



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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SFD 8-3

November 9, 2006

Mr. Thomas Macchiarella, Code 06CA.TM
Department of the Navy
Base Realignment and Closure
Program Management Office West
1455 Frazee Road, Suite 900
San Diego, CA 92108-4310

RE: Draft Record of Decision Operable Unit 5/IR-02 Groundwater, Former Naval Air Station Alameda and Fleet Industrial Supply Center Oakland

Dear Mr. Macchiarella:

EPA has reviewed the above referenced document submitted by the Navy to the regulators on September 8, 2006. We find that the OU 5/IR-02 Record of Decision does not clearly articulate the reasoning and present support for selecting the preferred remedial action, nor does it adequately describe the associated regulations and requirements needed to implement the remedy. We suggest using the recently signed Site 26 ROD as a guide for many sections in the OU 5/IR02 ROD, in addition to clarifying and revising portions of the text specific to OU 5/IR02. Our comments are enclosed with this letter. We look forward to resolving them with you and seeing the draft final Record of Decision on February 10, 2007.

I can be reached at (415) 972-3029.

Sincerely,

A handwritten signature in cursive script that reads "Anna-Marie Cook".

Anna-Marie Cook
Remedial Project Manager

enclosure
cc list next page

cc list: Mary Parker, BRAC PMO SW
Dot Lofstrom, DTSC Sacramento
Henry Wong, DTSC Berkeley
Erich Simon, SFRWQCB
Peter Russell, Russell Resources Inc
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EPA Comments on Draft Record of Decision Operable Unit 5/IR-02 Groundwater, Former Naval Air Station Alameda and Fleet Industrial Supply Center Oakland

General Issues:

1. Assuming that the area covered by the DTSC 2006 “removal” is part of IR-02, that needs to be discussed, both in terms of prior actions and in the IC section.
2. It does not appear that the portion of the plume that appears to underlie College of Alameda property was discussed. Is the entire plume being addressed? Figure 5-1 shows areas going outside of the current and former Navy property that appear to exceed the RGs. Has there been sampling in these areas? On page 7-9 there is a statement that based on modeling, it is concluded that benzene would not migrate off-site, but it is not clear whether “site” means the plume, or Alameda Point and the Annex. Additionally, Page 4-1, Sec. 4.0, second paragraph, first sentence is somewhat confusing. It states that the ROD addresses groundwater contamination beneath OU-5/IR-02 “and within the plume boundary.” Does this mean that it includes areas of the plume outside of OU5/IR-02?
3. MNA—The ROD includes “MNA” in its discussion of the remedy. This is cause for concern both because MNA was not included as part of the remedy in the Proposed Plan, and also because the term is used differently in various parts of the ROD, which is exceedingly confusing. For example, on page 9-1, Sec. 9.0, the document states, “MNA would be conducted to document the reduction in contaminant concentrations and verify the stability of the plumes.” Similarly, on page 12-1, the document suggests that “MNA” means monitoring to make sure the remedy is effective. If what is meant is monitoring to ensure the remedy is effective, as opposed to “MNA” in the sense of a remedy or partial-remedy in itself, that should be stated. On the other hand, on page 9-3, Sec. 9.4, the document refers to, “Monitoring/MNA to track the natural degradation processes, which will continue to address any contamination not remedied by biosparging.” This suggests that MNA will be used at the end of the treatment train if biosparging does not achieve RGs. Page 10-2, Sec. 10.3, says that MNA would be used “to reduce residual concentrations to below cleanup goals for the domestic use of groundwater by residents and workers.” This also suggests that “MNA” is something more than monitoring, although the discussion on page 10-2 is unclear as to whether the intent is to rely on MNA to get to cleanup goals, or whether they are merely stating that the GW contamination will continue to attenuate even farther after RGs are reached. Finally, on table 10-1, for Alt. 4, the document states, “Contaminant levels are reduced via natural attenuation processes, which are enhanced through the use of biosparging.” This implies that the MNA is actually part of the biosparging, and appears to be characterizing biosparging as an enhanced natural attenuation remedy. All of this needs to be clarified.

