSIDERED BY DTSC

- |  |   |
|--|---|
| <input type="checkbox"/> Initial Permit Issuance | <input checked="" type="checkbox"/> Removal Action Plan |
| <input type="checkbox"/> Permit Renewal          | <input type="checkbox"/> Removal Action Workplan        |
| <input type="checkbox"/> Permit Modification     | <input type="checkbox"/> Interim Removal                |
| <input type="checkbox"/> Closure Plan            | <input type="checkbox"/> Other (Specify)                |
| <input type="checkbox"/> Regulations             | _____   |

Program/ Region Approving Project: Office of Military Facilities, Site Mitigation Branch, Berkeley Office

Contact Person/ Address/ Phone Number: Mary Rose Cassa/ 700 Heinz Ave., Ste. 200, Berkeley CA 94122/  
510-540-3767

III. ENVIRONMENTAL CONDITIONS POTENTIALLY AFFECTED

The boxes checked below identify environmental factors which were found in the following ENVIRONMENTAL SETTING/IMPACT ANALYSIS section to be potentially affected by this project, involving at least one impact that is "Potentially Significant" or "Potentially Significant Unless Mitigated".

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Earth                   | <input type="checkbox"/> Risk of Upset               | <input type="checkbox"/> Aesthetics                          |
| <input type="checkbox"/> Air                     | <input type="checkbox"/> Transportation/ Circulation | <input type="checkbox"/> Cultural/ Paleontological Resources |
| <input type="checkbox"/> Surface and Groundwater | <input type="checkbox"/> Public Services             | <input type="checkbox"/> Cumulative Effects                  |
| <input type="checkbox"/> Plant Life              | <input type="checkbox"/> Energy                      | <input type="checkbox"/> Population                          |
| <input type="checkbox"/> Animal Life             | <input type="checkbox"/> Utilities                   | <input type="checkbox"/> Housing                             |
| <input type="checkbox"/> Land Use                | <input type="checkbox"/> Noise                       | <input type="checkbox"/> Recreation                          |
| <input type="checkbox"/> Natural Resources       | <input type="checkbox"/> Public Health and Safety    | <input checked="" type="checkbox"/> None identified          |

#### IV. ENVIRONMENTAL SETTING/ IMPACT ANALYSIS

The following pages provide a brief description of the physical environmental conditions which exist within the area affected by the proposed project and an analysis of whether or not those conditions will be potentially impacted by the proposed project. Preparation of the Environmental Setting and Impact Analysis sections follows guidance provided in the DTSC's Workbook For Conducting Initial Studies Under the California Environmental Quality Act (CEQA), May 1994 (Workbook).

This Special Initial Study also contains evidence to support the claim that this project will have absolutely no adverse impact on fish or wildlife or the habitat that on which the fish or wildlife depend pursuant to the provisions of Title 14, CCR § 753.5 (d). Areas of special concern to fish and wildlife are highlighted within the appropriate environmental factor in the following section. A list of references used to support the following discussion and analysis are contained in Attachment A and are referenced within each environmental factor discussed below.

---

1. Earth (Workbook; page 11)

---

Description of Environmental Setting:

Surface materials at the site are artificial fill consisting of sands, some clay, minor gravels, and organic matter up to approximately 20 feet thick overlying blue-gray muds and fine sands. The underlying muds, sands, and organic matter originated from the historic intertidal deposits adjacent to the north shore of Alameda Island prior to placement of fill.

Marsh Crust is a term applied to former "encrusted" tidal marsh deposits which existed prior to placement of fill at the margins of San Francisco Bay. Environmental investigations have demonstrated that the former tidal marsh deposits located at the interface between the native bay margin sediments and the artificial fill are contaminated with SVOC and TPH compounds. These compounds are thought to be related to discharges from industrial activities in the area (e.g., oil refining, gas manufacturing) which became intermingled with the marsh deposits as a result of tidal action. It is thought that contaminated marsh crust deposits are located within the former tidal zone; i.e, contaminated deposits are not anticipated to be found at a level higher than the original high tide level (mean higher high tide). The FISC Annex and Alameda Point were constructed on top marshlands adjacent to San Francisco Bay, interlaced with numerous tidal channels. Borings drilled at Alameda Point and the FISC Annex have encountered marsh crust over a large geographic area that exceeds 700 acres. Concentrations of benzo(a)pyrene, a highly carcinogenic compound, commonly exceed the residential preliminary remediation goal of 0.056 mg/kg by several orders of magnitude. Based on the conceptual model of how the marsh crust was deposited, the marsh crust is believed to exist throughout the area in a reasonably predictable, planar zone, but it may not exist as a continuous layer because of the presence of tidal channels and other phenomena affecting the original deposition. The interface between fill material and the historic surface of the marsh or subtidal deposits is inferred to be present at depths of four to greater than fifteen feet below ground surface at the FISC Annex and Alameda Point. Marsh crust as originally deposited may therefore be present at depths of four to greater than fifteen feet.

Other chemicals present at the site include polycyclic aromatic hydrocarbons (PAH) and pesticides, which may have been present in the fill as dredged, or may have been introduced after the fill was placed. Many of these compounds are carcinogenic or can produce other adverse health effects, and where they are present in concentrations that exceed health-protective levels, will be remediated as necessary under a separate decision document.

Ref: (a) Bay Mud Developments and Related Structural Foundations; (b) Operable Unit 1 Remedial Investigation Report; (c) Final Remedial Investigation Report, Fleet and Industrial Supply Center; (d) Final Baseline Human Health Risk Assessment

Analysis of Potential Impacts:

[Analysis must include the following concerns: 1) Changes to any riparian land or wetlands under state or federal jurisdiction?; 2) Changes to soil required to sustain habitat for fish and wildlife?]

It is reasonable to assume that soils from the historic marsh or the subtidal areas were disturbed during fill or other unknown activities, and may have been deposited at depths other than that of the historic marsh or subtidal soil surface. This possibility cannot be reliably proved or rationally investigated, as there are no criteria for sampling locations or depths upon which a sampling plan could be based. However, since marsh crust has not been detected at depths inconsistent with the conceptual model, DTSC considers the likelihood of substantial marsh crust or subtidal soil deposits at depths different from those of the original marsh crust or subtidal surface to be minimal. In the conceptual model, the marsh crust is a discrete depositional layer of a unique and definable soil type. In the model, some areas within this definable layer are contaminated. The processes that resulted in the deposition of the marsh crust layer and the processes that resulted in contamination in some regions of the marsh crust are distinct from processes that resulted in the presence of other soil layers and processes that may have resulted in contamination of those other soil layers. Because the marsh crust layer, with its associated contamination, is unique and independent in extent, location, and deposition, DTSC believes that evaluation of a remedy addressing only marsh crust is warranted. DTSC therefore is not proposing to include soil at other depths in the restrictive part of this remedy.

The proposed remedy is the enactment of a land use covenant an institutional control which would establish restrictions on future excavation and use of shallow groundwater at the property site. Implementation of the proposed institutional controls will not involve any direct actions resulting in the movement of soil, changes to the ground surface, or geologic substructures. No active engineering or construction would be required. Therefore, DTSC does not anticipate that this project, as proposed, will result in any impact to the earth, or any adjacent riparian land, wetlands, or soils required to sustain habitat for fish or wildlife.

Ref: (a) Remedial Action Plan; (b) Operable Unit 1 Remedial Investigation Report; (c) Final Remedial Investigation Report, Fleet and Industrial Supply Center; (d) Final Baseline Human Health Risk Assessment; (e) Alameda Point Administration, City of Alameda

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

2. Air (Workbook; page 13)

---

Description of Environmental Setting:

a) Region

The San Francisco Bay Region experiences one of the mildest climates in North America. Winters are characterized by prevailing cool winds from the northwest moderated by the Pacific Ocean, so temperatures rarely reach freezing. The Bay Area is a large shallow air basin ringed by hills which taper into a number of sheltered valleys around the perimeter. Two primary atmospheric outlets exist. One is through the strait known as the Golden Gate, which is a direct outlet to the ocean. The second extends to the northeast, along the west delta region of the Sacramento and San Joaquin Rivers.

b) Project Site Vicinity

The project site is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD), which regulates air quality in the San Francisco Bay Area. The BAAQMD's Bay Area Clean Air Plans (CAPs) contain district-wide control measures to reduce carbon monoxide and ozone precursor emissions. The State standards for these pollutants are more stringent than the national standards. There is currently no activity at the site generating either mobile or stationary air emissions. The site is occupied by former Navy housing units which have been vacant since 1997.

Ref: *Catellus Mixed Use Development Draft Environmental Impact Statement*, December 1999, City of Alameda

Analysis of Potential Impacts:

[Analysis must address the following concerns: Degradation of any air resources which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that air?]

Implementation of the proposed institutional controls as a remedy will not authorize excavation into contaminated soil and therefore will not create impacts to air quality. The covenant restrictions require the preparation of site specific health and safety plans by a certified industrial hygienist to protect workers and the general public for future excavation activities associated with this site. Covenant restrictions also require that all future excavation and materials handling activities be conducted in accordance with applicable Best Management Practices.

DTSC has determined that the proposed remedy will not result in degradation of air resources. Implementation of the institutional controls will not have any effect on air emissions or ambient air quality beyond current conditions, nor will it alter movement, moisture, or temperature, or result in any change of climate, either locally or regionally. No emissions from mobile or stationary sources will result from the adoption of the institutional control proposed by DTSC, and no earthmoving will take place.

Ref: (a) Remedial Action Plan; (b) Alameda Point Administration, City of Alameda

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

### 3. Surface and Ground Water (Workbook; page 17)

---

#### Description of Environmental Setting:

Based on available data, shallow groundwater has been determined to occur at depths ranging from 2 to 15 feet below the ground surface in fill materials and Bay Mud. The Alameda aquifer occurs below the site at a depth ranging from 100 to 2000 feet below the ground surface. The hydrogeology at the project site is characterized by five hydrostratigraphic units that include the water-bearing Merritt Sand and Posey formations (which underlie the fill), Bay Mud formation, and the deeper Alameda formation. The Alameda formation aquifer is separated by a silty-clay unit, the San Antonio Formation. Because of its high silty-clay content, the Bay Mud formation likely provides hydrologic separation of the fill from the underlying Merritt Sand and Posey formations. Tidal influence has been detected close to the existing shoreline, but little or no tidal influence is anticipated at the project site, located at least 0.4 mile from the nearest shoreline. Surface runoff from the project site is largely controlled by a storm drain system which mainly discharges into San Francisco Bay. A jurisdictional wetland of the United States has been delineated by the U.S. Army Corps of Engineers in a drainage ditch running alongside Main Street, west of the FISC Annex.

The "shallowest groundwater zone" is in the fill at the FISC Annex, is first encountered at depths from 4 to 8 feet below ground surface (bgs), and extends to a maximum depth of approximately 20 feet bgs. The shallowest groundwater zone does not include any deeper groundwater zone that is hydraulically separated from the fill. In particular, the shallowest groundwater zone does not include the Merritt Sand zone, which is first encountered at approximately 25 feet bgs and is hydraulically separated from the fill by Bay Mud, the thickness of which ranges from 25 to 80 feet at the FISC Annex. The shallowest groundwater zone is currently not usable for drinking water because of the presence of naturally occurring inorganic constituents (total dissolved solids and some metals). Because of this intrinsic use limitation of the groundwater, the contamination of organic constituents (volatile organic compounds, TPH, and PAHs) related to former activities at or in the vicinity the FISC Annex, may, at this time, remain in place provided there are sufficient controls and restrictions to protect the public health, safety, and the environment.

Ref: (a) Remedial Action Plan; (b) Environmental Baseline Survey/Phase 2B Sampling Draft Final Parcel-specific Data Evaluation Summaries; (c) Final Remedial Investigation Report, Fleet and Industrial Supply Center; (d) Alameda Point Administration, City of Alameda (e) Basewide Environmental Baseline Survey Report

#### Analysis of Potential Impacts:

[The analysis must address the following concerns: 1) Changes to riparian land, rivers, streams, watercourses and wetlands under state and federal jurisdiction?; or 2) Changes to any water resources which will individually or cumulatively result in a loss of biological diversity among the plants and animals residing in that water?]

The RWQCB has characterized the shallow groundwater at the Alameda Facility/Alameda Annex as having only limited beneficial uses, and is not used as drinking water because of high total dissolved solids (TDS) content. Under current land use conditions, human health risks have been determined acceptable because no

complete exposure pathways exist.

The proposed remedy will control future excavation of marsh crust soils and extraction of groundwater at the property site. Because of the intrinsic use limitation of the groundwater, the contamination of organic constituents (volatile organic compounds, TPH, and PAHs) related to former activities at or in the vicinity the FISC Annex, may, at this time, remain in place provided there are sufficient controls and restrictions to protect the public health, safety, and the environment. The proposed controls are intended to prevent pollution of surface waters by runoff from contaminated soil that may be excavated under future authorized activities. DTSC has determined that no changes to riparian land, rivers, streams, watercourses or wetlands would result from the proposed action. No effects on water resources are anticipated to take place as a result of this action.

Ref: (a) Remedial Action Plan; (b) Alameda Point Administration, City of Alameda

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. Plant Life (Workbook; page 20)

Description of Environmental Setting:

The project area consists of paved roadways, commercial/industrial and residential structures, landscaped areas, and significant wildlife habitat at the shorelines and in the former landfills and landing strips. Vegetation in the project area consists of lawn grass surrounding the individual buildings and various ornamental trees and shrubs, including acacia (*Acacia* sp.), eucalyptus (*Eucalyptus* sp.), and bottle brush (*Callistemon citrinus*). Numerous Monterey pine (*Pinus radiata*) and California buckeye (*Aesculus californica*) exist on the site. No coast live oaks (*Quercus agrifolia*) exist on the project site. Two wetland areas at Alameda Point can be classified as salt marsh or brackish tidal marsh: The 22-acre West Beach Landfill Wetland, and the 13-acre Runway Wetland.

Ref: (a) Catellus Mixed Use Project Draft EIR; (b) EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility

Analysis of Potential Impacts:

[The analysis must address the following concerns: 1) Any adverse effect to native and non-native plant life?; 2) Effects to rare and unique plant life and ecological communities dependent on plant life?; 3) Any adverse effect to listed threatened and endangered plants?; 4) Effects on habitat in which listed threatened and endangered plants are believed to reside?; 5) Effects on species of plants listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code, or regulations adopted thereunder?; or 6) Effects on marine and terrestrial plant species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside?]

DTSC has determined that implementation of the proposed institutional controls will not result in disruption of either the developed areas or wildlife habitat; therefore no impacts to vegetation are anticipated.

Ref: Remedial Action Plan

Findings:

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

-----  
 5. Animal Life (Workbook; page 22)  
 -----

Description of Environmental Setting:

The project area consists of paved roadways, residential structures, landscaped areas, and significant wildlife habitat at the shorelines and in the former landfills and landing strips. Grassy areas provide nesting sites and foraging areas for a variety of wildlife, including northern harriers (*Circus cyaneus*), killdeer (*Charadrius vociferous*), red-tailed hawks (*Buteo jamaicensis*), peregrine falcons (*Falco peregrinus*), black-tailed hares (*Lepus californicus*), and California ground squirrels (*Spermophilus beecheyi*). The wetland areas support waterfowl, shorebirds, terns, gulls, swallows, and house mice (no salt marsh harvest mice were observed during a 1995 survey by the Navy). Eelgrass beds in the shallow water of San Francisco Bay and the Oakland Inner Harbor provide important foraging habitat for shorebirds and water fowl and a nursery for various fish and invertebrates. Rock breakwaters and riprap areas provide roosting, nesting, and foraging areas for waterbirds, including the California brown pelican, and provide a haul-out site for harbor seals. A colony of California least terns nests on the paved airfield at Alameda Point. Landscaped and developed areas are used primarily by typical urban wildlife such as scrub jays (*Aphelocoma coerulescens*), red-winged blackbirds, sparrows, house finches (*Carpodacus mexicanus*), American robins (*Turdus migratorius*), California ground squirrels, and feral cats. Bats have used buildings at Alameda Point and the FISC Annex for shelter, resting, and foraging.

Ref: EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility

Analysis of Potential Impacts:

[The analysis must address the following concerns: 1) Effects on listed threatened or endangered animals?; 2) Effects on habitat in which listed threatened and endangered animals are believed to reside?; 3) Effects on species of animals listed as protected or identified for special management in the Fish and Game Code, the Public Resources Code, the Water Code, or regulations adopted thereunder?; or 4) Effects on marine and terrestrial animal species subject to the jurisdiction of the Department of Fish and Game and the ecological communities in which they reside?]

DTSC has determined that implementation of the proposed institutional controls will not involve disruption of either the developed areas or wildlife habitat. No habitat will be disturbed or removed. There will be no effect on the California least tern or its habitat.

Ref: Remedial Action Plan

Findings:

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

6. Land Use (Workbook; page 24)

---

*Description of Environmental Setting:*

The general pattern of existing land use at the FISC Annex and Alameda Point reflects the historic military use of the property. The western portion of Alameda Point reflects the former Navy airfield use and includes runways, taxiways, and aircraft hangars. The eastern portion of Alameda Point is intensely developed, with an extensive road system serving the many administrative and industrial buildings, warehouses, barracks and family housing units, community support buildings, and a large vessel marine port. The FISC Annex is comprised mainly of warehouse buildings served by an extensive road system. Surrounding land uses are: the remainder of the City of Alameda to the east and southeast; the Port of Oakland across the Oakland Inner Harbor to the north; and San Francisco Bay to the west and south. Adjacent land uses to the east and southeast include residential, community (churches, parks, schools, shoreline access to San Francisco Bay), educational, commercial, and industrial.

Ref: EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility

*Analysis of Potential Impacts:*

The project as proposed is the implementation of institutional controls which will not alter proposed or existing land use. The proposed remedy to address and control possible releases of PAH from the marsh crust to the surface at the FISC Annex and Alameda Point and to restrict extraction of ground water at the FISC Annex is a covenant to restrict specific use of the property (environmental restrictions), between the City of Alameda as the future owner of the property, and the Department of Toxic Substances Control. The restriction involves controls on excavation and management of soil excavated from the subsurface marsh crust layer and brought to the surface through construction or other activities. The restriction also involves controls on extraction of groundwater at the FISC Annex for other than industrial or irrigation purposes. Pursuant to California Civil Code section 1471(c), DTSC has determined that the covenant is reasonably necessary to protect present or future public health and safety or the environment. DTSC therefore intends that excavation of contaminated soil at the FISC Annex and Alameda Point and extraction of groundwater at the FISC Annex be restricted. The restrictions shall run with the land, pass with each and every portion of the property, and be enforceable by DTSC. The restrictions shall be incorporated by reference in each and all deeds, leases and subleases of any portion of the property. This restriction is not intended, nor is it likely to restrict, induce, or otherwise affect general land uses, but rather applies to the marsh crust at the FISC Annex and Alameda Point and ground water at the FISC Annex irrespective of any and all future land uses.

DTSC has determined that implementation of the proposed remedy will not impact the existing or surrounding land uses or policies. The property is currently mixed use, and is proposed to remain so. Cleanup goals under the proposed remedy are consistent with residential use.

Ref: Remedial Action Plan

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

7. Natural Resources (Workbook; page 25)

---

Description of Environmental Setting:

The FISC Annex and Alameda Point are largely urbanized, consisting of commercial/industrial buildings, paved and landscaped areas, and single- and multi-family residential units. The site was formerly marshland/tidal flats, and was filled in the early 1900's in a series of fill events using dredge spoils predominately from the Oakland Estuary.

