APPENDIX D

Responsiveness Summary

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Responsiveness Summary for the Final Remedial Action Plan (RAP)/Record of Decision (ROD)/Resource Conservation and Recovery Act (RCRA) Closure Plan, Investigation Area (IA)-H1 Mare Island, Vallejo, California.

1. Overview

The Department of the Navy (DON) proposed a remedy for the environmental cleanup and closure of contaminated areas within IA-H1 at the former Mare Island Naval Shipyard. The Proposed Plan was presented in a Fact Sheet and at a public meeting held June 1, 2006. The selected remedy is described in Section 12 of the RAP/ROD/RCRA Closure Plan. Section 2.0 of this document presents background information on the community involvement programs at IA-H1 and Section 3.0 presents significant public comments received during the comment period.

2. Background on Community Involvement

The DON developed a Community Relations Plan to document concerns identified during community interviews and to provide a detailed description of community relations activities planned in response to information received from the community. The most current Final Community Relations Plan is dated 23 August 2001.

The community relations program includes specific activities for obtaining community input and keeping the community informed. These activities include conducting interviews, holding public meetings, issuing fact sheets to provide updates on current cleanup activities, maintaining an information repository where the public can access technical documents and program information, disseminating information to local and regional media, and making presentations to local groups. An information repository is maintained at the John F. Kennedy Library at 505 Santa Clara Street in Vallejo for easy access by the public.

The Restoration Advisory Board (RAB) for Mare Island was formed in 1994 to review and discuss current and projected environmental investigation activities at Mare Island. Meetings of the RAB include updates on field activities, funding issues, and other technical and administrative matters, and are open to the public. The RAB meets monthly to discuss project progress, review reports, and comment on investigation and cleanup activities. The DON funded a Technical Assistance for Public Participation (TAPP) grant for the Mare Island RAB to provide for an independent review of the IA-H1 Draft and Draft Final RI reports. Results from this review were discussed with the RAB and comments forwarded to WESTON and the DON for consideration and/or incorporation.

The remedial alternatives proposed in the IA-H1 Draft FS were discussed at a RAB meeting in January 2005. An independent review of the Draft FS, funded through a second TAPP grant for the RAB, was conducted in early 2005, and the results were discussed at the April 2005 RAB meeting. A RAB focus group meeting regarding the Draft Final FS was held with the community on October 4, 2005. This was a working community focus group to discuss site issues and gather community input for the Draft Final FS. The Draft Final FS was issued in October 2005 and the Final FS and Final Draft RAP/ROD/RCRA Closure Plan issued in May 2006. The RAP/ROD/RCRA Closure Plan was published and sent to interested parties on May 21, 2006. A Fact Sheet enclosed in Appendix A to the Final RAP/ROD/RCRA Closure Plan was mailed to the public on May 19, 2006. A public comment period ran from May 30 to June 30, 2006. Notice of the meeting published in local newspapers and documentation is attached in Appendix B to the Final RAP/ROD/RCRA Closure Plan. A public meeting to discuss the remedy presented in the Final Draft RAP/ROD/RCRA Closure Plan was held on June 1, 2006. A transcript of the meeting is enclosed in Appendix C to the Final RAP/ROD/RCRA Closure Plan.

3. Comments and Responses

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that a responsiveness summary be prepared following the public comment period. The responsiveness summary must present significant community comments on the Navy's proposed cleanup alternative presented in the proposed plan and the Navy's

response to those comments. This document presents the U.S. Department of the Navy's responses to public comments received by the Navy for IA-H1, Mare Island, California. Comments and responses received during the public meeting are documented in the meeting transcript in Appendix C of the RAP/ROD/RCRA Closure Plan.

Letters containing comments addressing IA-H1 were received from Mr. Quigley and Ms. Hayes.

Comment from Mr. Quigley:

Vallejo citizens are outraged that the Navy wants to deviate from its original plan of cleaning up a contaminated and toxic waste site on Mare Island. Instead, they now propose to cover it up and fence it off for 100 years. As Mare Island continues to celebrate its revitalization and redevelopment, this unfortunate decision on the part of the Navy is clearly not in the best interests of Vallejo, Mare Island, and the realization of our regional park.