4. **Alternative treatment:** In both the Statutory Determinations on p. D.3 and on page 13-18, there is mention of the statutory criterion to use permanent solutions and alternative treatment or resource recovery technologies to the maximum extent practical, but there is no discussion of whether the selected remedy constitutes alternative treatment. On page 9-2, the document states that biosparging is “innovative.” If it is considered an alternative treatment, the document should say so. If it’s not, the document should explain why an alternative treatment was not selected.

Specific Comments:

1. **Page D.1, third paragraph, last sentence:** Awkward wording here. Revise to read “...and to address this groundwater under the Alameda Naval Air Station Federal Facility Agreement (FFA).” This title is the correct and current title of the FFA.
2. **Page D.2, second paragraph, first sentence:** Remove the phrase “has made a risk management decision” and replace with “concluded”.
3. **Page D.5:** Please include the verbiage from the Site 26 ROD here regarding the co-selection of the remedy by the DoD and EPA. Also, please correct Ms. Johnson’s title to be Chief, Superfund Federal Facilities and Site Cleanup Branch Region 9.
4. **Page 1-1, first paragraph, second sentence:** Revise to read “...on the former Alameda Naval Air Station (NAS), now known as Alameda Point, in Alameda, California.”
5. **Page 1-1, first paragraph, fourth to last sentence and third to last sentence:** Replace the phrase “former NAS Alameda FFA requirements” with “Alameda NAS FFA requirements”. The FFA is titled “Alameda Naval Air Station FFA”.
6. **Page 1-1, second paragraph, second sentence:** Insert the word “Some” before “previous” at the beginning of this sentence. Not all documentation is referred to as Site 25.
7. **Page 1-1, second paragraph, fourth sentence:** It is confusing to state that the site includes six sites. Please revise to state specifically that OU5/IR02 includes six IR sites.
8. **Page 1-2, Section 1.3, second sentence:** Please delete the phrase “former NAS Alameda” since the previous page has just stated “hereinafter referred to as Alameda Point”.
9. **Page 1-2, Section 1.3, first bullet, second to last sentence:** Rewrite as “Parcel 182 is a park area, and Parcel 183 contains Building 545 which is currently used as the USCG Housing Maintenance Office.

10. **Page 1-2, Section 1.3, second bullet, first sentence:** Revise to read “Site 30 is located south of Site 25 on Alameda Point.”
11. **Page 1-2, Section 1.3, third bullet, first sentence:** Revise to read “Site 31 is located south and west of Site 30 on Alameda Point.”
12. **Page 1-2, Section 1.3, fourth bullet, first and second sentence:** Revise to read “IR-01 is a former warehouse area located south of Site 31 on the southwest side of FISCA.”
13. **Chapter 2.0:** It would flow better and be more comprehensible to rewrite this chapter chronologically and not break out the activities by Alameda Point and Alameda Annex headings. The property was transferred between the bases more than once during the history of the operations and investigations and does not lend itself to being broken out by base.
14. **Page 2-2, first and second paragraphs:** “Former NAS Alameda” should be “Alameda Point”.
15. **Page 2-2, last paragraph:** This paragraph is confusing and it unclear what purpose it serves. To what area does “the northern property” refer? Is this FISCA or north of FISCA, i.e. Alameda Point. What was the footprint of Alameda Point at this time (that caused the air traffic conflicts referenced in the previous paragraph)?
16. **Page 2-3, first paragraph:** Please clarify when Site 30 and Site 31 reverted back to Alameda Point.
17. **Page 2-3, fourth paragraph,** statement that ICs at IR-02 “are as protective in intent as those ICs instituted for OU-5” is vague and not comforting. Also, please elaborate on which IC’s have been instituted for OU-5 at this time.
18. **Table 2-1, page 3, last entry on this page:** It is EPA’s understanding that the Coast Guard, and not the Navy, undertook soil gas evaluation for residential housing at Site 25. Since the sampling was not done with participation from the BCT under the CERCLA program, it is not appropriate to include this report and data in the CERCLA Administrative Record for this Record of Decision. Please delete this entry and associated entries as well as verbiage in the text related this soil gas effort. It would be appropriate for informational purposes to mention that the Coast Guard has undertaken this effort, but the results cannot be used on which to base and support CERCLA decisions.
19. **Page 2-6, first paragraph, last sentence:** Please revise to reflect that the FS evaluates alternatives and the Proposed Plan documents the Navy’s preferred alternative. The FS is not supposed to recommend any remedy over another.

