COB Comments

October 5, 2004

David D.

Department of Toxic Substances Control

700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Terry Tamminen
Agency Secretary
Cal/EPA

Arnold
Schwarzenegger
Governor

October 19, 2004

Iraj Javandel
Environmental Restoration Program
Lawrence Berkeley National Laboratory
Mail Stop: 90-1116
1 Cyclotron Road, Building 90
Berkeley, California 94720

COMMENTS ON CORRECTIVE MEASURES STUDY, LAWRENCE BERKELEY NATIONAL LABORATORY, BERKELEY, CALIFORNIA EPA ID No. CA 4890008986

Dear Mr. Javandel:

The Department of Toxic Substances Control (DTSC) received comments from the City of Berkeley on the draft Corrective Measures Study dated July 2004. Attached is a copy of the City of Berkeley letter to DTSC dated October 5, 2004. The general comments listed in this letter were discussed at the October 14, 2004 meeting with regulatory agencies.

Please address these comments in your revised Corrective Measures Study Report. Please clarify in the revised CMS Report the program that will be utilized by LBNL regarding excavation and other possible future work activities in areas that will be included in a land use covenant for institutional land use.

If you have any questions, please call Waqar Ahmad of my staff at (510) 540-3932.

Sincerely,

Salvatore Ciriello

Salvatore Ciriello, P.E.
Supervising Hazardous Substances Engineer I
Standardized Permitting and Corrective Action Branch

Printed on Recycled Paper

cc: Nabil Al-Hadithy
Toxics Management Division
Planning and Development Department
City of Berkeley
2118 Milvia Street
Berkeley, CA 94704

Michael Rochette
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street
Oakland, CA 94612

Buck King
Geologic Support Services and Corrective Action Branch
700 Heinz Avenue
Berkeley, CA 94710

CITY OF BERKELEY
Planning and Development Department
Toxics Management Division

October 5, 2004

Department of Toxic Substances Control
Attn: Sal Ciriello
700 Heinz Avenue, Suite 200
Berkeley, California 94710

Regarding: Comments on Lawrence Berkeley Laboratory, Corrective Measures Study

Dear Mr. Ciriello:

The Toxics Management Division (TMD) has reviewed the Draft Corrective Measures Study (CMS) dated July 2004. The TMD is generally satisfied with the site restoration progress in identifying the chemical contamination concerns in soil and groundwater and is also satisfied with the variously proposed corrective measures. The general thrust to clean up to drinking water standards is acknowledged and we comment on ways to strengthen this goal.

The primary concern for the TMD has been to identify appropriate cleanup goals that would allow for the highest uses of the site and not limit it to "institutional" uses. The TMD understands that some areas of the site will not be cleaned up to the highest, most protective standard, primarily because of the limitations of technically feasible, and cost effective ways to bring these areas to the most protective cleanup standard. We would refer you to the Regional Water Quality Control Board (RWQCB), which has provided good guidance on how to meet the maximum contaminant levels (MCLs) as a "long term" objective. In the absence of MCLs, written controls and procedures should be submitted for review and approval to local agencies and the RWQCB prior to adoption.

The TMD is concerned with creating a patchwork of areas on the LBL campus that meet the state criteria for beneficial uses. These would be hard to map and regulate. The TMD would also like to see human health risk analyses determined more pathways of exposure. We would like to see bathing, washing, irrigation considered as exposure pathways. As with the RWQCB, we are prepared to consider that drinking is an unlikely pathway for exposure and that the MCL goals can be met in the not too distant future.

2118 Milvia Street, Suite 200, Berkeley, California 94704 * TEL (510) 981-7460 * FAX: (510) 981-7470 * TDD: (510) 981-7474

In contrast, the CMS report presents the non-degradation policy and MCL as "goals" or "objectives" rather than a long term "requirement".

In presenting this report with limited risks due to limiting the pathways for exposure, we present the federal government with the excuses to stop payment for additional clean up to the highest standards possible.

The TMD has no specific comments on specific areas of concern in CMS report. Below I have reiterated the general comments for your convenience. These comments have been made on previous occasions by staff, the Community Environmental Advisory Commission and the City Council.

1. Historically, regulatory agencies have had difficulty maintaining controls for sites closed with contamination left in-place. Institutional controls are proposed for LBNL when the ILCR is greater than 10^{-6} calculated for pathways that include bathing, irrigation etc, or when the HI is greater than 1. The TMD would like to review the proposed policies and procedures and details of the specific controls that will be implemented.

2. There are some controls that the TMD would consider problematic. Examples are declaring groundwater of no potential beneficial use as a drinking water source due solely to contamination and land-use restrictions for the property.

Should you have any additional queries, please do not hesitate to contact Geoffrey Fiedler or myself.

Sincerely,

A HADITHY

Nabil A Al-Hadithy, PhD
Toxics Management Division

Cc: Geoffrey Fiedler, TMD
Wendy Cosin, Deputy Director of Planning and Development
Michael Rochette, RWQCB, 1515 Clay Street, Suite 1400, Oakland, CA 94612