

## Minutes of the El Toro Advisory Committee

April 28, 1999 (Revision 1)

The committee was called to order by Mr. Chuck Bennett. Mr. Bennett indicated that this meeting followed a Motion that was passed at the April 21, 1999, Reuse Advisory Board (RAB) meeting creating an advisory committee. All attendees introduced themselves. (List Appended). The first order of business was to review the names of RAB committee members who were in attendance and those who had requested to be a committee member. It was moved by Don Zweifel that the official name of the new committee be "Technical Review Committee" (TRC). Joe Farber seconded this motion. Motion was passed unanimously.

Officers were then elected. Marcia Rudolph moved to elect Chuck Bennett as Chairman. Don Zweifel seconded. The motion was carried unanimously. Motion was made to have Ray Ouellette act as recording secretary for the committee. Marcia Rudolph seconded and the motion carried unanimously.

Chuck was to discuss the reorganization of the Committee with Mr. Greg Hurley and Col. Joseph P. Barney.

Chuck indicated that he had received a "Responsiveness Report" prepared by the Navy's Consultant (Bechtel) for Landfill Site s3 and 5. Only Greg Hurley and Chuck received copies based on the transmittal letter. This report summarized the responses provided to all public comments, which were submitted, for the record during the public comment period for Landfill Sites 3 and 5. Significant discussion regarding the direction the Navy is currently taking occurred. It was decided that letters should be drafted to indicate the potential long-term implications and liabilities to the residents of Orange County from the Navy's course of action. The letters are not intended to necessarily change the direction of the Navy's course of action (probably too late by now), but rather to sound the alarm that there are strings attached to the Base Closure and future ownership of the Base property.

It was also decided to prepare a letter to the LRA that would identify additional pending issues that should be highlighted to the County elected officials. Examples taken from the current status of the landfills and the lack of respect for the opinions of the local RAB committee should be discussed.

Additional items discussed included:

- The potential for the Navy to turn the Explosive Ordnance Disposal (EOD) area to the FBI and/or the Orange County Sheriff's office for the destruction of ordnance. Such a move would likely remove the Navy from any future liability associated with this site. The site is located within the watershed that drains to the tributaries of San Diego Creek and into Newport Bay (Back Bay). Significant concerns have been raised about the potential for "perchlorate" leaching, etc. from such a sensitive location.
- The potential that "perchlorate" contamination and TCE contamination may have compromised the value of the groundwater resources in the area around the base was discussed. This conclusion was drawn from the fact that the Irvine Ranch Water District requested information from 'focus' groups on whether the citizens of Orange County would be willing to drink contaminated water that had undergone treatment to make it "good and wholesome". The outcome of the 'focus groups was that the residents would not be inclined to buy such water.

The following action items were agreed to:

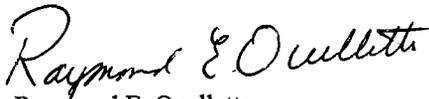
- A letter will be drafted and signed by Marcia Rudolph to the City of Irvine with cc's to Board of Supervisors, LRA, and others, indicating that the Navy's position on Landfill 3 and 5 is to leave the contamination in place and to place a synthetic liner and cover it with two feet of dirt. Monitoring wells would be required for the next 20 years as a minimum. However, any breach of the synthetic liner would void any future Navy liability since they would not have been a cause of the breach. Therefore, the Citizens of Orange County would be saddled with any expenditure to correct such a

breach in the future. The land, with its soil cover, could only be used for such things as a golf course. No higher land use could be made of the land because of the contaminants (unidentified) that remain buried in the landfill. All committee members are to provide input to Marcia and Chuck who are drafting this letter. Agencies or other CCs that should receive a copy of this letter should be identified. The letter should be sent out by Wednesday, May 5, 1999, in order to have the most political effectiveness.

