



AGENDA: July 31, 2001

CATEGORY: Consent

DEPT.: City Manager

TITLE: Resolution and Letter of Comment—
Moffett Federal Airfield Site 25 Wetlands
Proposed Plan

RECOMMENDATION

1. Adopt A RESOLUTION ON RESTORATION OF MOFFETT FIELD SUPERFUND SITE 25 TO TIDAL MARSH; and
2. Authorize the Mayor to send a letter of comment to the Navy, consistent with the resolution, regarding the Proposed Plan for a cleanup remedy for the Site 25 wetlands at Moffett Federal Airfield.

FISCAL IMPACT

There is no fiscal impact directly associated with approval of the above-listed recommendation.

BACKGROUND AND ANALYSIS

Description of Site and Contamination

The U.S. Navy has announced a preferred cleanup remedy for the Site 25 wetlands at Moffett Federal Airfield (MFA). This Proposed Plan is provided as Attachment 1. Site 25, which is comprised of the eastern diked marsh and the storm water retention pond, is located in the northwestern part of MFA. It consists mainly of seasonal wetland habitat with minor areas of seasonal upland habitat. It also serves as part of the facility's storm water drainage system. The eastern diked marsh is seasonally saturated but rarely covered with fresh storm water, and the storm water retention pond is seasonally covered by 1' to 5' of storm water but is usually dry in late summer and fall.

From 1993 to 1996, the Navy investigated the ecology and the nature and extent of contamination at Site 25. During these investigations, chemicals, including PCBs, pesticides, metals and total petroleum hydrocarbons, were detected in surface water and/or sediment samples at levels that require remediation. Human health and ecological risk assessments were conducted and concluded that there were areas within the site that may pose a risk to human health and ecological receptors. Risk to ecological receptors was identified as the main risk for the site because these cleanup requirements are also protective of human health as long as the site is not used for residential housing. Residential use is not expected because the site

has been designated a wetland by the U.S. Department of Fish and Game, restricting development, and because the site is expected to continue to be used for storm water control.

The ecological risk assessment uses the black-necked stilt (a shore bird) and the mallard duck (a waterfowl) as the indicator species for risks from sediment ingestion. Fish-eating birds, such as the great blue heron, are more sensitive receptors but were not used due to the limitation of fish habitat caused by seasonal drying of the wetlands. Therefore, the chemical cleanup levels established as the Remedial Action Objectives (RAOs) on Page 7 of the Proposed Plan are not protective of fish-eating birds because fish are not currently present on the site.

Navy's Proposed Remedy

The Navy's proposed remedy for Site 25 entails:

- Removing the top 1' of sediment in areas where chemical concentrations are above the limits considered safe for nonfish-eating birds.
- Transporting excavated sediments off-site to an appropriate disposal facility.
- Conducting confirmation sampling of sediment and surface water after excavation to ensure that the remedy has been completed according to the guidelines established in the Record of Decision.
- Reestablishing and improving the natural habitat by covering excavated areas with clean soil and sediment, creating a streambed for freshwater flow and revegetating the excavated and disturbed areas.
- Enacting institutional controls to ensure that the storm water retention pond and eastern diked marsh continue to be used for flood control and that use of the site by nonfish-eating birds and other ecological receptors remains the same by: (1) ensuring that seasonal drying, which helps maintain the protectiveness of the remedy, is not disrupted; and (2) maintaining the existing sediment settling basin to ensure that the remedy remains effective.
- Performing a five-year review to verify that the remedy continues to operate and function as designed.

Two other alternatives were evaluated for the site. These included a no-action alternative and an alternative identical to the recommended alternative except that the sediment would be bioremediated after excavation and, if possible, reused at the site for restoration. Overall, this

last alternative was not selected because it would cost more, take longer and be more complex to implement.

The Navy, U.S. Environmental Protection Agency (EPA) and the Regional Water Quality Control Board (RWQCB) all believe that the proposed remedy would be protective of human health and the environment and would utilize permanent solutions to the maximum extent practicable. The Proposed Plan concludes by indicating that the preferred alternative may be modified in response to State and public comments or new information.

Summary of Resolution Proposed by Consortium of Environmental Groups

The critical question for Site 25 remediation is whether tidal marsh is a "reasonably anticipated future land use." Restoration to tidal marsh could introduce fish and fish-eating birds to the site, but the Navy's proposed remedy for Site 25 is not protective of these receptors. This incompatibility and the feeling that the Navy's remedy, including the recommended institutional controls, could preclude the site's future restoration to a tidal marsh has led the Alliance for a New Moffett Field, CLEAN South Bay, Santa Clara Valley Audubon Society and the Silicon Valley Toxics Coalition to introduce a Resolution on Restoration of Moffett Field Superfund Site 25 to Tidal Marsh for City Council consideration (Attachment 2).