Ref: EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility

Analysis of Potential Impacts:

No physical changes to the FISC Annex or Alameda Point will result from the adoption of the proposed institutional controls as a remedy; therefore, DTSC has determined that the proposed remedy will not contribute to any significant depletion of natural resources.

Ref: Remedial Action Plan

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

---

8. Risk of Upset (Workbook; page 26)

---

Description of Environmental Setting:

The FISC Annex and Alameda Point are largely urbanized, consisting of commercial/industrial buildings, paved and landscaped areas, and single- and multi-family residential units.

Ref: (a)EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility; (b) Environmental Baseline Survey

Analysis of Potential Impacts:

The marsh crust has been characterized to occur between two and 20 feet below the ground surface. The contaminants in the marsh crust are not highly soluble. The proposed remedy is intended to minimize potential routes of exposure to the hazardous constituents in the marsh crust and groundwater, and will not result in any actions that could lead to an upset condition. No physical change to the site will take place as a result of the proposed remedial action plan; therefore, risk of upset is insignificant.

Ref: Remedial Action Plan

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

---

9. Transportation/Circulation (Workbook; page 29)

---

Description of Environmental Setting:

Local access to the FISC Annex is provided Webster Street and Mariner Loop. Local access to Alameda Point is provided by Atlantic Avenue and Main Street. Transit service consists mainly of AC Transit busses. Bikeways have been developed along Main Street and Atlantic Avenue. Sidewalks exist throughout Alameda Point. Buildings at the FISC Annex and Alameda Point are being leased, but occupancy rates are low.

Ref: (a)EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility; (b) Alameda Point Administration, City of Alameda

Analysis of Potential Impacts:

Implementation of the proposed institutional controls will not require transportation of materials or equipment to or from the site, nor have any impact on existing vehicular traffic patterns, air emissions or parking demand.

Ref: Remedial Action Plan

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

---

10. Public Services (Workbook; page 31)

---

*Description of Environmental Setting:*

The FISC Annex and Alameda Point fall under the jurisdiction of the City of Alameda Police Department which assumed law enforcement responsibility from the Navy on April 30, 1997. The City of Alameda Police Station is located at 1555 Oak Street, roughly 3 miles east of the intersection of Main Street and Atlantic Avenue. Trespassing and vandalism are the main law enforcement problems.

Fire services are provided to the FISC Annex and Alameda Point by the Alameda Fire Department. Five fire stations are located throughout the City of Alameda; administrative headquarters are located at 1300 Park Street, and a fire prevention office is located at 950 West Mall Square. Fire No. 2 is located at 635 Pacific Avenue; Fire Station No. 5 Fire Station is located at 950 West Ranger Avenue.

Ref: (a)EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility; (b) Alameda Point Administration, City of Alameda

*Analysis of Potential Impacts:*

The proposed institutional controls will not require any fire or police services. The proposed remedy to address and control possible releases of PAH from the marsh crust to the surface at the FISC Annex and Alameda Point and to restrict extraction of ground water at the FISC Annex is a covenant, to restrict specific use of the property (environmental restrictions), between the City of Alameda as the future owner of the property, and the Department of Toxic Substances Control. The restriction involves controls on excavation and management of soil excavated from the subsurface marsh crust layer and brought to the surface through construction or other activities. The restriction also involves controls on extraction of groundwater at the FISC Annex for other than industrial or irrigation purposes. The restrictions shall run with the land, pass with each and every portion of the property, and be enforceable by DTSC. The restrictions shall be incorporated by reference in each and all deeds, leases and subleases of any portion of the property. This restriction is not intended, nor is it likely to restrict, induce, or otherwise affect general land uses, but rather applies to the marsh crust at the FISC Annex and Alameda Point and ground water at the FISC Annex irrespective of any and all future land uses. The City of Alameda has elected to implement an ordinance controlling excavation into the marsh crust, and this ordinance will be relied upon by DTSC to ensure that the intent of the covenant is met for as long as the City maintains the ordinance in force and effect in such a way that the intent of the covenant is met. The ordinance will require administration by City personnel.

Ref: (a) Remedial Action Plan; (b) Alameda Point Administration, City of Alameda

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

11. Energy (Workbook; page 32)

---

Description of Environmental Setting:

Alameda Power and Telecom (AP&T) (formerly the City of Alameda Bureau of Electricity) provides electric power to the FISC Annex and Alameda Point. The primary natural gas supply for the western end of Alameda is a 12-inch diameter transmission main that crosses the Estuary from Oakland and runs south along Webster Street. An 8-inch diameter high pressure branch line runs west on Atlantic Avenue. Two 4-inch diameter metered connections off this line feed the existing East Housing area distribution system. The California Public Utility Commission has directed that all out-of-compliance conditions in the former Navy distribution system be corrected. Buildings at the FISC Annex and Alameda Point are leased, but occupancy rates are low; therefore, energy uses are low.

Ref: Alameda Point Administration, City of Alameda

Analysis of Potential Impacts:

The proposed institutional controls will not require use of any energy or fuel; therefore, the project will have no significant impact on energy use.

Ref: (a) Remedial Action Plan; (b) Alameda Point Administration, City of Alameda

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

---

12. Utilities (Workbook; page 32)

---

Description of Environmental Setting:

Utilities infrastructure for water, wastewater and natural gas and electric exists at the FISC Annex and Alameda Point, although it may not meet current code requirements. Telephone service to the FISC Annex and Alameda Point site is provided by Pacific Bell. Overhead cable TV service exists at the FISC Annex and Alameda Point.

Ref: (a) EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility; (b) Alameda Point Administration, City of Alameda

Analysis of Potential Impacts:

No additional service from utility providers would be required as a result of the adoption of the proposed remedy; therefore, no significant impact to utilities or related infrastructure is anticipated.

Ref: (a) Remedial Action Plan; (b) Alameda Point Administration, City of Alameda

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

---

13. Noise (Workbook; page 32)

---

Description of Environmental Setting:

The FISC Annex and Alameda Point are largely urbanized, consisting of commercial/industrial buildings, paved and landscaped areas, and single- and multi-family residential units. Buildings at the FISC Annex and Alameda Point are leased, but occupancy rates are low.

Ref: (a) EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility; (b) Environmental Baseline Survey

Analysis of Potential Impacts:

No additional noise would be generated at or from the site by the implementation of the remedy. No impact is anticipated.

Ref: (a) Remedial Action Plan

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

---

14. Public Health and Safety (Workbook; page 34)

---

Description of Environmental Setting:

The FISC Annex and Alameda Point are largely urbanized, consisting of commercial/industrial buildings, paved and landscaped areas, and single- and multi-family residential units. Buildings at the FISC Annex and Alameda Point are leased, but occupancy rates are low.

Human health risk assessments (HHRA) were conducted during the remedial investigation for several specific sites at the FISC Annex and Alameda Point (PRC Environmental Management, Inc., 1996; TetraTech EM Inc., 1999) and for groundwater at the FISC Annex (PRC, 1996; NewFields, 2000). Consistent with U.S. EPA and DTSC guidelines for conducting HHRA, the risk assessments found that there is no pathway to humans from the PAH in the marsh crust because of its depth. The HHRA determined that workers could be exposed to possible PAH contamination during construction of building foundations and utility work. However, DTSC has concluded that such exposures are unlikely to result in significant risk. The PAH may pose an unacceptable risk to human health and the environment if excavated marsh crust materials are brought to the ground surface and handled in an uncontrolled manner (e.g., if contaminated marsh crust soil is placed at the surface as a result of construction activities, thus creating an exposure pathway). Because shallow groundwater has been found to have no beneficial uses as drinking water and has limited use for agricultural or industrial supply the HHRA determined that the main route of human exposure is by volatilization of VOCs into indoor air spaces. Subsequent evaluation of soil gas concentrations and modeling results indicated that potential risks due to volatilization into indoor air spaces are within a risk-management range as defined by U. S. EPA Region IX. After completion of the RI, additional pathways for human exposure to contaminants in shallow groundwater became evident, including (1) the potential exposure of humans to groundwater through uses other than consumption and (2) the potential exposure of children and adult workers at a location proposed for future use as a school site to VOCs in indoor air. A supplemental HHRA was conducted using scenarios based on car wash workers and landscape workers using groundwater from the shallow aquifer to evaluate the potential risk due to exposure of adults to groundwater brought to the surface for irrigation or industrial purposes. The supplemental HHRA also evaluated children and adult workers to evaluate the potential risk due to exposure to indoor air that could be contaminated with VOCs that may volatilize from the contaminated ground water. In all cases, Hazard Indices and cancer risks were within or below the risk-management range as defined by U. S. EPA Region IX. The supplemental HHRA concluded that "there is no scientific basis for restricting either the potential non-potable beneficial uses of the ground water at the site or the proposal for placement of a school near the site as an acceptable land-use option." This HHRA is not intended to meet the requirements of the California Education Code Section 17210 et seq. When a school site is formally proposed, the California Education Code will be triggered.

Ref: (a) EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility; (b) Environmental Baseline Survey; (c) Operable Unit 1 Remedial Investigation Report; (d) Remedial Investigation Report, Fleet and Industrial Supply Center, Oakland Alameda Facility/Alameda Annex; (e) Baseline Human Health Risk Assessment

Analysis of Potential Impacts:

The human health risk assessments conducted for the FISC Annex and Alameda Point concluded there is no risk to human health because no pathway exists for the marsh crust contamination and risk from exposure to ground water are within a risk-management range. The adoption of the remedy is intended to prevent contamination from release to the surface. The proposed remedy would be effective in the long term because its implementation would become part of DTSC's ongoing governmental regulatory system. The land-use covenant will be in the chain-of-title, which will put all future owners on notice. This type of recorded covenant has more "permanence" because the institutional control would reduce the probability that future occupants will excavate the marsh crust without taking proper precautions. Should the City of Alameda decide to change or eliminate the excavation ordinance, the covenant would require DTSC to approve any projects involving excavation into the marsh crust.

Pursuant to Assembly Bill 871, which became effective on January 1, 1999, DTSC is required to maintain a list of all land use restrictions recorded pursuant to Health and Safety Code sections 25200, 25200.10, 25202.5, 25222.1, 25229, 25230, 25355.5, and 25398.7. At a minimum, this list must provide the street address, or if a street address is not available, an equivalent description of location for a rural location or the latitude and longitude of each property. DTSC is also required to update the list as new land use restrictions are recorded, and make the list available to the public, upon request, and place the list on the DTSC Internet website. DTSC is currently evaluating our system for tracking the effectiveness of institutional controls, but this evaluation should not delay such remedies, including the one before us. Remedial alternatives to institutional controls, such as excavation of marsh crust, have undergone evaluation and have been determined infeasible. The contaminated layer at depth cannot be removed without incurring significant disruption to the local community, in addition to onerous and unnecessary cost. The only other alternative is complete prohibition of any residential use.

Ref: (a) Operable Unit 1 Remedial Investigation Report; (b) Remedial Investigation Report, Fleet and Industrial Supply Center, Oakland Alameda Facility/Alameda Annex; (c) Baseline Human Health Risk Assessment; (d) Remedial Action Plan

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

15. Aesthetics (Workbook; page 38)

---

Description of Environmental Setting:

The FISC Annex and Alameda Point are largely urbanized, consisting of commercial/industrial buildings, paved and landscaped areas, and single- and multi-family residential units. Buildings at the FISC Annex and Alameda Point are leased, but occupancy rates are low.

Ref: (a) EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility; (b) Environmental Baseline Surveys

Analysis of Potential Impacts:

No physical effects will result from the adoption of the remedial action plan; therefore, no impacts to the aesthetics of the site will occur.

Ref: (a) Remedial Action Plan; (b) Alameda Point Administration, City of Alameda

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

---

16. Cultural/ Paleontological Resources (Workbook; page 39)

---

Description of Environmental Setting:

The FISC Annex and Alameda Point are largely urbanized, consisting of commercial/industrial buildings, paved and landscaped areas, and single- and multi-family residential units. A number of cultural resources surveys for both historical and archaeological resources have been conducted in the last few years for the environmental documentation for transfer and disposal of the site by the Navy. No resources have been identified on the FISC Annex or Alameda Point by these surveys of the site and records searches. Because the FISC Annex and Alameda Point consists of fill, no paleontological resources are expected to exist at either facility..

Ref: PAR Environmental Services, Inc. *An Archaeological Evaluation of the Fleet Industrial Supply Center - Alameda Annex/Facility, and US Navy Alameda Family Housing*, June 1996. As cited in City of Alameda, *Catellus Mixed Use Development Draft Environmental Impact Statement*, December 1999.

Analysis of Potential Impacts:

Implementation of the proposed remedy will not result in any disruption or impact to the surface soils. Therefore, DTSC has determined that there will be no impact to cultural or paleontological resources as a result of the adoption of the proposed remedial action plan.

Ref: (a) Remedial Action Plan; (b) Alameda Point Administration, City of Alameda

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

---

17. Cumulative Effects (Workbook; page 42)

---

Description of Environmental Setting:

The city of Alameda is currently considering a mixed-use development proposal for the FISC Annex and the East Housing portion of Alameda Point.

Ref: (a) Alameda Point Administration, City of Alameda; (b) Catellus Mixed Use Project Draft EIR; (c) EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility

Analysis of Potential Impacts:

The cumulative impact of the adoption of the proposed remedial action plan and the proposed mixed-use development project could result in impacts to human health from exposure to the marsh crust layer during excavation of the site in preparation for construction. These potential impacts would be mitigated by the covenant proposed as part of this remedial action plan which requires approval from DTSC or the City of Alameda for the excavation of soil at the FISC Annex and Alameda Point and restricts extraction of ground water at the FISC Annex. The City has enacted an ordinance which would require controls on the management of soil excavated from the subsurface marsh crust layer in order to limit human exposure during construction activity at the site, and would reduce the potential impact to less than significant.

DTSC has conducted CEQA reviews for past site mitigation-related projects which concluded that impacts associated with those projects were insignificant both from an individual and cumulative perspective. The project analysis in this Initial Study also shows impacts to be insignificant when institutional controls are imposed. These controls would restrict any physical disturbance of soils and extraction of ground water within certain parameters to avoid significant impacts to human health and the environment.

DTSC also examined the Draft Environmental Impact Report for the Catellus Mixed Use Development Project that concluded future impacts associated with development of the subject site would also be insignificant when mitigation measures were imposed, including imposition of the mentioned institutional controls which limit human exposure to hazardous waste. As such, DTSC finds that cumulative impacts from this project when viewed against related past and future projects would be insignificant.

Ref: (a) Remedial Action Plan; (b) Catellus Mixed Use Project Draft Environmental Impact Report; (c) City of Alameda Final Environmental Impact Report for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility; (d) Negative Declaration for IR Sites 15 and 16 Removal Action; (e) Negative Declaration for Radiological Removal Action at IR Sites 1, 2, 5, and 10; (f) Negative Declaration for PCB-Contaminated Soils and Sump Removal at Screening Lot and Scrapyard Area, FISC Annex

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

---

18. Population/Housing/Recreation (Workbook; page 43)

---

Description of Environmental Setting:

The FISC Annex and Alameda Point are largely urbanized, consisting of commercial/industrial buildings, paved and landscaped areas, and single- and multi-family residential units. The project area has been proposed by the City of Alameda for future mixed-use development; however, the proposed remedy would be necessary irrespective of proposed future land use, and therefore does not drive future land use of any particular type.

Ref: (a) Catellus Mixed Use Project Draft EIR; (b) Environmental Baseline Survey; © EIR for the Reuse of NAS Alameda and FISC Alameda Annex/Alameda Facility

Analysis of Potential Impacts:

The adoption of the proposed remedy would have no effect on population, housing or recreation because no physical change would take place as a result of the covenant.

Ref: (a) Remedial Action Plan; (b) Alameda Point Administration, City of Alameda

Findings:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

---

19. Mandatory Findings of Significance (Workbook; page 44)

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**V. DETERMINATION OF DE MINIMIS**

On the basis of this Special Initial Study:

- I find that there is no evidence before the Department that the proposed project will have a potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depend. A NEGATIVE DECLARATION with a DE MINIMIS IMPACT FINDING will be prepared.

VI. DETERMINATION OF SIGNIFICANT EFFECT

On the basis of this Initial Study:

- I find that the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project COULD HAVE a significant effect on the environment, mitigation measures have been added to the project which would reduce these effects to less than significant levels. A NEGATIVE DECLARATION will be prepared.
- I find that the proposed project COULD HAVE a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.

Mary Rose Cassa \_\_\_\_\_  
Name of Preparer

Hazardous Substances Engineering Geologist \_\_\_\_\_  
Title

Mary Rose Cassa \_\_\_\_\_  
Signature of Preparer

6-14-00 \_\_\_\_\_  
Date

ATTACHMENT A

SPECIAL  
INITIAL STUDY  
REFERENCE LIST

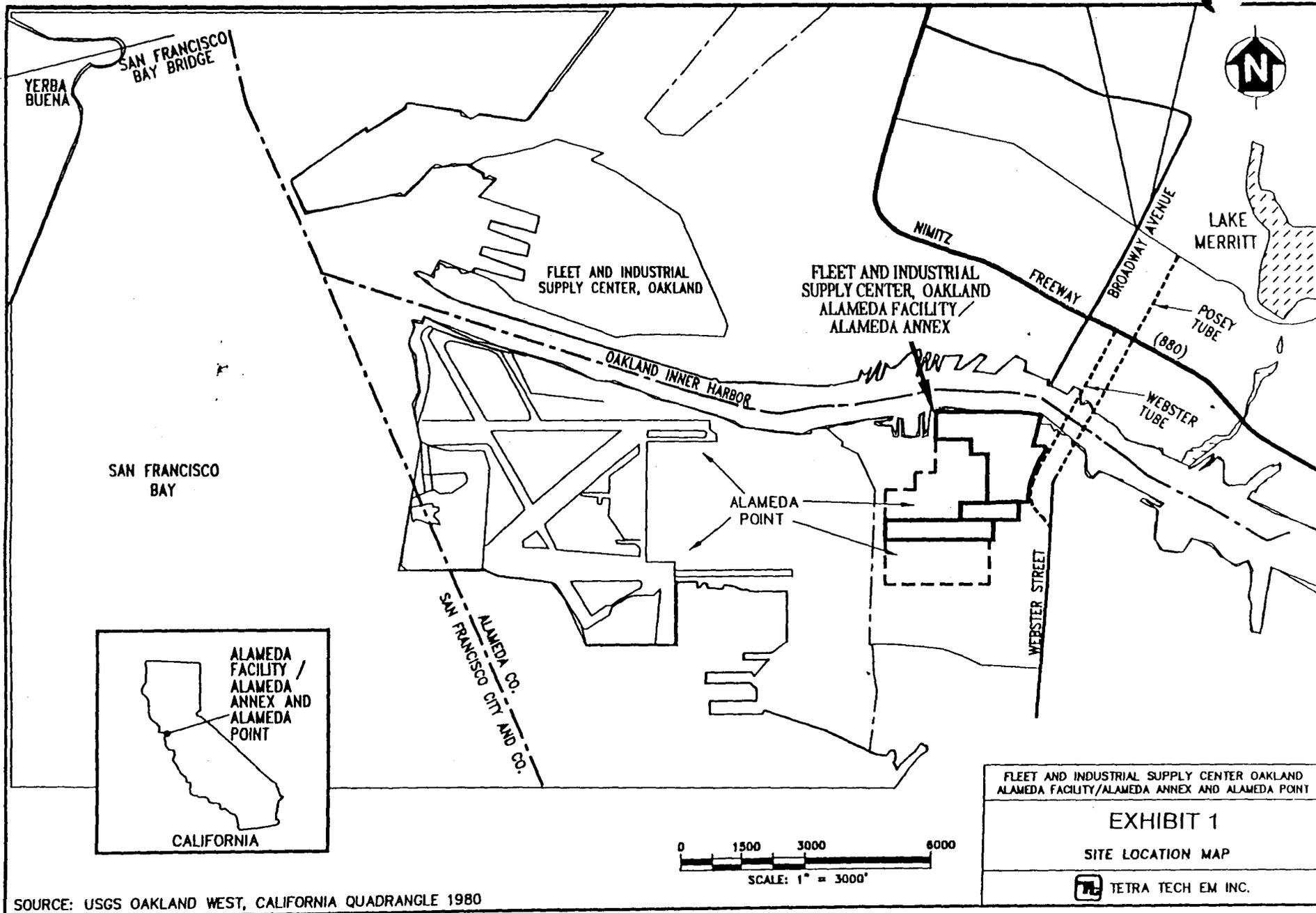
for

Remedial Action Plan for the Marsh Crust and Groundwater at the  
Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex  
and the Marsh Crust and Former Subtidal Area at Alameda Point