- Paul LaBonte is to draft a letter to the Governor, Senators Barbara Boxer and Diane Feinstein, Representative Cox, and other federal and state bureaucratic officials addressing the potential long term liability the county faces with the Navy's approach to cleanup. This letter also should be sent out by Wednesday, May 5, 1999.
- Chuck Bennett is to draft a letter to the California Water Resources Control Board with CCs to the Santa Ana RWQCB and other water agencies concerning the potential of Perchlorate and TCE contamination of "Waters of the State". The purpose of the letter is to bring attention to the facts that Natural Attenuation is not the answer at this site. The committee needs a high level of sound technical support and an individual who is willing to stand up to the Navy and demand conformance with the State's longstanding "Non Degradation Policy". Currently, the committee believes that the RWQCB staff is competent but not forceful enough in handling the current situation. This letter also should be sent out as soon as possible.

The next RAB meeting is scheduled for May 26, 1999. The next Technical Review Committee meeting will be Wednesday, May 12, 1999, at a place to be determined by Joe and Marcia.

Respectfully submitted,



Raymond E. Ouellette  
Secretary

# Minutes of the El Toro Advisory Committee

May 12, 1999

The committee was called to order by Mr. Chuck Bennett. All attendees introduced themselves. (List Appended). The minutes for the April 28, 1999 meeting were distributed and the following corrections were noted:

- The letter to be sent to the Governor was to be drafted by Marcia Rudolph not by Paul LaBonte.

## New Business

- Marsha did send out a letter to the City of Irvine regarding future liability to the County.
- The committee then focused its attention on the upcoming Public Hearing to be held on May 26, 1999. It was recommended that Chuck discuss with Greg Hurley the addition of a Table for the RAB Committee to make themselves available for any of the public to ask questions about the El Toro investigations. Greg would then request permission from Mr. Joseph Joyce to provide a table for the RAB committee.
- Joe Farber indicated that he had discussed with the Santa Ana Regional Water Quality Control Board the committee's desire to get someone with authority to be the agency's representative to El Toro RAB. He was told that someone will now be getting the authority to act on future actions.
- Further discussion of water board issues was postponed until representatives from the Orange County Water District and the Irvine Ranch Water District could be present.
- All existing RAB members were asked to make an inventory of the investigative documents which they have in their possession. An inventory of the documents will be created.
- Chuck is to prepare a summary of the Data Gaps he uncovered in the report on Site 24. A letter will be prepared by Chuck. Marsha will obtain RAB committee members to sign the letter.
- Marsha is to prepare a letter to the Mayors of the ETRPA explaining the data gaps identified in Chuck's review.

The next RAB meeting is scheduled for May 26, 1999. The next Technical Review Committee meeting will be Wednesday, June 9, 1999, at a place to be determined by Joe and Marcia.

Respectfully submitted,



Raymond E. Ouellette  
Secretary

**ATTENDEES**

Chuck Bennett	<u>Crb4bla@aol.com</u>	714 773-5525	
Joe Barney			
Jerry Werner	<u>Jbwer@ix.jetcom.com</u>		
Marcia Rudolph	<u>Rudolphm@svusd.k12.ca.us</u>		
Joe Farber	<u>Jfarber@ips.net</u>		
Paul LaBonte	<u>Plabonte@pesenv.com</u>	714 480-6868	714 480-6878
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Raymond E. Ouellette	<u>rayouellette@kennedy/jenks.com</u>	949 261-1577	949 261-2453

# Minutes of the El Toro Advisory Committee

June 9, 1999

The committee was called to order by Mr. Chuck Bennett. All attendees introduced themselves. (List Appended). The minutes for the May 23, 1999 meeting were not discussed. They are pending. As soon as they are complete, they will be distributed to all committee members and those requesting to get a copy.

The following people requested to be put on the Committees list for copies of the minutes: Mr. Joseph Joyce, Mr. R. L. Hoodings, City of Lake Forest, Mr. J.W. Koepke,

## New Business

Marsha indicated that Steve Spurnak with Supervisor's Todd Spitzer's office called her to request that the Technical Committee assist in developing questions to be posed to the County's counsel, McCutchen & Doyle regarding issues being discussed regarding the El Toro closure. Marsha requested assistance from the committee.

