

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT  
STAFF: John Kaiser  
MEETING DATE: May 18, 2005

ITEM: 7

SUBJECT: **Department of Energy (DOE) and Department of Defense (DOD) Cleanup Programs Overview**

CHRONOLOGY: This is an informational item only.

DISCUSSION: For over 12 years, the Board's Groundwater Protection and Waste Containment Division has provided regulatory support and oversight for cleanup at four Department of Energy (DOE) and over 25 Department of Defense (DOD) facilities in the Bay Region. Below is a brief overview:

***DOE Program***

Since 1994, Board staff has provided oversight of cleanup activities at the four DOE facilities within the San Francisco Bay Region. These are the Lawrence Berkeley National Laboratory, the Lawrence Livermore National Laboratory, the Sandia National Laboratory in Livermore, and the Stanford Linear Accelerator Center, or SLAC, located at Stanford University.

Board funding for oversight of DOE facilities is through a federal grant that is renewed on a three-year basis. Currently, there are three Board case managers providing regulatory oversight for these facilities. One of the facilities, SLAC, is under Board lead. At the other facilities, the Board shares oversight responsibilities with the Department of Toxic Substances Control (DTSC).

For all four facilities, our case managers deal with all issues pertaining to water quality, whether they be groundwater or surface water concerns, including stormwater. Typically, pollutants of concern consist of solvents and petroleum hydrocarbons. In two instances, pollutants involve PCBs and Tritium.

***DOD Program***

Since 1993, our Board has provided oversight and support for over 25 DOD facilities. They include an active Air Force Base (Travis), eleven former Navy bases, and fourteen other facilities involving former Army, Coast Guard, Air National Guard or Air Force bases. Of these, the Board is lead agency for three facilities (Point Molate, Hamilton, and Moffett) while sharing lead or providing support for the remainder. At present, there are eight Board case managers committed to the DOD program. Typically, a case manager serves as a member of a base cleanup team consisting of both regulators and regulated parties and their consultants. The emphasis of this program is towards cleaning up the former military bases and returning them to productive re-use. High profile examples include the Presidio, Mare Island, Hamilton Army Airfield, Moffett Field, Oakland Army Base, Point Molate, and the former Hunters Point Naval Shipyard.

Many of these sites now have a cleanup remedy in-place, following the successful completion of a remedial investigation and the preparation of a Record of Decision. Cleanup follows a process as defined under the federal Comprehensive Environmental Response, Compensation, and Liability Act or CERCLA, as it is known. While normally used for sites designated as federal Superfund sites, the Department of Defense has elected to follow CERCLA as the guiding regulatory framework for all of its sites, whether or not the site is listed on the National Priorities List as a federal Superfund site. This highly structured process often requires several iterations of report preparation and review along with full public participation in the decision-making process. As a consequence, the DOD program requires a substantial investment of time and staff resources.

As part of the DOD Cooperative Agreement between the State and the military, an MOU was crafted between DTSC and the State Board, in which Water Board activities largely focus upon petroleum discharges to soil and to waters of the state. In reality, Board involvement is much greater. Case managers often provide their input to issues related to beneficial use designation of adjacent surface waters and/or shallow groundwater, landfill concerns, wetland restoration and mitigation, dredge permit issuance, Water Quality Certification issuance, and sediment cleanup activities. Also, staff prepares enforcement orders to provide needed enforcement assurances to the State for acceptance of early DOD land transfers, where cleanup activities still remain to be completed. In all, these latter items require substantial Board inter-divisional coordination and have resulted in significant environmental contributions. This is not surprising, as most military facilities are adjacent to the Bay or to vernal pools, creeks, lakes, or wetlands.

While DOD funding varies from year to year, the level of funding is significant and has increased to the point that we have been able to take advantage of recent State legislation to administratively create new positions. As a result of our being able to do so, we have been authorized two new DOD positions that we expect to fill as part of our annual rotation. These positions will allow us to improve our oversight response time and to reduce our substantial report review backlog over the next few years. As to the progress of our higher profile cases, we consider them to be halfway through the process. As to the Board's overall DOD program progress, we expect it to continue for approximately ten more years, not taking in account the addition of new cases, changes in funding, or more potential base closures.

While both the DOE and DOD programs are quite challenging, the Board's case managers have benefited personally and professionally from their respective regulatory roles. Of equal or greater importance, however, is their contribution towards the greater well-being and quality of life of the San Francisco Bay Region.

RECOMMEN-  
DATION:

This item is for information only.

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