

**RESPONSES TO REGULATORY AGENCY COMMENTS ON THE
DRAFT FINAL REMEDIAL ACTION PLAN/RECORD OF DECISION FOR
INSTALLATION RESTORATION SITE 17, MARE ISLAND, VALLEJO, CALIFORNIA**

This document presents the U.S. Department of the Navy's (Navy) responses to comments from the regulatory agencies on the "Draft Final Remedial Action Plan/Record of Decision for Installation Restoration (IR) Site 17, Mare Island, Vallejo, California" dated May 1, 2007. The comments were received from the U.S. Environmental Protection Agency (EPA) Region 9 on August 30, 2007, and from the Department of Toxic Substances Control (DTSC) on August 27, 2007.

Presented below are the Navy's responses organized into two sections according to each reviewer that submitted comments.

**RESPONSES TO COMMENTS FROM CAROLYN D'ALMEIDA, REMEDIAL PROJECT MANAGER, EPA
REGION 9**

General Comments

- 1. Comment:** EPA submitted numerous comments on the Human Health Risk Assessment in the 2001 Draft Remedial Investigation for this site that have not been addressed. Navy asserted that they lacked the tools to adequately assess potential risk from the vapor intrusion pathway, but still wished to proceed with a cleanup action for this site, and reevaluate the risks to human health based on the conditions that remained. While the agencies accepted the Navy's proposal to proceed with cleanup, the baseline human health risk assessment was never accepted or approved by the agency toxicologists. The agencies therefore consider this to be an interim action designed to address Applicable or Relevant and Appropriate Requirements (ARARs) only. All statements regarding risk determinations should be deleted from this RAP/ROD.

Response: The Navy has decided not to proceed with the IR17 Remedial Action Plan/Record of Decision (RAP/ROD) until a non-time critical removal action (TCRA) is completed at the site. The non-TCRA is intended to reduce the uncertainty associated with overall risk and mitigate the potential inhalation risk from volatile constituents based on the planned reuse of the site. As part of the non-TCRA, an engineering evaluation/cost analysis (EE/CA) and action memorandum (AM) will be prepared. These documents will utilize the remedial investigation (RI), feasibility study (FS), and RAP/ROD to streamline the evaluation and selection of a removal action. The EE/CA will also evaluate the post-removal risk based on the proposed approach. Following the removal action, an updated

RESPONSES TO COMMENTS FROM CAROLYN D'ALMEIDA (CONTINUED)

proposed plan and RAP/ROD will include, at a minimum, institutional controls and 5-year review for IR17. Applicable agency comments on the previous RAP/ROD will be incorporated into all new documents for IR17.

2. **Comment:** **The RAP/ROD states that the property is anticipated for industrial use, however current property transfer discussions indicate that the property is now anticipated for use as university campus and housing. The reuse assumptions in the RAP/ROD do not reflect the current reuse proposals.**

Response: The RAP/ROD states that the planned future land use for IR17 is light industrial, as described in the "Mare Island Final Reuse Plan" (City of Vallejo 1994). The purpose of a reuse plan authored by the local government is to have an established understanding between the Navy and the community about appropriate reuse of Navy property and to set expectations in terms of cleanup. Discussions regarding other reuses have not been adopted by the City of Vallejo and; therefore, should be considered as exploratory and do not override the uses detailed in the Mare Island Final Reuse Plan.

Specific Comments

1. **Comment:** **Page 1-2, section 1.5. Statutory Determinations. The statement in the first paragraph that this action constitutes a permanent solution is misleading; without an approved risk assessment, we cannot make statements that it is a final solution. Also, the statement that the remedy satisfies the statutory preference for treatment as a principle element should be deleted as the proposed action does not employ treatment technology. Further, all references to reduction of toxicity, volume or mobility should be deleted as well as these statements are only applicable for remedies that utilize treatment technologies. The nine criteria evaluation discussion should simply read "not applicable" for this criterion.**

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 1.5 - Statuary Determinations will be updated based on the post-removal site conditions and risk assessment.

RESPONSES TO COMMENTS FROM CAROLYN D'ALMEIDA (CONTINUED)

2. **Comment:** Page 2-45, Chemical Specific ARARs. The general site discussion indicates there are PCBs remaining at the site. Please identify TSCA PCB regulations under 40 CFR 761.61 as an ARAR for this action.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 2.13.2.1 – Chemical Specific ARARs will be updated based on the post-removal site conditions/risk assessment and will take this comment into consideration.

RESPONSES TO COMMENTS FROM CHIP GRIBBLE, REMEDIAL PROJECT MANAGER, DTSC

General Comments

- Comment:** Please add an executive summary that includes the selected action and approvals. Please use the H1 RAP for a template. Please also delete the Appendix C: DTSC Agreement with the Selected Remedy.

Response: The H1 RAP will be used as a template for preparation of the updated RAP/ROD executive summary and appendices.

Specific Comments

- Comment:** Page 1-1, section 1.2, para. 1: Please change the phrase "...selected remedy was chosen..." to "The preferred remedy was developed in accordance with..."

