Doctor, Wilson E (EFDSW)

From: Adriana Constantinescu [avc@rb2.swrcb.ca.gov]
Sent: Friday, October 19, 2001 3:31 PM
To: Muckermanam@efdsw.navfac.navy; DoctorWE@efdsw.navfac.navy.mil
Cc: Lee.alana@epa.gov
Subject: Fwd: Site 22 ROD revised language

Site 22 ROD revised language

Doctor, Wilson E (EFDSW)

From: Lynn Suer [Als@rb2.swrcb.ca.gov]
Sent: Friday, October 19, 2001 1:32 PM
To: Adriana Constantinescu
Cc: Curtis Scott; Dennis Mishek
Subject: Site 22 ROD revised language


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Andrea,

As requested during the October 4 BCT meeting, our revision of the language for the Site 22 ROD is attached. The changes are highlighted in red-line/strikeout. This revision is in response to the Navy's October 3, 2001 revised language.

At the BCT meeting, the question of the applicability of Title 27 was raised. As this is one of the revisions that we have made, I specifically checked on the statutory basis for groundwater monitoring under Title 27, CCR. The statutory source is Porter-Cologne Water Quality Control Act (California Water Code Sections 13140-13147, 13172, 18260, 13263, 13267, and 13304), which requires monitoring when a potential threat to water quality exists, as determined by Regional Water Quality Control Boards.

We hope that the Navy concurs with our revised language, so that we may move forward with a Board Hearing and signing of the Record of Decision.

Thank you.

Adriana

5.1.2 Local Setting

The following will be inserted after paragraph 2 on page 5-3:

The San Francisco Bay Water Quality Control Plan of 1995 (Basin Plan) identifies potential and beneficial uses of groundwater in the region. For the Santa Clara Valley Basin all four beneficial uses of groundwater (municipal/domestic, industrial process, industrial, and agricultural water supply) are listed in the Basin Plan as existing uses. However, at Site 22 none of these is an existing use, although industrial service supply may be a potential use. Municipal/domestic and agricultural supply are neither existing nor potential uses due to elevated total dissolved solids (TDS). Any threat to surface waters is limited by geologic conditions (tight silt/clay soils), and the biotic barrier will further decrease the potential threat. Groundwater in wells at the perimeter of the landfill will be monitored to insure protection of the beneficial uses of surface water.

10.2.2 Potential ARARs for the Remedial Alternatives Evaluated

Paragraph 1 will be revised as follows:

The potential Federal and State ARARs that were identified during the FS for the remedial alternatives evaluated for Site 22 at MFA are presented in Tables 16 and 17. It was determined that chemical-specific ARARs do not exist for landfill refuse. For the surrounding groundwater and surface water, the only chemical-specific ARAR is the ~~beneficial use provisions (Section 2) of~~ the San Francisco Bay Regional Water Quality Control Board Water Quality Control Plan (Basin Plan). In addition, all of the alternatives would meet the relevant and appropriate location-specific ARARs listed in Table 16. The ARARs identification and evaluation process conducted for preparation of the FS was preliminary and focused primarily on the groundwater and gas monitoring requirements. This evaluation was not intended to be comprehensive of all potential ARARs for the remedial alternatives. Therefore, a more complete evaluation of the ARARs, primarily the action-specific ARARs, was conducted. Certain action-specific ARARs, including landfill closure requirements, waste generation and disposal, landfill capping, and maintenance requirements were expanded from the original list in Table 17. These additional ARARs are discussed below.

This will be added as the last sentence of paragraph 1 on page 10-5:

Table 18 also includes the controlling chemical-specific ARARs.

14.2.1 Chemical-Specific ARARs

Chemical-specific ARARs are risk-based cleanup standards or methodologies which, when applied to site-specific conditions, result in the development of cleanup standards for chemicals of concern (COCs).

The California Porter-Cologne Water Quality Control Act (Porter-Cologne Act) became Division 7 of the California Water Code in 1969. The Porter-Cologne Act requires each regional board to formulate and adopt Basin Plans for all areas within the region (Cal. Water Code § 13240). It also requires each regional board to establish water quality objectives (WQOs) that will protect the beneficial uses of the water basin (Cal. Water Code § 13241) and to prescribe waste discharge requirements that would implement the Basin Plan for any discharge of waste to the waters of the state (Cal. Water Code § 13263[a]).

