

RESPONSE TO COMMENTS
"WORKING DRAFT" FINAL RECORD OF DECISION FOR OPERABLE UNIT 2B, SITES 2 AND 17
MCAS EL TORO, CALIFORNIA

M60050.000424
 MCAS EL TORO
 SSIC # 5090.3

April 2000

<p>Originator: Glenn Kistner U.S. EPA</p> <p>To: Dean Gould, BEC MCAS El Toro</p> <p>Date: November 18, 1999 (via e-mail)</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p><u>SPECIFIC COMMENTS</u></p> <p>1. Page 2, last paragraph – Thelma Estrada our attorney feels that “or by documentation in the post decision file,” should be deleted. She said that only under very limited and narrow circumstances would EPA even use such a mechanism for a remedy modification. The sentence should be modified accordingly. Same holds for the last sentences on pages 5-16 and 9-12.</p> <p>2. Page 3, EPA signature – Daniel A. Meer, Chief</p> <p>3. Page 1-1, middle paragraph – “The site elevation is” ... add, “and is bisected by” ... Combine those two sentences.</p> <p>4. page 1-12, last paragraph – “In developing the proposed remedy” ... should be changed to ... “In implementing the remedy, the Navy will take into consideration the Alton Parkway expansion”, etc. Intentions are not really part of a ROD anyway, plus how can the Navy “intend” that all parties will work together?</p> <p>5. page 5-3, last paragraph – “Concentrations of methylene chloride,” ... “Toluene was not reported” ... So? And? What is the significance of those two sentences? Please expand to show the relevancy.</p> <p>6. pages 7-5 and 9-5 – Delete “is prohibited” from bullets discussing construction of structures and extracting groundwater. They are redundant since the section begins with ... “The institutional controls shall prohibit the following:”</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>RESPONSE 1: The sentences in question have been modified as requested by Ms. Estrada.</p> <p>RESPONSE 2: Mr. Meer has been added as the individual who will sign the ROD for the U.S. EPA.</p> <p>RESPONSE 3: The two sentences have been combined as requested.</p> <p>RESPONSE 4: This sentence was also commented upon by the LRA and has been changed as follows to incorporate both suggested modifications: “In preparing detailed design plans and implementing the remedy for Site 2, the DON will cooperate with FFA signatories and the County of Orange to ensure that all proposed projects (the remedy for Site 2, the Construction of Alton Parkway, and improvements to Borrego Canyon Wash) are mutually compatible and are designed, constructed, and maintained in a prompt and reasonable manner.”</p> <p>RESPONSE 5: The purpose of including CARB data from other landfills is to show that the air quality at Site 2 does not differ significantly from landfills throughout the state. This would support use of the presumptive remedy for municipal landfills. The paragraph has been expanded as requested.</p> <p>RESPONSE 6: The phrase “is prohibited” has been deleted from the bullets as requested.</p>