20. **Page 2-6, second paragraph:** Please see above comment regarding the validity of using this data in the Record of Decision.
21. **Page 2-7:** Please clarify the reasoning for not including RCRA investigation activities in this section. We are under the impression that the FISCA facility had a RCRA permit and that this permit covered portions of what is now Alameda Point, specifically Sites 30 and 31. How did the RCRA facilities get closed out and what documents are relevant to this information?
22. **Page 2-8:** Please include information pertaining to removal actions in soil for PCBs, cadmium and lead at the FISCA property.
23. **Page 5-1, first paragraph, second to last sentence:** Please correct the title of the document to "Final Groundwater Remedial Investigation/Feasibility Study Report for Alameda Point Site 25 and Alameda Annex IR02".
24. **Page 5-2, first paragraph, second full sentence:** Please rewrite to state "The Marsh Crust is a layer of contaminated sediment believed to be formed by..."
25. **Page 5-2, second paragraph, second sentence:** The Bay Mud is not present in the southeastern regions of the site where the aquifer goes straight down to the Merritt Sand.
26. **Page 5-3, second paragraph, first sentence:** Replace the word "investigate" with "record".
27. **Page 5-4, first paragraph:** It would be appropriate to have a discussion on the beneficial uses of groundwater here similar to the presentation given in the Proposed Plan.
28. **Page 5-4, Section 5.3:** Please provide a table summarizing the COCs in the same manner as that given in the Sites 14 and 26 RODs.
29. **Sections 5.3.1 and 5.3.2:** As mentioned in the general comments, the description of groundwater contamination should be rewritten to provide more information and support for the remedy selected. Of key importance is the fact that groundwater contaminant concentrations of both benzene and naphthalene are co-located and increase with depth. Maximum concentrations of both benzene and naphthalene should be given for each depth interval (suggest using groundwater intervals above 12 ft bgs, 12-16 ft bgs and 16-20 ft bgs). Naphthalene at the lowest depths reached concentrations into the 1000's ppb. The claim that all concentrations at depth are below the health advisory level seems unsubstantiated. In addition, please explain how hydropunch samples taken at 20-24 ft bgs, in the Bay Mud, are representative of groundwater conditions. Also, why is the plume map based only on the more limited monitoring well data taken in 2005? Previous

hydropunch information yields much more comprehensive results than that provided by using only monitoring well data. The net result of this section is to significantly underplay the extent and degree of benzene and naphthalene contamination in the lower levels of the FWBZ, and to leave open the question of soil gas and vapor intrusion to indoor air as a potential exposure pathway for residents.

30. **Page 6-2, Section 6.2.1, second paragraph, first sentence:** Please replace the sentence with “Following beneficial use determinations, the Alameda Point BCT concurred that even though it is unlikely that the FWBZ will be used as a future drinking water source, the HHRA should evaluate the groundwater ingestion pathway.” Also, in this section, the Regional Board’s designation of the aquifer should be discussed.
31. **Page 6-2, Sec. 6.2.1, groundwater discussion.** The third paragraph is not relevant to this ROD. The statements on page 13-5 (SDWA, second paragraph), and 6-2 (Sec. 6.2.1, groundwater discussion, third paragraph) that EPA concurred with non-MCL cleanups are not true. EPA’s 2000 letter did not include the OU5 area in the “central portion” of Alameda Point, and on the last page of that letter clearly excluded from the analysis in the letter the groundwater beneath site 25.
32. **Page 7-1, first paragraph, first sentence:** Please add “... an HHRA and an ERA were conducted to evaluate...”
33. **Section 7.0:** Please include a conceptual site model showing potential exposure pathways similar to those included in the Sites 14 and 26 RODs.
34. **Page 7-1, third paragraph, last sentence:** Please replace the phrase “made a risk management decision” with the word “concluded” or “decided”.
35. **Section 7.1.1:** Please clarify what Tier 2 and Tier 3 risk assessments are and how they relate to the more conventionally used Tier 1 and Tier 2 risk assessments.
36. **Section 7.1.2; Items 1 - 4:** This basic information is unnecessary for a ROD. Please delete this paragraph and begin the section with the potentially completed exposure pathways.
37. **Section 7.1.3, second to third paragraph:** The third paragraph does not follow from the second in terms of RfDs. Also, to what is “here” referring at the start of the third paragraph? A new paragraph should also begin with the sentence: “The hierarchy for selecting toxicity criteria is as follows:”
38. **Sections 7.1.4, 7.1.4.1 and 7.1.4.2:** Please replace these sections with the comparable sections in the text of the Site 26 Record of Decision. The description in the Site 26 ROD offers a clearer, more comprehensible, explanation of risk characterization.

