

3.0 RESPONSIVENESS SUMMARY

3.1 Overview

This Responsiveness Summary provides a summary of the public comments and concerns regarding the Proposed Plan and Interim Action Feasibility Study (IAFS) at Fort Ord, California. At the time of the public review period, the Army had selected a remedy for conducting Interim Actions for limited areas of shallow surficial soil contamination at Fort Ord, California.

On the basis of the written and verbal comments received, the Army's Proposed Plan for Interim Action was generally accepted by the public. However, some citizens expressed concerns regarding the level of public involvement in the selection of remedial alternatives at Fort Ord, the location of the FOSTA, and soil cleanup levels.

3.2 Background on Community Involvement

The Army has implemented a progressive public relations and involvement program for environmental activities at Fort Ord. The *Advance*, published by the Army, is a quarterly newsletter, sent to the public, that highlights the status of ongoing and planned remedial activities at Fort Ord. The Army also conducts a quarterly Technical Review Committee to involve the public in decisions made regarding remedial actions. In addition, two toll-free 800 numbers are available for concerned citizens to comment and receive answers regarding the environmental restoration and transfer of Fort Ord property. A synopsis of community relations activities conducted by the Army is presented in Appendix A.

The Army held a public comment period on these actions from November 15, 1993, through December 15, 1993. Over 600 copies of the Proposed Plan were mailed for public review and comment to interested parties and were placed in the Fort Ord Post Library, Building 4275 North-South Road, Fort Ord, California, and Seaside Branch Library.

550 Harcourt Avenue, Seaside, California. This Proposed Plan also invited readers to a public meeting to voice their concerns.

This public meeting was held to discuss the selected remedy and final IAFS with the public. This meeting was held on November 30, at 7:00 in the Doubletree Hotel in Monterey, California.

No comments were received from the public regarding the proposed Interim Action prior to the publication of the Proposed Plan and the start of the public comment period. Comments received during this period are addressed below.

3.3 Summary of Comments Received during the Public Comment Period and Department of the Army Responses

The public comment period on the final IAFS and Proposed Plan was held from November 15 to December 15, 1993. A five day extension of this comment period, to December 20, 1993, was granted to the California Environmental Protection Agency (Cal/EPA) at their request. Concerns from the general public on the proposed IA were raised at the Public Meeting (held on November 30, 1993) regarding the location of the FOSTA, soil cleanup levels, as well as the start of, and local contractor involvement in, IA activities. Addition comments not related to the proposed IA were raised regarding the Fort Ord OU2 landfills and the level of public involvement in the development and selection of remedial activities (through the Restoration Advisory Board). These questions and comments were addressed during the public meeting.

No written comments were received from the general public during the public comment period. Two written letters from regulatory agencies regarding specific technical and legal questions were received during the public comment period; one from the Monterey Bay Unified Air Pollution Control District, and the second from the Cal/EPA, including the DTSC, and the RWQCB. The letter from the MBUAPCD

concerned air emissions from the FOSTA, and the letter from the state concerned details on the FOSTA and TPH soil cleanup levels for Fort Ord.

Comments from the local community that were not sufficiently addressed during the public meeting are summarized and addressed according to their topics in the following sections of this document. Response to the specific technical and legal issues raised by regulatory agencies is also presented.

3.3.1 Summary and Response to Local Community Concerns

Comments from the local community were voiced at the Public Meeting, and are summarized and addressed below. No written comments were received from the local community during the public comment period.

3.3.1.1 Public Comments Regarding Community Relations

Comment: The public meetings aren't adequately advertised to the general public.

Army Response: The Public Meeting was advertised in the Proposed Plan and the Herald two weeks before of the scheduled meeting date. In addition, a reminder regarding the scheduled time of the public meeting was announced on local television programs on the day of the meeting.

3.3.2 Summary and Response to Written Specific Legal and Technical Questions

Two written comments were received during the Public Comment period, both from regulatory agencies: the first from the Monterey Bay Unified Air Pollution Control District (MBUAPCD) regarding air emissions from soil treatment activities at the FOSTA; and the second from the Cal/EPA regarding details of the FOSTA construction.

