

DEPARTMENT OF FISH AND GAME

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March 23, 1994

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

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SER 1832.pd/171
9 Mar 94

Dear Mr. Hurt:

**Base Realignment and Closure (BRAC) Plan
Naval Training Center San Diego California
March 1994 (FF 94-052)**

This letter is in response your letter of March 9, 1994 regarding comments or modifications to the BRAC Closure Plan (BCP) resulting from Department of Fish and Game (DFG) review of the subject document. The document is a planning document that is to be updated regularly to reflect current status or remedial actions, and changes in strategies or plans, that affect the restoration and disposal of the Naval Training Center (NTC). Since DFG has not reviewed the "Draft Environmental Baseline Survey" (EBS) at Naval Training Center, San Diego, I am unable to provide a definitive review of the BCP at this time. Once the data and information from the EBS is incorporated in the BCP, I will provide a review of the updated document. Notwithstanding the lack of data and information, there were a number of items contained in the BCP of interest to DFG as a designated trustee for State fish, wildlife species, and their habitats at NTC, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). I am concerned that the plan may be deficient in considering necessary items to meet the intent and objectives of the BCP, as well as not complying with existing federal and state laws, under DFG's responsibilities and authorities. The Executive Summary at page ES indicates that "the information and assumptions presented herein may not necessarily have complete approval from the . . . state regulatory agencies."

On page ES 3, there is a table of "Action Items" that need to be addressed by the BRAC Cleanup Team (BCT). Under "Natural Resources", it states a need to "resolve issue on applicable natural resources trustees for NTC." I am assuming that you understand that the Department of Fish and Game has been

Mr. Alan Hurt
March 23, 1994
Page Two

designated by the Governor of California as a natural resource trustee for State fish, wildlife species, and their habitats, under authority of CERCLA. State resources of these categories occur at, on, or may be influenced by, the NTC San Diego. Please let me know at your earliest convenience if the issue of natural resource trustee for the facility involves DFG and its trustee responsibilities. In regard to two other "Action Items" from the table, I am interested in providing technical input, review and comment on the ecological risk assessments, including methodologies and protocols. DFG should be included in the list of agencies in Table ES-1 in the consensus process. ARARs (Applicable or Relevant and Appropriate Requirements) should include the Fish and Game Code and applicable regulations (California Code of Regulations).

The report presents a status summary of current environmental "restoration" and compliance activities at NTC, entitled "Chapter 3 Installation-Wide Environmental Program Status." Paragraph 3.1.1 discusses the individual sites, named as "Restoration Sites". The activities at these sites appear to be remedial actions for cleanup of hazardous waste releases, and involve little, if any, "restoration", as defined by CERCLA regulations [43 CFR § 11.14 (11)]. If natural resource restoration activities are being contemplated, or will be contemplated on the facility, DFG should be directly involved in that process, whenever State fish, wildlife species, and their habitats are addressed. If there is no natural resource "restoration" occurring or planned, the document should use other language to describe the activity or more precisely define the derivation of the term "restoration" for these sites.

In Section 3.4.2 Area Type 2, the report indicates that twenty sites have been tentatively identified as areas where only storage of hazardous substances or petroleum products has occurred but no release, disposal, or migration from, adjacent areas has occurred. The report indicates that "(a) list will be made final after the performance of a site visit and records search of these areas by the BCT." This process of evaluation is not technically nor scientifically appropriate. Visual inspections of hazardous chemical migration, unless accompanied by chemical and toxicological measurements, will not adequately address DFG's responsibilities to evaluate the "release" (CERCLA § 101, 22) of hazardous materials and subsequent evaluation of potentially injured natural resources {i.e. preliminary determination for a preassessment screen [43 CFR § 11.23 (e)]}. The BCP and study design need to be modified to address this issue, so that the Federal and State natural resource trustees will be able to make a determination that hazardous materials have (or have not) been released, and further evaluations of

Mr. Alan Hurt
March 18, 1994
Page Three

injuries to natural resources can be addressed from the results of the "release" determination. Failure to address the issue of oil and hazardous material releases on the facility will result in non-compliance with CERCLA. A list of the identified sites mentioned in the BCP of most interest to DFG's trust responsibilities is appended to this letter as Table 1.

