



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

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June 24, 1993

Henry C. Gee *HCG/28*  
Western Division  
Naval Facilities Engineering Command  
Code 1811HG  
900 Commodore Drive  
San Bruno, CA 94066-2402

1) THEI R 7/2 *cy to me for info already made*  
2) THEIWR *WR* *As make copy for your case and pass to*  
3) THEIDS/THEIM *rem* *for admin record*

Dear Mr. Gee:

The U.S. Environmental Protection Agency has reviewed the Draft Final Interim Action Operable Unit III Alternative Selection Report for the Hunters Point Annex site. Our comments on this report are enclosed. Comments were made by our Office of Regional Counsel, Regional Toxicologist, and Remedial Project Manager, and our representative, Bechtel Environmental Inc.

Please call me at (415) 744-2385 if you have any questions regarding these comments.

Sincerely,

Roberta Blank  
Remedial Project Manager

Enclosures (2) (1 set of EPA comments, 7 pgs.) (1 set of BEI comments, 3 pgs.)

cc: Cyrus Shabahari, DTSC  
Barbara Smith, RWQCB  
David Wells, San Francisco Department of Public Health  
Bill Radzevich, WestDiv

**EPA Office of Regional Counsel Comments  
Draft Final Interim Action Operable Unit III  
Alternative Selection Report**

The review of the ARARs analysis contained in this document was complicated by the Navy's definition of a "No Action" ROD. In discussing Interim Action Alternative 1: "No action/institutional action" the Navy explains that this alternative "could include deed restrictions, controls such as limited site access, continued monitoring of the groundwater, and posting of warning signs." (Executive Summary, page vi). As stated in EPA guidance, however, "a remedy including any treatment controls, engineering controls (e.g., containment), or institutional controls would not be considered a 'no action' remedy." EPA, Guidance on Preparing Superfund Decision Documents, page 9-2. It is thus unclear if the Navy undertook a review of the No Action alternative.

For all three alternatives we have the following specific comments on the Navy's list of potential ARARs:

1. Primary MCLs:

It appears that MCLs are a potential ARAR for this OU.

2. Secondary MCLs:

Secondary MCLs (SMCLs) (40 CFR Part 143) are non-enforceable limits designed to establish minimum aesthetic qualities in drinking water. SMCLs and proposed SMCLs may be TBCs for the OU if the selected remedy includes supplying water to a public water supply system.

3. MCLGs:

Use of MCLGs as ARARs is usually reserved to instances where application of MCLs will not provide sufficient protection.

4. Proposition 65:

To be an ARAR, the requirements of the state law must be more stringent than federal requirements. However, the regulations implementing Proposition 65 state that "[n]othing in this article shall preclude a person from using evidence, standards, risk assessment methodologies, principles, assumptions or levels not described in this article to establish that level of exposure to a listed chemical poses no significant risk." CCR Title 22, Section 12701(a). I understand that the Navy has performed, or will perform, a risk assessment meeting the requirements of CCR Title 22, Section 12721, and has determined that the standards that will be met in the cleanup pose "no significant risk," as intended by this regulation. The Proposition 65 Title 22 regulations, at Section

12703(b) state:

For chemicals assessed in accordance with this section, the risk level which represents no significant risk shall be one which is calculated to result in one excess case of cancer in an exposed population of 100,000 assuming lifetime exposure at the level in question, except where sound consideration of public health support an alternative level, as for example, where a clean-up and resulting discharge is ordered and supervised by an appropriate governmental agency or court of competent jurisdiction. (emphasis added).

Thus, the statute and implementing regulations recognize that the alternative cleanup levels set by U.S. EPA for a Superfund cleanup are adequate to satisfy the requirements of the Act. Therefore, this law does not impose any more stringent requirement for the remedial action at the OU and is not an ARAR.

5. Antidegradation policy (Resolution No. 68-16):

This is a potential ARAR.

6. Sources of Drinking Water Policy (Resolution No. 88-63):

I understand that this law is not enforceable and is thus not an ARAR.

7. EPA Guidelines for Groundwater Classification:

This is a potential TBC.

In addition to the above, the following were listed as potential ARARs for at least one of the proposed alternatives:

Alternative I

1. 40 CFR Section 264.14 (Security at a TSD):

This is a potential ARAR.

2. 40 CFR Part 264 Subpart F (release from a SWMU):

It is unclear what substantive portions of Subpart F will be more stringent than the groundwater monitoring requirements necessary under CERCLA. To the extent such portions of Subpart F are determined, these specific provisions may be an ARAR.

3. 40 CFR 264.119 (Post-Closure Notices):

While there is a substantial portion of the RCRA closure requirements which are potential ARARs for this OU, 40 CFR 264.119 does not appear to be included within this category. Specifically, the Navy sites the requirement to place a deed restriction as relevant and appropriate; this statement neglects the fact that there is no deed for the property at Hunters Point.