Messrs. Roy Herndon and Richard Bell from the Orange County Water District and the Irvine Ranch Water District, respectively, discussed the recent request for extension to find a solution among the Water Districts and the Navy. Apparently, the Navy has indicated that the contaminated aquifer should not be treated to drinking water standards since a biforcated system exists that allows a contaminated water to be used in the water reclaim system. This could mean a potential savings to the Navy of \$13,000,000.00. However, the Water Districts requested a sensitivity analysis regarding whether people would drink purified water which was once contaminated. The overwhelming response was NO!! Therefore, the water districts indicated that they would not be able to accept treated water into their drinking water system but would allow the Navy to treat the water to drinking water standards but they would have to commingle the water with the reclaim water system. It was at this point that the NAVY opted to treat the water to a lower standard. It was suggested that the Water Districts talk with the Santa Ana RWQCB to determine whether there was any chance that the Basin Plan might be amended or modified to allow the perched aquifer to be used in a lower service classification such as AG or IND instead of MUN.

The committee then discussed some of the anomalies found in the Site 24 report. It was recommended that Chuck prepare a Scope of Work to identify issues which should be resolved by a third party contractor. The third party contractor would be working under a contract issued by ETRPA as an advisor and independent review of the documents. The end result of the contract would be an analysis of whether the NAVY contractor's conclusions are supported by the evidence presented in the final reports.

The next RAB meeting is scheduled for July 28, 1999. The next Technical Review Committee meeting will be Wednesday, June 23, 1999, at a place to be determined by Joe and Marcia.

Respectfully submitted,



Raymond E. Ouellette  
Secretary

**ATTENDEES**

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Marcia Rudolph	<a href="mailto:Rudolphm@svusd.k12.ca.us">Rudolphm@svusd.k12.ca.us</a>		
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Mr. R. L. Hoodings	<a href="mailto:RLHoodings@aol.com">RLHoodings@aol.com</a>		
Mr. J.W. Koepke	<a href="mailto:Jwkoepke@aol.com">Jwkoepke@aol.com</a>		

**Recommendation No. 1:**

The Review Committee recommends that Sites 5, 8, 12, and the Agua Chinon outfall be analyzed for Ra226 in locations that would clearly demonstrate the absence or presence of Ra226.

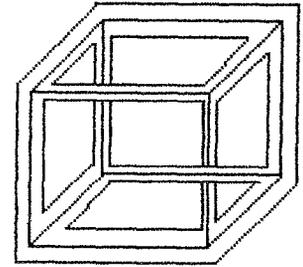
**Recommendation No. 2:**

The three lysimeters installed for each of the three landfills at Sites 3, 5, and 17 were not located, drilled or constructed to penetrate the fringe capillary zone at each landfill site; therefore they were doomed to fail to collect leachate samples. In fact none did collect any leachate samples. Lysimeters were not installed at landfill Site 2. As a result, leachate has not been sampled at any of the landfill sites. In the face of potential Ra 226 contamination, the Review Committee strongly recommends that these sites be properly sampled for leachate with specific focus on the presence of Ra 226.

## El Toro / Review Committee Roster

Joe Barney	Fred Meier	
Richard Bell	Marcia Rudolph	
Charles Bennett	Jerry B. Werner	
Joseph Farber	Don Zweifel	
Roy Herndon	Joseph Joyce	- ex officio
Jeff Koepke	Greg Hurley	- ex officio

Research • Service



28 July 1999

Project # - El Toro RAB / The Review Committee  
re: RAB Questions

Questions for the El Toro BEC:

Item A. From whom can we obtain a map of the location of the <sup>FUEL</sup> pipeline from the point at which it enters the Base? *(From Newark)*

Item B. What is the status of the 60-odd UST's at the base? We were told last time that these remaining UST's were still in use. Is this still true? What type of material did these remaining UST's contain?

Item C. Did any UST's have official closure prior to 1997? If so, which ones?

Item D. "If I wanted to inspect the Agua Chinon Wash outfall, where the discharge pipe from Hanger 296 ended, whose permission would I have to obtain?"

Item E. Currently, What parties will be consulted in deciding the final cleanup standards for the Shallow Aquifer of Site 24? At what point in the schedule will this be made final?

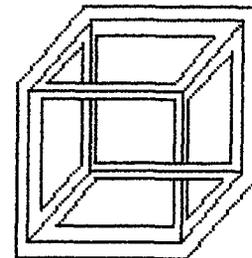
Item F. What are the earliest possible dates that the DoN could transfer complete title and ownership of Sites 1, 2, 3, 5, & 17 to any recipient?