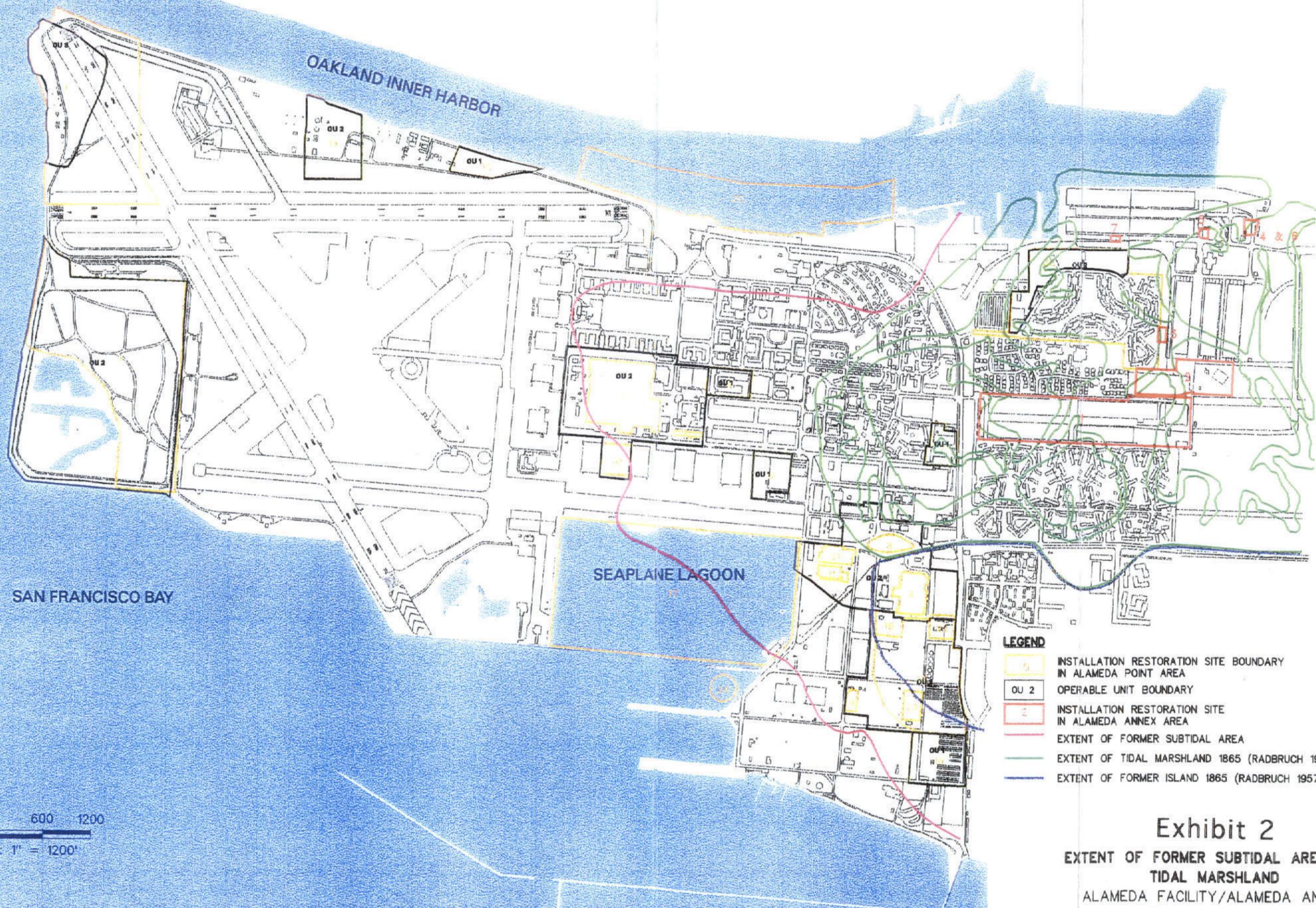
---

1. Alameda Point Administration, City of Alameda
2. *Catellus Mixed Use Development Draft Environmental Impact Statement*, December 1999, City of Alameda
3. PAR Environmental Services, Inc.: An archaeological Evaluation of the Fleet Industrial Supply Center - Alameda Annex/Facility, and US Navy Alameda Family Housing, June 1996. As cited in City of Alameda, *Catellus Mixed Use Development Draft Environmental Impact Statement*, December 1999
4. U.S. Naval Facilities Engineering Command, 1988, Master Plan for Navy Supply Center Oakland, CA
5. *Remedial Action Plan for Marsh Crust at the East Housing Area, Alameda Point, Alameda, California*, March, 2000, Department of Toxic Substances Control
6. IT Corporation, 1999a. *Environmental Baseline Survey Comprehensive Guide: History of NAS Alameda and Alameda Point* (March, 1999)
7. IT Corporation, 1999b. *Environmental Baseline Survey/Phase 2B Sampling Draft Final Parcel-specific Data Evaluation Summaries* (March 1999).
8. PRC Environmental Management, Inc., 1996. *Basewide Environmental Baseline Survey Report, Fleet and Industrial Supply Center, Oakland, Alameda Facility/Alameda Annex* (December, 1996).
9. TetraTech EM Inc., 1999. *Operable Unit 1 Remedial Investigation Report* (March, 1999)
10. PRC Environmental Management, Inc., 1996. *Final Remedial Investigation Report, Fleet and Industrial Supply Center, Oakland Alameda Facility/Alameda Annex Site, Alameda, California* (January, 1996)
11. NewFields, 2000. *Baseline Human Health Risk Assessment, FISCO Alameda Facility/Annex Site* (January, 2000).

12. Lee, C. H., and Praszker, M., 1969. *Bay Mud Developments and Related Structural Foundations in Geologic and Engineering Aspects of San Francisco Bay Fill*, California Division of Mines and Geology Special Report 97, p. 43-85.
13. *Final Environmental Impact Report for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility*, March 2000, City of Alameda
14. Negative Declaration for IR Sites 15 and 16 Removal Action (DTSC, 1997)
15. Negative Declaration for Radiological Removal Action at IR Sites 1, 2, 5, and 10 (DTSC, 1998)
16. Negative Declaration for PCB-Contaminated Soils and Sump Removal at Screening Lot and Scrapyard Area, Fleet and Industrial Supply Center Oakland Alameda Facility/Alameda Annex (DTSC, 1997)



SOURCE: USGS OAKLAND WEST, CALIFORNIA QUADRANGLE 1980



- LEGEND**
-  INSTALLATION RESTORATION SITE BOUNDARY IN ALAMEDA POINT AREA
  -  OPERABLE UNIT BOUNDARY
  -  INSTALLATION RESTORATION SITE IN ALAMEDA ANNEX AREA
  -  EXTENT OF FORMER SUBTIDAL AREA
  -  EXTENT OF TIDAL MARSHLAND 1865 (RADBRUCH 1957)
  -  EXTENT OF FORMER ISLAND 1865 (RADBRUCH 1957)

600 0 600 1200  
SCALE: 1" = 1200'

**Exhibit 2**  
**EXTENT OF FORMER SUBTIDAL AREA AND TIDAL MARSHLAND ALAMEDA FACILITY/ALAMEDA ANNEX AND ALAMEDA POINT ALAMEDA, CALIFORNIA**

**APPENDIX E**  
**RESPONSIVENESS SUMMARY**  
**(54 Pages)**

As a result of discussions with DTSC on groundwater at Alameda Facility/Alameda Annex, it was decided to remove the groundwater at Alameda Facility/Alameda Annex from the final RAP/ROD. A separate RAP/ROD will be prepared for the groundwater at Alameda Facility/Alameda Annex.

**APPENDIX E**  
**RESPONSIVENESS SUMMARY**

Responsiveness Summary ..... 11 pages

Clearwater Revival Company Comments on the Remedial Action  
Plan/Record of Decision for Marsh Crust and Subtidal Wetlands,  
Alameda Point Naval Air Station dated July 20, 2000 ..... 19 pages

Clearwater Revival Company Comments on Draft Final Feasibility  
Study, Marsh Crust, Subtidal Area and Groundwater, Alameda,  
California dated February 17, 2000 ..... 3 pages

Clearwater Revival Company Comments on Base-wide Feasibility  
Study for Marsh Crust and Subtidal Wetlands, Alameda Point Naval  
Air Station Dated March 19, 1999 ..... 11 pages

Arc Ecology Comments on the Remedial Action Plan/Record of  
Decision and the Proposed Plan for the Marsh Crust and Subtidal Areas  
at Alameda Point and for the Marsh Crust and Shallow Groundwater at  
the Fleet and Industrial Supply Center Annex Dated July 19, 2000 ..... 8 pages

Public Comment Cards ..... 2 pages

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

This document presents the Navy's responses to comments on the draft Record of Decision/Remedial Action Plan (RAD/ROP) and Proposed Plan for Marsh Crust and Groundwater at Alameda Facility/Alameda Annex and for Marsh Crust and Subtidal Area at Alameda Point.

In preparing this responsiveness summary, the Navy followed "A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Documents," (OSWER Directive 9200.1-23P, July 1999). The responsiveness summary summarizes the views of the public and support agencies and documents in the record how public comments were integrated into the remedial decision. The guidance suggests that the responsiveness summary be organized into two sections:

"Stakeholder Issues and Lead Agency Responses: summarize and respond concisely to major issues raised by stakeholders (for example, community groups, support agencies, businesses, municipalities, and potentially responsible parties [PRPs]).

"Technical and Legal Issues, if necessary." (EPA 1999)

Based on the comments received from citizens and support agencies during the public comment period, there are no outstanding technical or legal issues for this RAP/ROD. Therefore, only the Stakeholder Issues and Lead Agency Responses section is included in this responsiveness summary. The guidance recommends, "If the lead agency determines that a point-by-point response to a set of comments is warranted, a separate comment/response document should be prepared." The Navy has concluded that a point-by-point response is not warranted and has responded in this responsiveness summary to all comments submitted. Most comments and the responses are summarized by topic. Comments that pertain to a unique topic are presented verbatim.

- 1. Comment: Regarding alternative 2 in Cleanup program: "Limited purpose" of use of groundwater should not include irrigation because fruit trees and vegetables could well be included and could be contaminated.**

**Commenter: Community Member, Alameda, California**

**Response:** Currently, state and county restrictions on construction of groundwater wells at Alameda Facility/Alameda Annex prevent irrigation of fruit trees and vegetables. In fact, the shallow groundwater contains total dissolved solids in such naturally high concentrations that the groundwater is not suitable for irrigating fruit trees and vegetables. Even though irrigation of fruit trees and vegetables with the

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

shallow groundwater would likely kill the plants, the Navy evaluated the potential contribution of the irrigation water exposure pathway to total human health risks. The Navy concluded that generally, exposures associated with volatile organic compounds (VOC) through food-chain pathways are not significant, in comparison to other groundwater exposure pathways (such as ingestion or inhalation of VOCs from building air), primarily because VOCs are low-molecular-weight chemicals that do not persist or bioaccumulate in the environment. Also according to EPA<sup>1</sup> “it should be noted that the exposure to chemicals in groundwater through ingestion of fruit is a minor pathway relative to the potential exposure pathway via inhalation of VOCs from groundwater into enclosed building air” (EPA 1998). The “limited purpose” groundwater use was not intended to include irrigation of food crops. In addition, under Alternative 2, permits for construction of new groundwater wells will not likely be issued for irrigation of fruit trees and vegetables.

<sup>1</sup> Reference: US Environmental Protection Agency (EPA). 1998. “U.S. EPA comments on IR 02 Feasibility Study Fleet and Industrial Supply Center Oakland, Alameda Annex Attachment A, dated 2 September 1998”. October.

2. **Comment:** The EPA submitted twelve comments on the RAP/ROD, most of which were suggestions for clarifying the text, rather than substantive changes to the RAP/ROD. Three comments requested editorial changes to the three occurrences of the “Environmental Restrictions in Deed” paragraph in the RAP/ROD. One comment noted that the statements in the RAP/ROD indicating that the Navy and DTSC had selected the remedy were inconsistent with the Navy’s position at other bases, in particular, the ROD for Naval Station Long Beach. Another comment asked that EPA be added to the approval process for the Land Use Control Implementation and Certification Plan (LUCICP) because “a portion of the land it will cover is on the NPL site.”

**Commenter:** Phillip Ramsey, Remedial Project Manager, EPA

**Response:** All of the editorial changes were considered and made in the RAP/ROD to the extent the text was clarified as a result. In the Environmental Restrictions in Deed paragraphs, the language suggested (and that had been inadvertently omitted from the draft RAP/ROD) was restored. The language regarding the parties to remedy selection will remain the same because it shows that the RAP/ROD fulfills both federal and state requirements for selection of remedies at sites that are not on the NPL. EPA was added to the LUCICP approval process.

3. **Comment:** Two comments were submitted verbally by a community representative of the Restoration Advisory Board during the public meeting held on June 29, 2000. One comment asked for clarification of the five-year review requirement. The second comment requested that additional detail be added regarding the cost of the remedial action.

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

**Commenter:** Mary Sutter, Community Co-Chair, Alameda Point Restoration Advisory Board

**Response:** Section 121(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that if the Navy selects “a remedial action that results in any hazardous substances, pollutants or contaminants remaining at the site, the President shall review such remedial action no less often than each 5 years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented.” The remedial cost estimate in the feasibility study (FS) included costs to complete six reviews over 30 years. However, CERCLA currently does not provide for discontinuing the reviews, although EPA plans to publish guidance on the issue. Until then, the Navy has chosen to estimate costs based on six reviews over 30 years. The language in the RAP/ROD concerning the reviews (Sections 2.13.1 and 2.13.2) was simply quoted from the statutory language to avoid confusion. In response to the second comment, additional detail on cost has been transferred from the FS into the appropriate sections of the RAP/ROD. The cost for Alternative 2 for the marsh crust and subtidal area was erroneously transferred from the FS to the draft RAP/ROD. The present worth cost for Alternative 2 is now correctly shown as \$59,800.

4. **Comment:** A written comment was received from DTSC regarding additions and deletions to the Administrative Record. In addition, DTSC requested that a reference to the Removal Action Workplan (RAW) for the East Bay Housing site be included in Section 2.2.2.

**Commenter:** Mary Rose Cassa, Remedial Project Manager, DTSC

**Response:** The Newfields human health risk assessment (HHRA) for Groundwater, January 14, 2000, was added to the Administrative Record, and the Final Finding of Suitability to Transfer (FOST) for the East Housing Area dated April 7, 2000 was deleted. The reference to the RAW was added to the RAP/ROD.

Two citizens' groups, Arc Ecology (AE) and Clearwater Revival Company (CRC) submitted extensive technical comments on the RAP/ROD and the remedial investigation (RI) and feasibility study (FS) reports that support the draft RAP/ROD. Their comments are summarized below and responses provided. Copies of the original comments are included in the administrative record. The thirty-nine comments submitted by CRC were presented in nine categories and the responses follow these categories, with one exception. Two comment categories, “Ecological Risk Assessment” and “Marsh Crust Ecological Risk Assessment” have been combined into one category because the comments are related. Where appropriate, AE comments related to these categories are combined with the CRC comments. A separate response is provided to one AE comment, regarding the LUCICP.

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

5. **Comment:** Community acceptance: CRC and AE stated that the selected alternatives in the draft RAP/ROD do not have support of the community. AE gave the example of a resolution recently passed by the Alameda NAS RAB dated April 4, 2000, notifying the City of Alameda that the excavation ordinance, which is one of three components of the selected alternative, suffers from significant deficiencies. The two groups asked that the RAP/ROD be revised to reflect this lack of support.

**Commenter:** Arc Ecology (Comment 4a), CRC (Comment 1)

**Response:** The lack of support from AE and CRC is noted. However, AE and CRC represent only part of the community that contributed input to the remedial decision process. The RAB for Alameda Facility/Alameda Annex and Alameda Naval Air Station also includes community members who have participated in review of reports and alternative selection process as well and support the RAP/ROD. The Alameda Naval Air Station RAB resolution did not reject the land use control alternative, but instead requested that the excavation ordinance be enhanced to provide maximum protection at minimum financial burden to the public. The RAB resolution, as well as RAB comments submitted during the public comment period, were also considered in the final RAP/ROD.

6. **Comment:** Previously Submitted Comments – CRC noted that comments submitted in letters dated March 19, 1999, and February 17, 2000, regarding the FS received no response.

**Commenter:** CRC (Comment 2)

**Response:** Publication of the draft RAP/ROD is the culmination of the site investigation, alternative development, and remedy selection process that has been under way for several years at Alameda Facility/Alameda Annex and Alameda Point. The Navy considered the comments submitted by CRC and participating agencies during this process, although no formal responses to the CRC comments were generated at the time. A majority of the comments were technical and provided valuable suggestions for corrections and enhancements to the final FS reports. The comments were incorporated as appropriate and are not repeated in this responsiveness summary. This responsiveness summary is the first formal opportunity for the Navy to solicit feedback from and respond to all community members, including AE and CRC.

7. **Comment:** Scope of Marsh Crust Remedy – CRC felt that the physical scope of the remedy was not clearly defined in the RAP/ROD. Concern was raised that the land use controls do not extend to land not owned by the Navy and that areas such as the Seaplane Lagoon and certain areas along the northern boundary of the subtidal area should be included in the scope of the remedy. Finally, CRC suggested that the City of Alameda should share in preparing the RAP/ROD.

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

**Commenter:** CRC (Comments 3 - 7)

**Response:** The scope of this RAP/ROD is strictly limited to the areas of the marsh crust/former subtidal area and the shallow groundwater identified in the site description and figures in this RAP/ROD. The data used to define the nature and extent of these areas are contained in the relevant RI reports. The Seaplane Lagoon and the areas north of the subtidal boundary are not included in the scope of this RAP/ROD but will be addressed as the investigations of Alameda Point progress.

The Navy is selecting the remedy for the marsh crust/subtidal area at Alameda Facility/Alameda Annex and Alameda Point and shallow groundwater at Alameda Annex under its authority as the “lead agency” for response actions described in CERCLA Section 104(a)(1) and delegated in Executive Order 12580. The City of Alameda does not have the same authority but has participated in preparing this RAP/ROD through review and comment.