The resolution states that a reasonably anticipated future land use of Moffett Field Site 25 is restoration to tidal marsh and, therefore, Moffett Field Site 25 Superfund remediation should be performed at a level that would support future restoration of the site to tidal marsh; that is, to allow the controlled flow of waters, fish and wildlife from the San Francisco Bay into the Moffett Field wetlands.

The resolution cites the Baylands Ecosystem Habitat Goals Report and the Santa Clara Basin Watershed Management Initiative as regional guidance documents supporting tidal marsh restoration. In addition, the resolution cites community acceptance as an important criterion for remedy selection under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Staff's recommendation to adopt this resolution, as well as the additional comments staff recommends be sent to the Navy, are analyzed in detail below.

Analysis of Staff Recommendation

Staff recommends adoption of the resolution because it is consistent with previous positions approved by the City Council regarding cleanup of MFA. These positions have consistently included the statement that all contaminated sites be remediated to a level that will allow for the maximum flexibility for future land use while protecting public health and safety and the environment. However, in order to fashion constructive comments to the Navy and a feasible course of action toward achieving the position of this resolution, staff feels it is necessary to

evaluate when and how, based on information provided by the Navy and NASA, it would be feasible to remediate to a level that would allow future tidal marsh use.

The Navy's position that tidal marsh is not a reasonably anticipated future land use is based on NASA's position that the storm water retention pond has been and will continue to be a critical component to their storm water management and flood control. The Navy also states that the proposed remedy would remove approximately 95 percent of the total PCB mass and that the incremental increase in destruction of existing seasonal wetland habitat would be disproportionately large in relation to the additional contaminant mass that would be removed. In other words, the cost and habitat destruction of excavating a large area of the wetlands, rather than just the proposed excavation of high concentration areas, is not justified at this time because NASA has no intention of changing its current use of the storm water retention pond.

Furthermore, the Navy has stated that the five-year review process required under CERCLA to address the performance of the selected remedy, including monitoring and evaluating the effectiveness of the institutional controls, would focus on assessing: (1) whether the remedy is functioning as intended; (2) if the ecological risk assumptions used at the time are still valid; and (3) if any new information may call into question the protectiveness of the remedy. Therefore, if NASA decided in the future that tidal marsh was a possible land use, the Navy would be responsible for revising the selected remedy and performing additional remediation. NASA and the Navy have many cost-sharing agreements for various cleanup sites at MFA. Regarding this site, NASA has stated:

NASA's comments on the Revised Final FS will not include a discussion of the possible changes in the hydrologic regime of Moffett's wetlands. While NASA believes this may be possible, it's just a preliminary concept at this time. This action would be linked to the larger South Bay restoration efforts that may occur, but are unlikely to happen in the immediate future. If NASA decides to alter the hydrologic regime in these wetlands, it will fund any additional studies (e.g., supplemental risk assessments) and/or remediation that would be required as a result of change in the wetland's community structure (Pages 45-46, "Revised Final Responses to Comments on the Revised Final Stationwide Feasibility Study Report Moffett Federal Airfield").

At this point, the Navy and NASA only have a verbal agreement that NASA would fund additional studies and/or remediation.

Based on discussions with the Navy and NASA in response to the positions elaborated above, staff recommends that the following positions be conveyed to the Navy in a comment letter. A draft of this comment letter is provided as Attachment 3. These comments are consistent with the position in the recommended resolution that remediation be performed to a level

that would support future restoration to tidal marsh. They recommend a process for evaluating when this additional remediation should occur.