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<p>7. page 7-6 – Change “The draft LUCICP” ... to ... “The draft LUCICP will be provided to the FFA signatories for approval and to the LRA, LEA, (CIA) and the transferee for review.”</p>	<p>RESPONSE 7: The sentence has been modified as requested with the exception of the addition of (CIA) since this abbreviation is not defined in the ROD.</p>
<p>8. page 10-5, second paragraph – Move “Nonhazardous wastes will be disposed of appropriately.” to the end of the first paragraph on the same page.</p>	<p>RESPONSE 8: The sentence has been moved as requested.</p>
<p>9. ARARs tables – Please put page numbers on the tables. It is more difficult to discuss specific sections without page numbers.</p>	<p>RESPONSE 9: Page numbers have been added to the ARARs tables in the Final Interim ROD as requested.</p>
<p>10. What is the specific requirement(s) under the National Archeological and Historical Preservation Act? Please clarify what you cannot do. How is construction regulated?</p>	<p>RESPONSE 10: The Location/Requirement has been expanded to read as follows: “Regulates alteration of terrain caused as a result of a federal construction project or federally licensed activity or program where action may cause irreparable harm, loss, or destruction of significant artifacts. The responsible official or Secretary of the Interior is authorized to undertake data recovery and preservation.”</p> <p>The Comments have been expanded to read as follows: “Construction on previously undisturbed land would require an archaeological survey of the area. Data recovery and preservation would be required if significant archaeological or historical data were found on site.”</p>
<p>11. Same comment for the Endangered Species Act (see Comment 10). “Protects” how? Is mitigation required? Please elaborate.</p>	<p>RESPONSE 11: The Location/Requirement has been expanded to read as follows: “Protects critical habitat upon which endangered species or threatened species depend. Requires the lead agency to identify whether a threatened or endangered species, or its critical habitat, will be affected by a proposed response action. If so, the agency must avoid the action or take appropriate mitigation measures so that the action does not affect the species or its critical habitat.”</p> <p>The Comments have been expanded to read as follows: “Sites 2 and 17 are located in an area that supports a federally threatened species or habitat. Each site supports one or more breeding pair of California gnatcatchers. Natural resources/habitat mitigation measures will be coordinated with U.S. Fish and</p>

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	Wildlife Service."
<p>12. What is the substantive technical requirement under Subsection 3005(a) of the Migratory Bird Treaty Act of 1972? In the comments section the text states "potential" ARARs. Either they are or they are not! We are supposed to be beyond the ARARs analysis stage. Please decide.</p>	<p>RESPONSE 12: The section heading "California Fish and Game Code" has been added to differentiate the citations in this section from the previous section titled "Migratory Bird Treat Act of 1972" and the reference to "potential" ARARs has been removed. The substantive technical requirement is "take birds or mammals with ...poisonous substance..." The Comments have been reworded to state that the selected remedy will prevent "take" of birds and mammals by containing contaminants and severing the pathway of exposure to contaminated soil.</p>
<p>13. Table 10-3, Citations 27 CCR 20080, 27 CCR 20420, and 20425 – delete all references to "Applicable" and replace with "Relevant and Appropriate."</p>	<p>RESPONSE 13: Citations 27 CCR 20080, 27 CCR 20420, and 20425 have been changed from "applicable" to "relevant and appropriate" as requested.</p>

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<p><u>SPECIFIC COMMENTS</u></p> <p>1. Per our conversation this morning on the working draft final ROD for Sites 2 and 17, MCAS El Toro, here is DTSC's main issue. DTSC has reviewed the Response to Comments Summary provided by the Navy and finds that DTSC's comments have been addressed. However, new language (page 1-12, middle paragraph, last sentence, and page 7-4, section 7.2.1.1, first paragraph) in this working draft final ROD regarding potential transfer to non-federal entities is an issue with DTSC. Previous drafts of the ROD for Sites 2 and 17 stated that these sites would be federal to federal agency transfers. If the Navy intends to transfer portions of property containing Sites 2 or 17 to any non-federal entity, a land-use covenant must be entered into by the appropriate parties to ensure that land-use control restrictions imposed through deed restrictions are adhered to and are enforceable. DTSC requires that a draft land-use covenant be developed by the Navy and provided for DTSC review and that appropriate language must be included in the ROD for Sites 2 and 17, potentially requiring that non-federal transferees enter into the land-use covenant. If appropriate revisions are not included, DTSC cannot sign the ROD for Sites 2 and 17.</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>RESPONSE 1: DON intends to transfer the areas currently designated as Sites 2 and 17 to a federal entity. However, land in proximity to Site 2 may be transferred to a non-federal entity and may be subject to land use controls because of the proximity to the landfill. Therefore, as noted in DTSC's comment, DON has modified language in Section 1 and Section 7 of the ROD to address possible transfer to a non-federal entity.</p> <p>DON understands DTSC's position on the use of a land use covenant as expressed in this comment and in previous correspondence from Ms. Sharon Fair dated March 12, 1999 regarding the ROD for Operable Unit 2C (landfill Sites 3 and 5) and has taken action both outside of the ROD and within the document itself to resolve this issue. Specifically, DON transmitted a letter from Mr. Dana Sakamoto, Environmental Business Line Manager, to Mr. John Scandura, DTSC on December 22, 1999 addressing the land use covenant issue. This letter proposed the following:</p> <ul style="list-style-type: none"> • DON will commit in the ROD to enter into good faith negotiations to enter into a Land Use Covenant agreement pursuant to HSC Section 25222.1 contemporaneously with the negotiation and execution of the conveyance of the property to the transferee(s) pursuant to the Defense Base Closure and Realignment Action of 1990, 10 U.S.C. Section 2687 note. • DON will transfer property to non-federal entities using a deed. The deed will include restrictive covenants between the United States and the transferee(s) pursuant to Civil Code Section 1471. The Civil Code Section 1471 restrictive covenants will be executed by the transferee and will serve as a legally binding agreement between the transferee, its successor and assigns (the covenantor), and the United States, the State of California Department of Toxic Substances Control (DTSC), and the Santa Ana Regional Water Quality Control Board (who shall be identified in the deed as the covenantees (beneficiaries)) pursuant to Civil Code 1471. The covenants will grant the covenantees, their contractors, and representatives