Based on previous investigations, it is generally believed that the Navy first occupied Alameda Point well after the contaminants had already been deposited in the marsh crust and subtidal area, and the Navy bears no responsibility for the contamination. Nevertheless, the Navy is implementing this remedy to facilitate remediation and transfer of the property. Nothing in this remedy precludes the use of land use controls for properties not owned by the Navy and not within the scope of this RAP/ROD. For example, property now owned by the city can be subjected to land use controls as deemed necessary.

8. **Comment:** Contamination in Marsh Crust/Subtidal Area – AE and CRC raised several technical questions regarding characterization of the contamination as presented in the RAP/ROD. In general, they felt that incomplete characterization would result in the selection of a remedy that was not protective. CRC suggested additional investigation of the depth of the marsh crust and its thickness. CRC felt that additional investigation of the 6-year underground storage tank (UST) removal program (more than 100 tanks were removed) was needed to further define the extent of marsh crust. CRC noted that benzo (a) pyrene contamination was found above the average depths attributed to the marsh crust, and AE recommended additional study on the potential for benzene and naphthalene to volatilize from the groundwater and cause risk to human health or the environment.

**Commenter:** CRC (Comments 8 – 12), Arc Ecology (1-3, 4e, 5b)

**Response:** The suggestions of both commenters for additional study were considered for their potential to change the RAP/ROD and the selected alternative. The Navy acknowledges that additional investigation might result in a more definitive description of the distribution of contamination in the marsh crust/subtidal area. However, the Navy, the state, and EPA have concluded that the remedy selection decision would not be significantly enhanced by additional data collection.

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

Protection of human health and the environment is better served by implementation of the land use controls rather than additional investigation. However, should new information be discovered that indicates the land use controls are no longer protective (for example, through the 5-year review process); the remedy can be re-evaluated and upgraded.

With respect to AE's concern regarding PAH contamination in the soil column, it should be noted that in the conceptual model, the marsh crust is a discrete depositional layer of a unique and definable soil type. In the model, some areas within this definable layer are contaminated. The processes that resulted in the marsh crust layer, and the processes that resulted in contamination in some regions of the marsh crust, are distinct from processes that resulted in the presence of other soil layers and processes that may have resulted in contamination of those other soil layers. PAH contamination in soil above the marsh crust is not within the scope of this RAP/ROD.

With specific regard to the UST removals, the majority occurred in areas where the marsh crust is deeper than the UST excavation. UST regulations require that soil excavated with the tank be tested and disposed of properly, and documentation indicates that the proper actions were taken.

With respect to AE's concern that the exact nature of the groundwater-to-indoor-air problem needs additional study, the Navy notes that a quantitative risk assessment of the volatilization pathway showed no unacceptable risk. The assessment is included in more detail in the relevant RI report.

9. **Comment:** Remedial Action Objectives - CRC felt that the RAP/ROD should be revised because contaminants of concern, their potential exposure pathways, and the corresponding remedial action objectives were not adequately explained. In addition, CRC felt that gaseous "hydro-chloride" had been ignored in the investigation.

**Commenter:** CRC (Comments 13-17)

**Response:** The contaminants of concern (COCs), the exposure pathways, and the remedial action objectives are all discussed in the RAP/ROD. Table 1 in the RAP/ROD summarizes the risk characterization for both Alameda Facility/Alameda Annex and Alameda Point. Additional detail on the COCs and identification of exposure pathways is included in the FS report. Specifically, benzene in groundwater was the only COC identified and risk assessment results for the inhalation and dermal pathways revealed that risk fell within acceptable limits. The other contaminants found at the site did not pose unacceptable risks because they were detected at concentrations below risk-based screening levels or were detected infrequently. However, the potential exists that marsh crust and subtidal material could be raised to the ground surface through excavation and, if spread or handled in an uncontrolled manner, would create an unacceptable risk. The final RAP/ROD has been revised to include quantitative estimates of this

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

risk (Section 2.7.1.4). The exposure routes and pathways CRC suggested were considered in the early stages of the risk assessment but were deemed insignificant because of the depths of the contaminated material and the low contaminant concentrations in the shallow groundwater.

With respect to the “hydro-chloride” odors CRC mentioned, the Navy believes that references to hydrocarbon odors were abbreviated as “HC” in boring logs reviewed by CRC and that the abbreviation was incorrectly transcribed as hydrochloride in the RI report. Hydrocarbon odors are to be expected when boring in the marsh crust area and the remedy selected in this RAP/ROD addresses hydrocarbon contamination.

- 10. Comment:** Proposed Remedy – CRC suggested that revisions to the RAP/ROD were necessary because the remedy does not reduce the toxicity, mobility, or volume of the contaminated material. CRC also asked for revisions to the scope of the ordinance, and an assessment of the impact of an adjacent future project by the U.S. Army Corps of Engineers for the Port of Oakland. AE questioned the enforceability of the remedy and the lack of specified threshold depths in the RAP/ROD, and raised concern about the unrestricted use of groundwater for irrigation.

**Commenter:** CRC (Comments 18-22), AE (Comments 4c, 4d, 5a)

**Response:** As stated in the RAP/ROD, the selected remedy does not reduce toxicity, mobility, or volume of contaminants through treatment, which is one of the five balancing criteria specified in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The FS showed that even though the remedy did not use treatment, it provides the best balance among the criteria, which also included long-term effectiveness and permanence, short-term effectiveness, implementability and cost.

The Navy does not have the authority to extend the city’s ordinance to non-Navy property as part of the selected remedy. The ordinance buttresses the other two components of the remedy, the Covenant to Restrict Use of Property, and the Environmental Restrictions in Deed. A copy of City Ordinance No. 2824 has been included as Appendix B in the final RAP/ROD.

It should be noted that the geographic scope of the City ordinance encompasses a much larger area (the former Naval Air Station Alameda and Fleet Industrial Supply Center, Alameda Facility/Alameda Annex) than the specific marsh crust/subtidal area that is the subject of this RAP/ROD.

The cited Port of Oakland expansion project by the U.S. Army Corps of Engineers does not fall within the scope of this remedy. However, it is an example of a project that might be subject to review and permitting, including imposition of the land use controls specified in this remedy. With regard to

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

CRC's comment about permit exemptions under CERCLA, the Navy notes that all future excavation activity on property covered by this RAP/ROD will be subject to the ordinance's permit requirements described in the RAP/ROD, with one exception. In accordance with Section 121(e) of CERCLA, on-site response actions taken under the statute are exempt from the administrative aspects of the ordinance permit requirements. However, CERCLA response actions must comply with the substantive aspects of the ordinance permit requirements. This means that any future CERCLA cleanup must take proper measures to ensure that workers are not unduly exposed and that all contaminated material brought to the surface is properly disposed of.

Regarding the enforceability of the land use controls, the Navy will be able to enforce the Environmental Restrictions in Deed, and the city and DTSC will be responsible for enforcing the Covenant to Restrict Use of Property. Together with the third component of the remedy, the Marsh Crust Ordinance, these controls provide three "tiers" of protection of human health and the environment. As explained in the Navy's June 29, 2000, response to EPA's letter on this issue (May 11, 2000), the approach was successfully negotiated with EPA on the Record of Decision for Operable Unit 2 of the Marine Corps Air Station El Toro.

AE requested that the threshold depths be reported in the RAP/ROD. The threshold depth will be calculated for each excavation project and will vary, depending on the proposed location of the excavation. The remedy is not intended to prohibit installation of monitoring or extraction wells. The RAP/ROD will be revised to state that groundwater monitoring for contaminants will be allowed.

Finally, current state and county restrictions on construction of groundwater wells at Alameda Facility/Alameda Annex will be supplemented by the covenant and Environmental Restrictions in Deed. These restrictions will not allow disposal of extracted groundwater except in compliance with the requirements of the Regional Water Quality Control Board (RWQCB). RWQCB regulations and the plan that implements them are designed to achieve compliance with the Clean Water Act. Therefore, there is little likelihood that any negative impacts will result from groundwater use permitted by the state.

11. **Comment:** Marsh Crust Ecological Assessment/Ecological Risk Assessment – CRC requested that the ecological risk assessment be expanded to include impacts from future development projects. The commenter also felt that impacts of contaminated groundwater on surface water quality and indoor air quality were not addressed by the RAP/ROD. Eleven comments raised technical concerns with the groundwater modeling completed to assess the fate and transport of contaminants in the shallow groundwater zone.

**Commenter:** CRC (Comments 23-24, 29 – 39)

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

**Response:** The selected remedy is constructed such that development carried out in compliance with the remedy and pursuant to the laws of the State of California is not expected to result in adverse impacts to any ecological receptors. Any development, including the proposed Catellus project, will be subject to all applicable requirements, including the land use controls required by this RAP/ROD as well as established state and federal requirements with respect to endangered species' habitat. Negative impacts of groundwater on surface water and indoor air quality were, in fact, evaluated in the RI/FS. The remedial investigation has shown that these pathways do not pose unacceptable risks to human health and the environment. The Navy has reviewed and considered CRC's 11 comments that take issue with the groundwater model used for ecological risk assessment. The results of groundwater modeling are extremely sensitive to the selection of various input parameters and assumptions made about geology and hydrogeology. The groundwater modeling was planned and reviewed by professional engineers and scientists from the Navy, its contractor, DTSC, and RWQCB. The parameters chosen were conservative with an intent to overestimate risk to ecological receptors. Nevertheless, calculated ecological risk was shown to be insignificant. Although CRC's argument that other parameters could be used is valid, the Navy believes that ecological risk is low, considering the limitations of the exercise.

12. **Comment:** Summary of Site Risks – CRC noted a typographical error in the expression of the concentration of benzene in soil gas. In addition, CRC requested revisions to the RAP/ROD with respect to the conclusions of air quality risk assessments in school settings and suggested that the risk assessment should comply with California Education Code Section 17210 et al. Finally, CRC requested revisions to the RAP/ROD or the Newfields Risk Assessment with respect to the source of and risks from marsh crust contamination.

**Commenter:** CRC (Comments 25-28)

**Response:** The Navy has corrected the error noted by CRC. The air quality risk assessments reported in the RI/FS used commonly accepted and conservative assumptions to calculate the potential risk from volatilization of benzene into indoor air, and including a school scenario. The results clearly showed that volatilization would not create an unacceptable risk for either school students or adult school workers. In addition, the requirements of the state code identified by CRC are not triggered until certain conditions are met (California Education Code Sections 17210-17224) and are not considered applicable or relevant and appropriate requirements (ARAR) for this remedial action.

After extensive study and analysis, the Navy is confident that the source of the marsh crust contamination is historical deposition of effluent that contained polynuclear aromatic hydrocarbons (PAHs) and other industrial wastes released to marsh waters from the late 1800s until the 1920s. The wastes were deposited in the marsh before the Navy first occupied the site and before the wastes were

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

entombed under sediment and dredge material from the Oakland Inner Harbor and San Francisco Bay. Some photodegradation may have occurred, but was likely not sufficient to significantly deplete the large masses of PAH in the waterways and marshes. Because of this deep encapsulation, further photodegradation of PAHs would not have occurred.

13. **Comment:** LUCICP - AE recommended that the public comment period be extended until after the LUCICP was prepared. The group wanted the LUCICP to be subject to a CERCLA public review period.

**Commenter:** Arc Ecology (Comment 4b)

**Response:** As explained in the RAP/ROD, the LUCICP will be prepared after the remedy is selected to document the roles and responsibilities of the parties involved in implementing this RAP/ROD. The major components of the LUCICP are presented at this time in the RAP/ROD specifically for review of the public. Completion of the LUCICP after this RAP/ROD public comment period enhances the community's opportunity to influence implementation of the selected land use controls.

14. **Comment:** There is concern for the hazardous wastes in the wetland areas located within the wildlife habitat areas. The Seaplane Lagoon is also contaminated. Birds forage in this lagoon. Please keep us informed on the Navy's plans for remediation in these areas.

**Commenter:** Community Member, Castro Valley, California

**Response:** Investigations and remedy decisions have not yet been completed for these areas. However, when complete, the remedial investigation reports, feasibility studies and proposed plans for remedial action will be made available to the public in the information repository and administrative record located at Alameda Point or the Alameda Public Library. Notification of the availability of the information will be made to all community members, and, as requested, the commenter has been added to the mailing list.

15. **Comment:** Would like you to send me more information on how contaminated the soil is at the former Navy base in Alameda. What are the "hot spots"? How many are there? What is the cost to clean them up? What levels of which hazardous substances have been measured and where?

**Commenter:** Community Member, Alameda, California

**RESPONSE TO PUBLIC COMMENTS ON THE DRAFT  
RECORD OF DECISION/REMEDIAL ACTION PLAN AND PROPOSED PLAN FOR  
MARSH CRUST AND GROUNDWATER AT THE  
ALAMEDA FACILITY/ALAMEDA ANNEX AND FOR MARSH CRUST  
AND SUBTIDAL AREA AT ALAMEDA POINT  
ALAMEDA CALIFORNIA**

**Response:** Most of the information on the remedy, costs to clean up, and future remediation are included in the RI and FS reports. These reports are available to the public in the information repository and administrative record located at Alameda Point or the Alameda Public Library. This commenter has been added to the mailing list.

▲▲▲▲ ◆+◆ ▲▲▲▲ ◆\*◆ ▲▲▲▲ ◆+◆ ▲▲▲▲  
**CLEARWATER REVIVAL COMPANY**  
▼▼▼▼ ◆+◆ ▼▼▼▼ ◆\*◆ ▼▼▼▼ ◆+◆ ▼▼▼▼

98-3007-00

July 20, 2000

305 Spruce Street  
Alameda, CA 94501

(510) 522-2165

FAX (510) 522-8520

email: clearwater@toxicspot.com

Mr. Michael McClelland  
EFA-Southwest  
1230 Columbia Street  
San Diego, CA 92132

Ms. Rosemary Cassa  
Department of Toxic Substance Control  
700 Heinz Avenue, Suite 200  
Berkeley, CA 94710-2737

Comments

**Remedial Action Plan/Record of Decision  
for Marsh Crust and Sub-tidal Wetlands  
Alameda Point Naval Air Station**

Dear Mr. McClelland and Ms. Cassa:

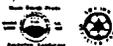
On behalf of West End Concerned Citizens, CRC completed a review of the following Navy document:

Tetra-Tech Environmental Management, Inc., "Remedial Action Plan/Record of Decision for the Marsh Crust and groundwater at the Fleet Industrial Supply Center Oakland, Alameda Facility/Alameda Annex, and for the Marsh Crust and Former Subtidal Area at Alameda Point," prepared for Department of the Navy, June 20, 2000.

Since 1995, West End Concerned Citizens has encouraged the US Navy to adequately address health and environmental hazards in our community without meaningful results. West End Concerned Citizens has also encouraged Cal-EPA and the US EPA to provide "fair treatment" in regulatory enforcement, and cleanup decisions also without success.

The Remedial Action Plan and Record of Decision (RAP/ROD) that is the subject of CRC's comments, further demonstrates the Navy's unwillingness to address in a meaningful way the contamination the US Navy has caused. Cal-EPA and the US EPA have acted contrary to their agencies' mission, policies, and regulations by allowing this 700 acre uncontrolled hazardous waste property to continue to poison residents and wildlife.

Undermining the credibility of the US Navy, Cal-EPA, and US EPA, as much as the unwillingness to address significant contamination, is the quality of the technical documents on which the US Navy, Cal-EPA, and US EPA have based their decision. Despite being reviewed and approved by the US Navy, Cal-EPA, and US EPA, these technical documents remain ripe with inaccuracies, inconsistencies, and unsubstantiated opinions.



---

Each of the following comments refers to the Negative Declaration, Remedial Action Plan and Record of Decision (RAP/ROD). The 39 comments have been organized into topics which include:

- Community Acceptance
- Previously submitted comments
- Scope of the Marsh Crust Remedy
- Contamination in the Marsh Crust/Subtidal Area
- Remedial Action Objectives
- Proposed Remedy
- Summary of Site Risks
- Marsh Crust Ecological Assessment
- Groundwater Ecological Assessment

The following paragraphs detail CRC's concerns with the RAP/ROD and supporting documents contained in the administrative record:

#### COMMUNITY ACCEPTANCE

##### Comment No. 1 Alternative Evaluation Criteria

I am a resident who lives less than 75 feet from the marsh crust boundary shown in Figure 4 of the RAP/ROD. As a community member who is adversely effected by this contamination I find the proposed remedy as unacceptable. I also believe it is inappropriate to select one of the three billion dollar cleanup alternatives without an adequate investigation of the contamination.

Please revise the Marsh Crust Feasibility Study and RAP/ROD to indicate the communities disappointment with the effectiveness of the marsh crust and groundwater remedy, Cal-EPA's regulatory oversight, and the US Navy's often incompetent environmental analyses.

#### PREVIOUSLY SUBMITTED COMMENTS

##### Comment No. 2: Disrespect for Residents of the surrounding community

Attached our two letters containing comments related to the RAP/ROD's administrative record contents. These comments prepared on the Feasibility Study were previously submitted to the US Navy on March 19, 1999 and February 17, 2000, but have been completely ignored to date. CRC by providing comments early, enabled the US Navy to consider these comments during, rather than at the end of the remedy selection process. These comments enabled the US Navy to consider community acceptance during the completion of the Feasibility Study.

As further example of the disrespect the US Navy has for residents and the environment we live in, the US Navy has chosen to needlessly delay addressing these comments until the RAP/ROD comment period. Please now address each of the individual comments in the two attached letters.

### SCOPE OF MARSH CRUST REMEDY

#### Comment No. 3: Clarify Boundaries of the Marsh Crust Remedy

According to the Remedial Action Plan/Record of Decision (RAP/ROD):

"The RAP/ROD selects the final remedy for the marsh crust at Alameda Facility/Alameda Annex and Alameda Point and the Former subtidal area at Alameda Point."<sup>1</sup>

"Figure 4 shows the boundary of the subtidal area and tidal marshland at Alameda Facility/Alameda Annex and Alameda Point."<sup>2</sup>

Figure 4 shows the historical marsh, or the area that the US Navy, US EPA, and Cal-EPA have agreed is the boundary of the marsh crust contamination. The US EPA, US Navy, and Cal-EPA, however, have no intention of applying the proposed RAP/ROD remedy to the entire area of marsh crust contamination. The area of Marsh Crust contamination shown on Figure 4 beneath Woodstock Elementary School, Alameda Head Start, College of Alameda Day Care Center, City of Alameda Little League Fields, Woodstock Public Park, Neptune Public Park, and Poggi Street residences are not within the scope of the RAP/ROD remedy.

The US EPA, US Navy, and Cal-EPA apparently all agree that different standards of human health protection are appropriate at this time for different areas of the marsh crust contamination. Figure 4 of the RAP/ROD should be revised to accurately depict the areas of the marsh crust contamination where existing and future residents will be entitled to the protections that the RAP/ROD remedy provides. Figure 4 of the RAP/ROD should also be revised to accurately depict the areas of marsh crust contamination that will be specifically excluded from the protections provided by the RAP/ROD remedy.

<sup>1</sup> RAP/ROD, p. 2-6

<sup>2</sup> RAP/ROD, p. 2-9

---

Comment No. 4: Extent of Marsh Crust/Croundwater Contamination

The RAP/ROD should be revised to include a table listing the borings that where used to determine the lateral extent of the marsh crust/subtidal area contamination.

Similarly, the RAP/ROD should be revised to include a table listing the monitoring wells used to establish the extent of groundwater contamination at the FISC/Annex.