This 230-acre site, known as "Investigation Area H-1 (IA-H1) is adjacent to homes and two Kindergarten – 5th grade schools. The area overlooks the San Pablo Bay and was used by the Navy since the 1940s. Regardless of the Navy's historical use of the space as a dumping ground, Vallejo is no longer anyone's dumping ground and as has been stated many times before, Vallejo deserves better.

The original plan, agreed upon by all parties, was for the Navy to clean and remediate this land and turn it over to the City of Vallejo and its citizens to enjoy as open space and for recreational use. We still demand no less. The cost of clean up is no excuse for the idling of this remediation project given the potential for the realization of a regional park for the use by the people of Solano and all other Bay Area counties.

Now, the Navy's "alternative" plan proposes to cover up the contaminated waste with dirt and build a fence around it let it sit idle for the next 100 years. This proposal is unacceptable. Although the California Department of Toxic Substances Control has told the Navy that this would be the most cost-effective alternative, Vallejoans would be

denied the opportunity to take advantage of a unique and environmentally rich landscape and open space ─ a cost-savings that comes at too high a price.

The right thing to do is to clean it up. It is what the Navy said they would do and it is too late to expect the citizens to accept anything less. Mare Island deserves to be a shining example of the reuse of a former military base for the region and the country. If the Navy insists on covering up this potentially beautiful open space with soil and fencing it off from the rest of Vallejo, we will continue to allow the perpetuation of the idea that we are still just a dumping ground for the rest of the Bay Area.

Let us not allow this deviation from our shared original vision of what Mare Island can and will be. We need to keep moving in the right direction and the Navy needs to recommit to its original obligation to remediate, rehabilitate, and revitalize this valuable asset to Vallejo's future. We demand that the Navy follow through with its promise to *really* clean up the Island. Please call the Mayor's office, City council members and the Department of the Navy urging them to do the right thing.

Response:

The Navy thanks Mr. Quigley for his comment letter regarding the proposed IA-H-1 cleanup at Mare Island. The Navy evaluated three categories of cleanup alternatives in the IA-H-1 Feasibility Study. These categories included a "no action" alternative, an on-site containment alternative using engineered barriers, and a removal and off-site disposal alternative. The no action alternative, which includes continued monitoring of the site and maintenance of existing soil cover, has been effective since the landfill was closed in 1989, but is not considered protective of human health and the environment over the long-term. The complete removal of waste was also considered as a cleanup alternative. However, this alternative is not practical due to safety and cost considerations. The excavation of wastes and transport off-site of over 50,000 truck-loads of waste would potentially expose workers and the public to hazards that are deemed far greater than leaving the waste in-place. Therefore the remaining alternative, on-site containment using engineered barriers was deemed to be the most protective of human health and the environment.

The regulatory agencies involved in the evaluation and development of these cleanup alternatives, the California Department of Toxic Substances Control, the Bay Area Regional Water Quality Control Board, the California Department of Fish and Game, the U.S. Environmental Protection Agency, and the U.S. Fish and Wildlife Agency, have concurred with on-site containment using engineered barriers as the most effective cleanup alternative, which is fully protective of human health and the environment over the long-term.

Comment from Ms. Hayes:

SUBJECT: Additional Comments Regarding the Investigation Area H-1 Remedial Action Plan/Record of Decision and RCRA Closure Plan for property at Mare Island, Vallejo, CA

"I have made a previous public comment during the public meeting held in Vallejo at the JFK Library, June 1, 2006. I wish to add an additional comment for the record. That is that for the last more than one and half years, I have as the Community Co-Chair of the Mare Island Naval Shipyard Restoration Advisory Board, made every effort to address the provision for community park and open space recreational uses envisioned in the 1994 Mare Island Reuse Plan, the later EIR/EIS for transfer of the former naval facility to the City of Vallejo, the 1999 Specific Plan for Mare Island which was included in the City of Vallejo General Plan at that time–in the environmental cleanup and containment plans for the Investigation Area H-1.