39. **Section 7.1.4.3:** Please clarify how Tier I and Tier II relate to Tier 2 and Tier 3 (see section 7.1.1), or if indeed there is any relation.
40. **Table 7-1:** Please include information about which pathways were taken into account in determining the “assuming no domestic drinking water use” and which ones were factored into the calculations “assuming drinking water use”.
41. **Page 7-7, second paragraph, second sentence:** Delete the term “As expected” and start the sentence with “Risks for scenarios including...”
42. **Sections 7.2.1 and 7.2.2** are redundant with Section 7.2 and can be deleted.
43. **Chapter 8.0:** The RAOs should be to protect human health by preventing exposure of potential residents and construction workers to VOCs in groundwater. Additionally:
First paragraph, third sentence: Replace the word “mitigate” with “prevent”.
First paragraph, fourth sentence: The definition of RAOs is incorrect. **Second paragraph, second sentence:** Replace with “The DON, together with the regulatory agencies, proposes remedial action to reduce contaminant concentrations in groundwater.” **Second paragraph, last sentence:** Replace the term “are equally protective as” with “are equivalent to”
44. **Chapter 9.0:** The description of the ICs needs to be more fully explained here. See Site 26 ROD. Also, all remedial alternatives need to include the duration of the alternatives in order to make an informed comparison.
45. **Section 9.2, first sentence:** EPA objects to the use of “short-term ICs” here since a remedy that is estimated to take 50 years (see PP) to reach RGs cannot be deemed short in duration.
46. **Page 10-2, Section 10.4:** How would MNA be effective in reduction of toxicity, mobility and volume *through treatment*? Same comment applies to Table 10-1.
47. **Table 10-1.** In several places in the “Long Term Effectiveness” column, there is a footnote 1. However, the only footnote 1 applies to cost, not length of time.
48. **Page 10.5:** Short-term Effectiveness criterion factors in duration to reach RGs as part of the measure.
49. **Page 12-1, first sentence, second paragraph:** Revise to state “The DON, in coordination with the regulatory agencies, has determined that remedial action is warranted...”