Item G. What is the earliest possible date that the DoN could transfer complete title and ownership of Site 12 to any recipient?

Item H. What is the earliest possible date that the DoN could transfer complete title and ownership of Site 25 to any recipient?

Item I. Please provide an updated "Blue Sheet" of the BCP schedule for the next RAB meeting.

Submitted at the July 28, 1999 RAB Meeting by C. R. Bennett, Chr, The Review Committee



Research • Service

21 July 1999

From: Charles R. Bennett Ph. D., Review Committee Chair  
To: Mr. Joseph Joyce, Base Realignment and Closure Environmental Coordinator  
MCAS El Toro, Building 368  
Santa Ana, CA 92709-5001

Project # - El Toro RAB  
re - Historical Radiological Assessment

Dear Mr. Joyce:

The attached questions and comments are submitted to you as the appropriate recipient for comment regarding the Historical Radiological Assessment (HRA) that was provided to the Department of Toxic Substances Control (DTSC) of Cal - EPA on 20 May 1999. The Review Committee of the Restoration Advisory Board has collected these comments from committee members and others who have reviewed the document. These comments represent input from multiple sources, and should not be construed as coming from any one single individual. The HRA has clearly raised a number of points that call for further response.

These comments were submitted as promptly as possible following the distribution of the HRA, which began 2 July 1999. As it is not a CERCLA document, it is our understanding that our comments are not limited by any specific period of review. As many members of the committee, including myself, have not received the courtesy of a response in the past when comments have been submitted outside of the CERCLA process, these comments will be submitted again as part of the public comment period when the next one occurs to insure that they become part of the public record. A courtesy copy is to be sent to those listed below.

Yours sincerely,

by fax: G. Kistner / USEPA  
T. Mahmoud / Cal EPA  
P. Hannon / RWQCB  
G. Hurley / Community Co-Chair  
T. Spitzer / Orange County Board of Supervisors

**BL Associates**  
224 W. Jacaranda Place  
Fullerton, CA 92832  
714-773-5525

July 20, 1999

Comments and Questions Regarding  
Historical Radiological Assessment  
for MCAS El Toro

**"A certain amount of care or pain or trouble is necessary for every man at all times. A ship without ballast is unstable and will not go straight."  
(Arthur Schopenhauer)**

General Comment - The comments have been collected into basic categories for convenience.

### Radium 226 Paint Plant Operation

1. The use of Radium 226 at El Toro between 1944 and 1966 is acknowledged and documented throughout the HRA. Ra-226, according to the HRA (page 29), could only have originated from the Radium Paint Plant operations or the disposal of gauges that had been painted. We propose specific analyses for Ra-226 in the following locations that were associated with activities during those periods of potential or probable Ra-226 use:

- a) The Radium 226 Paint Plant,
- b) Building 296
- c) the Old Sewage Treatment Plant,
- d) the DMRO Storage areas, particularly Site 8,
- e) the Drainage Channels, Site 25,
- f) Site 1 ,
- g) Site 2,
- h) Site 3,
- i) Site 5,
- j) Site 17
- k) any other appropriate Base locations.

What would be the DoN response to this proposal of specific analysis for Ra-226? Are there any reasons why the DoN would not want to generate this information? If Ra-226 is found at any location other than a, b, or d, does this not demonstrate incontrovertibly that there has been a Ra-226 discharge at the Base? Would not any Ra-226 discharge of this sort require a complete delineation of its limits?

2. The use of Radium 226 at El Toro between 1944 and 1966 is acknowledged and documented throughout the HRA, and may have had health effects. We propose the performance of an epidemiological study for Ra-226 health impacts on Base military and civilian staff that were associated with activities during those periods of potential or probable Ra-226 use for:

- a) The Radium 226 Paint Plant,
- b) Building 296
- c) the Old Sewage Treatment Plant,
- d) the DMRO Storage areas, particularly Site 8,
- e) the Drainage Channels, Site 25,
- f) Site 1 ,
- g) Site 2,
- h) Site 3,
- i) Site 5,
- j) Site 17
- k) any other appropriate Base locations.