3.3.2.1 Summary of, and Army Response to, the Letter Received from the MBUAPCD

The MBUAPCD had three main concerns regarding the Proposed Plan and IAFS:

- (1) MBUAPCD's Regulation X, Rule 1000, requires that facilities emitting carcinogenic toxic air contaminants not cause an excess cancer risk of greater than one-in-one million. Furthermore, toxic air contaminants (carcinogenic and noncarcinogenic) must not result in an exposure of greater than PEL/420 (where the PEL is the Permissible Exposure Limit).
- (2) Soil vapor extraction, which emits carcinogenic toxic air contaminants, must have Best Available Control Technology.
- (3) Benzene was not identified in the table of Preliminary Remediation Goals but is commonly found in gasoline-contaminated soil.

Army Response to MBUAPCD Letter

Activities performed as part of this Interim Action will conform to the health-based standards recommended by the MBUAPCD (the PEL/420 or one-in-one million excess cancer risk). No toxic air contaminants are expected to be generated from the bioremediation of soil, which will be the primary remedial treatment technology for soil brought to the FOSTA.

Some soil may be treated by soil vapor extraction (SVE). Any soil treated by SVE will be covered, and air emissions will be "cleaned" using vapor phase carbon drums before discharge to the atmosphere. Air pollution abatement using this carbon treatment will meet the Best Available Control Technology requirements.

No benzene is expected to be present in soil collected as part of these Interim Actions because gasoline-contaminated soil (where benzene is normally found) will not be excavated for these Interim Actions. Thus, benzene is not expected to be present in any

significant quantities for soil collected as part of these Interim Actions.

3.3.2.2 Reprint of, and Army Response to, the Letter Received from the California Environmental Protection Agency (Including the DTSC and RWQCB)

Generally, the State agrees with the Army's planned Interim Actions; however, the Plan is incomplete in describing the specific site modifications, treatment system operation, and site closure of the Fort Ord Soil Treatment Area (FOSTA). Specific Plan deficiencies include:

- a) FOSTA location, b) modifications to the existing concrete slab to insure containment, c) groundwater monitoring during FOSTA operations, closure, and post closure periods, d) soil treatment and storage areas clean closure, e) decontamination area modifications to contain wash water and subsequent wash water disposal. The Plan must specify that:

- a) The location of the FOSTA will be the 519th Motor Pool Area at North-South Roads and Light Fighter Drive. Non-hazardous soil storage and treatment will occur on the existing concrete slab between Buildings S-3897 and S-3898.
- b) The concrete slab between Buildings S-3897 and S-3898 used for soil treatment and storage will be modified with the application of a concrete sealing product. A concrete sealing product will be selected based on the anticipated soil contaminants and will provide containment of any leachate during the active life of the unit. The slab area will be modified to include concrete curbs around the perimeter. Curbs will be designed to insure that wastes are contained within the treatment area and on the modified slab. Curbs will be designed to prevent precipitation runoff from the treatment unit and prevent runoff from outside the unit.
- c) The Army will conduct groundwater monitoring during the FOSTA's operation, closure, and, if necessary, post closure periods. Groundwater monitoring will be conducted using existing groundwater

monitoring wells around the FOSTA. Specified wells will be monitored quarterly as part of the basewide monitoring program. Monitoring wells will be selected during the Remedial design phase and may be modified during FOSTA operation.

- d) The Army intends to "clean close" the FOSTA at the conclusion of treatment operations. Clean closure will include removing and properly disposing all remaining contaminated soils, washing the concrete surface to remove all remaining contamination. Where contamination cannot be removed from the treatment components, the Army will properly discharge (dispose) contaminated components at an appropriate waste management facility.
- e) The existing wash area for military vehicles will be modified to collect and store wash water generated during equipment decontamination in a properly designed storage system. The Army will insure that collect water is properly disposed.