50. **Page 12-1, last sentence:** Please provide an explanation for why costs have escalated, and specifically which components have escalated.
51. **Page 12-2, fifth paragraph:** Where did the option to go to MNA come from? The PP states that the preferred alternative consists of biosparging with SVE, nutrient/microorganism enhancement, as required, monitoring, and ICs. MNA is not mentioned as a component of the remedy.
52. **Page 12-2, last paragraph, third sentence:** Please use the wording agreed to for the Site 26 ROD including “The Navy, in collaboration with the regulatory agencies, will...”
53. **Table 12-1:** MNA should be removed from this table. It was not part of the selected remedy in the PP.
54. **Page 12-3, first paragraph:** Pre-design sampling should be geared toward further delineating the plume and possibly determining through a pilot study how best to install the biosparge system for optimal performance. The design documents will develop performance criteria, including shut-off criteria, and this will be done in collaboration with the regulatory agencies. Please see the Site 26 ROD for an appropriate discussion of the design criteria (including shut-off criteria) which will be part of the remedial design document, and not part of pre-design sampling.
55. **Page 12-3, Section 12.4:** See above comment with respect to selecting MNA at the ROD stage when it is not selected in the PP. EPA understands that monitoring is part of many groundwater remedies: however MNA is different from monitoring. Please specify that monitoring to assess the effectiveness of the remedy will be performed and delete the references to MNA.
56. **Page 12-4, Section 12.4.2, third paragraph, first sentence:** Please clarify/revise the word “Use” in this sentence.
57. **Page 12-5, last paragraph:** These restrictions should apply if the land is transferred to a non-federal entity. Please revise using Site 26 ROD as a template for appropriate wording for restrictions.
58. **Page 12-6:** A bullet stipulating that ICs will remain in place until the RGs are met needs to be included here. See Site 26 ROD.
59. **Page 12-7, first sentence following bullets:** The word “maintaining” needs to be added after the word “reporting” in this sentence per EPA HQ ROD checklist.
60. **Page 12-7, end of second paragraph:** Include the sentence “These access restrictions will be included in the deed and covenant.”

61. **Page 13-5, Safe Drinking Water Act, second paragraph, last sentence:** Revise to read “...so as not to pose a threat...”
62. **Section 13.5:** The text here does not belong. Replace with the text from Site 26 ROD.
63. **Table 10-1.** In several places in the “Long Term Effectiveness” column, there is a footnote 1. However, the only footnote 1 applies to cost, not length of time.
64. **Page 12-2, Sec. 12.1, fourth and fifth paragraphs,** should say “RGs” instead of “RAOs.”
65. **Page 13-1, Sec. 13.0.** In the ninth line, need to add “through treatment” after “substances.”
66. **Page 13-18, Sec. 13.4.** As above, need to either say that an alternative treatment is being used, or explain why not.
67. **Page 13-18, Sec. 13.5.** The wrong boilerplate was used for this section.

EPA’s Office of Regional Counsel Comments

Comments on ICs

Note: By “IC objectives” we mean the purpose or goal of the IC, e.g., prohibit consumption of groundwater; prohibit residential use of the property. By “IC” we mean the specific mechanisms, e.g. amendments to the facility general plan, restrictive covenants, fences and signs.

In general, we found the IC discussion to be very confusing. Additionally, certain elements of the “Federal Facility Land Use Control ROD Checklist” that EPA and DoD agreed would be included in RODs were incomplete. Following are more specific comments.

1. **IC objectives:** We could not find a common set of IC objectives. It may be that the common IC objectives are those set forth in the Proposed Plan, Table 2, page 6, square bullets: prohibit interference with Navy wells and remedial equipment; prohibit extraction of groundwater and construction of new wells; require written approval from the regulatory agency and the Navy before construction of new buildings. EPA supports these as the IC objectives. This should be clarified in the ROD, and the IC objectives should be set forth clearly. We also note that on page 12-6, the ROD includes IC objectives; however, these appear to be limited to situations in which property is transferred to other federal entities. The Navy needs to explain whether these are IC objectives for the entire property affected by this ROD. If so, then some of the ICs for

other scenarios need to be changed. If not, then the reason for the difference between these and the general IC objectives (which we assume are those from the Proposed Plan) needs to be explained.

2. **ICs (mechanisms):** In addition to the lack of common IC objectives, we have concerns about the specific types of property discussed, and about the specific ICs for the various areas, as follows:

(a) Provisions in current leases and Use Agreement (p. 12-4 and 12-5). Assuming the IC objectives are the three square bullets from the Proposed Plan, it appears that for the area leased to the School District (site 30), there are ICs addressing all three objectives through the lease and the provisions of the FOSL that are incorporated into the lease. However, for the areas that currently have Coast Guard housing (site 31) or vacant housing (site 25), it appears that the only ICs are in the Use Agreement, which appears to address only the issue of interference with Navy wells, but not the other two IC objectives. The Navy needs to include ICs prohibiting extraction of groundwater, construction of new wells, and construction of new buildings without environmental review and approval during the period when this property remains in Navy hands. For example the Use Agreement could be amended, and/or provisions could be included in the facility general plan. This needs to be specified in the ROD.