What would be the DoN response to this proposal? Are there any reasons why the DoN would not want to generate this information?

3. HRA, pg 31, para 5: Are any other medical records available for review for radioactivity impacts?
4. HRA, pg 18, table 1: Have the sewer line discharges from the radium paint plant area in Building 296 to the sewage treatment plant and the Agua Chinon Wash been delineated completely? If they have, please provide them.

### Radium 226 Paint Plant Decommissioning and Radioactive Waste Materials

5. HRA, pg 37, para 1: "(I)t is difficult to prove that no disposal (of radioactive waste ) has occurred (in the landfills)." Outside of the radium paint plant in Building 296, has the DoN, or any of its agents, ever tested specifically for the presence of Ra-226 anywhere at MCAS El Toro?
6. Based upon the Ra 226 use that was reported for the Radium Paint Plant (HRA, pg 30, para 1 ), radium paint waste and debris may have been discharged into the Landfills (HRA, pg 29, para 3). Specifically, please report the Ra-226 levels in:
  - a. Site 5,
  - b. Site 3,
  - c. Site 1,
  - d. Site 2.
  - d. Site 17.

What are the USEPA, DTSC, and DHS responses to this request? What would be the DoN response to this request? Are there any reasons why the DoN would oppose generating this information? If Ra-226 is found at any Landfill location, does this not demonstrate incontrovertibly that there has been a Ra-226 discharge at the Base?

7. HRA table 7-3, #1: Is not the Note questioning whether "radioactivity was considered" actually in conflict with the actions of taking measurements of geiger counter readings in the boring logs, and the determination of gross alphas and gross betas from the landfills, which indicates that radionuclides were of concern to the DoN at the time of the RI/FS?
8. The further recommendations for surveying have deleted Site 2 (HRA pg 57, para 3), apparently prematurely. Consulting figures 2-7 and 2-8 of the Site 2 Draft Record of Decision for Storm Water and Seep Water, and Sediments, the radioactivity levels should be reconsidered. The gross alphas go as high as 169 pCi/L, the gross betas go as high as 144 pCi/L in the water samples; whereas, the MCL's are 15 and 50 pCi/L. Several sediment samples exceed a 5 pCi/g level that can require action if it were Ra-226. Is the decision to cease investigation of radioactive waste at Site 2 premature?
9. HRA, pg 24, table 5-2, #1: Where would debris put into dumpsters ultimately be disposed on the Base?
10. Disposal of radioactive waste into EOD at Site 1 has been attested to by several interviewees (HRA, pg 15, bullet 7) , and there are elevated levels of radioactivity reported down gradient of Site 1 (see Site 2 RI/FS). Was depleted uranium ordnance ever destroyed in Site 1? Are the records clear that radioactive materials were not brought into Site 1? Why has the statement been made that "ordnance disposal records are not clear"? Is not the maintenance of detailed ordnance destruction records required? Is it not true that maintaining inaccurate ordnance destruction records is a serious and potentially actionable offense?

### Sewage Treatment Plant

11. The Sewage Treatment Plant was ordered to cease and desist operating in 1972 (HRA, pg 14, bullet one), and is clearly no longer at its original location. Where was the building and where is the associated debris from the plant? Was this debris placed in any of the Base landfills? If so, which one(s)? Were any of these materials ever evaluated for the presence of Ra-226? Where are the documents associated with the decommissioning of the Sewage Treatment Plant, and can they be recovered and reviewed today?

12. HRA, pg 14, bullet one: Why did the RWQCB issue a Cease and Desist Order for the sewage treatment plant? Was the RWQCB aware of possible radioactive discharge at that time?
13. Based upon the Ra 226 radiation that was reported in the sewage pipe from the Radium Paint Plant (HRA pg 29, para 3), radium paint waste may have been discharged into the sewer system. Specifically, please report the Ra-226 levels in:
- The outfall of Building 296 drainage into any of the drainage channels,
  - the Site 12, Unit 4 area of the Sewage Treatment Plant,
  - both Sludge Drying Beds in Site 12,
  - the outfall of the Sewage Treatment Plant into the Bee Canyon Wash.

