



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

February 11, 1997

Richard Powell [1832]
Department of the Navy
Engineering Field Activity, West
Naval Facilities Engineering Command
900 Commodore Drive
San Bruno, CA 94066-5006

RE: EPA Regional Counsel Comments on the Parcel B Draft Record
of Decision dated February 14, 1997

Dear Mr. Powell:

Again, thank you for the opportunity to review the most recent draft of the Parcel B Record of Decision (ROD) before it is made draft final. Comments by EPA Regional Counsel, Vicky Lang, are provided as an attachment to this letter.

Should you have any questions, please call me to discuss them at (415)744-2409 or have Navy counsel contact Ms. Lang directly at (415)744-1331.

Sincerely,

A handwritten signature in cursive script that reads "Claire Trombadore".

Claire Trombadore
Remedial Project Manager

cc: Bill McAvoy, EFAWEST, Code 1832.1
Michael McClelland, EFAWEST, Code 62.3
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Richard Hiett, RWQCB
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Deborah Judy, PRC

attachment

EPA REGIONAL COUNSEL VICKY LANG'S COMMENTS ON THE DRAFT ROD
FOR PARCEL B DATED FEBRUARY 14, 1997
FOR HUNTERS POINT SHIPYARD

1. Page 24, Section 2.7.1. The word "federal" in the first line should be capitalized.

2. Page 24 to 39, Section 2.7. I agree with Claire Trombadore's comment that the ARARs discussion regarding the soils remedies is confused and lacking in detail, and should be consolidated into one section. In addition, my specific comments are found below:

First, the State and the Navy disagree as to whether the SWRCB Resolutions as ARARs. Does this mean that they are being waived, that the Navy will comply with them despite the disagreement, or that the Navy will not comply? Furthermore, if considered ARARs they should be designated chemical specific.

Second, on page 26, the location specific ARARs discussed in the second paragraph state that they are ARARs, but the Navy doesn't tell us why. Why are the Coastal Zone Management Act, the California Coastal Act and the National Historic Preservation Act ARARs? Do these ARARs apply to the groundwater, or to the soil alternatives or both?

Third, on page 26 the Navy is once again discussing the designation of a CAMU for stockpiled soils. My understanding is that no CAMU would be designated at Hunters Point; however, the CAMU concept has popped once again in this document. If in fact the Navy intends to designate a CAMU, it should state exactly where the CAMU will be located. Will it be the entire parcel B for instance?

Fourth, page 27 there is a typo. The word "is" should be taken out of the third line.

Fifth, with regard to the "action specific" ARARs discussed on page 26 and 27, the Navy has not designated whether the ARAR is applicable, or relevant and appropriate. In addition, a bit more discussion as to the purpose and applicability of these ARARs would assist in understanding this discussion.

Sixth, with regard to the ARARs discussion of Alternative S-2 on the bottom of page 34, it is too bare. Are BAAQMD regulations 8-40-301 and 8-40-303 action specific ARARs? Are they relevant, or applicable and appropriate? Why do they specifically apply under alternative S-2? This discussion needs to be expanded. The same can be said of the ARARs discussion of Alternative S-3. As to Alternative S-4's ARAR discussion, there should be an individual discussion of the ARARs applicable or relevant and appropriate to this remedial choice. Citing to previous discussions is inadequate. Also all ARARs need to be discussed. The fact that

the Navy states that "the major ARARs" for this alternative have been previously discussed implies that there are other "minor" ARARs which are not being discussed.

Seventh, the ARARs discussion for Alternative S-6 is also lacking (pages 38 and 39). Once again there appears to be reference to previous ARARs discussions. This is inappropriate. In addition, the discussion of the BAAQMD regulations is lacking. Once again, are the relevant and appropriate, or applicable? Why are these ARARs? What level of concentrations in the soil is required for the miscellaneous unit requirements to become ARARs?