Comment No. 5: Northern Boundary of Subtidal Area

The northern boundary of the Subtidal Area shown on Figure 4 has been drawn to exclude areas of Alameda Point that have been designated under the Community Environmental Reuse Facilitation Act (CERFA) to be "free of contamination." Despite this designation, a report from a City of Alameda public works project at Alameda Point indicates that the area is not free from contamination.

Granulated asphalt, sand and soil with free-phase product, and product discolored soil were observed in the three borings from approximately 8 to 12 feet bgs. Since these materials were found in contact with first-encountered groundwater and were overlain by approximately 8 feet of compacted soil, baserock, and gravel, it appears they were purposefully placed during bay margin filling and land reclamation activities.<sup>3</sup>

Figure 4 of the RAP/ROD should be revised to show that the northern boundary of the marsh crust/subtidal contamination includes the CERFA parcels and extends to the Oakland Estuary.

Comment No. 6: Seaplane Lagoon

The Subtidal Area shown on Figure 4 extends into the Seaplane Lagoon. The results of radiological dating of sediments in the Seaplane Lagoon was provided at the July 1999 Alameda Point Restoration Advisory Board Meeting.<sup>4</sup> The results indicate a layer of contamination, with similar characteristics to the marsh crust, was deposited in sediments in the Seaplane Lagoon during World War II.

Figure 5 shows the depth to the top of the former subtidal area within the Seaplane Lagoon. The RAP/ROD states the opinion that the contamination

---

<sup>3</sup> ACC Environmental Consultants, 1999, "Stockpiled Soil Profiling Report, Main Street Pup Station, Alameda, California" prepared for City of Alameda, April 26

<sup>4</sup> Gutierrez-Palmer, Inc., 1999, "Alameda Point Restoration Advisory Board Meeting Minutes, July.

---

in the subtidal area occurred from 1880-1920. This statement in the RAP/ROD appears to contradict the results of the Seaplane Lagoon Sediment dating.

A figure should be included in the Final RAP/ROD showing a cross section that relates the subtidal contamination layer depicted in Figure 4 and Figure 5 of the RAP/ROD with the layer of World War II contamination reported at the July 1999 RAB meeting. This figure would distinguish between the marsh crust contamination layer that is excluded from the Superfund boundaries and the Seaplane Lagoon contamination that is not.

Comment No. 7 Responsible Parties

Property impacted by marsh crust contamination has been transferred to the City of Alameda. The Record of Decision, however, is prepared solely by the US Navy under CERCLA authority granted by Executive Order No. 12580. The US Navy's CERCLA authority can only be exercised on property they do not own, if the US Navy is solely responsible for the contamination. The RAP/ROD should be revised to remove references to other polluters besides the US Navy, or the RAP/ROD should be prepared jointly by the City of Alameda and US Navy under the CERCLA authority of the US EPA.

**CONTAMINATION IN MARSH CRUST/SUBTIDAL AREA**

Comment No. 8 Historical Contamination Investigation

The RAP/ROD concludes that:

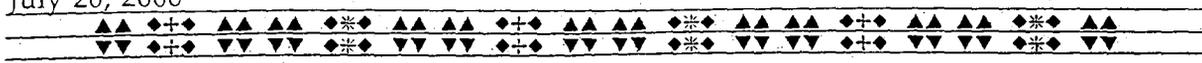
"Based on available lithologic data the marsh crust appears as a discontinuous layer approximately 6 inches thick located intermittently between 10 to 20 feet bgs."<sup>5</sup>

The thickness of a contamination layer is normally determined by chemical sampling. Together observations on lithologic logs and chemical analyses indicate that the marsh crust contamination layer is consistently thicker than six inches. The results of the historical contamination investigation indicate that the marsh crust contamination is 2.5 to 6.5 feet thick in borings were it is found.

- S41 no evidence of marsh crust contamination
- S43 greater than 2.5 feet thick (odor 14.0-16.5 bgs)
- S45 greater than 6.5 feet thick (odor 12.0 to 18.5 bgs)
- S46 greater than 5.0 feet thick (sheen 14.0 bgs)
- S47 greater than 2.5 feet thick (samples at 14.5 bgs and 16.5 bgs)

---

<sup>5</sup> RAP/ROD, p. 2-8



Comment No. 9: FISC/Annex Borings

The RAP/ROD indicates that:

57 wells or boreholes extend to depths exceeding 10 feet were installed at Alameda Facility/Alameda Annex. Thirty-seven of the 57 wells or boreholes encountered the interface between the bay mud and fill soil where the marsh crust is expected to be found.<sup>6</sup>

To the contrary, 97 wells and boreholes were drilled to depths exceeding 10 feet. As shown in Table 1, 61 of the 97 wells or boreholes encountered the interface between the bay mud and fill soil.

**TABLE 1: Boring Log Summary, Depths Greater than 10 Feet  
 FISC/Annex Remedial Investigation Report**

BORING ID	MARSH CRUST DEPTH (ft)	BORING DEPTH (ft)	BORING ID	MARSH CRUST DEPTH (ft)	BORING DEPTH (ft)
A008	18.0	21.5	MW7	18.5	20.0
A005	18.0	21.5	S01	not found	19.5
A006	17.0	21.5	S02	17.0	19.5
A007	18.0	19.5	S03	17.5	19.5
A009	23.0	26.5	S04	not found	17.0
A010	18.0	21.5	S05	not found	14.5
A011	18.0	20.5	S06	not found	15.0
A012	not found	19.5	S07A60	12.0	16.0
A013	17.5	21.5	S08	11.0	14.0
A014	18.0	21.5	S09	11.0	14.0
A015	18.0	21.5	S10	not found	14.0
A016	18.0	20.5	S11	not found	14.0
A017	17.0	20.5	S12	20.5	21.5
A018	20.5	21.5	S13	not found	14.0
A019	18.0	21.5	S14	17.0	19.0
A020	not found	21.5	S15	19.0	20.5
A021	19.0	21.5	S16	not found	14.0
A022	not found	21.5	S17	not found	14.0
A023	20.0	21.5	S18	not found	14.0
A024	20.0	20.5	S19	not found	14.0
A025	19.0	20.5	S20	not found	15.0
A026	19.0	20.5	S21	not found	15.0
A027	19.0	20.5	S22	not found	14.0
A028	19.0	20.5	S23	16.0	21.0
A029	19.0	25.5	S24	18.0	22.0
A030	19.0	22.0	S25	17.5	22.0
A031	20.0	21.5	S26	17.5	20.5
A032	not found	21.5	S27	not found	15.0

<sup>6</sup> RAP/ROD, p. 2-8

TABLE 1: Boring Log Summary, Depths Greater than 10 Feet  
 FISC/Annex Remedial Investigation Report (continued)

BORING ID	MARSH CRUST DEPTH (ft)	BORING DEPTH (ft)	BORING ID	MARSH CRUST DEPTH (ft)	BORING DEPTH (ft)
A033	15.0	21.5	S28	not found	20.5
A034	20.0	21.5	S29	not found	14.5
A035	not found	20.5	S30	not found	15.0
A036	15.0	21.5	S31	not found	14.0
A048	not found	10.0	S32	19.5	20.5
A054	not found	14.0	S33	15.5	15.5
A058	9.0	10.5	S34	20.0	23.5
A069	8.5	11.5	S35	22.5	23.0
A070	not found	11.0	S36	not found	13.5
A086	not found	10.0	S37	not found	13.5
A103	not found	10.0	S38	not found	13.0
A111	16.5	18.5	S39	not found	13.0
EW1	not found	15.0	S40	not found	13.0
EW2	15.0	20.5	S41	not found	20.0
EW3	15.5	18.5	S42	8.0	14.5
MW1	18.5	25.0	S43	16.5	18.5
MW2	18.5	20.0	S44	22.0	25.0
MW3	18.0	22.0	S45	17.0	18.5
MW4	16.5	20.0	S46	19.0	20.0
MW5	18.5	20.0	S47	17.0	19.0
MW6	18.5	20.0			

Comment No. 10: FISC/Annex EBS Parcel 5

A benzo(a)pyrene concentration of 140 mg/kg was reported in soil sample P05-03 collected at 1.0 feet bgs. This contamination is not located at a depth that would prevent human exposure. The RAP/ROD should be revised to include a cross-section that shows contamination found at Parcel 5 is unrelated to the marsh crust contamination which is reportedly too deep and immobile to create the potential for exposure.

Comment No. 11: Alameda Point IR Site 25

IR Site 25 at Alameda Point contains significant benzo(a)pyrene and pentachlorophenol contamination. The shallow contamination depths at IR Site 25 do not prevent human exposure. The RAP/ROD should be revised to include a cross-section that shows contamination found at IR Site 25 is unrelated to the marsh crust contamination.



Comment No. 12: Alameda Point Underground Storage Tank Removals

Over the past 6 years over 100 underground storage tanks (USTs) have been removed from Alameda Point. A majority of these tanks were located in the marsh crust and subtidal area. USTs are normally installed to depth of over 12 feet bgs. The marsh crust contamination is at an average depth of 8 feet at Alameda Point.

The RAP/ROD should be revised to include a table showing the depth of each UST excavation and the corresponding depth of the marsh crust contamination at that location. If the marsh crust was encountered the RAP/ROD should provide the depth and concentration of PAHs that were found. The RAP/ROD should also be revised to include information on how the PAH impacted soil removed from the UST tank excavation was disposed of in accordance with RCRA regulations.

**REMEDIAL ACTION OBJECTIVES**

Comment No. 13: Specify Individual Contaminants of Concern

Contaminants in the marsh crust are collectively referred to only as semi-volatile organics in the RAP/ROD. Boring logs indicate that hydrogen sulfide, an acutely toxic gases, is found throughout the marsh crust. Chemical analysis of soils from the marsh crust showed the presence of benzene and other volatile aromatics. A table listing each of the semi-volatile organics and other contaminants found in the marsh crust, should be provide in the RAP/ROD.

Groundwater sampling at the FISC/Annex also shows that in addition to benzene, the shallow groundwater contains separate phase hydrocarbons, volatile aromatic hydrocarbons, oxygenated solvents, chlorinated hydrocarbons, polynuclear aromatic hydrocarbons and cyanide.

The RAP/ROD should be revised to specifically identify the chemical contaminants of concern in both the marsh crust and groundwater for which remedial action objectives have been established.

Comment No. 14: Specify Exposure Route/Receptors for Marsh Crust

The RAP/ROD identifies future construction work which may bring marsh crust contamination to the surface as the only exposure route that may result



in an unacceptable risk to human. The exposure routes and potential receptors would therefore include:

Inhalation of Dust	Residents, employee, construction worker
Contact with Soil	Residents, employee, construction worker
Wind Dispersion	Wildlife, Subsistence Fisherman
Stormwater Runoff	Wildlife, Subsistence Fisherman

Please revise the ROD/RAP to include a list of all exposure paths that the remedial action objectives are attempting to address.

Comment No. 15: Specify Exposure Route/Receptors for Groundwater

The RAP/ROD also identified incidental contact with groundwater for an extended period of time, or a failure to construct wells in accordance with current construction standards as the only potential routes of exposure. Neither groundwater flow into the Oakland Estuary nor volatilization of contaminants into buildings was considered a significant exposure route based on modeling results. The proposed RAP/ROD remedy for groundwater also identifies discharge of groundwater to surface waters as a potential route of exposure. In addition to the intentional discharge of contaminated groundwater to storm drains, infiltration of groundwater through storm drain pipelines is also an existing and significant exposure pathway.

The exposure routes and potential receptors would therefore include:

Discharge to Storm Drain	Wildlife, Subsistence Fisherman
Infiltration into Storm Sewer	Wildlife, Subsistence Fisherman
Groundwater Flow to Estuary	Wildlife, Subsistence Fisherman
Volatilization into Buildings	Resident, Schoolchild, employee
Contact	Resident, Car-Washer, Gardener

Please revise the ROD/RAP to include a list of all exposure paths that the remedial action objectives are attempting to address.

Comment No. 16: Acceptable Concentrations for each Pathway and Medium

The two previous comments identified nine exposure pathways for both the marsh crust and groundwater that may result in an unacceptable human health risk or environmental destruction.

The RAP/ROD should be revised to include a table showing the concentration of each chemical of concern (see Comment No. 13) in both groundwater and the marsh crust for each of the nine exposure pathways.

Comment No. 17: Hydrochloric acid odors ignored.

"Hydro-chloride" odors ("slight" in S44, "strong" to "very strong" in S45) are reported in borings from the marsh crust historical contamination investigation, and in borings conducted at other IR sites at the FISC/Annex (A103, A104, A109, A112, A114, A115, S22, S26, S28, S32, S33, S34, S35, S38, S39). Nowhere in the RI Report, the FS or the RAP/ROD is this observation of an acutely toxic gas addressed.

Please revise the RI, FS, and RAP/ROD to include a complete discussion of the investigation, risk assessment, and cleanup alternative evaluation that was performed to address this contaminant.

**PROPOSED REMEDY**

Comment No. 18: "No remedy" Remedy inconsistent with CERCLA

The final remedy proposed for the marsh crust does nothing to reduce the toxicity, mobility or volume of the toxic pollution that has resulted from the US Navy's violations of state and federal environmental laws.

Please revise the RI, FS and RAP/ROD to include a complete investigation of the marsh crust contamination; prepare a FS that does not exaggerate contamination to make any cleanup alternative appears financially infeasible; and, prepare a RAP/ROD that is coherent, accurate, and proposes to accomplish meaningful cleanup of 700 acres of poisoned earth in the center of San Francisco Bay.

Comment No. 19: Remedy prohibits investigation/cleanup of groundwater

The proposed remedy would prohibit wells of any depth from being installed at the FISC/Annex site except for irrigation, construction dewatering and emergency fire-fighting supply.

The remedy would therefore preclude the installation of additional groundwater monitoring wells at the FISC/Annex site. The remedy would also prevent the cleanup of contaminated groundwater using extraction wells. The monitoring wells necessary to determine the downgradient plume extent for the contaminated groundwater found at IR Site 25 would be prohibited from being installed on the FISC/Annex site. The remedy would prevent the cleanup of this contaminated groundwater located less than 100 feet from the Oakland Estuary shoreline.

Comment No. 20: Remedy requires a permit

CERCLA remedies are exempt from local permit requirements and therefore the City of Alameda Marsh Crust ordinance is not consistent with federal law. The proposed CERCLA remedy for the marsh crust imposes a permit requirement on future cleanup excavations that may be conducted at the Alameda Point Superfund site.

Comment No. 21: Marsh Crust Ordinance is Discriminatory Remedy

The City of Alameda Marsh Crust ordinance does not address the marsh crust contamination found beneath George Miller Elementary School, Healthy Start and Coast Guard Housing. The RAP/ROD should be revised to indicate why the City ordinance is a necessary part of the marsh crust remedy, except in a federal housing project, a public pre-school, and a public elementary school.

Comment No. 22: Remedy does not address bay reclamation project

The Army Corps of Engineers as part of their port expansion project will remove several acres of the FISC/Annex to construct a turning basin. The marsh crust contamination will be directly exposed to the Oakland Estuary.

The RAP/ROD should be revised to propose a permanent remedy (unlike the currently proposed remedy) that does not need to be revisited before it can be finalized.

**MARSH CRUST ECOLOGICAL RISK ASSESSMENT**

Comment No. 23: Scope of Ecological Assessment

The RAP/ROD indicates that the marsh crust contamination is located at a depth that prevents a completed pathway for ecological receptors. The RAP/ROD indicates that:

“...development and construction would generally not be conducted in established habitats....”

The Catellus development project, however, intends to modify storm water outfalls in the seaplane lagoon, which is both a foraging area for the federally protected California Least Tern, and identified as impacted by marsh crust contamination. Since development and construction will be conducted in an established habitat of an endangered species it is appropriate that the scope of the ecological risk assessment for the marsh crust be expanded to evaluate the impacts of the entitled Catellus development project.

Comment No. 24: Cross Media Impacts

The RAP/ROD and supporting RI and FS fail to comply with the legal requirements for a RAP.<sup>7</sup> The marsh crust contamination clearly impacts groundwater quality, but these cross-media impacts were not considered in the FS or RAP/ROD. The marsh crust contamination (polynuclear aromatic hydrocarbons listed under EPA Method 610) has impacted groundwater quality. Impacted groundwater has impacted surface water quality. Impacted surface water has impacted food fish in San Francisco Bay. Impacted fish cause cancer, birth defects and developmental disabilities in persons exercising their right to fish from the shores of Alameda to provide subsistence to their families.

The RAP/ROD fails to address the marsh crusts impact on air quality. Methane, hydrogen chloride, hydrogen sulfide, hydrogen cyanide, and toxic organic compounds present in the marsh crust could impact indoor air. State laws would prohibit construction of a building within 2,000 feet of a landfill, which produces these toxic and explosive gases. According to the RAP/ROD the marsh crust was used as a hazardous waste dump from 1880-1920, and meets the definition of a hazardous waste property.<sup>8</sup>

The RAP/ROD should be revised to meet legal requirements by discussing the impact the marsh crust has on groundwater quality, surface water quality and indoor air quality.

**SUMMARY OF SITE RISKS**

Comment No. 25: Maximum concentration of benzene in soil gas

The RAP/ROD indicates that the maximum concentration of benzene found in soil gas is 1,700  $\mu\text{g}/\text{m}^3$ . This maximum value is actually 17,000  $\mu\text{g}/\text{m}^3$ . The RAP/ROD should be revised accordingly.

Comment No. 26: Air Samples from George Miller Elementary School

The results of air sampling at Miller Elementary School are referenced as an indicator that no unacceptable health risks exists inside or outside of buildings overlying benzene contaminated groundwater. The results of air sampling at Miller School, however, are inconclusive. Contradicting results for 2-hour composite samples and 8-hour composite samples led the

<sup>7</sup> California Health and Safety Code Section 25356.1 (d)(2)

<sup>8</sup> California Health and Safety Code Section 25220 et al.

---

sampling team to conclude that changing barometric pressure and changing air temperature influenced air sample results.

As with groundwater monitoring, where a year of quarterly samples is used to reach a conclusion on impacts, air monitoring must be conducted under a variety of environmental conditions to ensure that representative samples are collected for health risk assessment purposes. As children attending Miller Elementary School are potentially exposed to carcinogens in indoor air, it is appropriate that a periodic indoor air monitoring be instituted until the benzene contamination beneath the school is removed. A similar recommendation for annual testing and cleanup was made by ATSDR for Marina Village Housing adjacent to Miller School where high levels of benzene and naphthalene have been found in both groundwater and in air inside residences.<sup>9</sup>

The RAP/ROD remedy should be changed to require indoor air monitoring in all inhabited structures constructed above the contaminated groundwater.

Comment No. 27: Risk Assessment for new school site.

The Newfields Risk Assessment for the new school site at FISC/Annex included an evaluation of risks to schoolchildren from indoor air quality impacts caused by groundwater contamination.

The Newfields Risk Assessment used the unconservative and unprotective assumption that the children attending this kindergarten through sixth grade school would have an average weight of 156 pounds (70 kg).

The Newfields Risk Assessment also assumed that schoolchildren could be exposed to greater concentrations of benzene than their adult teachers without experiencing the same level of risk. A conclusion that contradicts the greater susceptibility that children have to environmental contamination risks.

The Newfields Risk Assessment should be revised to evaluate the school site using the Preliminary Endangerment Assessment Manual as required by state law.<sup>10</sup> The RAP/ROD should be revised to reflect the results of a conservative, protective, and ARAR compliant risk assessment.