What are the USEPA, DTSC, and DHS responses to this request? What would be the DoN response to this request? Are there any reasons why the DoN would oppose generating this information?

14. HRA, pg 26, bullet one: What was the composition of the waste water from the metal plating operations?

#### Use of Adequate Methods for Evaluation

15. HRA pg 51, para 4, 5: Please provide references that can substantiate the statements that: a) no significant radioactivity would ever leave the base, and b) Ra-226 is not readily carried by water percolating through soil. Please provide the levels of Ra-226 that would require action if found in water or in soil.
16. Several references have criticized the methods of analysis (e.g. June 15, 1999 letter, NAAV) for radionuclides referred to in the HRA. In reviewing the radioactivity assessments at the four landfills (2, 3, 5, & 17) and in the soil boring logs, frequent reference is made to the term "background" and that the radioactivity responses were not significantly above "background" (HRA, DHS Comments). Unfortunately, no members of the committee have found any detailed references as to how the "background" was ever determined. Does not the concept of "background" require the collection of samples well separated from the area under study? Is it possible that "background" at El Toro is higher due to the long term operations of the Base? Or, restated, would El Toro radioactivity "background" statistically exceed "background" radioactivity off the Base? Are any proper determinations of "background" for radioactivity proposed to be done?
17. In contrast to the previous comment, Appendix N of the Site 5 Remedial Investigation gives a very detailed protocol for the determination of "background" levels for the Contaminates of Potential Concern (COPC) as part of the Risk Assessment for Site 5. The list of COPC's for Site 5 include metals, pesticides, etc.; however, radionuclides are conspicuously absent from all lists of COPC's. Given the HRA statements that it is likely that radioactive waste went into the Site 5 landfill, why was no careful calculation of "background" performed for radionuclides (specifically for Ra-226) to substantiate the DoN position that radionuclides need not be considered as COPC's for the Risk Assessment at Site 5?
18. Is there merit to the criticism that the locations of groundwater monitoring wells and the screening intervals in these wells are so poorly located, that it is not possible to delineate contaminants of concern adequately, including radionuclides and perchlorate?

#### Regulatory and Forensic

19. Does not the presentation of the historical record of the use of Ra-226 at El Toro demonstrate that there is a potential for radionuclides being present at a series of sites for which the Draft ROD's and public comment periods have already passed (e.g. Site 25, Site 8, and Site 12)? As no radioactivity measurements at all were used in the investigation of these sites, does that not mean that the investigation was incomplete and that the Proposed Plans and ROD's must be revised to reflect the new environmental concerns? Does this not mean these revised plans should be resubmitted to the public for comment?

20. According to the Clean II Site Health and Safety Plan , July 18, 1994 (pg 6-4), the Program Health Physicist (PHP) is responsible for developing radiological control evaluation plans. Who is the present PHP, and how can he be reached? Has the HRA Site review revealed a greater potential for ionizing radiation, such that an improved plan would be necessary?
21. HRA, pg 4, para 2: The DoN recommends some sites for further investigation and "selective surveys and/or sampling". Who will decide the "or", that is, who will decide if any sampling will be done? What is meant by the term "selective surveys"? Would this be restricted to review of previous documents, only? Please define this term.
22. HRA, pg 6 para 4: EPA has jurisdiction for federal facilities. Where does Cal EPA, NRC, and DoE stand in the chain of command when the facility has a demonstrable risk from radionuclides?
23. HRA, pg 13, para 2: Is the term "available records" comprehensive, or are other more thorough records actually available for review? That is, are the actual records missing?
24. HRA, pg 16, para 6: The initial inquiry about radiological issues was on April 21, 1997, and it was well-known that the Ra-226 operation had run for decades. Why did it take over two years to respond to this inquiry, a period that also included an additional clean up operation in Building 296? Is this an acceptable time period for this type of activity?
25. HRA, pg 19, table: "Since there is no card", can we assume that the USMC performed the radium paint plant decommissioning?
26. HRA, pg 23, table 5-2, #5: Is a release report being prepared? Who is performing such a survey?
27. HRA, pg 29, para 1: "authorized to handle radioactive luminous compounds, and did not include MCAS El Toro." Does this statement mean that Ra-226 paint should not have been in use at El Toro, when it was in use?
28. HRA, pg 37, para 5: Is not this sentence disingenuous, and should it not read: "No documents have been shown to date to indicate the deliberate disposal of radioactive material on MCAS El Toro property, nor have any documents been shown to indicate where radioactive materials from MCAS El Toro actually went."?
29. HRA table 7-3, # 14: In light of current events and this HRA, can Mr. Kistner clarify his comment that "information on nuclear materials in the hazard ranking is probably inaccurate."?