This effort, which I conducted on behalf of my community, was extensive, in which I attended meetings and participated in numerous phone calls with the California State Department of Toxic Substances Control Office of Military Facilities and RCRA Branch Chiefs and their staff and representatives of the Office of Public Participation. This sustained effort to resolve the agency's concern for the protection of the landfill cap and the public's health and safety and the public's wish for portions of the land that were not designated as a RCRA hazardous waste unit, to be used as passive public recreation areas, culminated in a public meeting with the DTSC representatives and their staff held on Mare Island in October 2005.

While the public DID have an expectation in that meeting and at that time, of full access to the cap for public use for passive recreation such as a trail to the top of the RCRA unit for a vista point, several alternatives to that full access were presented at that meeting by me and several alternatives were presented to the agency representatives and the public by the Navy's contractor, Weston Solutions, for less robust public access to the area of IA H-1 that had not been permitted as a RCRA hazardous waste unit.

Because of the nature of the type of waste– an oil sump and consolidated and characterized waste primarily of heavy metals, which cannot become airborne after the cap is in place, and thus would prove no ongoing risk to the public, AND the amount of additional fill material that will have been placed over that portion of H-1, I wish for provision to be made to revisit the issue of discreet, controlled, passive recreational trail public access to the non-RCRA hazardous waste unit portion of the contained area, at a later date after the selected closure plan is implemented and has been proven to function as built. I think it is reasonable for the public to expect that after some period of time of monitoring the wells, through visual inspection and collection of whatever other data is envisioned, sufficient information will have been collected to form the basis for a review and possible revisiting of the constrictions and prohibitions placed on the site by the DTSC regulating agency. I would like to see this option provided for in the remedial action plan/record of decision and final closure plan.

While the DTSC agency representative indicated during the June 1 public meeting, that the agency is not the entity that is preventing public access and rather, that is the responsibility of the Navy and its contractor to submit a plan that will satisfy the agency understanding of what would prove suitably protective of public health and safety and the cap and cover, I believe that the Navy and its contractor have demonstrated and submitted alternatives that do satisfy these concerns, in concept and plans. So, again, what I am asking for, is that AFTER the closure plan is implemented and tested, that there be a provision made for revisiting the current prohibition on limited, passive, recreational trail public access, to determine if in fact, the public and the cap would be sufficiently protected by the level of containment provided in the selected alternative and also allow for public use.

The community DID expect limited, appropriate, passive recreational trail use at a very minimum and if it is possible to provide an avenue for that possibility in the future–to keep the door open, if you will–that would satisfy my concern I raised quite forcefully at the public meeting of June 1, 2006.

I believe that I know as much as any layperson can be expected to know about this site, and believe that I have been accurately and thoroughly informed by all parties, including independent reviewers, regarding the risks posed by the site. I believe that the closure plan IS protection of the public health and safety and the environment primarily because of the amount of data and the number of reviews and informational presentations we have had access to. That is also why I am so confident that the level of risk posed by the site can be demonstrated to, once the protective measures are in place, be fully protective of the public health AND at the same time, prove protective of the cap. In fact, I believe that the addition of several more feet of trail bed, geo-fabric and trail finish would be the MOST protective of the cap and still meet the publicly stated and planned for in public documents, desire for a portion of the property to be used for public recreation.

Thank you for the opportunity to comment on this plan and for the privilege of helping to shape the final remedy, which I believe will provide a fully protective solution to managing this portion of the Navy's former landfill area in this community over the long-term."

Response:

The Navy thanks Ms. Hayes for her comment letter regarding the proposed IA-H-1 cleanup at Mare Island, and for her 12 years of participation as co-chair and member of the Mare Island Restoration Advisory Board. The Navy appreciates the comments of support for the selected consolidation and containment remedy. However, the Navy plans to prohibit public access for the 72-acre Containment Area within IA-H1 as a requirement of the Final RAP/ROD/RCRA Closure Plan. In the event that limited or unrestricted public access is proposed by a third party in the future, the Navy and future landowner (if the property has been transferred) and DTSC may re-evaluate the RAP/ROD/RCRA Closure Plan. Any proposal for public access must ensure that the

access would not endanger the public or cause damage to the engineered barriers comprising the containment system.