---

<sup>9</sup> ATSDR, 1993, letter to Gerald Katz, EPA-West from Gwen Eng, ATSDR, February 16.

<sup>10</sup> California Education Code Section 17210 et al.

---

Comment No. 28: Fate of PAHs on the Marsh Surface

According to the Newfields Risk Assessment:

These compounds would not be expected remain [sic] on the surface for any significant amount of time, as PAHs are sensitive to light and would be expected to photo-degrade readily once deposited on the high surface area of plants.<sup>11</sup>

This statement contradicts the marsh crust hypothesis. PAHs were reportedly deposited on the high surface area of marsh grasses for 40 years without any significant chemical breakdown. The Newfields Risk Assessment or the marsh crust hypothesis should be revised to be consistent on the environmental fate of PAHs. The RAP/ROD should be revised to provide a consistent explanation of the source of contamination and the risks proposed by contamination.

## ECOLOGICAL RISK ASSESSMENT

Comment No. 29: Seriously Flawed Model

Groundwater is reported to have no impact on water quality in the Oakland Estuary based on a groundwater flow and contaminant transport model detailed in the following administrative record document:

1998, Tetra-Tech EMI, "Final Technical Memorandum, Groundwater Contaminant Fate and Transport Modeling, Fleet and Industrial Supply Center, Oakland Alameda Facility/Alameda Annex, Alameda California," prepared for Department of Navy, October 2, 1998.

The signatories of this document, are not identified as either registered civil engineers or registered geologists in the State of California. Neither of these individuals have placed a seal of a professional engineer or geologist, as required by law, on the final work product. The fact that these responsible individuals are not registered indicates that they are not legally allowed to offer groundwater modeling services in the State of California.

Licensing is intended to protect public safety from incompetent professionals. It is my professional opinion that the groundwater model memorandum was prepared by incompetent professionals, and represents a significant threat to public safety.

---

<sup>11</sup> Newfields, 2000, "Baseline Human Health Risk Assessment, FISCO Alameda Facility Annex Site, Alameda, California," January 14, 2000. p. 2-6.

---

The RAP/ROD should be revised so conclusions are based solely on supporting documents prepared under the direction of licensed professionals.

Comment No. 30: Assumptions about Model Boundary Fluxes

The groundwater model results did not include the volume of water entering and leaving the model domain. The calculated error in the groundwater flow solution was also not provided with the model results.

According to the groundwater model:

Hydraulic communication between the shallow water bearing zone and the Merritt Sand Water Bearing Zone is not significant.<sup>12</sup>

To the contrary, significant vertical gradient and communication exists between the Shallow Water Bearing Zone and the underlying Merritt Sand Water Bearing Zone. An estimate of the volume of water that would enter the model domain due to upward flow from the Merritt Sands should be provided with the model flow solution. This flow rate should be compared to the flow rates in the model solution to demonstrate that groundwater entering the model domain from the underlying boundary is "not significant."

The modelers made a similar unsubstantiated assumption:

Rainfall infiltration recharge to the Shallow Water Bearing Zone is not significant.<sup>13</sup>

This assumption is based on the modelers belief that a majority of the model domain is paved. The model boundaries however include IR02 which is an unpaved scrapyard. The model boundaries also include the College of Alameda track, the City of Alameda Little League Field, generously landscaped Coast Guard Housing, the Main Street Linear Park, Estuary Park, and Railroad Tracks that are all predominately unpaved.

In addition to the annual average rainfall of about 20 inches, these areas are irrigated. Water service throughout the FISC/Annex is plagued by leaking pipelines. Rainfall, irrigation, and leaking water pipelines add up to a significant volume of water that is entering the model domain but ignored by the modeler.

---

<sup>12</sup> Tetra-tech, 1998, p. 2-6

<sup>13</sup> Tetra-tech, 1998, p. 2-6

---

An estimate of the volume of water entering the model domain should be compared to the flow solution to demonstrate that rainfall, irrigation and leaking pipelines are "not a significant" contributor to the water balance.

Comment No. 31: Assumption of Fraction of Organic Carbon Values

The groundwater model assumption concerning the fraction of organic carbon was:

The fraction of organic carbon used in the model, 0.0037 (3,700 mg/kg or 0.37 percent), is an average value based on the FISCO soil analytical results. TOC soil analytical data for individual samplings and the average TOC concentration are presented in Table 5.<sup>14</sup>

Table 5 footnotes indicate that the source of TOC data is the 1996 Remedial Investigation Report prepared for the FISCO/Annex. This footnote is incorrect. The TOC data in Table 5 does not appear anywhere in the FISCO/Annex RI Report. Table 5 actually contains the analysis results for TOC samples collected from Alameda Point.<sup>15</sup>

No summary of TOC data or laboratory reports were found in the FISCO/Annex RI Report. The text of the RI Report however provides the following information:

The results of laboratory analysis indicate the percent of organic carbon in the samples ranged from 0.9 percent in sample D4-70 to 11.4 percent in Sample S15.5. Sample A38-9.0 contained a small amount of organic peat material which was not classified as soil by the laboratory, but was analyzed separately and reported to contain 85.3 percent organic carbon.<sup>16</sup>

Clearly the value used in the model for fraction organic carbon have been misrepresented. The values collected from the model domain are significantly greater than the values used in the model. The effect of underestimating the fraction of organic carbon is to reduce the mass of benzene that is found in the model domain.

Comment No. 32: Assumption of Porosity Values

The groundwater model assumed soil porosity values of 0.1 to 0.3. The porosity value of 0.1 is not a realistic value for the unconsolidated coarse

---

<sup>14</sup> Tetra-tech, 1998, p. 3-10

<sup>15</sup> As further example of the lack of quality control, the Final RI Report for Operable Unit No. 1 failed to report the results of TOC analysis that were included in Table 5 of the groundwater modeling technical memorandum.

<sup>16</sup> PRC, 1996, "Fleet Industrial Supply Center, Oakland, the Annex Site, Alameda California, Final Remedial Investigation Report," January.

---

grained sediments found in the model domain. For instance, if the soil density is approximately  $1.6 \text{ gm/cm}^3$ , and the water-filled porosity is 0.1, the water content of saturated soils in the domain would be less than 7 percent.

The saturated coarse-grained sediments are actually expected to have water contents of approximately 40 percent, and porosity values of 0.35 to 0.45.

The unrealistic porosity value of 0.1 used in the model would result in unrealistic flow rates and model solutions that are unrealistic.

Comment No. 33: Potentiometric Surface Elevation

The potentiometric surface elevations gathered from differently constructed monitoring wells, and the constant surface elevation used for domain boundary at the tidally influenced Oakland Estuary, are not representative of groundwater elevations in the model domain.

Elevations collected from S43, S45, and S47, wells which contain two to five foot screens set at a final depth of 18.5 feet deep will have groundwater elevations higher than wells constructed in identical locations, but screened from first encountered groundwater to a depth of 18 feet bgs.

Comment No. 34: Known Contamination Sources Ignored

Within the model domain, significant benzene contamination is found in groundwater beneath Marina Village Housing, and Estuary Park. These source areas were not considered in the groundwater model. This results in unrealistic model conclusions because the mass of benzene in the model domain has been significantly underestimated.

Comment No. 35: Flow Model Calibration

No calibration of the flow model was performed.

Comment No. 36: Contaminant Transport Model Calibration

The contaminant transport model calibration reportedly involved running 100 random simulations using June 1994 as the initial condition. The model simulation which best matched known plume conditions in year one and year two of the model (groundwater sample results from 1995-96) was selected as the best simulation.

The model calibration ignores the fact that the downgradient extent of the groundwater plume emanating from the FISC/Annex has not been determined. Though efforts have been made to determine the plume extent,

---

the results of hydro-punch boring have not been confirmed with the installation of monitoring wells.

The information necessary to complete the model calibration is therefore unavailable. Until data on the extent of groundwater contamination is collected, any attempt to calibrate model results using the methodology outlined by the modeler is ludicrous.

Comment No. 37:

According to the RAP/ROD:

...the modeling concluded that benzene plumes would not migrate beyond the boundaries of the Alameda Facility/Alameda Annex.<sup>17</sup>

This statement should be revised because it is clear that the benzene plumes have and will continue to migrate beyond the boundaries of the Alameda Facility/Alameda Annex. These benzene plumes which originate at source areas in the Alameda Facility/Alameda Annex are shown beneath George Miller Elementary School and Coast Guard Housing at Alameda Point.

Comment No. 38: Indicator chemicals for ecological impacts.

According to the RAP/ROD:

Because benzene was shown not to pose an unacceptable ecological risk, the other less soluble and less toxic contamination in groundwater, also do not pose an unacceptable risk.<sup>18</sup> (p 2-17)

Since there are contaminants in groundwater that are far more toxic to ecological receptors than benzene, this statement would seem to indicate that these more toxic contaminants (PAHs) would still represent an unacceptable ecological risk.

Polynuclear aromatic hydrocarbons (total of all compounds from EPA Method 610 analysis) are found in groundwater at concentrations much higher than benzene, and much higher than the San Francisco Bay Water Quality Control Plan objective of 15 µg/L. These compounds are more toxic to ecological receptors than benzene because they are bioaccumulative.

The groundwater model should be revised to evaluate the migration of PAHs towards the Oakland Estuary, and the RAP/ROD should be revised to clarify that PAHs are more toxic to ecological receptors than benzene.

---

<sup>17</sup> RAP/ROD, p. 2-17.

<sup>18</sup> RAP/ROD, p. 2-17.

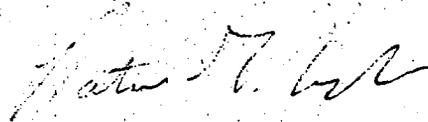
Comment No. 39 Alameda Point Operable Unit 4

No ecological risk assessment has been prepared for the Seaplane Lagoon which is located within the subtidal area. Please revise the RAP/ROD to include the results of a quantitative ecological assessment for marsh crust contaminants found in the Seaplane Lagoon

**Closing**

The US Navy has caused or permitted environmental contamination. Therefore, the US Navy has not only a legal, but an ethical and moral obligation to cleanup that contamination in a manner that at a minimum, protects human health and the environment and minimizes burdens on future generations. I am disappointed that the US Navy is unwilling or unable to meet this obligation in its former host community of Alameda.

Respectively submitted,



Patrick G. Lynch, P.E.  
Civil/Chemical Engineer

Attachments:      Comments Draft Feasibility Study, March 19, 1999  
                              Comments Draft Final Feasibility Study, February 17, 2000

cc:    Mary Sutter, Alameda Point RAB  
      Mary Rose Cassa, DTSC  
      Philip Ramsey, US EPA

▲▲▲▲◆◆▲▲▲▲◆◆▲▲▲▲◆◆▲▲▲▲  
**CLEARWATER REVIVAL COMPANY**  
▼▼▼▼◆◆▼▼▼▼◆◆▼▼▼▼◆◆▼▼▼▼

98-3007-00

305 Spruce Street  
Alameda, CA 94501

(510) 522-2165

FAX (510) 522-8520

email: clearwater@toxicspot.com

February 17, 2000

Mr. Michael McClellan  
c/o NCO Caretaker  
Alameda Point Naval Air Station  
950 West Mall Square  
Alameda, CA 94501

Mr. Dick Hegarty  
Alameda FISC/Annex  
950 West Mall Square  
Alameda, CA 94501

Comments

**Draft Final Feasibility Study  
Marsh Crust, Sub-tidal Area and Groundwater  
Alameda, California**

Dear Messrs. McClellan and Hegarty:

Clearwater Revival Company (CRC) has reviewed and prepared the following comments on:

2000, Tetra Tech Environmental Management, Inc., "Draft Final Feasibility Study for the Marsh Crust and Groundwater at the Fleet Industrial Supply Center Oakland Alameda Facility/Alameda Annex and Feasibility Study for the Marsh Crust and Former Sub-tidal Area at Alameda Point," prepared for the Department of the Navy, January 6.

Based on our review of this document CRC has concluded that the Feasibility Study (FS) for the marsh crust remains the poorest quality document prepared by the US Navy's environmental restoration program to date. CRC concluded that the FS does not meet the standard of professional care, nor does the FS comply with regulatory guidance for the investigation and selection of a remedy at a CERCLA site. We have detailed our comments below.

**Comment No. 1 - Failure to address Clearwater Revival Company's March 19, 1999 comments.**

The Draft Final FS fails to address comments prepared by CRC on the previous version of the Draft FS. The failure of the Navy to respond to community comments indicates that community acceptance was not considered during the alternative evaluation process as required by CERCLA. These previous comments are being resubmitted and can be found in Attachment A. The US Navy has a legal obligation to consider these comments concerning the community's acceptance of the proposed remedy in both its evaluation of alternative remedial actions, and in the Navy's

selection of a preferred remedy. The Navy's inability to respond to comments addressing technical deficiencies in the FS demonstrates the technical inadequacy of the FS report.

**Comment No. 2 - FS and Key supporting documents withheld from public.**

The FS was withheld from the public until following the completion of an Alameda City Council meeting on January 18, 2000. At this Council meeting a vote was taken on the Marsh Crust Ordinance, the sole component of the remedy the FS proposes. Had the FS been made available on or about January 6, 2000, the document could have influenced the City Council's vote on the Marsh Crust Ordinance.

In addition to delaying the release of the FS for the Marsh Crust, several of the studies cited in the FS have never been made available to the public. There is no way for the community to substantiate claims made in the FS without access to this information during the public comment period. Key documents that are not available to the public include:

1999, Tetra-Tech EMI, "Alameda Point/Alameda Annex Benzene Soil Gas Investigation Summary," October 20.

1999, Newfields, Inc., "Draft Baseline Human Health Risk Assessment, FISCO Alameda Facility/Annex Site, Alameda, California," November.

If the Navy insists on withholding such key documents from the community, the community will have no basis for determining if the Navy's proposed remedy is acceptable.

**Comment No. 3 - The marsh crust contamination is the result of open-burning conducted by the US Navy.**

Sampling evidence and eyewitness accounts indicate the contamination that is referred to as the marsh crust resulted from the Navy's open-burning of metal parts to facilitate recycling. In the 1960's, waste oils, waste fuels, and waste solvents were burned during this salvage operation. These hazardous wastes are the sole source of the characterized marsh crust contamination.

**Comment No. 4 - Southern Boundary of Marsh Crust Changed between Draft and Draft Final versions of FS.**

It is unclear what information the US Navy relied on to adjust the boundaries of the marsh crust beneath Woodstock Elementary School and private residence in my neighborhood. Please identify the soil boring logs and sample analyses data that was used to develop Figure 1-11: Depth to top

---

of Subtidal Area and Tidal Marshland, Alameda Facility/Alameda Annex  
and Alameda Point.

**Comment No: 5 - The cost estimates used in the FS are inaccurate.**

According to the US EPA's Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA cost estimates in the FS "...are expected to provide an accuracy of +50 percent to -30 percent and are prepared using data available from the RI." Since a Remedial Investigation of the marsh crust and subtidal area was conducted on less than two percent of the alleged area of contamination, the area affected by the marsh crust contamination may be 30 percent less than speculated. As a result, the cost estimates in the FS would fail to meet the level of accuracy expected by the US EPA.

### **Closing**

The US Navy has caused or permitted environmental contamination. Therefore, the US Navy has not only a legal, but an ethical and moral obligation to cleanup that contamination in a manner that at a minimum, protects human health and the environment and minimizes burdens on future generations. I am disappointed that the US Navy is unwilling or unable to meet this obligation in its former host community of Alameda.

Respectively submitted,

Patrick G. Lynch, P.E.  
Civil/Chemical Engineer

### **Attachment**

cc: Mary Sutter, Alameda Point RAB  
Mary Rose Cassa, DTSC  
Philip Ramsey, US EPA

▲▲▲▲◆◆▲▲▲▲◆◆▲▲▲▲◆◆▲▲▲▲  
**CLEARWATER REVIVAL COMPANY**  
▼▼▼▼◆◆▼▼▼▼◆◆▼▼▼▼◆◆▼▼▼▼

98-3007-00

305 Spruce Street  
Alameda, CA 94501

(510) 522-2165

FAX (510) 522-8520

email: ClearH2O.Rev@eworld.com

March 19, 1999

Mr. Steve Edde  
Alameda Point Naval Air Station  
950 West Mall Square  
Alameda, CA 94501

Mr. Dick Hegarty  
Alameda FISC/Annex  
950 West Mall Square  
Alameda, CA 94501

Comments

Base-wide Feasibility Study  
for Marsh Crust and Sub-tidal Wetlands  
Alameda Point Naval Air Station

Dear Messrs. Edde and Hegarty

Clearwater Revival Company (CRC) has prepared these comments on behalf of West End Concerned Citizens.

CRC completed a review of the following Navy document:

Tetra-Tech Environmental Management, Inc., "Base-Wide Focused Feasibility Study for the Former Subtidal Area and Marsh Crust and Groundwater, DRAFT" prepared for Department of the Navy, February 20, 1999.

Based on our review of this document, and independent studies we have completed, CRC has come to the conclusion that the disposal of hazardous wastes by the US military at the FISC/Annex scrap yard has significantly contaminated groundwater beneath that site. This contaminated groundwater has migrated beneath a public school and residential housing and into the Alameda/Oakland Estuary. The discharge of contaminated groundwater from the US military property and into the Alameda/Oakland Estuary violates the San Francisco Bay Water Quality Control Plan (Basin Plan), is a principle source of Water Quality Degradation, and results in the toxic poisoning of people who eat fish from San Francisco Bay.

Despite the US Navy's moral and legal obligations, the Feasibility Study (FS) fails to acknowledge or address this significant environmental and public health problem.

**Comment No. 1 - Misappropriated Cost on Community.**

Under a 1984 Executive Order the Department of Defense assumed the US EPA's regulatory role under Superfund at Navy installations. The Navy is

---

---

therefore required to assume the US EPA's posture and conduct Navy Superfund programs in "strict technical compliance" with the National Contingency Plan. The following pages of comments clearly indicate the Navy's failure to meet this standard, creating a disparate impact in the West End.

The cost to come into "strict technical compliance" should be borne by the Navy and not the community. The community's cost to review the draft "marsh crust" FS is \$2,495.00. This money is wasted because the document is of such poor quality a future draft will be required. These duplicative time and costs to the community to accommodate the large number of poor quality Navy environmental documents puts a tremendous burden on the West End community.

The Navy should use independent, objective and competent scientists to complete future environmental investigation and studies.

**Comment No. 2 - Fails to comply with Executive Order No. 12898.**

Federal agencies are required to develop environmental strategies that identify and address disproportionate exposure and adverse health effects of their activities. The FS and other environmental cleanup activities at NAS and FISC/Annex have not complied with state environmental standards nor have they complied with the generally accepted standards of professional care. The Navy's activities have therefore created, and continue to perpetuate a disproportionate exposure to toxic chemicals and a disproportionate health burden in the West End of Alameda. The West End is a low-income ethnically-diverse community. Until the Navy commits to an acceptable standard of cleanup at its toxic waste sites, a great injustice continues to be done to residents of the West End.

A clear indication that the US Navy has and continues to violate the Civil Rights of West End residents is the statement taken from a Draft Corrective Action Order prepared by the State of California in January 1999. This draft order cited: "continuing efforts by the Navy and the Department of Defense to challenge state regulatory authority and to unilaterally dictate reduced levels of regulatory oversight." The State of California has joined West End resident in accusing the Navy of racial discrimination. As a result of the Navy's discriminatory waste management practices a tremendous burden has been placed on the community (please see Comment No. 1)

**Comment No. 3 - Fails to comply with Community Acceptance Criteria.** The FS is not acceptable to the community, because it does not comply with the Community Acceptance Criteria shown in Attachment A (please see Comment No. 1).