May 26,1999.

U.S. General Accounting Office  
Inspector General Division  
Attn: Executive Director  
441 G Street NW, Room 1169  
Washington, D.C. 20548

Dear Sir;

Re: MCAS-ET

We, the undersigned, are stakeholder/members of the Restoration Advisory Board Technical Review Committee for the Marine Corps Air Station at El Toro. We have been in the process of examining and commenting on the various documents presented for our review since the beginning in January of 1994. We have reviewed such documents as drafts of site reviews, , technical appendices, executive summaries, fiscal analyses, and/or final documents prepared for their R.O.D.

The process is now entering the final phases of investigation and review and we have concern as to the resolution of some of the larger issues on and off site. Our concern has led to this letter and the knowledge that your office is to proceed under the mandates of Public Law 97-255, the Federal Manager's Financial Integrity Act of 1982, and the implementing document Department of Defense Directive 5010.38. We understand the "Internal Management Control" requires program, installation, and activity managers to exercise due care and integrity in managing the financial affairs of their respective areas of responsibility. And, that, if it can be proficiently demonstrated that the Federal Government would likely incur (high probability) a greater financial obligation, in the long term, by not exercising due professional care in investigating risks of exposure to environmental liabilities, as compared to a course of action being pursued, then a violation of the intent of the Act has occurred.

We also recognize that as a result those involved can be held professionally responsible and in some cases financially responsible. We know that intent must be proven that the end game was to deceive ("fraud/malicious misconduct") and that said person involved can be prosecuted in a criminal court.

We need to be assured that you are considering doing the right thing financially for the long term perspective, rather than just short term reductions on the bottom line restoration cost for BRAC. This issue is most critical to us as stakeholders in the decision of the remedy proposed for the Site #18 plume off-base, the treatment and ultimate destination of the treated water from Site #24 and #18. We are concerned that the less costly remedy will be used and thus leave the future human health risk in question.

We look to you with the confidence that you will exercise the oversight necessary to protect our interests, no matter the costs in the immediate future.

Sincerely,

Dr. Charles Bennett, Chair  
RAB/TRC

224 Jacaranda  
Fullerton, California

*Marcia Rudolph*  
*RAB Member*  
*Council Member*  
*City of Lake Forest*

*Jerry Warner*  
*RAB Member*  
*City of Laguna Woods*



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JUL 9 1999

Dr. Charles Bennett  
224 Jacaranda Place  
Fullerton, California 92832

Dear Dr. Bennett:

This is in reply to your letter of May 26, 1999, regarding your concerns with the Installation Restoration Program (IRP) at the Marine Corps Air Station at El Toro. In response to your concerns, we reviewed pertinent documents involving the El Toro IRP process including remedial investigation studies, feasibility studies, proposed remedial action plans, and meeting minutes of the Restoration Advisory Board. We also discussed the El Toro IRP with the Environmental Protection Agency Project Manager and several representatives of the Navy and Marine Corps.

The El Toro IRP is proceeding in accordance with applicable Federal and state environmental guidelines. The remedial actions proposed appear appropriate for the contamination identified and are consistent with current environmental engineering practices. Remedial action alternatives were identified, analyzed, and compared based on available analytical data in the appropriate EPA nine criteria framework. Health assessments have been conducted to evaluate risks to human health and have found no significant risk present for the remedial actions proposed in the draft Remedial Investigation/Feasibility Study Report. The Department's continued coordination with the Federal Environmental Protection Agency and California EPA regulators indicates that the El Toro IRP is progressing according to the congressionally designed framework in the Comprehensive Environmental Response, Compensation, Liability Act (CERCLA).