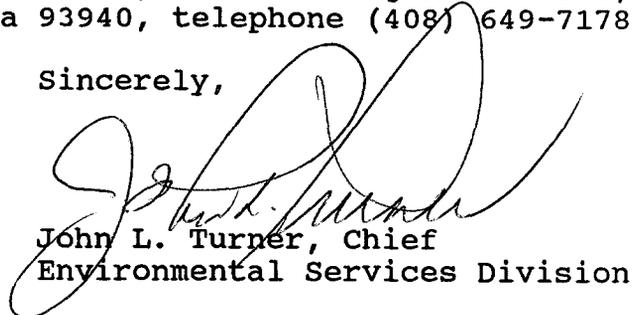
The Environmental Master Schedule indicates that a Remedial Investigation/Feasibility Study (RI/FS) will be completed for site specific projects. DFG has two interests in the RI/FS process: scientific/technical review of the Ecological Risk Assessment process to evaluate remediation alternatives that protect fish, wildlife species and their habitats (= State natural resources) and the need to include laws and regulations of the State for the protection of fish and wildlife resources. At your request, DFG can provide you with that information. Because there are no Navy published or identified documents or regulations which describe an Ecological Risk Assessment and U.S. Environmental Protection Agency has issued such guidance for "Superfund" sites, it is, in my opinion, appropriate to assure consistency at sites of hazardous substance release to use this guidance to direct investigations at the facility. The "Superfund Environmental Evaluation Manual" (EPA/540-1/89/001, 1989) or SEEM outlines and provides a framework for an ecological assessment or a "qualitative and/or quantitative appraisal of the actual or potential effects of a hazardous waste site on plants and animals other than people and domestic species." The manual points out that "the ecological assessment . . . should not be confused with the Preliminary Natural Resource Survey (PNRS) or the Natural Resource Damage Assessment (NRDA), which are performed by Natural Resource Trustees. PNRSs are simple screening studies, based on readily available information, that may be conducted by trustees to determine whether or not (a) trust resources have been affected, and (b) further attention to trustee resources is warranted at a particular site. The NRDA may be conducted by one or more trustees if a response action will not sufficiently restore or protect natural resources damaged [sic = injured] by a release. The purpose of the NRDA is to determine the appropriate level of compensation [sic = restoration] from a responsible party. **Data developed in an ecological assessment may prove helpful to the trustees in carrying out their responsibilities** (emphasis added). It is important to encourage the natural resource trustee to participate in the Superfund process at the earliest possible stage. In this way, the trustee can be assured that any potential environmental concerns are addressed, and conclusions of actions may be expedited."

Mr. Alan Hurt
March 23, 1994
Page Four

If Navy is seeking to expedite the BRAC process at NTC San Diego, I recommend that Navy and DFG modify the existing Defense State Memorandum of Understanding (DSMOA) for the State of California to accomplish the goals, time schedules, and purposes of the BRAC. Currently in DFG, Navy facilities have a lower priority for technical-scientific reviews than other non-federal facilities, because there is no mechanism to reimburse DFG expenses for providing review, consultation, or work for Navy. This should not be misinterpreted by Navy that DFG will not provide the review and coordination mandated by CERCLA and other State laws and regulations. It does mean that Navy risks not meeting its mandated obligation to substantively comply with CERCLA [see 10 USC § 2701(a)(2) and 42 USC 9620 (a)]. DFG is extremely concerned that such noncompliance may leave Navy, DTSC, and itself open to citizens suit, thus stopping the remediation and natural resource restoration program for the entire facility.

If you have any questions regarding these comments on the BCP, please contact: Dr. Michael Martin, CERCLA/NRDA Unit, California Department of Fish and Game, 20 Lower Ragsdale Drive, Suite #100, Monterey, California 93940, telephone (408) 649-7178.

Sincerely,



John L. Turner, Chief
Environmental Services Division

Attachment

cc: Mr. Phillip Dyck, NTC
San Diego, California

Ms. Marjorie Nelson
U. S. Fish and Wildlife Service
Carlsbad, California

Ms. Denise Klimas
NOAA
San Francisco, California

Mr. Joe Milton
Legal Affairs Division - DFG
Sacramento, California

Table 1
Sites of Interest to California Department of Fish and Game
Determination of Release(s) of Hazardous Materials
Naval Training Center San Diego California
BCP - March 1994

The BCP was reviewed and the following areas were identified as having potential releases of materials that may (or has) cause(d) injuries and damages (sensu CERCLA) to State fish, wildlife species, and their habitats. The document was not specific in how these potential releases were determined, and, whether or not, continuing (and future) releases are occurring (or will occur).

Site No.	Description	Contaminants of Natural Resource Concern	Risk to Environment	Injury to Natural Resources
Site 1	Inactive Landfill	Metals, pesticides, PCBs, TPH	TBD ¹	NPA ²
Site 6	Former Fire-Fighter Trainer	TPH	TBD	NPA
Site 6	Golf Course Maintenance Shop	Pesticides (including herbicides ?)	TBD	NPA
AOC2	Buildings constructed before 1980	Lead	TBD	NPA
AOC 5	Cogeneration facility	Diesel (other fuels?)	TBD	NPA
AOC 6	Existing Small Arms Range	Lead	TBD	NPA
AOC 10	Former Hazardous Materials Bunker	TBD	TBD	NPA
AOC 12	Former Recruit In-Processing Facility	Silver	TBD	NPA
AOC 13	Hazardous Materials/Waste Storage Area	TBD	TBD	NPA
AOC 14	Metals, acids, plating solutions	TBD	TBD	NPA
AOC 15	Medical/Dental Complex	Silver	TBD	NPA
AOC 19	PWC Aztec Landscape Storage	Gasoline, pesticides, waste oil	TBD	NPA
AOC 20	PWC Hazardous Waste Storage Area	TBD	TBD	NPA
AOC 22	Boat Ramp Work Area	Paint, solvents, gasoline (Tri butyl Tin, PCBs ?)	TBD	NPA
AOC 24	Former Hazardous Materials Storage	TBD	TBD	NPA
AOC 28	Former PCB Spill Area	PCBs	TBD	NPA
AOC 29	Former Small Arms Range	Lead	TBD	NPA
AOC 39	Transformer with know PCB contamination	PCBs	TBD	NPA

Site No.	Description	Contaminants of Natural Resource Concern	Risk to Environment	Injury to Natural Resources
AOC 40	Transformers not Sampled for PCBs	PCB	TBD	TBD
POI 1	Storm Drains	TBD	TBD	TBD
Boat Channel (new site)	Boat Channel and Tributaries	NPA	NPA	NPA

Notes: ¹TBD:To be determined
²NPA:Not Presented or Addressed in BCP