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	<p>access to the property in order to ensure the continued effectiveness of the response action and to evaluate groundwater wells via site inspection.</p> <ul style="list-style-type: none"> • The DON will provide DTSC with a copy of the relevant language for the proposed deed for DTSC's review and comment in connection with DTSC's review of the finding of suitability to transfer (FOST) and finding of suitability of early transfer (FOSET) documents. • DON will incorporate language addressing the above into Section 7 of the Site 2 and 17 ROD and will modify the ARARs discussion in Section 10 of the ROD to address additional ARARs . <p>DON and DTSC have signed a memorandum of agreement containing a template to be used to develop a site-specific land use covenant.</p> <p>For completeness, the text of DTSC's letter of 12 March 1999 requesting a Land Use Covenant for Sites 3 and 5 is attached along with DON's response.</p>

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<p><u>SPECIFIC COMMENTS</u></p> <p>As was discussed during a recent conference call between you, Tayseer Mahmoud, Aaron Yue, and others, the Department of Toxic Substances Control (DTSC) requests that the Department of Navy (DoN) enter with the State into a Land Use Covenant (LUC) for Environmental Restrictions. Whenever there is hazardous waste left in place at concentrations greater than would be allowable for unrestricted land use, institutional controls must be put in place to protect the remedy, restrict public access and protect public health, restrict digging or drilling of drinking water wells, allow access to the site for monitoring, etc. At MCAS El Toro, the DoN has determined that institutional controls are required for the landfill sites to protect public health and the environment and to protect the remedy, i.e., landfill cap.</p> <p>As referenced in California Civil Code Section 1471, DTSC customarily utilizes the LUC for all sites with residual contamination as an instrument to document institutional controls and use restrictions. As authorized by California Health and Safety Code Sections 25202.5, 25221, and 25230, and by California Code of Regulations sections 66264.94 and 68500.35(c), DTSC may enter into an agreement with a landowner to impose an easement, covenant, restriction, servitude or any other combination thereof on land. The LUC would ensure that the institutional controls are maintained by future owners, would run with the land, and would enable DTSC and/or the Regional Water Quality Control Board (RWQCB) to have immediate ability to enforce violations of the institutional controls in state court.</p> <p>Prior to DTSC's approval of a Remedial Action Plan or Record of Decision (RAP/ROD) or concurrence on associated property transfers, DTSC must have assurance that the current property owner will enter into a LUC with DTSC. At closing federal facilities</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>RESPONSE: The following narrative is extracted from a letter from Dana Sakamoto, DON, to Mr. John Scandura, DTSC. The narrative was written in response to Mr. Scandura's letter of March 12, 1999.</p> <p>"DTSC cites the following authorities as potential State ARARs for Land Use Covenant agreements: California Civil Code Section 1471 and Health and Safety Code (HSC) Sections 25202.5, 25221, and 25230, and Title 22 CCR Sections 66264.94 and 68500.35(c). This letter was clarified by comments on the draft MCAF Tustin OU3 RAP/ROD submitted by DTSC RPM Juan Jimenez on June 7, 1999, stating that DTSC considers California Civil Code 1471 and HSC Sections 25202.5, 25222.1, 25223, and 25232 to constitute State "applicable or relevant and appropriate" requirements (ARARs) requiring the Land Use Covenant agreement. DON has reviewed these regulations and could find no express provisions in State law, either in the cited authorities or any other provisions, which require execution of a formal agreement regarding a Land Use Covenant agreement prior to RAP/ROD signature. In addition, DTSC personnel have verbally identified Health and Safety Code Division 20, Article 11 as a State ARAR.