The State agrees with and supports the Army's Plan to expedite remedial activities, particularly sites with limited soil contamination. However, the State maintains that the California Code of Regulations, Title 23, Division 3, Chapter 15 (Chapter 15) requirements apply to the Fort Ord Soil Treatment Area (FOSTA). Chapter 15 contains specific requirements established to regulate construction, monitoring, and closure of soil storage, treatment, and disposal areas. Chapter 15 requirements have been developed to ensure protection of the environment, specifically water quality.

The Army believes the remedial alternatives proposed are exempt from Chapter 15 pursuant to Section 2511 (d) and (i). As the State has stated previously, the Army's belief is not entirely accurate. The Army appears to be interpreting Section 2511 (d) as a full exemption from Chapter 15. Section 2511 (d) is a limited exemption and states that "wastes, . . . removed from the immediate place of release shall be discharged according to Article 2 . . ." The Army's Plan proposes to excavate contaminated soil from specific sites ("the immediate place of release") and transport the excavated soil to a waste management unit for treatment. Thus, a

Section 2511 (d) exemption requires compliance with Article 2 at the treatment unit. According to Article 2, the contaminated soil must be classified and then discharged only to waste management units that comply with other applicable Chapter 15 provisions. In other words, the waste management unit proposed for treating the soils must comply with the siting criteria (Article 3), the construction standards (Article 4), and the monitoring standards (Article 5). When the unit is closed, it must close according to Article 8.

Chapter 15, Section 2510 (b) and (c), provides the Regional Board latitude to consider "specific engineered alternatives" to Chapter 15's construction and prescriptive standards. The Army can comply with the applicable Chapter 15 provisions by constructing a "specific engineered alternative" as specified in Section 2510 (b).

Section 2511 (d) requires that, after treatment, the treated soils must be discharged according to Article 2. Applicable discharge requirements will depend on the level of treatment attained.

Chapter 15, Section 2511 (i) provides an exemption where waste treatment is in fully enclosed facilities. The Statement of Reasons clarifies the intent to apply this section to specific types of facilities. An open concrete slab for contaminated soil treatment does not fit within the Section 2511 (i) exemptions.

The Plan and the Interim Action Feasibility Study (IAFS) state the Army intends to modify the proposed FOSTA location (519th Motor Pool) to store and treat contaminated soils. At recent Remedial Project Manager meetings, the Army and its consultant have described plans to modify the concrete slab at the FOSTA before treating contaminated soils. The proposed modifications include sealing the concrete and providing perimeter curbing to prevent runoff and runoff. The Army has stated it would monitor existing groundwater wells and "clean close" the FOSTA when remediation is complete. The specific site modifications, treatment system operation, and site closure described by the Army for the FOSTA appear to comply with Chapter 15 "specific engineered alternatives." However, specific details discussed have not been included in either the IAFS or the Plan.

The State contends that all design, operation, and closure details which qualify as "specific engineered alternatives" need to be specified in the Plan. Furthermore, the specific details must also be incorporated into the Record of Decision. The Plan must be changed to reflect the specific site modifications, FOSTA treatment system operations, and site closure as provided in Attachment 1.

The proposed Plan includes a soil cleanup and soil treatment level of 500 mg/kg for Total Petroleum Hydrocarbons (TPH). Although the Regional Board typically imposes a 100 mg/kg soil cleanup level at petroleum-contaminated sites, it concurs with the proposed 500 mg/kg TPH level for the Interim Action cleanups, based on the following factors:

- a. Petroleum contamination at Fort Ord consists primarily of weathered petroleum product that contains hydrocarbon chains consisting of 14 or more carbon atoms (>-C_n);
- b. The depth to groundwater ranges from 60 to 150 feet below ground surface;
- c. A soil partitioning computer model will be used at each site to determine if groundwater could be impacted by contaminants remaining in soil at the 500 mg/kg concentration. Soil cleanup level will be reduced if groundwater could be impacted. If groundwater is impacted the IA process will not apply; and
- d. The cleanup level seems protective of both human health and groundwater quality, based on conservative site-specific data provided.