(b) Alameda Point areas that will be transferred to a non-federal entity (Sec. 12.4.2, p. 12-5). The document states that it is specifying the IC objectives, but it doesn't. Instead, it specifies the IC mechanisms. It does not anywhere state what the IC objectives are or what the substance of the restrictions would be for property that will be transferred to a non-federal entity. On the other hand, the document does clearly state what the IC mechanisms would be (numbers 1 and 2 on page 12-5), and EPA supports using these mechanisms.

(c) Alameda Point property that will be transferred to other federal entities (p. 12-6). Here, the document does include IC objectives (first set of bullets on p. 12-6), and also includes the IC mechanism (p. 12-5, Memorandum of Agreement). EPA supports both the objectives and the IC mechanism. We do have a concern that these IC objectives differ from the general ones in the Proposed Plan, discussed above. This should be explained.

(d) ICs at the FISCA. This discussion needs to be updated to include the vapor barriers from the recent DTSC RAP and amended Navy deed restrictions. Additionally, the document should clearly state that the ICs already in place for the FISCA are also considered to part of the remedy in this ROD. This is important to ensure that they are not removed prior to the completion of the remedy selected in this ROD.

(e) Portion of the plume beneath the College of Alameda. There is no discussion of whether ICs are necessary for the portion of the plume beneath the College of Alameda. This should be addressed.

3. Additional comments related to LUC Checklist:

(a) Item 6 of the Checklist requires duration language: “LUCs will be maintained until the concentration of hazardous substances in the ... groundwater are at such levels to allow for unrestricted use and exposure.” This ROD partially addresses this item in the Declaration. However, we recommend the following: On page D.3, third bullet, change “limit” to “prevent,” and change “risk-based remedial goals” to “remedial goals.” (Use of the term “risk-based remedial goals” is unnecessary and confusing, as it suggests that there are other RGs that are not risk-based.) Also, language regarding duration should be included in Sec. 12.4.2.

(b) First paragraph after bullets, add the word “maintaining,” and change “the necessary IC objectives” to “the ICs” or “the LUCs.”

(c) Page 12-6, last line above second set of bullets, change “implementation actions” to “implementation and maintenance actions, including periodic inspections.” Additionally, we recommend that the second bullet be changed to “Maintenance requirements, and frequency and requirements for periodic monitoring or visual inspections.”

ARARs comments

ARARs text (Sec.13.2)

4. **Page 13-1 – 13-2 (Sec. 13.2).** The last sentence that begins on page 13-1 and ends on page 13-2 is confusing. We suggest changing the sentence to: An applicable federal requirement is an “applicable or relevant and appropriate requirement” (ARAR).
5. **P. 13-5, Sec. 132.2.1.1, Safe Drinking Water Act.** As noted above, the second paragraph is not relevant to OU5. EPA’s 2000 letter did not include the OU5 area in the “central portion” of Alameda Point, and on the last page of that letter clearly excluded from the analysis in the letter the groundwater beneath Site 25. Therefore, the second paragraph needs to be removed, and the third paragraph must be changed, as it is not appropriate for DON to rely on any “determination” by EPA. As discussed below, EPA considers the State benzene MCL to be an ARAR for this action.
6. **Page 13-6, discussion of CWA, NAWQC.** This discussion is confusing, and the discussion on p. 13-7 of EPA MCLs ignores the issue of State MCLs. It is inappropriate to state that the cleanup goals were based on the risk assessment “because there were no comprehensive EPA cleanup goals,” because there is also the issue of State MCLs. It’s

not clear why this discussion is included, nor why the NAWQCs are listed in the ARARs table at all. Has someone suggested that they should be ARARs? They were not included in previous Alameda RODs (e.g. Site 26), and we question why the discussion is necessary here.