</p> <p>DON concurs with DTSC that the correct legal framework for analyzing the above Land Use Covenant-related requirements in the context of CERCLA remedial action are the CERCLA ARARs provisions set forth in Section 121(d) of CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) at 40 CFR Part 300. Although it is arguable that DTSC did not identify these potential State ARARs in a timely manner as required by law (40 CFR Sections 300.400(g)(2) and 300.515(h)(2)), DON has evaluated each of the requirements identified by DTSC in the above correspondence as potential State</p>

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<p>where the Department of Defense and/or the designated service branch declines to enter into a LUC with DTSC, DTSC requires that there also be a formal agreement, such as a Consent Agreement, between the future landowner and DTSC prior to DTSC's approval of the RAP/ROD. In such an agreement, the future landowner promises to enter into an LUC with the state at the time of property transfer, prepared in accordance with the provisions of California Civil Code, section 1471.</p> <p>In the event that the future landowner is not willing to enter into a consent agreement with DTSC, and the DoN is unwilling to enter into a land use covenant with DTSC, then DTSC will be unable to approve the respective RAP/ROD or land transfer. In such case, the remedy would need to be changed so as to permit unrestricted future land use.</p> <p>Therefore, DTSC requests that language similar to the following be added to Sections 7.2.1 and 7.3.2, Institutional Controls, Draft Final Record of Decision for Sites 3 and 5:</p> <p>"A land Use Covenant between the DoN and the Department of Toxic Substances Control and the Regional Quality Control Board will be the mechanism to implement the above-mentioned institutional controls, in accordance with state policy. The covenant is a legally-binding agreement, which will include a combination of easements, covenants, restrictions, and servitudes. The easements will allow state representative to enforce the institutional controls, have access to the property in order to ensure that the remedy is protected and to evaluate the monitoring system via site inspection. The Land Use Covenant will include information</p>	<p>ARARs.</p> <p>DON has determined that there are some very important substantive technical standards included within the State requirements that DON may accept as "relevant and appropriate" State ARARs for the specific circumstances of the landfills included in MCAS El Toro OU2B (IR Sites 2, 17). However, many of the requirements identified by DTSC are administrative (procedural) in nature and, hence, do not constitute State ARARs (see NCP at 40 CFR Section 300.5 and NCP preamble at 55 Fed. Reg. 8756 (March 8, 1990)).</p> <p>1. Civil Code Section 1471 (Fair Letter of March 12, 1999, Jimenez Letter of June 7, 1999)</p> <p>DON may accept the substantive provisions of statutory provisions as a "relevant and appropriate" State ARAR for the institutional controls component of the CERCLA remedial actions. The substantive provisions of Civil Code Section 1471 are the following general narrative standard: "...to do or refrain from doing some act on his or her own land...where...: (c) Each such act relates to the use of land and each such act is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials, as defined in Section 25260 of the Health and Safety Code." This narrative standard would be implemented through incorporation of restrictive environmental covenants in the deed at the time of transfer. These covenants would be recorded with the deed and run with the land.</p> <p>The administrative (procedural) requirements of this statutory provision do not constitute State ARARs (see NCP at 40 CFR Section 300.5 and NCP preamble at 55 Fed. Reg. 8756, March 8, 1990). To accommodate DTSC's concern for enforceability, DON would name DTSC as a covenantee (beneficiary) of the</p>