Army Response to Comments from the California Environmental Protection Agency

The Army is pleased that the State concurs and supports the IA Proposed Plan for sites with limited soil contamination. As the Army has stated previously, we believe that Section 2511(d) of Chapter 15 provides an exemption for "actions taken by or at the direction of public agencies to cleanup or abate conditions of pollution or nuisance resulting from unintentional or unauthorized releases of

waste...". The Army believes that the excavation of limited amounts of contaminated soil and treatment of such soil at the FOSTA falls squarely within this exemption.

The Army agrees with the State that Section 2511(d) is not a complete exemption. To the extent that the exemption further provides that waste "removed from the immediate place of release shall be discharged according to Article 2" of Chapter 15, the Army intends to fully comply with Article 2. Article 2 classifies waste and based upon such classification, determines where waste may be discharged.

The Army does not agree that soil treatment at the FOSTA itself constitutes a classified waste management unit that would be regulated by Chapter 15. Therefore, provisions dealing with siting criteria (Article 3), construction standards (Article 4), monitoring standards (Article 5), closure standards (Article 8), are not triggered. As stated above, the Army believes that the excavation and treatment of soil is exempt under Section 2511(d) as a governmental action to cleanup or abate waste. The Army is no longer pursuing exemption 2511(i) in regard to the FOSTA as mentioned in previous discussions with the State.

The Army has stated in the Proposed Plan and IAFS that design criteria, soil acceptance requirements, operational and maintenance procedures, target cleanup concentrations, and closure procedures for the FOSTA will be provided in a FOSTA Design Operation, Maintenance, Monitoring, and Closure Plan.

The Proposed Plan already stated that nonhazardous soil will be stockpiled at the FOSTA and that hazardous soil will be stored in containers. Figure 5B in the Proposed Plan clearly shows that soil will be placed in a lined facility, and describes the storage of containers of hazardous waste inside buildings. Furthermore, the location of the FOSTA was identified as the 519th Motorpool area in the Proposed Plan and is clearly shown in the Fort Ord Site Plan (Figure 2 in the Proposed Plan). The 519th Motorpool area has historically experienced heavy vehicle traffic and is expected to have the strength to handle traffic associated with the placement and treatment of these materials. The FOSTA will

be designed with the intent of facilitating soil remedial activities and protecting human health and the environment, including groundwater.

The specific details requested by the State to be included in this Record of Decision (ROD), while important to the operation of the FOSTA, are not germane in light of the overall CERCLA process and IAFS. Feasibility Studies and their associated Proposed Plans are intended to recommend a selected remedy for a given remedial problem that can attain established cleanup levels and comply with applicable or relevant and appropriate requirements (ARARs).

Then, during the Remedial Design (RD) phase, engineering specifications will be drafted to implement the selected remedy as directed by the ROD. In addition to the ARARs listed in the ROD which guide remedial design, the CERCLA process also provides for currently accepted construction practices and techniques to be used to ensure the protection of human health and the environment, including groundwater.

Specific details regarding curb specifications or building numbers had no bearing on the selection of Alternative 2, Soil Excavation with Treatment and/or Disposal, as the selected remedy for Interim Action for areas on Fort Ord.

The Army again emphasizes that this information will most likely be similar to information that would be required under Chapter 15. To that end, the Army is pleased that the State believes that construction, operation and closure designs may satisfy the "engineered alternative" provided by Chapter 15. The Army believes that these actions would not be driven by Chapter 15 as an ARAR. In other words, the Army plans to perform these activities as part of the CERCLA process, not as an attempt to satisfy any engineered alternative allowed by Chapter 15. As part of the CERCLA process, the details for these activities will be delineated during the upcoming RD stage. The State, of course, will have the opportunity at that time to comment on the RD.

The Army agrees that a cleanup level of 500 ppm of total petroleum hydrocarbons in soil is an acceptable standard for Fort Ord.