



November 29, 1999

Mr. Dean Gould  
BRAC Environmental Coordinator  
Navy Facilities Engineering Division  
Southwest Division – Code 05BM-DG  
1220 Pacific Highway  
San Diego, California 92132-5187

Subject: Working Draft Final Record of Decision -- Landfill Sites 2 and 17  
Marine Corps Air Station El Toro

Dear Mr. Gould:

Thank you for the opportunity to comment on the Working Draft Record of Decision for Landfill Sites 2 and 17 (“ROD”) issued by the Department of Navy/United States Marine Corps (“DON”) for the Marine Corps Air Station El Toro (“MCAS El Toro”).

As you know, we have provided comments on preceding draft versions of the ROD. See, e.g., our letters to DON (July 16, September 29, and October 26, 1999). We appreciate DON’s decision to revise the ROD to respond to many of our comments. In particular, we appreciate those revisions to the ROD that (1) recognize the future construction of the Alton Parkway extension, improvements to Borrego Canyon Wash, and aviation-related facilities adjacent to Sites 2 and 17, and (2) memorialize DON’s decision to work with local agencies to take these projects into consideration during the detailed design and implementation of the proposed remedy.

We are aware that the United States Environmental Protection Agency (“EPA”) has expressed some concerns regarding the precise drafting of text in the ROD concerning DON’s intent to work with local agencies on related projects. See the electronic mail from EPA (Mr. Glenn Kistner) to DON (Mr. Dean Gould) (Nov. 23, 1999), at item 4. We appreciate this concern and propose the following revision to existing text at Section 1.7 of the ROD:

In preparing detailed design plans and implementing ~~developing~~ the proposed remedy for Site 2, the DON will cooperate with ~~intends that~~ all relevant parties (including the DON, FFA signatories and the County of Orange) ~~will cooperate with one another~~ to ensure that all proposed projects (the remedy for Site 2, the construction of Alton Parkway, and improvements to Borrego Canyon Wash) are designed, constructed, and maintained in a prompt and reasonable manner.

See ROD at § 1.7 (paragraph 2, page 1-12).



Mr. Dean Gould  
November 29, 1999  
Page 2

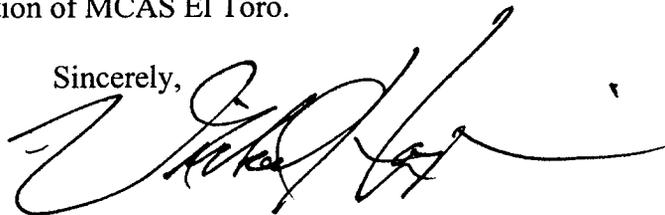
A number of recommendations we made for the deletion or revision of certain proposed institutional controls (e.g. those prohibiting the construction of structures within 1,000 feet of the landfills and the extraction of groundwater in the vicinity of the landfills without the prior approval of FFA signatories) have not been accepted by DON. We have continuing concerns regarding DON's decision to include such institutional controls as part of the remedy for Sites 2 and 17. Nonetheless, we appreciate DON's decision to clarify in the ROD that, where the prior approval of projects undertaken in the vicinity of the landfill sites is required, DON shall exercise its judgment in a prompt and reasonable manner. See, e.g., ROD at 7-4 and 9-6. Consistent with this decision (and our October 26, 1999 comments), we recommend that DON provide the same clarification for those projects involving land-disturbing activities. See, e.g., ROD at 9-6 (fourth bullet).

In addition, we note that DON chose not to accept other recommendations we made concerning such technical matters as the conduct of surface water monitoring at Sites 2 and 17. We reiterate and incorporate by reference into these comments our earlier statements on such technical issues. Moreover, we look forward to working with DON during the detailed remedy design phase to review such technical issues.

Finally, as we have noted in previous correspondence, we do not intend through the submittal of these or other comments on the ROD, to comment directly or indirectly upon similar issues pertaining to Sites 3 and 5 at former MCAS El Toro. As you know, future development plans for property in and around Sites 3 and 5 are substantially more complex and use-intensive than their Sites 2 and 17 counterparts. DON also has proposed a different remedy for Sites 3 and 5 based, in part, upon the future development plans being developed by the County of Orange. In addition, the parties presently contemplate that property in and around Sites 3 and 5 will be transferred to the County of Orange. Accordingly, for these and other reasons, we may choose to take different positions and to provide different comments on the record of decision for Sites 3 and 5.

Thank you again for your attention to these comments. We look forward to working closely with you and other DON staff on the remediation of MCAS El Toro.

Sincerely,



Michael Lapin, Manager  
El Toro Master Development Program

cc: Glenn Kistner, USEPA  
Ken R. Smith, PF&RD  
Steve Sharp, LEA

Michael Wochnick, CIWMB  
Patricia Hannon, RWQCB  
Alice Gimeno, DTSC