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<p>summarizing the remedial actions completed at the specific sites, and provisions for terminating the restrictions in the event that they may no longer apply. The provisions in the Land Use Covenant will be binding upon all future owners until legally terminated; that is, they will “run with the land.” The Land Use Covenant will be recorded with the deed of transfer of real property by the County of Orange in accordance with state law. The DoN shall provide the departments with a copy of the land use controls which have been appropriately recorded.”</p>	<p>restrictive covenants pursuant to Civil Code Section 1471 so that DTSC is empowered to enforce the covenants. This would satisfy DTSC’s concern that the covenants be enforceable against future landowners.</p> <p>2. HSC Section 25202.5 (Fair Letter of March 12, 1999)</p> <p>The substantive provisions of HSC Section 25202.5 are the general narrative standard to restrict “present and future uses of all or part of the land on which the...facility...is located...” These substantive provisions may be a “relevant and appropriate” State ARAR for institutional controls components of the CERCLA remedial actions. They could be implemented by incorporation of restrictive environmental covenants in the deed at the time of transfer for purposes of protecting present and future public health and safety. These substantive provisions may be interpreted in a manner that is consistent with the substantive provisions of Civil Code Section 1471. The covenants would be recorded with the deed and run with the land. The administrative requirements of this statute do not constitute State ARARs.</p> <p>3. HSC Division 20, Article 11</p> <p>a. <u>In General.</u></p> <p>The HSC Sections 25221, 25222.1, 25223, 25230, and 25232 authorities specifically identified in Ms. Fair’s and Mr. Jimenez’ correspondence are found in Article 11 of Division 20 of the Health and Safety Code. Article 11 is titled “Hazardous Waste Disposal Land Use”. It contains both substantive and procedural requirements for the creation of legally enforceable environmental land use restrictions. In addition to the correspondence referenced above, DTSC has verbally opined</p>

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	<p>that the entire Article 11 constitutes an ARAR. As we have discussed with DTSC counsel, we believe that it is appropriate to review the provisions of Article 11 cited in Ms. Fair's and Mr. Jimenez' correspondence within the overall context of Article 11.</p> <p>Most of the provisions of Article 11 describe procedures for the designation of "hazardous waste property" or "border zone property" by DTSC and the issuance of orders by DTSC requiring a landowner, occupant, etc. to execute a written instrument which imposes an easement, covenant, restriction, or servitude, or any combination thereof, as appropriate, upon the present and future uses of land designated as hazardous waste or border zone property "as provided by Section 25232" (HSC Subparagraphs 25229(b)(1) and 25230(a)(1)). The procedures set forth in HSC Sections 25221, 25222, and 25223-252231 include procedures for notice, service of process, hearings, and decisions and findings of fact relating to such orders.</p> <p>The actual <u>substantive</u> land use restriction requirements that are implemented through orders issued pursuant to Sections 25229 and 25230 and associated procedures are the general narrative standards set forth in HSC Subparagraphs 25232(b)(1)(A)-(E). HSC Paragraph 25233(c) sets forth <u>substantive</u> criteria for granting variances from the uses prohibited in HSC Subparagraphs 25232(b)(1)(A)-(E) based upon specified environmental and health criteria.</p> <p>HSC Section 25222.1 provides a streamlined, alternative procedure for implementing the <u>substantive</u> use restrictions of HSC Subparagraphs 25232(b)(1)(A)-(E) and variance criteria of HSC Paragraph 25233(c) based upon consent of the parties, i.e. through Agreements. HSC Section 25222.1 provides the authority and discretion for DTSC to enter into agreements creating enforceable restrictive covenants, etc., eliminating the need to go</p>