Eighth, on page 38, Alternative S-6 speaks to treated soil that does not meet the criteria being transported off site for disposal. What is the criteria? Also, the Navy should specify that the soil meeting the criteria will be transported offsite and disposed of in a hazardous waste landfill. In addition, the statement that "[o]ther solid wastes streams, such as cyclone and baghouse residuals, would be blended with contaminated soil...and used as part of the subbase foundation material in the concentrations in the material meet the criteria..." once again what are the criteria? These need to be stated specifically. Also, if the thermal desorption residuals are sent offsite for treatment, the Navy should state that they will be treated as a hazardous waste.

Ninth, there is no ARAR discussion whatsoever under the discussion of Alternative S-8. There needs to be such a discussion. In addition, what type of institutional controls would be implemented to prevent the cap from being disturbed?

3. Alternative GW-2, Page 41. As I stated in my previous comments to the Parcel B ROD, I believe that the Navy's statement that it may undertake remedial action should the groundwater monitoring indicates that a remedial action may be necessary, is too vague. The ROD should have the criteria for reassessing the need for active remediation. In other words trigger language should be inserted which puts them on the hook to do something, and which allows the regulatory authorities the ability to come in and say that it is now time to actively remediate the problem. For example, the ROD might to be amended to read:

If monitoring data indicates for _____ consecutive quarters (assuming they are doing quarterly monitoring) that the groundwater/surface water interface will exceed ambient groundwater levels for metals or Federal water quality criteria for organic compounds, then the Navy within _____ months will amend the ROD, with regulatory concurrence, to initiate active remediation of the groundwater.

The way the paragraph in the ROD reads now is extremely vague, saying that the Navy will monitor and have enough time to undertake a remedial action. It does not state that the Navy will in fact undertake such an action, and what that action would be under the various scenarios. The Navy must be more specific on this.

4. With regard to the ARARs discussions for the groundwater alternatives set out on pages 41 to 43, under alternative GW-2 the Navy states that the "primary" ARARs are ..., and under alternatives GW-3, GW-4, and GW-5 the Navy states that the "main" ARARs are.... The ROD needs to discuss all ARARs, not just the primary or main ones.

5. Alternative GW-2, page 40. Although the deed restriction institutional control is a start, in order to be protective the Navy should consider approaching the County of San Francisco and requesting that the County impose a restriction on the issuance of well permits at Hunters Point. With a deed restriction alone, unless a person actually went to the County Recorder and checked the chain of title to become aware of the restrictions on the property, he or she might not know of the prohibition against use of the groundwater. Imposing a well permit restriction is yet another mechanism to ensure a protective remedy.

6. The groundwater remedies fail to state for what length of time the groundwater monitoring will occur at Parcel B. The Navy must state the length of time it will conduct groundwater monitoring. It is my understanding that the State requires a minimum of thirty years of monitoring in these situations. The Navy should discuss this with the State.

7. Under Parcel D, certain provisions of the Endangered Species Act were identified as potential ARARs. Why would they not be equally applicable at Parcel B? Also in the Parcel D FS, Table 3-5 there are citations to 40 CFR section 6.301(b). Why isn't this cited to in the Parcel B ROD? Also under Parcel D the Navy identified Executive Order 11593 as an ARAR (which requires the preservation, restoration and maintenance of cultural resources on Federal projects etc.). Why was this not identified as an ARAR for Parcel B?

8. Section 2.8.1, page 44, second paragraph. The sentence states that all alternatives will be implemented to meet their respective action and location specific ARARs. What about the chemical specific ARARs?

9. Section 2.8.2, page 46, compliance with ARARs section. The Navy needs to state more than just that the alternatives comply with ARARs, but also discuss why.

10. Section 2.10.2, page 53. This is the third separate section of the document which discusses ARARs. Perhaps as Claire Trombadore suggests, for ease of understanding, the ARARs

discussion should be consolidated into one section. In addition, the discussion in the last paragraph of the action specific ARARs the Navy cites to BAAQMD Regulations 8-40-300 and 8-40-302. However, previously on page 34, the Navy cited to 8-40-301 and 8-40-303. Which is it? In the location specific ARARs description the Navy still fails to state why the Coastal Zone Management Act and the California Coastal Act are applicable to the remedial decision.