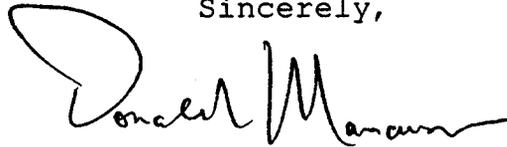
Your letter refers to a "less costly remedy" for the treated water that would "leave the future human health risk in question." We assume the reference is to the alternatives for the ultimate disposition of the treated water: reinjection to the groundwater aquifer or pumping to the proposed Irvine Desalter Project. This Project is presently in negotiations due to issues regarding reuse of the treated water. We understand that the appropriate agencies and stakeholders are involved in that process and working to find a solution.

Neither your letter nor the additional materials that we reviewed identified deviations from applicable Federal regulations in the handling of the El Toro IRP. We also concluded that compliance with the provisions of the Federal Managers' Financial Integrity Act is not at issue because there

are no indications of internal control weaknesses. Therefore we have determined that further inquiries by this office into the El Toro IRP at this time would not be appropriate.

Community involvement is a vital aspect of the environmental cleanup program and we encourage you to continue voicing your concerns to the El Toro IRP managers.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald Mancuso". The signature is fluid and cursive, with a large initial "D" and "M".

Donald Mancuso  
Acting Inspector General



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### CLEAN II TRANSMITTAL/DELIVERABLE RECEIPT

Contract No. N-68711-92-D-4670

Document Control No.: CTO-0155/0563

File Code: 0216.1

TO: Contracting Officer  
 Naval Facilities Engineering Command  
 Southwest Division  
 Mr. Richard Selby, Code 02R.RS  
 Building 127, Room 112  
 1220 Pacific Highway  
 San Diego, CA 92132-5190

DATE: August 4, 1999  
 CTO #: 155  
 LOCATION: MCAS El Toro

FROM: *[Signature]* Project Manager \_\_\_\_\_ Program Manager

DESCRIPTION: MCAS El Toro Restoration Advisory Board Subcommittee Meeting Minutes and RAB Member Document Comments Presented at the 7/28/99 RAB Meeting

TYPE: \_\_\_\_\_ Contract Deliverable (Cost) \_\_\_\_\_ CTO Deliverable (Technical) X Other  
 VERSION: N/A REVISION #: \_\_\_\_\_

ADMIN RECORD: Yes X No \_\_\_\_\_ Category \_\_\_\_\_ Confidential \_\_\_\_\_  
 (PM to Identify)

SCHEDULED DELIVERY DATE: N/A ACTUAL DELIVERY DATE: 8/4/99

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August 4, 1999

Contracting Officer  
Naval Facilities Engineering Command  
Southwest Division  
Mr. Richard Selby, Code 02R.RS  
Building 127, Room 112  
1220 Pacific Highway  
San Diego, CA 92132-5190

Attention: G. Tinker, 5B02.GT, Contract Specialist

Subject: MCAS El Toro Restoration Advisory Board Subcommittee Meeting Minutes and RAB  
Member Document Comments Presented at the 7/28/99 RAB Meeting

Dear Mr. Selby:

Enclosed are copies of the MCAS El Toro Restoration Advisory Board (RAB) Subcommittee meeting minutes compiled by Dr. Chuck Bennett, RAB Subcommittee Chair, and given to The Marine Corps/Navy via Bob Coleman, Community Relations Specialist, CTO-155/Bechtel Navy CLEAN at the 7/28/99 El Toro RAB meeting for inclusion in the Administrative Record. At the RAB meeting, Dr. Bennett only provided a single copy to Mr. Coleman. These minutes are being provided to El Toro staff to keep them abreast of subcommittee meeting activities. They will also be included in upcoming RAB mailings and in the package of the 7/28/99 RAB meeting public information materials that is routinely placed in the Administrative Record file and in the RAB binders at the Information Repository at the Heritage Park Regional Library in Irvine.

If you have any questions, please contact Bob Coleman at (619) 744-3016, or myself at (619) 744-3004.

Sincerely,



Thurman L. Heironimus, R.G.  
Project Manager

TLH/sp

Enclosures: MCAS El Toro Restoration Advisory Board Subcommittee Meeting Minutes and RAB  
Member Document Comments Presented at the 7/28/99 RAB Meeting



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