### Alternative 2

1. 40 CFR 264.601 (Env. Perf. Stds.):

This is a potential ARAR.

2. BAAQMD Rules & Regulations:

A copy of the BAAQMD Rules and Regulations was not provided by the Navy for review as potential ARARs.

3. 23 CCR, Division 3, Chapter 15:

A copy of this state requirement was not provided by the Navy. Review of its potential as an ARAR was not undertaken.

4. 23 CCR, Division 3, Chapter 15, Article 5:

A copy of this state requirement was not provided by the Navy. Review of its potential as an ARAR was not undertaken.

### Alternative 3

1. 40 CFR Part 268 (LDR):

This is a potential ARAR.

Finally, the ASR apparently fails to discuss to what extent any of the alternatives would comply with the Navy's list of ARARs; making this ARARS analysis incomplete.

**EPA Regional Toxicologist Comments  
Draft Final Interim Action Operable Unit III  
Alternative Selection Report**

1. As stated in our previous comments on the ASRs, EPA does not support the use of  $10^{-4}$  excess lifetime cancer risk as a cutoff, but rather we use  $10^{-6}$  as a point of departure and make risk decisions within a range of  $10^{-6}$  to  $10^{-4}$ , based on site specific factors.
2. Also, as stated previously, ground water samples were filtered which is not in accordance with EPA guidance for ground water sampling.
3. Nickel and thalium should not have been eliminated as chemicals of concern since their detected values exceeded MCLs.
4. On page 46, exceedences of MCL's are identified as one of the criteria for taking interim action. Levels above MCLs are identified for some constituents in the ASR, but then are ignored for further discussion. The ASR excludes ground water from interim action due to high TDS and lack of imminent threat. Why did the ASR evaluate soil remedies for the site even though no imminent threat is stated to exist, and not do so for ground water as well?

**EPA RPM Comments**  
**Draft Final Interim Action Operable Unit III**  
**Alternative Selection Report**

1. The Navy needs to be more definitive regarding the thirty-four wells identified within a 2 mile radius of the site, described on page 16. The unknown status and location of most of these wells should be resolved. The locations of the wells known to be in use should be identified. In particular, where is the 1 irrigation well recorded as active? More information will need to be provided to document that the site does not pose a threat to the Albion Mountain Spring well or other nearby wells.
2. On page 17, the ASR states that the underground storage tanks associated with the fueling station at Building 811 have been removed, but in other places, the ASR states these tanks have been closed in place. Which statement is correct?
3. In Section 4.2.2.2 the Navy should have discussed the data quality problems encountered for this OU and any impacts on data quality or quantity for this ASR.
4. On page 29, the ASR should have discussed a possible source for the metals detected within IR-4. The information on page 19 regarding the scrap materials area is very vague. In general, the ASRs have not put enough effort into correlating contaminants found with past site uses and release mechanisms. The Parcel RI/FSSs should do so.
5. On page 34, the ASR states "...the final determination of ARARS will be made by EPA as part of the selection of the remedy, and will take into account public comment." To clarify this statement, the final determination of ARARS and selection of the remedy is the responsibility of the Navy as lead agency, not EPA. EPA would either concur with or dispute the Navy's final determination and would have the final say in the event of a dispute.
6. On page 41, the type of worker intended for the commercial/industrial exposure scenario is not identified, e.g., are these construction workers or office workers?
7. On page 53, the ASR states that "...continued monitoring of the groundwater would be necessary, and deed restrictions would need to be imposed if this land is transferred before completion of the final ROD." Transfer of this property (IR-4 and IR-5) would be unlikely without a Parcel ROD in place, since these are not clean sites. Under CERCLA, it must be demonstrated that all remedial action has been taken prior to a transfer (except in the case of a lease).
8. On page 53, Section 7.4.1.2 Cost, the ASR discusses Alternative 1 as if this were a final, not interim remedy being

considered.

9. If the proposal in Alternative 2 to use asphalt batching with offsite beneficial use is to be carried into the Parcel RI/FS's we would like to further discuss this treatment and disposal method with you to determine whether it is an appropriate final remedy for wastes from Hunters Point Annex.

10. Page 57 states that implementing Alternative 2 would reduce long-term risks to current and future users of HPA. It appears from the discussion on page 54 of the ASR that this is only true for the residential use scenario. Also, it is difficult to claim that the alternative is expected to meet the final action objectives at the site, since these have not yet been decided upon.

11. Will the areas covered by pavement that are not targeted for remediation for interim actions on page 57, be targeted for remediation in the Parcel RI/FSSs?

12. Page 59 states that Interim Action Alternative 2 would increase protection for both residential and commercial scenarios. This alternative only applies to the residential scenario as explained on page 54. To accommodate both residential and commercial scenarios, an alternative that involves other types of solidification and disposal than asphalt batching and reuse, could have been looked at.

