



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street
San Francisco, Ca. 94105

2 November 1987

In Reply
Refer To: T-4-3
Facility No. CA170090087

Captain J.M. Greenwald
Commander
Western Division
Naval Facilities Engineering Command
P.O. Box 727
San Bruno, CA 94066-0720

Dear Captain Greenwald:

Thank you for providing the Draft Interim Remedial Action Plan for Four Sites at Ex-Hunters Point Naval Shipyard at a meeting held June 18, 1987 at the Western Division Naval Facilities Engineering Command offices in San Bruno, California. Because these sites involve releases of hazardous substances which may present a threat to human health, welfare, or the environment, as defined by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §9601 et. seq. (CERCLA), your response to these sites must be consistent with CERCLA. Accordingly, the Environmental Protection Agency (EPA) has reviewed the plan for compliance with CERCLA.

Nicholas Morgan of my staff has discussed the subject plan several times with Commander Chris Guild and Alex Dong of your staff, particularly at a meeting on August 31, 1987 and during phone conversations on September 3, 1987 and September 6, 1987. It is the EPA's understanding that you do not intend to undertake interim remedial actions at the Pickling and Plate Yard, at the Battery and Electroplating Shop, or at the Power Plant sites, but that immediate response is currently only contemplated for the surface asbestos sites. With that assumption in mind, let me describe CERCLA requirements and EPA guidelines, rules, and regulations applicable to the conduct of removal actions and other remedial actions.

Removal Actions

CERCLA Section 106 states that a removal action may be conducted whenever there is a potential or actual imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of hazardous substances. Promulgated pursuant to CERCLA Section 105, Section 300.65 of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 (NCP), further provides that where there is a threat to public health or welfare or the environment based on the factors contained in 40 CFR Part 300.65(b)(2), appropriate removal action may be taken.

In order for a removal action to be conducted at the Hunters Point Naval Shipyard, the Navy must determine that the site or the incident presents an actual or potential imminent and substantial endangerment. Once this is determined, the scope of the action should be documented in an Action Memorandum as outlined in Enclosure 1, "Removal ...". This Action Memorandum should include, at minimum:

- Purpose of the action
- Background of the incident or site setting
- Detailed description of the threat posed by the site. This must document the determination of imminent and substantial endangerment as required by the NCP.
- Any previous or current actions to abate the threat
- Description of the time-frame in which the response must be conducted
- How the removal action relates to ongoing long term remedial activities
- Estimated cost of project

Additionally, when conducting a removal action, the Navy must provide:

- On-Scene Coordinator (OSC, see Section 300.33 of the NCP).
- An Administrative Record (See Enclosure 2, "Administrative Records ...")
- Environmental Review (See Enclosure 3, "Environmental Review...")

Finally, at the conclusion of the remedial action, an OSC Summary Report must be submitted to the Regional Response Team.

Regarding the contamination at the Hunters Point Naval Shipyard, a limited review of the sampling data presented in the Area Study for Asbestos Containing Material and Volatile Organic Compounds at Ex-Hunters Point Naval Shipyard indicates that a threat to public health, welfare, or the environment exists due

to surface asbestos contamination. Accordingly, performance of a Time-Critical or Non-Time-Critical Removal Action, as described in Enclosure 3, by the Navy for surface asbestos contamination may be appropriate.

Actions Other Than Removal: Remedial Actions and Operable Units

EPA strongly recommends that all hazardous substance releases at Hunters Point which do not present an imminent threat to human health or welfare or the environment be responded to in the upcoming Remedial Investigation/Feasibility Study (RI/FS). It is generally EPA's policy that the responsible party respond to all hazardous substance releases in one comprehensive program. This allows for much greater coordination and maximization of resources. Furthermore, consolidating remedial actions can lead to significant cost savings while optimizing the Congressional mandate for permanent remedies, as prescribed in CERCLA Section 121.

If the Navy is not conducting a removal or a comprehensive remedial response, then each distinct remedial response must be conducted as an Operable Unit, as described in the NCP Section 300.68. Any Operable Unit or final remedial action must, at a minimum, comply with the following:

- CERCLA Section 105: National Contingency Plan
- CERCLA Section 117: Public Participation
- CERCLA Section 121: Cleanup Standards
- Guidance on Remedial Investigations Conducted Under CERCLA, EPA, May 1985,
- Guidance on Feasibility Studies Conducted Under CERCLA, EPA, June 1985,
- Interim Guidance on Superfund Selection of Remedy, EPA, December 24, 1986.
- Interim Guidance on Applicable or Relevant and Appropriate Requirements (ARARs), July 9, 1987

In addition, a revised NCP is expected to be published in the Federal Register this fall. The revisions will describe new requirements for remedial and removal activities.

Due to the significance of the Hunters Point Naval Shipyard, EPA requests that the Navy closely coordinate any planned actions by submitting all documents, including preliminary sampling work plans, Action Memorandums, Administrative Record indices, EE/CAs, and Summary Reports, to EPA and concerned state regulatory agencies, such as the Department of Health Services. Documents must be submitted prior to the initiation of any action so that a reasonable opportunity to comment is provided. Close coordination with EPA and the state is essential, since CERCLA Section 120(a)(2) requires that

Federal agencies comply with all EPA guidelines, rules, regulations, and criteria and Section 120(a)(4) requires that any removal or remedial action at Hunters Point comply with state removal or remedial laws.

I hope this letter has been helpful in describing the response program developed pursuant to CERCLA. We look forward to receiving a revised plan as it becomes available. If you have any questions regarding this letter please contact Amy Zimpfer, Chief, Federal Response Section at 415/974-7414, or Nicholas Morgan, Superfund Federal Facilities Coordinator, at 415/974-8603.

Sincerely,



Jeff Zelikson
Acting Director
Toxics and Waste Management Division

Enclosures

cc: Mr. Dwight Hoenig, DHS
Mr. Roger James, RWQCB

ENCLOSURE(1)
REMOVAL ACTION MEMORANDUM

GUIDANCE ON CERCLA REMOVAL ACTIONS

THE ABOVE IDENTIFIED ENCLOSURE IS NOT
AVAILABLE.

EXTENSIVE RESEARCH WAS PERFORMED BY
SOUTHWEST DIVISION TO LOCATE THIS
ENCLOSURE. THIS PAGE HAS BEEN INSERTED AS
A PLACEHOLDER AND WILL BE REPLACED
SHOULD THE MISSING ITEM BE LOCATED.

QUESTIONS MAY BE DIRECTED TO:

DIANE C. SILVA
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NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132

TELEPHONE: (619) 532-3676

**ENCLOSURE(2)
ADMINISTRATIVE RECORDS**

GUIDANCE ON CERCLA REMOVAL ACTIONS

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ENCLOSURE(3)
ENVIRONMENTAL REVIEW

GUIDANCE ON CERCLA REMOVAL ACTIONS

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