Please also modify the 3rd sentence to state that the preferred remedy and this document was developed in accordance with Chapter 6.5 and 6.8 of the CA H&S Code.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 1.2 – Statement of Basis and Purpose will be revised as requested.

- Comment:** Page 1-1, section 1.2, para. 2: Please revise the sentence to indicate that DTSC, RWQCB, and USEPA have evaluated the selected remedy instead of agree with.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued, at which time the regulatory agencies will have reevaluated the updated selected remedy. Therefore, the updated RAP/ROD will specify that the regulatory agencies agree with the selected remedy, as currently written.

- Comment:** Page 1-1, section 1.3: Please delete sentences numbers 3 and 4. Please also modify sentence 5 to indicate that the LNAPL does pose an unacceptable risk.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 1.3 – Assessment of the Site will be revised based on the post-removal site conditions and risk assessment.

RESPONSES TO COMMENTS FROM CHIP GRIBBLE (CONTINUED)

4. **Comment:** Page 1-2, para. 2: Please delete this paragraph. All contaminants present must be evaluated in a complete post-remediation risk assessment.

Response: Please see response to DTSC Specific Comment #3.

5. **Comment:** Page 1-2, section 1.4, para. 1, sentence number 3: DTSC does not agree that risks from some specific pathways have been defined. Post-remediation risks from all contaminants present must be evaluated in a complete post-remediation risk assessment. Please revise accordingly. Further, regarding future use restrictions and institutional controls, reuse of this site should be prohibited until a determination has been made, based on a completed risk assessment, that residual risks are acceptable for a given future use. It is our understanding that this prohibition on reuse at IR17 currently exists through an absence of an approved Navy FOSL.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 1.4 – Description of the Selected Remedy will be revised based on the post-removal site conditions/risk assessment and updated selected remedy.

If any proposed interim use is identified, the reuse would be subject to the finding of suitability to lease (FOSL) or Project Environmental Review Form (PERF) process.

6. **Comment:** Page 1-2, section 1.4, para. 2, last sentence: The reference to designing post-remediation site conditions should be rewritten or clarified.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 1.4 – Description of the Selected Remedy will be revised based on the post-removal site conditions/risk assessment, and updated selected remedy.

RESPONSES TO COMMENTS FROM CHIP GRIBBLE (CONTINUED)

7. **Comment:** Page 1-2, section 1.5, para. 2: This paragraph should be deleted, as a subsequent remedial action decision document may follow that may address any or all of the following: residual contamination/residual risk, restrictive land use covenant and institutional control, long term operation and maintenance, and monitoring, at a minimum.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. This revised RAP/ROD will include, at a minimum, institutional controls and 5-year review for IR17.

8. **Comment:** Page 1-5, section 1.7: S/A comment number 1.

Response: Please see response to DTSC General Comment #1.

9. **Comment:** Page 2-1, section 2.1: S/A comment number 2 and comment number 3.

Response: Please see response to DTSC Specific Comments #2 and #3.

10. **Comment:** Page 2-12, section 2.3.3: Please revise with respect to current dates for the public comment period, public meeting, etc. The list of appendices should also be revised. Please use the IA-H1 RAP for a template. Please add to the final draft for public review prior, a copy of the public notice, a copy of the fact sheet, and information on the planned public meeting.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 2.3.3 – Community Participation will be revised and updated. The version for public review will include the public notice, factsheet, and information on the planned public meeting.

The H1 RAP will be used as a template for preparation of the updated RAP/ROD appendices.

11. **Comment:** Page 2-21, section 2.7: An adequate risk assessment for this site has not been completed due to complications resulting from the presence of free product and LNAPL, and that this proposed RAP/ROD is intended to reduce contaminant concentrations to a point that would allow/facilitate completing a risk assessment for the IR17 area. As the Navy and regulatory agencies have not yet come to an agreement on the site risks and risk assessment, the site risk presentation in section

RESPONSES TO COMMENTS FROM CHIP GRIBBLE (CONTINUED)

2.7 should be deleted. The site risk assessment and acceptability of these risks should be addressed following this proposed remedial action and post-remediation risk assessment and evaluation.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 2.7 – Summary of Site Risks will be revised based on the post-removal site conditions and risk assessment.

12. **Comment:** **Page 2-29, section 2.8: Please delete bullets 2 and 3. We agree that the only RAO should be to reduce the volume of free product to the maximum extent practicable.**

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 2.8 – Remedial Action Objectives will be revised based on the post-removal site conditions/risk assessment and updated selected remedy.

13. **Comment:** **Page 2-34, section 2.10: Please modify for consistency with comment number 12. The site risk assessment and acceptability of these risks should be addressed following this proposed remedial action and post-remediation risk assessment since the Navy and regulatory agencies have not yet come to an agreement on the site risks and risk assessment for this site.**

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 2.10 – Comparative Analysis of Alternatives will be revised based on the post-removal site conditions/risk assessment and updated selected remedy.