**Comment No. 4 - Community Acceptance is a threshold criteria.**

As a result of the poor quality of the FS, community acceptance has been required to act not as a modifying criteria, but a threshold criteria. The FS is not protective of human health and the environment, nor does it comply with Applicable or Relevant and Appropriate Requirements (ARARs). The community must identify ARARs and exposure pathways that the Navy has ignored placing tremendous burden on the community (please see Comment No. 1).

**Comment No. 5 - All property owners must submit FS.**

The 727 acres reportedly covered by the FS includes property that is not owned by the Navy. For instance, Woodstock Elementary School, Woodstock Park, future Main Street Park, Union Pacific Right-of-way, Bureau of Electricity Power Plant, Gateway Alameda, single family homes and rental properties are located within the "marsh crust" boundaries. By defining the extent of contamination as the former marsh, the Navy is required to submit a FS together with the owners of each of the impacted properties.

The "marsh crust" hypothesis makes the unsubstantiated conclusion that these privately-owned properties are contaminated. What notification has been made of property owners impacted by the marsh crust contamination? By what right can the US Navy make unsubstantiated conclusions that impact the value of private property? This hypothetical contamination may have originated on Navy property and migrated onto these public and privately owned properties. In which case the Navy is guilty of trespass and negligence.

What is the impact on private property owners who wish to implement a more effective cleanup alternative? Immediately to the East of the FISC/Annex a private property owner completed substantial soil remediation on a former marsh site and received a no further action letter from the County of Alameda. This investment in environmental restoration by a private property owner demonstrates the feasibility of cleanup of the hypothetical "marsh crust" contamination. The future impact of Navy pollution migration on this remediated property should be a consideration in the Navy's cleanup alternative analysis. The current FS infringes on the property rights of others, and places a tremendous burden on the community (Please see Comment No. 1)

---

---

Comment No. 6 - No RI/FS Workplan

No Remedial Investigation/Feasibility Study (RI/FS) Work Plan was developed to determine the validity of the unsubstantiated "marsh crust" hypothesis. Polynuclear aromatic hydrocarbons (PAHs) are dense non-aqueous phase liquids (DNAPLs). The borings conducted at FISC/ANNEX and Alameda Point rarely extended to the depth of a low permeability strata to evaluate for the presence of DNAPLs. When borings were extended to low permeability strata (former marsh surface) high levels of DNAPLs were encountered. These observations are entirely consistent with the expected behavior of Navy spills. The failure to evaluate for the presence of DNAPLs places a tremendous burden on the community (Please see Comment No. 1).

Comment No. 7 - No Remedial Investigation (RI) Report

The FS was not proceeded by a Remedial Investigation (RI) as required by CERCLA. It is evident that much of the 727 acre "marsh crust" area has not been subjected to any type of RI. Cleanup alternatives valued at \$0.8 to 1.2 billion dollar were prepared for a 727 acre site. The FS is based on samples from a 10 acre portion, exclusively. The OU-1, OU-2 and OU-3 RI Reports for Alameda Point are non-existent or still in draft form. The community and Restoration Advisory Board have reviewed three drafts of the OU-1 RI Report and found each draft to be unacceptable.

The results of Environmental Baseline Surveys and other environmental investigations in this area have been ignored during preparation of the FS largely because the data presented in these documents do not support the "marsh crust" hypothesis. CERCLA process was ignored in the preparation of the FS placing a tremendous burden on the community. (Please see Comment No. 1).

Comment No. 8 - State ARARs are ignored.

State ARARs were ignored during the preparation of the RI and FS. For example, the State constitution protects the right to fish; the Profession and Business Code sets standards for engineering competence, ethical practice, and consumer complaints, and the San Francisco Bay Water Quality Control Plan (Basin Plan) sets numerical Water Quality Objectives. The Navy's infringement on these constitutional and other legal protections places a tremendous burden on the community (Please see Comment No. 1).

---

---

Comment No. 9 - Supporting Documents prepared by Unlicensed Professionals.

The Final RI for the FISC/ANNEX was not prepared under the direction of a registered civil engineer or registered geologist and therefore does not comply with ARARs. The Groundwater Beneficial Use Study, the Fate and Transport Modeling and the Risk Assessment were not prepared by licensed professionals. No professional-of-record has placed their seals on the final document as required by the California Business and Professions Code. The failure to comply with laws intended to protect public safety from the unlicensed practice of civil engineering and geology a tremendous burden is placed on the community. (Please see Comment No. 1).

Comment No. 10 - Highly Speculative "Marsh Crust" Hypothesis

Somewhere, someone has reached a conclusion that pre-World War II activities are responsible for contamination throughout the 727 acre subtidal and marsh crust area. There is a paucity of data to support such a far reaching conclusion.

Navy waste management practices included dumping liquid wastes onto the ground, or down storm drains. In either instance the observed "marsh crust" contamination is consistent with a Navy pollution sources. Unless data is produced showing the careful management and disposal of hazardous materials and toxic wastes during the 50 years the Navy operated at the site they should take full responsibility for observed contamination and the evident health and environmental impacts in the surrounding community. The cumulative impact of misappropriated waste management costs has, and continues to place a tremendous burden on the community. (Please see Comment No. 1).

Comment No. 11 - Date the contamination

Perhaps the easiest way to determine when the "marsh crust" area was contaminated is to look for synthetic chemicals and determine the dates these chemicals were first manufactured. What is pentachlorophenol, a chemical first manufactured in 1936, doing in the "marsh crust?" According to the FS, the "marsh crust" contamination is from a Chevron Refinery that closed in 1901 and two PG&E Gas Plants that were closed in the 1920s.

Instead, the "marsh crust" contamination is the result of US Army and US Navy activities at the site. The Navy's poorly reasoned hypothesis are an attempt to avoid responsibility for its own waste management practices which places a tremendous burden on the community (Please see Comment No. 1).

---

Comment No. 12 - Basin Plan Water Quality Objectives

No numeric ARARs were identified in the FS. Curiously, Chapter 5 of the RI prepared for the FISC/Annex Toxic Waste Sites, numerical values from the Basin Plan are cited. Basin Plan numerical standards, as well as the non-degradation standard, are ARARs. It is evident the discharges of PAHs from FISC/Annex groundwater, and storm water outfalls continue to exceed Water Quality Objective of 15 µg/L total PAHs listed in Table 4B of the Basin Plan. These are instantaneous rather than average standards. These standards cannot be achieved with tidal action which the Water Board considers "dilution by previously discharged wastes." Several of the alternatives, including the preferred alternative do not comply with this threshold ARAR.

In addition to the numerical standards the non-degradation policy prohibits any degradation of groundwater and surface water quality. Ongoing discharges of toxins to San Francisco Bay through leaking storm sewers, and direct groundwater discharge continue to occur. Several of the alternatives evaluated in the FS do not comply with this threshold ARAR. The impact of poor water quality in San Francisco Bay on fisherfolk, places a tremendous burden on the community (Please see Comment No. 1).

Comment No. 13 - Groundwater Beneficial Uses

The marsh crust as depicted on figures is located 75 feet from my residence and underlies many of my neighbor's homes and the nearby Woodstock School. No information is available about the depth of the marsh crust in the area around my home though I suspect it is very shallow. I have a subterranean basement located eight feet below grade. This basement contains a pump to remove groundwater that enters through the walls and floor during periods of high groundwater. The groundwater infiltration rate from November to April can range from 0.33 to 5 gallons-per-minute. Why should the community bear the tremendous burden of sampling this groundwater for Navy toxins to ensure our community is not being poisoned? (Please see Comment No. 1).

Comment No. 14 - Groundwater Modeling

How can a groundwater plume, the lateral extent of which is unknown, be modeled? Does the model accurately predict past and previous groundwater monitoring results? How accurate is this model calibration?

How can a groundwater plume be modeled in an area where many of the contaminants are present above their respective soil saturation

---

---

concentrations? Pure product would be present, requiring the modeling of a third phase. Model assumptions for dilute solutions would not be valid.

The over simplified groundwater model does not consider other identified plumes one at the northwest corner of Parcel 178, Marina Village Housing (EM-West , May 1988) and the other at Alameda Point Installation Restoration Site 25 Estuary Park Toxic Waste Site. Data from these sites contradict model results. The over-simplified plume model does not consider the results of samples collected during the week of February 25, 1999, from Parcel 181 North Housing.

Navy plumes have entered cracked storm drains and both impacted San Francisco Bay and left fuel puddles in parking lots. These preferred migration pathways were not considered during the development of the over-simplified groundwater model.

The over simplified groundwater model does not adequately address the long-term effectiveness of the "no action" and "control" alternatives. Contaminated groundwater continues to enter San Francisco Bay where it places a tremendous burden on the community. (Please see Comment No. 1).

**Comment No. 15 - Significance of Exposure underestimated**

Alameda Point Installation Restoration Site 3 is located within the 727 acre "marsh crust." The only RI Report for this site released to date was a draft report issued in 1998 (Tetra-Tech, 1998 "Remedial Investigation Report Operable Unit No. 1, Alameda Point Naval Air Station," prepared for US Navy. February). In this Draft RI, tetrahydrocannabinols' were reported in high concentrations in several of the soil gas samples collected from the site (see Table 6-1a, OU-1 RI).

The release of the "marsh crust" FS indicates that the Navy finds it acceptable to have some level of public exposure to tetrahydrocannabinols at Navy toxic waste sites. This contradicts the Navy's policy of "zero tolerance" for tetrahydrocannabinol exposure among its troops and employees. In other words, a Navy employee could be discharged from his employment because their urine contains tetrahydrocannabinols as a result of unintentional exposure to Site 3.

I find myself in a similar situation. As a hazardous waste site worker I engage in medical monitoring as a prerequisite to site work. If evidence of toxic poisoning is discovered during medical monitoring, I don't work. My unintentional residential and recreational exposure to Navy toxic wastes may ultimately effect my earning potential as well as my health.

---

The Navy should adopt a "zero tolerance" policy for public exposure to Navy toxic wastes and cleanup the "marsh crust" accordingly. The Navy's maximum exposure level philosophy for carcinogens that has been utilized in the risk evaluation of 1,700 acres of contaminated land places a tremendous burden on the surrounding community (Please see Comment No. 1).

**Comment No. 16 - Costs to Implement Alternatives**

It is entirely incorrect to suggest that a "No Action" alternative on a 727 acre future development site will have no costs associated with residual contamination. To misappropriate the costs of a negligent cleanup plan is incredibly self-serving. The soil properties in the former marsh will require a great deal of earth work below the marsh crust to install services and pile foundations. Substantive costs will be incurred for sampling, monitoring, employee training, and toxic waste disposal during future redevelopment under the "no action" or "control" alternatives.

This is perhaps best indicated by the cost already incurred by the City of Alameda in relationship to the property. The City has budgeted over \$75,000 for consultants to ensure city employees do not encounter buried contamination. The city has incurred costs to remove contaminated groundwater from underground utilities. The city has to sub-contract work in contaminated areas for lack of Public Works crews trained to do hazardous material work. These are all costs associated with a "no action" or "control" alternative. These failure to recognize these costs during the alternative analysis represent a tremendous burden to the community (Please see Comment No. 1).

**Comment No. 17 - Institutional Controls are not effective.**

Substantial evidence of the ineffectiveness of institutional controls in preventing worker exposure to toxins, preventing the improper disposal of hazardous wastes, and preventing air and water pollution have been documented throughout Alameda Point and the FISC/Annex. Substantial funding for enforcement of institutional controls is needed to ensure future compliance. These costs into perpetuity should be considered in the FS alternative analysis. Misappropriating these costs places a tremendous burden on the community (please see Comment No. 1)

**Comment No. 18 - Long-term effectiveness not evaluated.**

FS alternatives did not consider the cost to perform groundwater monitoring, storm water monitoring, and indoor air quality evaluations, to

---

verify model results and other assumptions made during the human health risk assessment. Any alternative that leaves contamination in place, should provide an effective monitoring network to ensure contaminant migration and degradation occur. The failure to demonstrate the effectiveness of the preferred alternatives places a tremendous burden on the community (please see Comment No. 1).

**Comment No. 19 - Inhalation Risk greatly underestimated.**

The ASTM Risk Based corrective action standard provides a risk-based screening level for the groundwater-to-indoor-air pathway of 23.8 µg/L benzene at a one-in-one-million cancer risk. By comparison, the Risk Assessment for the FISC/Annex associates a similar cancer risk through the indoor air pathway to a benzene concentration in groundwater of 1,400 µg/L.

Interestingly the ASTM standard is based on the federal cancer slope instead of the California cancer slope and would be reduced by a factor of five under California Risk Assessment standards to 4.76 µg/L. Furthermore the ASTM, evaluated a site with a depth to groundwater of three meters. At the FISC/Annex groundwater often is found at shallower depths representing a greater risk. The unprotective indoor air risk models used by the Navy place a tremendous burden on the community (please see Comment No. 1).

**Comment No. 20 - Methane and landfill gases.**

Investigations at Site 3 located within the "marsh crust" boundaries revealed high levels of methane gas in shallow soils. The State Health and Safety Code requires all cleanup plans for landfill gas areas to be approved by the Integrated Waste Management Board. The Navy's failure to comply with the state Health and Safety Code places a tremendous burden on the community (please see Comment No. 1).

**Comment No. 21 - Ecological Assessment.**

An unlined drainage channel which runs alongside Main Street is the only remnant of the former marsh. The endangered Salt Marsh Harvest Mouse has been observed in this channel.

The water depth in the channel is consistent with groundwater depths in the area. Contaminated groundwater appears to enter the channel from Alameda Point IR Site 7 and from underneath Marina Village Coast Guard housing. This groundwater contains contaminants at levels which exceed Basin Plan requirements for salt marsh habitats. The introduction of navy contamination into the food chain places a tremendous burden on the community (please see Comment No. 1).

---

---

Comment No. 22 - Historical Waste Practices.

One of the principle wastes produced by industries operating at Alameda Point prior to the US Navy was a mineral waste, calcium carbonate. The Borax Company who produced this waste did not arrange this mineral waste in a neat pile. Instead this mineral waste was disposed of in pattern coincident with the shape of the Navy breakwater and the shoreline of the sea plane lagoon. In this case the Navy apparently exhumed the borax company's waste disposal site during filling of the Naval Air Station.

Even with pre-existing contamination the Navy has played a large role in distributing the contamination throughout the environment.

Closing

CRC looks forward to the opportunity to review the Draft RI/FS Workplan for the marsh crust and subtidal area. CRC looks forward to the opportunity to review the Draft RI Report for the marsh crust and subtidal area. Having completed those reviews, CRC looks forward to the opportunity to review a FS Report for the marsh crust and subtidal area that meets "strict technical compliance" with the National Contingency Plan, and responds in a meaningful way to the community's concerns indicated above.

The collateral damage caused by the gross negligence of the US Navy's environmental restoration program must end.

Respectively Submitted,



Patrick G. Lynch, PE  
Civil/Chemical Engineer

Attachment: Community Acceptance Criteria

# Community Acceptance Criteria

1. Ensure cleanup completion ten years after the Navy's last scheduled Record of Decisions, up to the year 2050 for monitoring of residual contamination. That allows one year of cleanup per each year of Navy occupancy.

2. Complete the cleanup project in a timely manner. Set a schedule for cleanup activities and stick to it.

3. Cleanup property near existing neighborhoods first. Residents deserve to be protected from exposure to contamination. As fence line property is close to existing infrastructure, it makes the most sense to redevelop this land first.

4. Cleanup levels should support property use that is unrestricted by environmental contamination to ensure future land use flexibility and protection of future occupants. Without full cleanup to standards appropriate for residential use, the residual contamination will restrict the future use of the property.

5. Create buffer zones around special use areas to ensure protection of the community and the environment. The following are recommended buffer zones:

a) Residences, schools, parks and daycare facilities: 250 ft. buffer zone with most protective cleanup level (residential level cleanup without property use restrictions);

b) Private wells and subterranean basements: 750 ft. buffer zone with cleanup to drinking water standards to ensure protection at potential groundwater contact points;

c) Shoreline: 250 ft. buffer zone with cleanup of soil and groundwater to standards protective of food web;

d) Buried utility lines: 250 ft. buffer zone with cleanup of groundwater to standards protective of the aquatic food web.

6. Investigate impacts of the migration of pollution off of the base. The movement of contamination onto private and City property adjacent to the base and to more areas in the Oakland Harbor and San Francisco Bay has occurred. The Navy has the responsibility to extend its investigation into these areas to determine the limits of its contamination and clean up accordingly.

7. Eliminate contamination of the Bay ecosystem by fully investigating and remediating contaminated sediment surrounding the base.

8. Soil handling should be properly controlled to minimize releases of contaminated soil into the air, onto adjacent properties, into storm drains, and into the Bay. A schedule and budget which covers the complete project should be in place prior to initiation of removal activities.

a) Excavation activities: No excavation when wind speed exceeds 10 mph. Air monitoring should be conducted for excavations close to sensitive areas and whenever the excavated soil volume exceeds 1,000 cubic yards.

b) Stockpiles: Soil piles should be placed at least 2,000 feet from residences and 500 feet from wetlands and the Bay. They should be immediately covered, with adequate storm water runoff protection. They should be inspected daily and repairs made immediately.

c) Transportation: Soil transported off of the base should be adequately covered and should follow approved transportation routes.

9. Involve public in cleanup decisions. The public needs to be informed of the risks from contaminated areas. A public record of cleanup activities should be updated regularly, maintained and made accessible at a local public library.

10. Adhere to existing cleanup practices.

Following existing California and federal cleanup laws and policies to reduce the community's burden to learn multi-processes or to seek outside professional assistance. The Navy should also demonstrate success of similar cleanup processes at comparable federal facilities.

11. The public should be fully informed about the health risk from naturally occurring chemicals. This health risk must be considered when setting cleanup goals.

---

# Arc Ecology

---

*Peace ♦ ♦ ♦ Environment ♦ ♦ ♦ Economy ♦ ♦ ♦ Society*

---

July 19, 2000

Mr. Mike McClelland  
BRAC Environmental Coordinator  
1230 Columbia Street  
San Diego, CA 92101

Sent by FAX to: 619-532-0983

Dear Mr. McClelland:

Please find enclosed, Arc Ecology's comments on the Remedial Action Plan / Record of Decision and the Proposed Plan for the Marsh Crust and Subtidal Areas at Alameda Point and for the Marsh Crust and Shallow Groundwater at the FISC Annex. Also note that we have included an Alameda Point Restoration Advisory Board resolution related to the Marsh Crust as part of our comments.

If you have any questions, please do not hesitate to contact me at the Arc Ecology office.

Best Regards,



Ken Kloc  
Environmental Analyst

---

# Arc Ecology

---

July 19, 2000

## **Comments on the Draft Remedial Action Plan / Record of Decision and the Proposed Plan for the Marsh Crust and Groundwater at the Fleet and Industrial Supply Center Oakland, Alameda Facility / Alameda Annex, and for the Marsh Crust and Former Subtidal Area at Alameda Point**

### **1. Insufficient Investigation of Subsurface Soil Contamination in Marsh Crust and Subtidal Areas**

The Record of Decision / Remedial Action Plan (RAP/ROD) and Proposed Plan are based upon an insufficient investigation of the subsurface contamination present in the Marsh Crust and Subtidal (MCS) soil layer. In developing a feasibility study for the MCS contamination, the Navy has treated the MCS soil layer as a *de facto* operable unit. However, the Navy has never carried out a remedial investigation specifically for this operable unit. Much of the data used in the MCS feasibility study came from remedial investigations that were not specifically designed to characterize the nature and extent of the MCS contamination. As such, numerous data gaps exist, and this has produced an incomplete conceptual model for the MCS area.