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	<p>through the hearing and order procedures set forth in the other sections of Article 11.</p> <p>The alternative HSC 25222.1 discretionary procedural form (i.e., an Agreement) for implementing the substantive requirements of HSC Subparagraphs 25232(b)(1)(A)-(E) and Paragraph 25233(c) does not qualify as a legally binding "applicable or relevant and appropriate" requirement under CERCLA because it is administrative (procedural) in nature. The key "substantive requirements" for HSC, Division 20, Article 11 are the specific substantive use restrictions set forth in HSC Subparagraph 25232(b)(1)(A)-(E) and the substantive variance criteria in HSC Paragraph 25233(c).</p> <p>A brief discussion of the authorities specifically cited by Ms. Fair and Mr. Jimenez follows.</p> <p><u>b. HSC Section 25221 (Fair Letter of March 12, 1999)</u></p> <p>This provision sets forth administrative requirements for applications for designation of property as hazardous waste property or border zone property. These administrative requirements do not constitute State ARARs.</p> <p><u>c. HSC Section 25222.1 (Jimenez Letter of June 7, 1999)</u></p> <p>HSC 25222.1 provides the authority for the State to enter into voluntary agreements to establish Land Use Covenants with the owner of property. The HSC Section 25222.1 Land Use Covenant Agreement itself is in the form of an agreement and this procedural form does not qualify as a legally binding "applicable or relevant and appropriate" requirement under CERCLA because it is administrative (procedural) in nature. The substantive provision of HSC 25222.1 is the general</p>

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	<p>narrative standard: "restricting specified uses of the property".</p> <p>DON may accept these substantive provisions as a "relevant and appropriate" State ARAR for the institutional controls component of the CERCLA remedial actions. DON may comply with the substantive requirements of HSC 25222.1 by incorporating CERCLA use restrictions which are also consistent with the substantive requirements of HSC Subparagraph 25232(b)(1)(A)-(E) and HSC Paragraph 25233(c) into DON's deed of conveyance in the form of restrictive covenants under the authority of Civil Code 1471. The substantive provisions of HSC 25222.1 may be interpreted in a manner that is consistent with the substantive provisions of Civil Code Section 1471. The covenants would be recorded with the deed and run with the land.</p> <p><u>d. HSC Section 25223 (Jimenez Letter of June 7, 1999)</u></p> <p>The provisions of HSC Section 25223 are administrative requirements concerning public notice and do not constitute State ARARs.</p> <p><u>e. HSC Section 25230 (Fair Letter of March 12, 1999)</u></p> <p>The provisions of HSC 25230 set forth procedures for the issuance of DTSC orders to record restrictive covenants. These provisions are administrative requirements and do not constitute State ARARs. Nonetheless, DON does intend to record restrictive covenants established under the authority of Civil Code 1471.</p>

