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## Department of Toxic Substances Control

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Arnold Schwarzenegger  
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December 24, 2008

Mr. James B. Sullivan  
BRAC Environmental Coordinator  
Department of the Navy  
Base Realignment and Closure  
Program Management Office West  
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**DRAFT RECORD OF DECISIONS / REMEDIAL ACTION PLANS FOR  
INSTALLATION RESTORATION SITE 30, DAYCARE CENTER, AND SITE 31,  
FORMER SOUTH STORAGE YARD; NAVAL STATION TREASURE ISLAND (NSTI),  
SAN FRANCISCO, CALIFORNIA.**

Dear Mr. Sullivan:

The Department of Toxic Substances Control (DTSC) staff has received and completed its review of (1) draft Record of Decision / Remedial Action Plan for Installation Restoration Site 30, Daycare Center (Site 30 ROD/RAP) and (2) draft Record of Decision / Remedial Action Plan for Installation Restoration Site 31, Former South Storage Yard (Site 31 ROD/RAP) for Naval Station Treasure Island, San Francisco, California. These ROD/RAPs are dated October 16, 2008. The ROD/RAPs document the remedy-selection process and provide a substantive summary of the technical rationale and background information contained in the Administrative Record. The ROD/RAPs briefly describe engineering approaches to the remedy and also outline the remedial action objectives (RAOs) and cleanup levels for the selected remedies. Based on our review, DTSC has the following comments:

**Site 30 ROD/RAP Comments**

- Document title. Please replace "Record of Decision / Final Remedial Action Plan" with "Record of Decision / Remedial Action Plan" throughout the document. The acronym of this document should be "ROD/RAP" instead of "ROD/Final RAP".
- Section 1.3 Assessment of the Sites. It is not clear how the response action selected in Site 30 ROD/RAP is appropriate to protect the health of potential human

and ecological receptors from future releases of hazardous substances into the environment at Site 30. Please clarify or remove that portion of the statement.

- Section 1.4 Description of the Selected Remedy.
  - = Please modify paragraph three, sentence four as follows: "The selected remedy would allow for current and future use of the daycare center to continue, and would use institutional and engineering controls to maintain the building slab and adjacent concrete pad. The slab and pad would continue to serve as exposure prevention barriers for daycare center children and adults to potential contamination at the site."
  - = Paragraph three. Please briefly explain how institutional controls will ensure that potential commercial/industrial and residential receptors are protected from contamination beneath the Site 30 Concrete Pad and building slab (for example, by prohibiting any future activities that may disturb or alter the concrete pad and building slab without prior notification and written approval from DTSC).
- Section 1.7 – Declaration Statement and Authorizing Signature. DTSC's signatory for Site 30 ROD/RAP is Daniel E. Murphy, P.E., Unit Chief, Brownfields and Environmental Restoration Program.
- Section 2.9.2 – Alternative 2.  
Engineering Controls subsection.
  - = Please include a figure presenting construction specifications of the existing daycare center building slab (Building 502).
  - = The text states that maintenance of the Site 30 Concrete Pad adjacent to the Building 502 building slab is not required. However, institutional controls will restrict site occupants from removing or penetrating the exposure prevention barriers, which include both the Building 502 slab and Site 30 Concrete Pad. Therefore, Site 30 ROD/RAP should describe that institutional controls would require inspection, maintenance, and reporting of the Site 30 Concrete Pad and Building 502 building slab to ensure remedy compliance. Same comment applies to Section 2.12.2 – Description of the Selected Remedy.Institutional Controls subsection
  - = An Operation and Maintenance Agreement between DTSC and the current property owner will be necessary in order to define the roles and responsibilities associated with ongoing cap operation and maintenance as well as establishing a financial assurance mechanism in accordance with Health and Safety Code section 25355.2(a), as applicable.
  - = The proposed Remedial Action Work Plan (RAWP) should also include specific soil management procedures and requirements that must be followed should

future utility repairs and/or general building maintenance activities encounter potentially impacted soils beneath the building slab and concrete pad.