13. On page 60, the ASR states that "Interim Action Alternative 3 would reduce the mobility of the chemicals by transferring the chemical-bearing soil to a landfill." Disposal without treatment cannot be used to claim reduction in mobility - this claim can only be made when the alternative is a treatment alternative that irreversibly reduces mobility.

14. On page 61, bullet 2, the ASR says that the cost for Interim Action Alternative 2 is for the commercial use scenario; however consistent with the discussion on page 54, it appears this should refer to the residential use scenario instead.

15. On page 62, bullet 3, as stated above, disposal without treatment cannot be claimed to reduce mobility.

16. The ASR states on page 62 that asphalt batching as a recycling technology would comply with the agencies' preference for beneficial reuse of soil. EPA has no stated preference for beneficial reuses of Superfund site soil wastes that I am aware of; do you have a citation for such a preference?

17. On page 62, the ASR states that point-source chemicals at OU III sites do not pose an imminent threat to human health. The ASR should have stated here that this is not due to the absence of risks, but rather to the restricted site access and lack of use in its present state.

18. On page 63, the ASR states that "...the type and extent of any required final actions are uncertain at this time for several reasons." We agree that this uncertainty exists, but we also agree with the statement made further-on on the page that final actions are likely at these sites due to the levels of contamination and risks present.

# Bechtel

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June 3, 1993

Ms. Roberta Blank H-9-2  
U.S. EPA Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Subject: ARCSWEST Program Contract No. 68-W9-0060  
Hunters Point Annex Work Assignment No. 60-05-9PP3  
Review of the Navy's responses to EPA comments on the *Draft OU-III Alternative Selection Report* for the Hunters Point Annex

Dear Roberta,

As you requested, the Bechtel Project Team has reviewed the Navy's responses to EPA comments on the *Draft OU-III Alternative Selection Report* for the Hunters Point Annex. In general, the report has been improved considerably. However, as our attached comments illustrate, this report still does not clearly document the Navy's decision making criteria.

We have only addressed responses that were not considered acceptable. The response to Comment 2 regarding ARARs requires your review. If you have questions or comments please call.

Sincerely,



Richard Draper, Ph.D.  
Project Manager  
(415) 768-3282

cc: M. Mitguard, EPA  
D. Morrison, EPA



**Bechtel Environmental, Inc.**

**Comments on the Navy's Responses to Bechtel Comments on the  
Draft OU-III Alternative Selection Report  
for the Hunter Point Annex**

**Response to Comment 1.**

The discussion in Sections 2.0 of conditions that must be met before an interim action is recommended should be further clarified. Quantitative (or semi-quantitative) criteria should be provided for the following:

- assessment of chemicals most frequently detected in soil samples, e.g., 10% of surface (0- to 2-foot depth) samples;
- assessment of chemical most consistently detected in groundwater samples from the same wells in different sampling rounds, e.g., 2 samples with detectable concentrations above background out of 3 samples;
- comparison of soil and groundwater metal concentrations to disputed background levels and health based levels, e.g., if the 95% upper confidence limit Cd concentration in a quaternary bay mud sample was less than or equal to the site wide bay mud background concentration, then the bay mud was not considered contaminated;
- assessment of spatial trends in the chemical concentrations in soil and groundwater, e.g., decreasing concentration with increasing distance from a location where a spill may have occurred;
- comparison of soil and groundwater chemical distributions, e.g., areas of high soil concentration are associated with areas of high groundwater concentrations and the relationship between the distributions is consistent with probable soil to groundwater transport mechanisms;
- comparison of groundwater concentrations to MCLs, e.g., concentrations determined in three sampling rounds were averaged and the upper 95% confidence limit concentration was compared to the corresponding MCL;
- identification of remedial units using risk assessment results, e.g., if surface (0 to 2-foot depth) soil concentrations were less than or equal to health based levels, then the soil represented by that sample was excluded from the remedial unit.

A flow chart should be developed that includes the decision criteria requested above and incorporated into Section 2.0 of the report.

**Response to Comment 2.**

To be provided by EPA.

**Response to Comment 3.**

A similar flow chart should be provided to illustrate identification of point source groundwater contamination.

**Response to Comment 5.**

The conceptual model presented as Plate I2 is not acceptable. The model should be specific to OU-III (or specific to each IR site included in OU-III) and include a three dimensional pictorial representation of all potentially complete exposure pathways, OU-III contaminant sources, potential contaminant sources under investigation in adjacent areas (e.g., preliminary assessment sites), OU-III exposure points, release mechanisms, transport media, and receptors. The limited nature of the proposed interim remedial action should be contrasted with the conceptual model.

**Response to Comment 7.**

The Navy's response is not acceptable. A clear discussion including a flow chart illustrating decision points should be developed and included in the report to illustrate how chemicals of concern were identified.

**Response to Comment 14.**

This and other ASRs should explicitly address community and worker protection during implementation of a remedial action as well as environmental impacts and the time required to achieve the remedial action objectives. The Navy's response is not acceptable.