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	<p><u>f. HSC Section 25232 (Jimenez Letter of June 7, 1999)</u></p> <p>DON may accept the substantive provisions of HSC Subparagraphs 25232(b)(1)(A)-(E) as well as the substantive variance criteria in HSC Paragraph 25233(c) as "relevant and appropriate" State ARARs for institutional control components of this CERCLA remedial action to be implemented by incorporation of restrictive environmental covenants in the deed at the time of transfer pursuant to Civil Code 1471. See discussion above.</p> <p>The substantive provisions of these statutes shall be addressed by ROD provisions requiring that deeds for the transfer of title to a new owner shall include prohibitions on any new land uses (change in land use) or any construction or placement of buildings or structures for purposes identified in HSC Sections 25232(b)(1)(A)-(E) unless the substantive variance criteria in HSC Paragraph 25233(c) are satisfied and the new land use is approved in advance by DON and DTSC.</p> <p>The administrative requirements of HSC Subparagraph 25232(b)(1)(A)-(E) and HSC Paragraph 25233(c) do not constitute ARARs.</p> <p>4. California Code of Regulations Section 66264.94 (Fair Letter of March 12, 1999)</p> <p>This appears to be a reference to Title 22 CCR Section 66264.94. That regulation sets forth requirements for concentration limits and water quality standards; it does not address land use restrictions requirements and is, therefore, not a State ARAR for land use restrictions (although DON does accept it as a State ARAR for groundwater remediation).</p>

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Originator: Sharon Fair, Chief, Base Closure and Reuse Unit DTSC To: Mr. Joseph Joyce BRAC Environmental Coordinator Date: March 12, 1999	CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221
	5. California Code of Regulations Section 68500.35(c) DON was unable to find any regulations at this citation. Was this a citation error?

RESPONSE TO COMMENTS
"WORKING DRAFT" FINAL RECORD OF DECISION FOR OPERABLE UNIT 2B, SITES 2 AND 17
MCAS EL TORO, CALIFORNIA

<p>Originator: John E. Scandura DTSC</p> <p>To: Dana Sakamoto DON</p> <p>Date: January 18, 2000</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p><u>SPECIFIC COMMENTS</u></p> <p>1. The Department of Toxic Substances Control (DTSC) received your letter of December 21, 1999 regarding DTSC's requirements for land use covenants for properties requiring institutional controls at transferring military installations. As a result, negotiations are currently ongoing between legal representatives of both our agencies to develop a model land use covenant. We are appreciative of the Navy's efforts in this regard, and await finalization of the model and of a Memorandum of Understanding (MOU) to be signed by the Navy and by DTSC. In addition, we have reviewed the Navy's related analysis of proposed State Applicable or Relevant and Appropriate Requirements (ARARs) and the proposed language for inclusion in Records of Decision (RODs) addressing the issue of land use covenants.</p> <p>DTSC requests that one additional citation be added to both the ARARs analysis and the proposed ROD language. As you are aware, State Superfund laws were recently restored to the Health and Safety Code (HSC), but because they were sunsetted at the time of DTSC's comments last year, these sections were not included with our previous comments. Please add HSC Section 25355.5 to the ROD language and the ARAR analysis. This would also make these documents consistent with the proposed model land use covenant language, which also references HSC Section 25355.5. In order that decision document language and Land Use Covenant language be consistent and parallel, DTSC also requests that this proposed language be used in all appropriate decision documents, e.g., Remedial Action Plans (RAPs) and Action Memoranda, Findings of Suitability to Transfer (FOSTs), etc.</p> <p>DTSC is pleased with the Navy's efforts to address these issues, and we are hopeful that the agreements reached will facilitate our mutual</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>Response 1: DON is also pleased that land use covenant negotiations are progressing so that the RODs for MCAS El Toro and other military facilities can proceed to finalization.</p> <p>Subsequent to submittal of this comment, DTSC retracted the request that HSC Section 25355.5 be included in the Site 2/17 ROD. Please see the Response to Comments from Triss M. Chesney dated February 22, 2000, Comment No. 8.</p>

RESPONSE TO COMMENTS
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MCAS EL TORO, CALIFORNIA

Originator: John E. Scandura DTSC	CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221
To: Dana Sakamoto DON	
Date: January 18, 2000	
efforts to proceed with finalization of RODs/RAPs at Marine Corps Air Station El Toro, Marine Corps Air Facility Tustin, and the Long Beach Naval Complex.	