14. **Comment:** **Page 2-38, section 2.12, para. 1: Please revise to reflect the fact that this remedy has not yet been approved but only proposed. A public comment period has not yet been held.**

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 2.12 – Selected Remedy will be revised based on the post-removal site conditions/risk assessment and updated selected remedy. The updated RAP/ROD will accurately reflect whether or not the remedy is approved and whether or not the public comment period has been held.

RESPONSES TO COMMENTS FROM CHIP GRIBBLE (CONTINUED)

15. Comment: Page 2-38, section 2.12: Please revise this section for consistency with previous comments. The proposed remedy should not include institutional controls, monitoring, or 5 year reviews. The first bullet should include not just a post-remediation HHRA but also an ERA, as well as an assessment of impact to groundwater.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 2.12 – Selected Remedy will be revised based on the post-removal site conditions/risk assessment and updated selected remedy. This revised RAP/ROD will include, at a minimum, institutional controls and 5-year review for IR17.

Because of the limited habitat, site-specific ecological sampling to support a baseline ERA at IR17 is not feasible. Furthermore, future land use would not result in additional habitat, and it is unlikely that ecological receptors would use the site in any significant manner. Therefore, a screening-level ERA was conducted for IR17. A screening level ERA is Tier 1 of the Navy policy for conducting ERAs (Navy 1999) and is consistent with EPA guidance for screening-level and baseline ERAs (EPA 1997). The results of the screening-level ERA for IR17 indicate that the site does not pose unacceptable risk to ecological receptors. Based on the ERA, no action is recommended for risk management to address ecological risk at IR17. The non-TCRA is planned to address volatiles that pose a human health risk. This action will not change the conclusions of the ERA for IR17 and therefore this assessment will not require revision.

In terms of groundwater, the only complete exposure pathway is the potential exposure to chemical vapors released from the groundwater to the atmosphere via the vadose zone. This pathway will be specifically addressed in the post-removal risk assessment.

16. Comment: Page 2-39, table 2-7: Please modify for consistency with previous comments.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 2.12 – Selected Remedy will be revised based on the post-removal site conditions/risk assessment and updated selected remedy.

RESPONSES TO COMMENTS FROM CHIP GRIBBLE (CONTINUED)

17. Comment: Page 2-42, section 2.13: Please revise this section for consistency with previous comments. The proposed remedy should not include institutional controls, monitoring, or 5 year reviews. The first bullet should include not just a post-remediation HHRA but also an ERA, as well as an assessment of impact to groundwater.

Response: Please see response to EPA Specific Comment #15.

18. Comment: Page 2-60, section 2.14: Please revise for consistency with previous comments. This document should be revised for consistency with a final draft document to be available for public review and comment.

Response: After completion of the non-TCRA, an updated IR17 RAP/ROD will be issued. Section 2.12 – Selected Remedy will be revised based on the post-removal site conditions/risk assessment and updated selected remedy.

REFERENCES:

City of Vallejo. 1994. "Mare Island Final Reuse Plan." July 26.

U.S. Environmental Protection Agency (EPA). 1997. Ecological Risk Assessment Guidance for Superfund: Process for Designing and Conducting Ecological Risk Assessments, Interim Final. EPA/540/R-97/006. OSWER 9285.7-25. June.

U.S. Department of the Navy (Navy). 1999. Navy Policy for Conducting Ecological Risk Assessments. Chief of Naval Operations. Letter: 5090 Ser N453E/9U595355. April 5.

TRANSMITTAL/DELIVERABLE RECEIPT

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DATE: 10/31/07
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 LOCATION:
Mare Island Naval Shipyard, Vallejo, Californ

FROM:

Steven Bradley

Steven Bradley, Contract Manager

DOCUMENT TITLE AND DATE:

Response to Regulatory Agency Comments on the Draft Final Remedial Action Plan/Record of Decision for Installation Restoration Site 17

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Date/Time Received

October 31, 2007

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**Subject: Response to Regulatory Agency Comments on the Draft Final Remedial Action Plan/ROD of Decision for Installation Restoration Site 17
Mare Island, Vallejo, CA
Contract Number N68711-03-D-5104
Contract Task Order 0131**

Dear Mr. Smits:

SulTech, a joint venture of Sullivan Consulting Group and Tetra Tech EM Inc., is please to submit the enclosed Response to Regulatory Agency Comments on the Draft Final Remedial Action Plan/ROD of Decision for Installation Restoration Site 17 for your review. These RTCs were prepared as a data call under the Basewide Contract as noted in the subject line above.

We look forward to your review and working with you in the future on this project. If you have any questions or need additional information, please call me at (415) 222-8210.

Sincerely,



Dennis Kelly
Project Manager

Marc P. Smits, Remedial Project Manager

October 31, 2007

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Enclosures

cc: Mr. Michael Bloom, Navy (1 hard copy)
Ms. Maria Macam, Navy (letter only)
Mr. Nars Ancog, Navy (letter only)
Ms. Diane Silva, Navy (2 hard copies and 1 CD)
Mr. Robert Palmer, Navy (3 hard copies)
Mr. Tony Megliola, Navy (1 hardcopy)
Ms. Liz Barr, Navy (1 hardcopy)
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