7. **Page 13-8, Safe Drinking Water Standards.** This discussion gives an explanation of why the groundwater under the Annex is not considered potential drinking water by the Regional Board, but does not give the Regional Board's position as to groundwater beneath the Alameda Point sites. Without something written from the Regional Board, EPA assumes that the Regional Board considers the groundwater beneath this portion of Alameda Point to be potential drinking water, and that Resolution 88-63 and the MUN designation in the Basin Plan would apply. In that situation, MCLs need to be ARARs. As discussed below, EPA considers the State benzene MCL to be an ARAR for this site. However, since the cleanup level selected in this ROD is the same as the MCL, we do not intend to dispute this ROD. If the Regional Board in fact disagrees and states in writing that the entire plume area meets exemption criteria under the Basin Plan and Resolution 88-63 (as has been done for groundwater west of Saratoga Avenue), we will reconsider this position. Unless that is done, however, we request a notation of EPA's position in the ARARs table, as discussed below.

ARARs tables

8. **Table C-1, P. 2: Point of compliance.** We were unable to locate the discussion referenced in Sec. 13.2.1.1 and are puzzled by inclusion of this ARAR. It is also not clear whether, if 22 CCR 66264.95 were selected as an ARAR, how that would affect this remedial action. Also, please give the citation in the NCP preamble to facilitate review.. This regulation has not been included in previous RODs (e.g. Site 26), nor was it in the Proposed Plan for this OU, and we are wondering why it is included here.
9. **Table C-1, P. 3: State MCLs:** EPA considers MCLs to be ARARs for this action. Our understanding is that the groundwater beneath this portion of Alameda Point is considered to be potential drinking water by the Regional Board, and the Navy has included the beneficial uses in the Basin Plan and also Resolution 88-63 as ARARs. As also discussed in the ROD, this area is considered to be a Class II aquifer under EPA's groundwater protection standards. As this is potential drinking water, MCLs should be ARARs. Because the selected cleanup level is equivalent to the State MCL for benzene, and there is no MCL for naphthalene, EPA is willing to agree-to-disagree and not dispute the Navy's decision to not include MCLs as ARARs. However, we request that the ROD include a footnote or insertion in the ARARs table under "State MCL list" (p. 3 or 4 of Table C-1), and also on page 13-8 in the section on Safe Drinking Water Standards, as follows: "USEPA considers the State benzene MCL to be an ARAR for this action but, because the cleanup level is equivalent to that number, is not disputing this ROD."

10. **Table C-1, P. 5, Res. 68-16.** In the Comments column, end of first line, “not a” is repeated. Given the statement in that column that DON considers 68-16 an ARAR for discharge of treated groundwater to surface water, we recommend adding a statement that this remedial action does not include discharge of treated groundwater to surface water.
11. **Table C-1, P. 6, Res. 92-49.** Please add a sentence that EPA considers Resolution 92-49, III.G. to be an ARAR.
12. **Table C-2, P. 1, ESA.** In the Comments column, first line, there’s an extra “k.”
13. **Table C-2, Location-specific ARARs.** Neither the ROD nor the FS contains a statement as to whether any property is included at this Site that could make the National Historic Preservation Act an ARAR. Given that it is included as an ARAR at other Alameda sites and there are historic buildings at Alameda Point, we recommend including a sentence, either in the chart or in chapter 13 text, as to why NHPA is not included.
14. **Table C-3, P. 3, UIC.** Given that any wells would be Class V (Comments column), we recommend removing the statement in the Prerequisite column that Class I and IV wells are the relevant classifications for CERCLA sites. Also, we recommend adding 40 CFR 144.82.
15. **Table C-3, p. 9, 22 CCR 67391.1.** Please add in the Comments column that USEPA considers substantive portions of Sec. (a), (b), (d), and (e) to be relevant and appropriate for this ROD.

Additional Comments from EPA HQs:

1. **Checklist Item #4:** Please make sure that the difference between LUC objectives and the actual LUC is understood. On some of the pages in which it was listed that there are LUC objectives there are only descriptions of actual LUCs.
2. **Checklist Item #9:** - Please revise sentence as follows: "The DON shall document the need for IC implementation and **maintenance** actions including periodic inspections in the preliminary and final remedial design reports to be developed and submitted to the FFA signatories for review and **approval** pursuant to the FFA.