



Gray Davis
Governor

Department of Toxic Substances Control

Jesse R. Huff, Director
5796 Corporate Avenue
Cypress, California 90630

January 29, 1999

N68311.001149
NAVSTA LONG BEACH
SSIC #5090.3



Winston Hickox
Secretary for
Environmental
Protection

Mr. Thomas Macchiarella
Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway, Room 18
San Diego, California 92132-5181

Dear Mr. Macchiarella:

PRE-FINAL RECORD OF DECISION (ROD) FOR INSTALLATION RESTORATION SITES 3, 4, 5 AND 6A AT NAVAL STATION LONG BEACH, LONG BEACH, CALIFORNIA

The Department of Toxic Substances Control (DTSC) has completed our review of the *Pre-Final Record of Decision for Installation Restoration Sites 3, 4, 5 and 6A Naval Station Long Beach, Long Beach, California*, dated November 18, 1998. The *Pre-Draft Final ROD* was prepared by Battelle. This letter presents information concerning the reasons for the delay of the approval of this document.

The *Pre-Final ROD* presents the selected remedial actions for IR Sites 3, 4, 5 and 6A at Long Beach Naval Station. In the *Pre-Final ROD*, DTSC found numerous grammatical and typographical errors throughout the entire document. Furthermore, it was noted that buildings, monitoring wells, hydro punches and soil borings were referred to in the text, but not shown in the figures. In addition, some of the tables in the document presented "data qualifiers" but these were not define in the notes at the bottom of the tables. As a result, DTSC could not sign the signature page of the *Pre-Final ROD* until these corrections were made throughout the *Pre-Final ROD*. In order to expedite the review process, DTSC contacted the Navy in regards to this deficiencies and conducted an "onboard review" via telephone on January 19, 1999. In addition, DTSC provided Land Use Covenant (LUC) language to the Navy, to be added to the *Pre-Final ROD*. The LUC will grant access to the property to the regulatory agencies in order to ensure continued effectiveness of the response action and to evaluate groundwater wells via site inspection or sampling, and to enforce against possible future violations of use restrictions.

In addition to the above-noted issues, several other reasons for delay in signing this ROD should be noted. These include:

- 1) Legal counsel between the Regional Water Quality Control and the Navy did not agree for several months on several Applicable or Relevant and Appropriate Requirements

Mr. Thomas Macchiarella

January 29, 1999

Page 2

(ARARs) regarding water quality issues, delaying receipt of the document for the regulators' review.

- 2) The *Pre-Final ROD* was submitted to DTSC prior to the provision of DSMOA Grant information. The Defense State Memorandum of Agreement (DSMOA) Grant appropriation was provided to the State in December 1998. The Grant included substantial reductions in funding for State oversight of remedial activities at Long Beach Naval Station (about 50%) and Long Beach Naval Shipyard (30%); these reductions were retroactively effective to July 1, 1998. DTSC staff were required to reevaluate the potential need for workload reduction at LBNS and the Long Beach Naval Shipyard (LBNSY).

DTSC diverted resources from review of the *Pre-Final ROD* in order to prepare a Resource Conservation and Recovery Act (RCRA) draft Corrective Action Order which was issued to the Navy on December 31, 1998. DTSC took this action due to continuing efforts by the Navy and the Department of Defense to challenge state regulatory authority and to unilaterally dictate reduced levels of regulatory oversight by means of the DSMOA cooperative agreement. In addition, as a result of Navy preference for signing an agreement as opposed to a Corrective Action Order, DTSC staff also were asked to prepare a draft Federal Facility Site Remediation Agreement (FFSRA) for the two facilities in order to begin negotiation in late January 1999.

DTSC advised the Navy of the impending delay in our letter of December 30, 1998. This is to advise you that we have not resolved these issues, and the delay will continue. We regret the delay, but we must all recognize that budgetary reductions have an adverse effect on our ability to meet projected milestones and completion dates. If you have questions or need further information in this matter, please contact me at (714) 484-5417.

Sincerely,



Alvaro Gutierrez
Hazardous Substances Engineer
Office of Military Facilities

cc: See Next Page

Mr. Thomas Macchiarella
January 29, 1999
Page 3

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