More specifically, the MCS feasibility study is based on remedial investigations carried out at other operable units on the FISC Annex and Alameda Point. However, these investigations do not provide sufficient coverage of the entire MCS area. The MCS contamination has been investigated in less than half of the region of Alameda Point believed to be affected by this contamination.

This inadequate level of sampling is problematic from the perspective of defining both the horizontal and vertical extent of MCS contamination. In developing its remedial action plan, the Navy has assumed that the MCS contamination exists in a narrow and clearly defined planar zone of subsurface soil. This assumption is not health protective, since it does not consider the possibility that deep soil may have been displaced to shallow and surface soils during excavation and regrading activities carried out as part of historical construction projects. Indeed, there is at least one site at Alameda Point (IR Site 25) where Marsh Crust contamination has been found in surface and shallow subsurface soils (i.e., at 1 to 2 ft. below ground surface). Site 25 is an area where soil regrading may have disturbed the original placement of the Marsh Crust contaminants in the deep soil. Similarly, historical regrading or excavations may have brought deep-soil contamination closer to the surface at other MCS area parcels. However, the Navy has not adequately investigated MCS contamination at many Alameda Point parcels, and it does not have the required data to rule out this possibility.

Under these circumstances Arc Ecology does not feel that the RAP/ROD and the Proposed Plan are sufficiently protective of human health or the environment. Accordingly we recommend revision of these documents after the appropriate remedial investigation for the MCS contamination has been completed.

### Benzene Contamination in Groundwater and Soil Gas

Soil gas studies conducted at both FISC Annex and Alameda Point have indicated a low spatial correlation between soil gas and groundwater benzene concentrations. However, the Navy has not carried out studies to determine the reason for this low correlation. Arc has two main concerns with the lack of investigative follow-up in this case:

- First, we believe that several rounds of soil gas sampling should have completed over the course of a year in order to characterize variability due to changing atmospheric conditions.
- Second, we point to a recent Lawrence Berkeley Laboratory soil gas study conducted at one of the Alameda Point fuel contamination sites (M.L. Fischer et. al., Environmental Science and Technology, v30, pp 2948-57, 1996). In this study, a thin, relatively impermeable soil layer at 0.7 meters below the surface of the site, was found to be responsible for a large fraction of the observed soil gas attenuation. If a similar soil layer exists at the FISC Annex, this may be the reason for the low benzene soil gas concentrations found above the groundwater plumes. Should such a shallow soil layer be responsible for benzene attenuation at the FISC Annex, then institutional controls on soil excavation may be necessary to prevent disruption of the soil layer, and to prevent consequently increased transport of benzene vapor into buildings situated above the groundwater plumes.

Accordingly, Arc recommends further study of the groundwater-to-soil gas pathway prior to finalizing the RAP/ROD and the Proposed Plan.

### 3. Naphthalene Contamination in Groundwater.

In addition to benzene, shallow groundwater at the FISC Annex contains elevated concentrations of naphthalene, a chemical which is volatile enough that it may become an indoor air hazard at buildings situated above a groundwater plume. Naphthalene concentrations in groundwater at the southern portion of the FISC property have been as high as 7800 ppb (MW-9). Groundwater underneath Marina Village housing (Alameda Point parcel 178) was also found to have elevated levels of naphthalene. Furthermore, 7 out of 23 indoor air samples taken at Marina Village housing under the FISC Annex sampling program showed naphthalene concentrations in the range of 150 to 280 ppb. These values are substantially higher than EPA's ambient air PRG for naphthalene.

The Alameda Annex study dismissed these indoor air concentrations of naphthalene, assuming that they resulted from the household use of mothballs. In the absence of proof that these housing units contained mothballs, Arc Ecology is concerned that elevated indoor air concentrations of naphthalene may, instead, be due to contaminated groundwater and soil at Alameda Point Parcel 178. Furthermore, we are concerned that the Parcel 178 indoor air results indicate a wider problem with naphthalene in groundwater at the FISC Annex. We therefore believe that the current RAP/ROD and Proposed Plan for groundwater may not be protective for future residential or commercial use of these parcels. Accordingly, we recommend further study to clarify the exact nature of the groundwater-to-indoor air problem at the subject sites.

## Selected Remedy for Marsh Crust and Former Subtidal Area

### a. Lack of community support for current land use controls

The Navy has chosen land use controls as its preferred remedial action for the MCS soil contamination at Alameda Point and the FISC Annex. According to the Navy, a key component of these land use controls will be the Marsh Crust Ordinance, described on page 2-20 of the RAP/ROD:

Land use controls, as they are currently construed by the Navy, do not have full community support. The Alameda Point Restoration Advisory Board (RAB) has criticized the Navy's current plan for institutional controls, which relies heavily upon the Alameda Marsh Crust Ordinance. For example the community members of the RAB have recently passed a resolution criticizing the Alameda Marsh Crust Ordinance, and by implication, the Navy's land use control plan. Both Arc Ecology and the Alameda RAB are concerned that the Ordinance:

- Incorrectly assumes that the Navy has fully characterized the lateral and vertical extent of the MCS contamination at Alameda Point
- Does not provide for an ongoing program of notification to residents that institutional controls have been placed upon their property
- Indiscriminately covers areas that may not be contaminated and thus may place an unnecessary financial burden upon affected Alameda citizens. The Navy has not taken this cost into consideration when evaluating its remedial alternatives

In addition, we now attach, and include for the record, the Alameda RAB resolution on the Marsh Crust Ordinance.

We also point out that even if the Navy were not to rely on the Alameda Marsh Crust Ordinance as a key component of its institutional control plan, the RAB's criticisms, as presented in the attached resolution, would still be relevant to the proposed remedial action, since the Navy's contingency plan, in the case that the Ordinance is repealed, suffers from the same problems as the City Ordinance.

### b. Land Use Control Implementation and Certification Plan (LUCICP)

The Navy states that the, "roles and responsibilities for implementing and enforcing the land use controls would be documented in the LUCICP." As described, the content of the LUCICP indicates that it should be a component of the RAP/ROD and Proposed Plan, open to public review and comment. Arc Ecology is concerned that the current plan to prepare the LUCICP after the comment period for the Proposed Plan, will circumvent the CERCLA community participation requirements. We therefore recommend that the formal public comment period for this Proposed Plan be extended until the LUCICP is prepared and we also recommend that the normal CERCLA public review and comment protocols be followed in the preparation of the LUCICP document.

### Deed restrictions

The Navy's selected remedy includes deed restrictions enforceable by the Navy. However, the U.S. EPA has recently stated in a 5/11/2000 letter to Mr. Dana Sakamoto of the Navy's EFD Southwest office, that it, "considers a covenant enforceable by the Navy to be a necessary part of an institutional control remedy for any Navy property being transferred..." Arc Ecology concurs with the EPA's opinion. Accordingly, we recommend that the Navy include the language of such a covenant in the RAP/ROD.

#### d. Threshold depths not reported

Please report the threshold depths below which excavation shall be prohibited. Arc recommends that a threshold depth map be provided in the RAP/ROD. Given that this is an important technical component supporting the Proposed Plan, the public should be given the opportunity to comment upon this aspect of the remedy.

#### e. Expected outcomes of the selected remedy

The Navy states that the selected remedy would meet the Remedial Action Objective (RAO) because land use controls will prevent undue exposure. Arc Ecology disagrees that the Navy has met the RAO, since the Navy's rationale was developed in the absence of a proper and complete remedial investigation for the MCS contamination. We believe that there is a reasonable likelihood that MCS contamination may exist in shallow and surface soils at numerous Alameda Point parcels that have not been adequately sampled for PAHs throughout the soil column.

### 5. Selected Remedy for Shallow Groundwater

#### a. Unrestricted use of groundwater for irrigation

Groundwater in the regions affected by the MCS contamination contains elevated levels of some of the more soluble PAH compounds, as well as, benzene. Thus, the Navy's selected remedy for shallow groundwater stipulates that the, "disposal of extracted groundwater from construction site dewatering into the waters of the state except in compliance with the requirements of RWQCB will be prohibited." On the other hand, the selected remedy will allow unrestricted use of groundwater for irrigation purposes. We are concerned that unrestricted use of groundwater for irrigation will result in the discharge of contaminated groundwater to storm drains. In a typical irrigation scenario, the probability of overwatering is relatively high and this would produce contaminated runoff. Thus we believe that the Navy's proposed groundwater remedy will not achieve compliance with the Clean Water Act.

#### b. Unresolved soil gas data gaps

Given the unresolved questions regarding both benzene and naphthalene in soil gas at the subject sites, we do not believe that the selected remedy for groundwater at the FISC Annex is supported by a sufficient level of investigation. As such there is a reasonable possibility that the selected remedy for groundwater may not be sufficiently protective of human health.

July 19, 2000

## **Arc Ecology**

**Comments on the Draft Remedial Action Plan / Record of Decision and the Proposed Plan for the Marsh Crust and Groundwater at the Fleet and Industrial Supply Center Oakland, Alameda Facility / Alameda Annex, and for the Marsh Crust and Former Subtidal Area at Alameda Point**

## **Appendix**

**Resolution of the Restoration Advisory Board (RAB) for the Former U.S. Naval Air Station, Alameda, California (Alameda Point), April 4, 2000**

**(two pages to follow)**

**Resolution of the Restoration Advisory Board (RAB)  
for the former U.S. Naval Air Station, Alameda, California (Alameda Point)  
April 4, 2000**

**WHEREAS:** The responsibilities of the Alameda Point Restoration Advisory Board include providing advice to various government agencies related to the environmental restoration at the Alameda Point Superfund Site, and also interacting with land use planning bodies to discuss future land use issues relevant to environmental decision making; and

**WHEREAS:** The U.S. Navy is responsible for environmentally restoring properties that have been under its control, including Alameda Point and the adjacent FISC Annex facility. As part of its restoration program at these two facilities, the Navy has proposed institutional controls as the remedy for subsurface soil contamination present in the so-called "Marsh Crust and Subtidal Zones," and

**WHEREAS:** The U.S. EPA and the California Department of Toxic Substances Control (California DTSC) have indicated their agreement with the Navy's proposal to use institutional controls as a remedy for the Marsh Crust and Subtidal Zone contamination; and

**WHEREAS:** The main mechanism by which these institutional controls will be implemented is an excavation ordinance that has been passed by the City of Alameda; and

**WHEREAS:** The community members of the Alameda Point RAB have reviewed the City's excavation ordinance and have significant concerns with its provisions. These include the following issues:

- The ordinance assumes that the Marsh Crust contamination has been adequately characterized by the Navy and that areas of contaminated and uncontaminated soils are accurately known. In fact, the Navy has not carried out sampling of deeper soils at many of its parcels. Therefore the permitted excavation depths will, in many cases, be speculative.
- The ordinance only covers former Navy property that is being transferred to the City, even though the Marsh Crust contamination is known to extend beyond Navy property. Since the ordinance and the Navy have already determined that this contamination represents a toxic hazard to occupants on Navy property, then those non-Navy property occupants subject to the same Marsh Crust hazard should be extended equal protection, now and in the future.
- The ordinance indiscriminately covers areas that may not be contaminated. For example, the ordinance covers all Alameda Point parcels going to the City, even though the Marsh Crust and Subtidal contamination has not been demonstrated to exist at all of these parcels. Thus, the ordinance is over-expansive and may place an unnecessary financial burden upon affected Alameda citizens.
- The most probable excavator into the Marsh Crust will be the City of Alameda itself (all underground trenching for utilities), or a utility company. The ordinance does not cover institutional oversight or controls on the city of Alameda or its agencies and possibly other utility companies. Since the costs of laboratory/chemical tests, health and safety plans, operation plans, certification surveillance, and length-of-time for approval, all add up to inconvenience, delay, and cost, self-policing by the City would be a direct conflict of interest. In particular, the California DTSC needs to be more directly involved in overseeing the proposed institutional controls.

The ordinance does not provide for an ongoing program of notification to residents that institutional controls have been placed upon their property

**WE THEREFORE:** Notify the City of Alameda that its excavation ordinance suffers from significant deficiencies that may cause the City difficulties in the future; and

**FURTHER:** We recommend that the City of Alameda take the following actions:

- Petition the U.S. EPA and the California DTSC to require the Navy to fully characterize all of its parcels within the Marsh Crust and Subtidal zones prior to transfer.
- Revise the excavation ordinance in order to make it an effective and reasonable institutional control for protecting public health at the Marsh Crust and Subtidal zone; only fully characterized areas that indicate the presence of Marsh Crust contamination should be covered; in addition, Marsh Crust contaminated areas beyond Navy property should be included in the ordinance.
- Request that that the Navy help defray the cost of the institutional controls so that they do not become an undue burden on the City.
- Implement a notification program providing all residents and property owners within the Marsh Crust map area annual notice of the potential hazard and of the terms of the Marsh Crust Ordinance.
- Provide for provisions assuring that the ordinance covers City of Alameda and utilities.

# WE WANT TO HEAR FROM YOU

To be included on the Navy's mailing list for Alameda Facility/Alameda Annex and Alameda Point, please complete and return this form. This form may also be used to submit comments on this Proposed Plan. Additional pages may be used if necessary. Comments must be postmarked by July 20, 2000. For additional information about the comment period, please call Mr. McClelland at (619) 532-0965.

NAME [REDACTED] PHONE [REDACTED] FAX [REDACTED]

MAILING ADDRESS: [REDACTED]

CITY: CASTRO VALLEY, CALIFORNIA STATE:            ZIP: 94546

COMMENTS: THERE IS CONCERN FOR THE HAZARDOUS WASTES IN THE  
WETLAND AREAS LOCATED WITHIN THE WILDLIFE AREAS.  
THE SEAPLANE LAGOON IS ALSO CONTAMINATED. BIRDS  
FORAGE IN THIS LAGOON. PLEASE KEEP US INFORMED ON  
THE NAVY'S PLANS FOR REMEDIATION IN THESE AREAS.

To be included on the Navy's mailing list for Alameda Facility/Alameda Annex and Alameda Point, please complete and return this form. This form may also be used to submit comments on this Proposed Plan. Additional pages may be used if necessary. Comments must be postmarked by July 20, 2000. For additional information about the comment period, please call Mr. McClelland at (619) 532-0965.

NAME [REDACTED] PHONE [REDACTED] FAX [REDACTED]

MAILING ADDRESS: [REDACTED]

CITY: Dixon STATE: CA ZIP: 95620

COMMENTS: USGS - Biological Resources Division

To be included on the Navy's mailing list for Alameda Facility/Alameda Annex and Alameda Point, please complete and return this form. This form may also be used to submit comments on this Proposed Plan. Additional pages may be used if necessary. Comments must be postmarked by July 20, 2000. For additional information about the comment period, please call Mr. McClelland at (619) 532-0965.

NAME [REDACTED] PHONE [REDACTED] FAX [REDACTED]

MAILING ADDRESS: [REDACTED]

CITY: ALAMEDA STATE: CA ZIP: 94502

COMMENTS: WOULD LIKE YOU TO SEND ME MORE INFO  
ON HOW CONTAMINATED THE SOIL IS AT THE FORMER  
NAVY BASE IN ALAMEDA. WHAT ARE THE "HOT SPOTS?"  
HOW MANY ARE THERE? WHAT IS THE COST TO CLEAN  
THEM UP? WHAT LEVELS OF WHICH HAZARDOUS  
SUBSTANCES HAVE BEEN MEASURED AND WHERE?

To be included on the Navy's **mailing list** for Alameda Facility/Alameda Annex and Alameda Point, please complete and return this form. This form may also be used to **submit comments** on this Proposed Plan. Additional pages may be used if necessary. *Comments must be postmarked by July 20, 2000.* For additional information about the comment period, please call Mr. McClelland at (619) 532-0965.

NAME  PHONE  FAX   
MAIL   
CITY: Alameda, CA 94501 STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

COMMENTS: *Re Alternative 2 in Cleanup program: "Limited purposes" use of groundwater should not include irrigation because fruit trees & vegetables could well be included, & could be contaminated.*

**FILE**

**APPENDIX F**

**SUMMARY OF MAJOR TEXT CHANGES**

**(One Page)**

**SUMMARY OF TEXT CHANGES IN THE  
DRAFT FINAL REMEDIAL ACTION PLAN/RECORD OF DECISION FOR  
FLEET AND INDUSTRIAL SUPPLY CENTER, OAKLAND  
ALAMEDA FACILITY/ALAMEDA ANNEX AND ALAMEDA POINT**

This Appendix contains a list of text changes that were made to the draft Remedial Action Plan/Record of Decision (RAP/ROD) for Fleet and Industrial Supply Center Oakland (FISCO) Alameda Facility/Alameda Annex and Alameda Point released for public comment on June 20, 2000, by the Engineering Field Division – Southwest (EFDSW) and the California Environmental Protection Agency Department of Toxic Substances Control (DTSC). The changes were made by EFDSW in response to review comments submitted by the public, DTSC, and staff of the Region 9 office of the U. S. Environmental Protection Agency (EPA). The public comment period for the draft RAP/ROD was closed on July 20, 2000. These comments are included in the administrative record for the final RAP/ROD

- As a result of discussions between the EFDSW and DTSC it was determined that uncertainties regarding the nature and extent of shallow groundwater contamination warranted postponing selection of a remedy until additional data are acquired and evaluated. However, all parties agree that the selection of the remedy for marsh crust and subtidal deposits should not be delayed pending selection of the remedy for groundwater. For that reason, groundwater has been removed from the final RAP/ROD and will be addressed in a future RAP/ROD. Several sections were modified or deleted to remove references to a remedy for groundwater at Fleet and Industrial Supply Center Oakland (FISCO) Alameda Facility/Alameda Annex, including Sections 1.0, 1.1, 1.2, 1.4, 1.5, 2.2.1.1, 2.4, 2.5, 1.5.4, 2.6, and Section 2.6.2.
- Section 1.1, Paragraph 3: The text was revised to reflect the correct scope of the listing of Alameda Point in the National Priorities List.
- Section 1.4, Last Paragraph: The “Decision Summary Checklist” example language from EPA’s A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Document (EPA 1999) was inserted.
- Sections 1.4, 2.9.1, 2.9.2, 2.12.1, 2.12.2, 2.13.1, and 2.13.2: These sections were revised to reflect that certain parts of the remedial action, specifically the Environmental Restrictions in Deed and the Covenant to Restrict Use of Property, were completed on July 20, 2000. These sections were also revised to reflect that a copy of the marsh crust ordinance and accompanying map were included in the final RAP/ROD as an appendix.
- Sections 1.4, 2.7.1.2, 2.7.1.4, and 2.8: These sections were revised to reflect that excavation and uncontrolled handling of contaminated marsh crust and subtidal area material or extraction of contaminated shallow groundwater are two scenarios that would result in levels of risk determined to be unacceptable for unrestricted use.
- Section 2.2.2: The text was modified to correctly state the number of Installation Restoration (IR) sites and Operable Units (OU) at Alameda Point.
- Sections 2.9.1 and 2.9.2: These sections were revised to reflect present worth cost calculations.
- Administrative Record: The administrative record was revised to include additional documents, as indicated.