The San Francisco RWQCB (SFRWQCB) has adopted the Water Quality Control Plan for San Francisco Bay Basin, Region 2, July 1995 (Basin Plan). The Basin Plan was prepared and is implemented by the SFRWQCB to protect and enhance the quality of the waters in the region. The Basin Plan establishes location-specific beneficial uses and WQOs for the surface water and groundwater of the region and is the basis of the SFRWQCB regulatory programs. The Basin Plan includes both numeric and narrative WQOs for specific groundwater subbasins. The WQOs are intended to protect the beneficial uses of the waters of the region and to prevent nuisance.

Beneficial use and reuse of water are key aspects of the Basin Plan for the SFRWQCB. While groundwater at Site 22 is not considered a beneficial use for municipal/domestic and agricultural water supply due to elevated total dissolved solids, groundwater beneath the site and surrounding surface waters are potentially beneficial for use as industrial service supply. Beneficial uses of adjacent surface waters (perimeter ditches and Northern Channel) are freshwater/estuarine and wildlife habitat. These uses could be impaired if contaminated groundwater ~~with exceedances of interim concentration limits~~ were to migrate from the site into surface waters.

The DON accepts the substantive provisions of the Basin Plan for the Region 2 SFRWQCB, which address beneficial uses and ~~quantifiable~~ WQOs for the selected remedy. The groundwater monitoring program to be conducted for the selected remedy will follow the substantive requirements of Title ~~22~~ 27 CCR, Sections 20380 – 20430 and Section 21830 (See Table 18)~~, Sections 66264.91, 66264.93, 66264.94, 66264.97 and 66264.98~~, which is the relevant and appropriate ARAR for groundwater monitoring for the site. ~~WQOs for nearby surface water uses will be compared to the interim concentration limits at the projected point of exposure to surface water receptors (subject to any appropriate dilution and attenuation factors) for any releases of chemicals of concern developed pursuant to 22 CCR Sections 66264.93, 66264.94 and 66264.98.~~

Federal and state regulations exist that pertain to methane gas. The federal landfill regulations are adopted under Subtitle D of Resource Conservation and Recovery Act (RCRA). Title 27 CCR also regulates the concentration of methane migrations. Since there is no methane migration beyond the site boundaries, there are no ARARs. In addition, there are no ARARs for ~~NMOCs~~ spell out acronym.

TABLE 18

FINAL STATE AND FEDERAL ACTION- AND CHEMICAL- SPECIFIC ARARs FOR THE SELECTED REMEDY*

Citation	Requirement	Final ARAR Determination	Rationale
Controlling Federal and State ARARs			
Waste Characterization and Disposal from Landfill Reconfiguration			
22 CCR Sections 66261.24(a)(2) and (3)	Requires the characterization (hazardous waste determination) of waste to determine appropriate off-site disposal options	Relevant and Appropriate	If drums or containers or other potentially hazardous waste items are discovered during reconfiguration or excavation of the landfill, or waste is generated (i.e., drill cuttings, used oil), the waste will be analyzed in accordance with these requirements.
22 CCR 66268.7a	Requires generators to determine if hazardous waste is subject to land disposal restrictions (LDRs)	Relevant and Appropriate	If waste materials requiring offsite disposal are determined to be hazardous waste, the waste will be evaluated to determine the applicability of LDRs.
27 CCR Sections 20200(c) and 20210	Requires generators to properly characterize waste and to dispose of designated waste at Class I or II units	Relevant and Appropriate	If drums or containers are discovered during reconfiguration of the landfill, or waste is produced (i.e., drill cuttings, used oil) the contents will be analyzed in accordance with these requirements to select the appropriate off-site disposal requirements.
Groundwater Monitoring			
~~22~~ 27 CCR, Sections 20380 through 20430 ~~66264.91,66264.98~~	Establishes a water quality standard, which consists of the list of constituents of concerns, the concentration limits, the Point of Compliance and all monitoring points. It also establishes the compliance period, general water quality monitoring requirements,	~~Relevant and Appropriate~~Applicable	~~Establishes a groundwater detection monitoring program to demonstrate effectiveness of the selected remedy.~~Fulfills the objectives of the California Base Closure Environmental Committee long-term monitoring program guidance (1994) for waste management units. In addition, these regulations were cited in Site 1 ROD.

