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January 11, 2007

Mr. Thomas L. Macchiarella, Code BPMOW.TLM
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REVIEW OF DRAFT RECORD OF DECISION FOR OPERABLE UNIT 1,
INSTALLATION RESTORATION SITES 6, 7, 8 AND 16, ALAMEDA POINT, ALAMEDA,
CALIFORNIA

Dear Mr. Macchiarella:

The Department of Toxic Substances Control (DTSC) has reviewed the document cited above (OU-1 ROD), dated August 2006. We have also reviewed comments submitted to the Navy by the U.S. Environmental Protection Agency (EPA) and the San Francisco Regional Water Quality Control Board (Water Board) on the OU-1-ROD. We concur with comments submitted by EPA and the Water Board, and will not reiterate those comments. Thus, our comments on the Draft ROD will be confined to a few, broad concerns.

Our primary concern is with the results of the human health risk assessment for soil, which is greater than 1×10^{-6} for residential use of all four OU-1 sites. DTSC policy is that a remedy resulting in cumulative site risk of less than one in one million (10^{-6}) is acceptable for unrestricted use. A remedy resulting in a cumulative site risk between one in one million (10^{-6}) and one in ten thousand (10^{-4}) may be acceptable, with justification, for unrestricted use. Each remedy proposed within that risk range must be evaluated individually to ensure that it is acceptable with regard to human health and the environment. The individual risks of all the contaminants of concern are used to calculate the cumulative risk for a site. DTSC is conservative in making risk management decisions, and requires substantial justification to accept a cumulative site risk of more than one in one million (10^{-6}). For DTSC, the Branch Chief is the risk manager who makes the remedy selection decision.

DTSC does not concur that Sites 7 and 8 are appropriate for unrestricted use, based on the material presented in the Draft OU-1 ROD. DTSC is prepared to concur with the ROD for Sites 6 and 16, provided institutional controls to restrict those sites from

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residential and sensitive use (such as hospitals, daycare facilities, and schools) are included.

If you have any questions, please contact me at (916) 255-6449.

Sincerely,



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DTSC Comments on the Draft Record of Decision (ROD) for Operable Unit 1
Installation Restoration Sites 6, 7, 8 and 16
Alameda Point, Alameda, California

- 1) The Navy has not provided clear justification in the ROD for leaving contaminants in place that result in a cumulative site risk that are greater than 1×10^{-6} . The Navy should rewrite the sections titled "Soil Risk Characterization," and "Groundwater Risk Characterization," to provide more details as to why remediation has not been proposed for soil. The following bullets highlight some of the ambiguities that are present in the ROD:
 - It is not clear from the ROD if Sites 6 and 16 are being remediated to unrestricted use or if they are being remediated to commercial/industrial use with institutional controls.
 - The Site 7 discussion of the debris area and the nondebris area is confusing. It is not clear in the text whether or not the debris area has been excavated, nor is it clear that any soil, other than that associated with oil water separator (OWS) 459, is planned for excavation.
 - The risks from Site 8 soil are from arsenic, which is dismissed as attributed to background, dieldrin, and polychlorinated biphenyls. Remediation is not proposed for soil other than that proposed for the northwest corner of Site 8. Does the cancer risk of 6×10^{-5} for residential use of Site 8 include the northwest corner? Does the Navy anticipate that the site risk will meet the 1×10^{-6} criterion after remediation of the northwest corner?
 - It is not stated frequently enough or clearly enough that the groundwater plumes at Sites 7 and 8 will be remediated under the total petroleum hydrocarbon (TPH) program. Moreover, the statement is made in association with Site 8 that there are no Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) contaminants at Site 8 groundwater, but trichloroethylene has been detected in groundwater, which is a CERCLA contaminant.

- 2) Our second overarching comment refers to the disjointed nature of the discussions on previous investigations, presented at the beginning of each section. For example, in Section 2.2.1 CERCLA Investigation Activities, under "Follow-on Investigation to Installation Restoration Program Phase 2B and Phase 3 Sites, 1994," it is very jarring to read, "Previous investigations indicated elevated concentrations of beryllium and PAHs in surface soil and VOCs in groundwater." Does the "previous investigations" refer to the "IR Program Phases 2B and 3 Investigations" paragraph that precedes the "Follow-on" paragraph? Or perhaps it refers to the Initial Assessment Study, described in the paragraph prior to that? We are not asking for extensive revision of these parts. However, it would be very helpful if the discussions of various investigations could refer back to each other, rather than treating each investigation as a stand-alone project.

3) The language used in Chapter 6, Statutory Determinations, should match the agreed-on language used in the Site 26 ROD. Please remove (a) and (e) (1) from the bulleted items on page 6-10 (first of three bullets), so that it reads, "DTSC land use control requirements at Cal. Code Regs. tit 22, section 67391.1. Additionally, the last sentence of the first partial paragraph at the top of page 6-11 of the Draft OU-1 ROD states, "These covenants would be recorded with the environmental restriction covenant and agreement and run with the land." This language is ambiguous and should be replaced with Site 26 ROD language, which states, "These covenants would be recorded with the Covenant to Restrict Use of Property and run with the land." The next paragraph on page 6-11 of the Draft OU-1 ROD contains similar, confusing language. Please replace the statement, "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," with the statement from the Site 26 ROD, specifically, "This substantive provision will be implemented by incorporation of restrictive environmental covenants in the Covenant to Restrict Use of Property at the time of transfer for purposes of protecting present and future public health and safety." All of Section 6.2.3.2 should be reviewed and any language that references land use control requirements should correspond exactly to the agreed-on language used in the Site 26 ROD.