1. The City of Mountain View holds the position that tidal marsh and storm water retention/flood control are not necessarily mutually exclusive land uses and, therefore, the Navy is not justified in excluding tidal marsh as a reasonably anticipated future land use based on NASA's need for a storm water retention pond. With proper hydrologic evaluation and engineering, a joint beneficial use may be possible. This engineering possibility, combined with regional guidance documents recommending the goal of a continuous tidal marsh corridor in this area and the proximity of this site to Mountain View's Stevens Creek Tidal Marsh, make this site attractive for tidal marsh restoration. Community input through the Restoration Advisory Board had suggested that tidal marsh be considered and evaluated as a potential future land use. Furthermore, EPA guidance on "Land Use in the CERCLA Remedy Selection Process" (OSWER Directive No. 9355.7-04) emphasizes discussions with the public and appropriate officials in making a determination about "reasonably anticipated future uses" of the land. Therefore, the City's position is that tidal marsh is a reasonably anticipated future land use for Site 25.
2. Based on the City's position that tidal marsh is a reasonably anticipated future land use, it is recommended that the Navy conduct additional analyses, including sediment sampling, habitat evaluation and cost analyses, to present an alternative that would remediate the site to a level compatible with future tidal marsh use. This additional alternative should address habitat impact efficiencies and cost efficiencies in scenarios where remediation to a level that would allow tidal marsh is done all at once in the beginning of the project, phased one section at a time or conducted all at once at a later date.
3. However, the City agrees with the Navy that remediation of the highest contaminated areas of the site, as identified in the Proposed Plan, should proceed expeditiously. Therefore, the City recommends that additional evaluation and cost analysis of an alternative that would be compatible with tidal marsh use be conducted simultaneously, if necessary, with the Remedial Design phase of cleaning up the highly contaminated areas. To proceed with remediation of the high concentration areas, a contingency Record of Decision, or similar process, could be used.
4. Once additional evaluation of an alternative that would be compatible with a future tidal marsh use is complete, the cost and habitat impacts versus benefits will be better understood. Following additional community review and input on this alternative, the contingency ROD could be finalized to clarify when remediation compatible with future tidal marsh use should occur—immediately, phased over time, at a set date in the future or at an undetermined date contingent on NASA's land use decisions regarding the site.

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5. Because NASA and the Navy are developing a cost-sharing agreement regarding this site that would establish which agency is responsible for funding additional remediation, funding responsibility should be clarified in the ROD as part of the public record.

If the City Council approves these comments, staff will finalize the comment letter and submit it to the Navy.

Public Comment Period

The Navy has made all site-related documents available for review at the Mountain View Public Library, 585 Franklin Street. A public comment period began on July 23, 2001 and will continue to August 22, 2001, with a public meeting to be held by the Navy on August 16, 2001 in the Mountain View City Council Chambers. Following this public comment period, the Navy, U.S. EPA and the RWQCB will review and consider comments submitted before making a final decision on the remedial action alternative to be used at the site. The Navy will respond to all comments in a responsiveness summary.

CONCLUSION

Staff recommends adoption of the resolution and authorization for the Mayor to send a letter of comment to the Navy expressing the position outlined above. Staff's analysis shows that the position recommended is consistent with the City Council's position on previous MFA cleanup sites. The letter of comment also makes viable suggestions to the Navy about how to proceed with remediation of the highly contaminated areas while studying further the habitat, cost and timing issues surrounding remediating the wetlands to the level that would be consistent with tidal marsh use in the future. As an ongoing participant in the MFA Restoration Advisory Board, City staff will continue to be in active communication with the Navy regarding their response to the City's comments.

PUBLIC NOTICING—Agenda posting.

Prepared by:

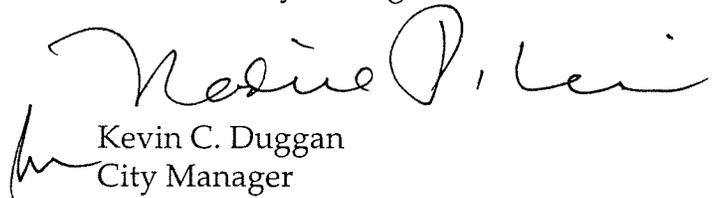


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Approved by:



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Attachments:

1. Moffett Federal Airfield Superfund Site 25 Proposed Plan
2. A Resolution on Restoration of Moffett Field Superfund Site 25 to Tidal Marsh
3. Draft City of Mountain View Comment Letter on Site 25 Proposed Plan

cc: Ms. Andrea Muckerman, BRAC Environmental Coordinator

Ms. Carmen White, U.S. Environmental Protection Agency

Dr. Lynn Suer, Regional Water Quality Control Board

Ms. Sandy Olliges, NASA

Mr. Bob Moss, MFA RAB Community Cochair

Mr. James McClure, MFA RAB Representative

Mr. Robert P. LaSala, City Manager, City of Sunnyvale

Mr. Lenny Siegel, Center for Public Environmental Oversight and Alliance for a New
Moffett Field

CLEAN South Bay

Santa Clara Valley Audubon Society

Silicon Valley Toxics Coalition