

Alameda Reuse and Redevelopment Authority

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Governing Body

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ALAMEDA POINT
SSIC NO. 5090.3

Beverly Johnson
Chair

July 17, 2007

Marie Gilmore
Boardmember

Mr. Thomas L. Macchiarella
BRAC Environmental Coordinator

Frank Matarrese
Boardmember

Navy BRAC Program Management Office
1455 Frazee Road, Suite 900

Doug deHaan
Boardmember

San Diego, CA 92108-4310

Lena Tam
Vice-Chair

Re: Comments on the December 2006 Draft *Record of Decision, Site 25 Soil, Alameda Point, Alameda, California*

Thomas:
Dear Mr. ~~Macchiarella~~:

Debra Kurita
Executive Director

Thank you for providing the Alameda Reuse and Redevelopment Authority (ARRA) with a copy of the Navy's December 2006 *Draft Record of Decision, Site 25 Soil, Alameda Point, Alameda, California (ROD)*. At its meeting on May 8, 2007, the ARRA Board directed staff to submit the following comments.

David Brandt
Deputy Executive Director

1. Institutional controls should allow routine future use by average people.

Alternative 2, the *ROD*'s selected remedy, consists of institutional controls (ICs). One of the long-term ICs imposes inefficient and unwieldy responsibilities on future homeowners at Installation Restoration (IR) Site 25.

“Requirement of the future landowner to gain written approval from the regulatory agencies and the DON [Department of the Navy] and comply with a SMP [Site Management Plan] before demolition or removal of buildings or hardscape (e.g., structures, concrete roadways, parking lots, foundations, sidewalks) existing at the time of *ROD* issuance.). (*sic*) EPA and DTSC will require the future non-federal landowner to enter into an enforceable agreement for building removal and major site work.” (*ROD*, p. 12-2, Section 12.1.3, emphasis added)

If a developer or other large business is the landowner, a high compliance rate with this IC is likely. However, it is unreasonable to expect an average homeowner to obtain written approval from the Navy and multiple environmental regulatory agencies and to adhere to a highly technical SMP before repairing or replacing his walkway, sidewalk, or driveway. It would be very unusual for either EPA or DTSC to enter into an enforceable agreement with a homeowner over a home remodeling project. This IC is based upon a strategy that is probably unworkable. Confusion and lack of awareness among average

Thomas L. Macchiarella

July 17, 2007

Page 2

homeowners likely will result in frequent noncompliance, especially with the passage of time. Accordingly, this aspect of the selected remedy does not protect public health as required by the remedial action objective (RAO).

“The RAO developed for soil at Site 25 is to prevent human exposure to soil containing PAHs [polynuclear aromatic hydrocarbons] at concentrations that represent a lifetime cancer risk exceeding the risk management range (RMR) or exceeding the non-cancer hazard index (HI) of 1.0.” (ROD, p. 8.1, Section 8.0, emphasis added)

2. Future non-federal landowners should not be required to obtain Navy approval as part of the ICs.

Both of the long-term ICs in the selected remedy require future non-federal landowners to obtain Navy approval before undertaking certain activities. In addition to the IC recited in comment one above, an excavation IC is included in the remedy.

“Prohibition against excavation of soil from depths greater than 4 feet in areas not covered by existing buildings and hardscape, unless the future landowner gains regulatory and DON approval and complies with a Soil Management Plan (SMP).” (ROD, p. 12-2, Section 12.1.3, emphasis added)

Requiring approvals from environmental regulatory agencies and from the Navy is inefficient and unnecessarily burdensome. Environmental regulatory agencies protect public health and the environment as their primary responsibility. The Navy’s primary responsibility is national defense, not considering petitions from homeowners and other future landowners concerning property maintenance. There is no question the environmental regulators will remain staffed and prepared to manage environmental institutional controls. This is not necessarily the case with the Navy, which may have more pressing priorities. If the homeowner/landowner also has to engage the Navy to plant a tree requiring excavation deeper than 4 feet, for example, compliance will incrementally suffer.

Thank you for considering the ARRA’s comments.

Sincerely,



Debbie Potter
Base Reuse and Community Development Manager

cc: Anna-Marie Cook, USEPA
Dot Lofstrom, DTSC
Erich Simon, Water Board
Peter Russell, Russell Resources, Inc.