TABLE 18

FINAL STATE AND FEDERAL ACTION- AND CHEMICAL- SPECIFIC ARARs FOR THE SELECTED REMEDY*

Citation	Requirement	Final ARAR Determination	Rationale
	detection monitoring program, evaluation monitoring program and corrective action program ~~groundwater monitoring program requirements for waste management units~~		
~~22 CCR Section 66264.97~~ 27 CCR, Section 21830	~~Provides general water quality monitoring and system requirements for the post-remedial action groundwater monitoring program~~ Establishes the contents of final post-closure maintenance plans for solid waste landfills.	~~Relevant and Appropriate~~Applicable	~~A sufficient number of background points and monitoring points will be used for the monitoring.~~ Fulfills the objectives of the California Base Closure Environmental Committee long-term monitoring program guidance (CBCEC, 1994) for waste management units. In addition, these regulations were cited in Site 1 ROD.
~~22 CCR Section 66264.93 and 66264.94~~	~~Discusses requirements for establishment of chemicals of concern and concentration limits~~	~~Relevant and Appropriate~~	~~Applies to the development and selection of interim concentration limits and to the establishment of concentration limits greater than background for chemicals of concern.~~
Chapter 2, Water Quality Control Plan[1] (San Francisco Bay Regional Water Quality Control Board)	Presents beneficial uses of groundwater and surface waters.	Applicable	Applies to groundwater beneath the site. Due to elevated salinity, the groundwater beneficial use is industrial service supply. The beneficial uses for surface water near the site are freshwater/estuarine habitat and wildlife habitat.
Chapter 3, Water Quality Control Plan[1] (San Francisco Bay Regional Water Quality	Establishes Water Quality Objectives (WQOs) for protecting those beneficial uses.	~~Relevant and Appropriate~~Applicable	Applies to surrounding surface waters near the site that come into hydrological contact with groundwater beneath the site. ~~WQOs for nearby surface water uses will be compared to~~

TABLE 18

FINAL STATE AND FEDERAL ACTION- AND CHEMICAL- SPECIFIC ARARs FOR THE SELECTED REMEDY*

Citation	Requirement	Final ARAR Determination	Rationale
Control Board)			~~the interim concentration limits at the projected point of exposure to surface water receptors (subject to any appropriate dilution and attenuation factors) for any releases of chemicals of concern developed pursuant to 22 CCR Sections 66264.93, 66264.94 and 66264.98.~~

TABLE 18

FINAL STATE AND FEDERAL ACTION- AND CHEMICAL- SPECIFIC ARARs FOR THE SELECTED REMEDY*

Gas Monitoring			
27 CCR 20921 (a)(1)(2)(3)	Establishes requirements for gas monitoring and control for waste management units	Relevant and Appropriate	Gas monitoring will be implemented to ensure methane concentrations do not exceed 5 percent by volume at landfill boundaries.
Landfill Capping and Construction			
40 CFR Parts 122, 123, and 124	Contains requirements to control stormwater discharges associated with construction activities exceeding 5 acres in size	Relevant and Appropriate	The Navy will undertake measures to minimize stormwater discharges over the seven acre area during construction of the biotic barrier.
Post-Remedial Action Monitoring			
40 CFR 258.61(a)(3) and (4) and 66264.91	Requires gas and groundwater monitoring for 30 years	Relevant and Appropriate	Monitoring programs will be established for gas and groundwater.

Notes:

* To the extent that the cited provisions contain administrative requirements, those requirements are not ARARs; only the substantive provisions within the requirements are ARARs.

1 Denotes a chemical-specific ARAR

ARAR Applicable or relevant and appropriate requirement
CCR California Code of Regulations
CFR Code of Federal Regulations
LDR Land disposal restriction
RCRA Resource Conservation and Recovery Act