- Section 2.10.3 – Long-Term Effectiveness and Performance. Paragraph three, sentence one. The text states that Alternative 2 provides long-term effectiveness and permanence under “residential alternative land use scenarios”. However, it is DTSC’s understanding that Alternative 2 (engineering controls combined with institutional controls) would prohibit residential land use at Site 30. The same comment applies to Section 2.10.9 – Comparative Analysis Summary, paragraph one, sentence two.
- Section 2.12.2 – Description of the Selected Remedy. Last paragraph. Please identify who will be conducting the requisite Five-Year Reviews (i.e., the Navy, current property owner(s), etc.). The same comment applies to Section 2.13 – Statutory Determinations, Summary of Five-Year Review Requirements for the Selected Remedy subsection.
- Section 3.4 – Nonbinding Allocation of Responsibility. The following two paragraphs must be added as additional text to Section 3.4:  
“The sole purpose of the Nonbinding Allocation of Responsibility is to establish which Potential Responsible Parties will have an aggregate allocation in excess of 50% and can therefore convene arbitration if they so choose. The NBAR, which is based on the evidence available to the DTSC, is not binding on anyone, including PRPs, DTSC, or the arbitration panel. If a panel is convened, its proceedings are de novo and do not constitute a review of the provisional allocation. The arbitration panel’s allocation will be based on the panel’s application of the criteria spelled out in Health and Safety Code section 25356.3(c) to the evidence produced at the arbitration hearing. Once arbitration is convened, or waived, the NBAR has no further effect, in arbitration, litigation or any other proceeding, except that both the NBAR and the arbitration panel’s allocation are admissible in a court of law, pursuant to HSC section 25356.7 for the sole purpose of showing the good faith of the parties who have discharged the arbitration panel’s decision.  
  
“DTSC sets forth the following preliminary nonbinding allocation of responsibility for the former Naval Station Treasure Island: The U.S. Department of the Navy is allocated 100% responsibility.”
- Statement of Reasons (Appendix A)
  - = Subsection 3 – Effect of Remedial Actions on Groundwater Resources – Section 25356.1(d)(3). Please briefly describe how groundwater “has been impacted by releases of chemicals at Site 30” or correct the text if this is in error.

- = Subsection 4 – Site-specific Characteristics – Section 25356.1(d)(4). Please briefly describe 1) potential for offsite migration, 2) commingling, if present, with other contamination, and 3) site-specific soil/hydrogeological conditions which may affect contaminant movement.

### **Site 31 ROD/RAP Comments**

- Document title on cover. Please replace “Record of Decision / Final Remedial Action Plan” with “Record of Decision / Remedial Action Plan” on the cover page and throughout the document. The acronym of this document should be “ROD/RAP”.
- Section 1.3 Assessment of the Sites. It is not clear how the response action selected in Site 31 ROD/RAP is appropriate to protect the health of potential human and ecological receptors from future releases of hazardous substances into the environment at Site 31. Please clarify or remove that portion of the statement.
- Section 1.7 – Declaration Statement and Authorizing Signature. DTSC’s signatory for Site 31 ROD/RAP is Daniel E. Murphy, P.E., Unit Chief, Brownfields and Environmental Restoration Program.
- Section 2.8 – Remedial Action Objectives. Please clarify that the remedial action objectives as presented are maximum concentrations that shall not be exceeded in any of the final confirmation samples collected as a part of the remediation. DTSC requires the Navy to continue excavation and subsequent confirmation sampling at any location with soil concentration(s) exceeding the Remedial Action Objectives.
- Section 2.9.5 – Alternative 5: Complete Removal of Debris Areas A, B, C, D, and E, and Off-Site Disposal of Soil. Please make sure that the remedial action work plan (RAWP) (or remedial design and implementation plan) includes preliminary radiological scans as a part of the excavation efforts in order to verify that radiological anomalies are not present at Site 31. In addition, the RAWP shall include confirmation sampling procedures, frequency, specific details as to what will occur if/when a confirmation sample exceeds a remedial action objective, as well as what will occur if/when groundwater is encountered.
- Section 2.12.3 – Summary of Estimated Remedy Costs. Please specify in the text if the estimated present-worth cost for the selected remedy includes potential costs associated with replacement of the hard surfaces.

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- Section 3.4 - Nonbinding Allocation of Responsibility. The text proposed for Section 3.4 of the Site 30 ROD/RAP must also be added as additional text to Section 3.4 of the Site 31 ROD/RAP.
- Statement of Reasons (Appendix A). The same comments to Subsections 3 and 4 in the Statement of Reasons for the Site 30 ROD/RAP apply also to the Site 31 ROD/RAP Statement of Reasons.

Please contact me at (510) 540-3775 or email me at [rmiya@dtsc.ca.gov](mailto:rmiya@dtsc.ca.gov) if you have any questions.

Sincerely,



Ryan Miya, Ph.D.  
Senior Hazardous Substances Scientist  
Brownfields and Environmental Restoration Program

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