RESPONSE TO COMMENTS
“WORKING DRAFT” FINAL RECORD OF DECISION FOR OPERABLE UNIT 2B, SITES 2 AND 17
MCAS EL TORO, CALIFORNIA

<p>Originator: Triss M. Chesney, P.E. DTSC</p> <p>To: Mr. Dean Gould, BRAC Environmental Coordinator DON</p> <p>Date: February 22, 2000</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p><u>SPECIFIC COMMENTS</u></p> <p>The Department of Toxic Substances Control (DTSC) reviewed the above revised Section 7 (received by electronic mail on February 7, 2000) for the Record of Decision for OU 2B, IRP Sites 2 and 17 at Marine Corps Air Station (MCAS) El Toro. Following review, DTSC has the following comments:</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p>
<p>1. In general, DTSC requests that the language for Land Use Covenant agreements to be included in the ROD documents be consistent for all Navy facilities. Currently in Southern California, DTSC is working with the Navy on ROD documents for MCAS El Toro, Marine Corps Air Facility Tustin, and the Long Beach Naval Complex.</p>	<p>Response 1: The Navy concurs and is currently coordinating the ROD documents for these 3 facilities to ensure consistency in the land use covenant agreement language.</p>
<p>2. Section 7.2.1.4 – Environmental Restrictions in the Covenant and Agreement with DTSC and in the Deed: As proposed by the Department of the Navy in the December 21, 1999 letter to DTSC, the paragraph beginning with should include the Santa Ana Regional Water Quality Control Board as follows: “The Civil Code Section 1471 restrictive covenants will be executed by the transferee and will serve as a legally binding agreement between the transferee, its successor and assigns (the covenantor), and the United States, the State of California Department of Toxic Substances Control (DTSC) and the Santa Ana Regional Water Quality Control Board (RWQCB), (who shall be identified in the deed as the covenantees (beneficiaries)) pursuant to Civil Code 1471.” Additionally, DTSC verified this insertion with the RWQCB on February 17, 2000.</p>	<p>Response 2: The text has been modified to add RWQCB as a covenantee as requested.</p>

RESPONSE TO COMMENTS
“WORKING DRAFT” FINAL RECORD OF DECISION FOR OPERABLE UNIT 2B, SITES 2 AND 17
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<p>Originator: Triss M. Chesney, P.E. DTSC</p> <p>To: Mr. Dean Gould, BRAC Environmental Coordinator DON</p> <p>Date: February 22, 2000</p>	<p>CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p>3. In the same paragraph referenced in Comment No. 2 above, DTSC requests the inclusion of soil gas migration monitoring and other monitoring equipment be included with groundwater wells.</p>	<p>Response 3: The sentence has been changed as follows:</p> <p style="padding-left: 40px;">“The restrictive covenants will grant the covenantees, their contractors, and representatives access to the property in order to ensure the continued effectiveness of the response action and to evaluate monitoring equipment, including but not limited to groundwater wells and soil gas migration equipment, via site inspection.”</p>
<p>4. Section 10.2.3 – Action-Specific ARARs, paragraph 7: In the paragraph that begins with “State regulations that have been accepted by DON as ARARs for implementing institutional controls and entering into an Environmental Restoration Covenant and Agreement with DTSC include...”, DTSC requests that “regulations” be revised to “statutes” and “Restoration” be revised to “Restriction.”</p>	<p>Response 4: The word “regulations” has been revised to “statutes” and the word “Restoration” has been revised to “Restriction” as requested.</p>
<p>5. Section 10.2.3 – Action-Specific ARARs, paragraph 8: In the paragraph that begins with “The substantive provisions of Civil Code Section 1741 are the following general narrative standard...”, DTSC requests that the words “in the deed” in the last sentence of this paragraph be removed.</p>	<p>Response 5: The words “in the deed” have been removed and the sentence has been rewritten as follows: “These covenants would be recorded with the Environmental Restriction Covenant and Agreement and run with the land.”</p>
<p>6. Section 10.2.3 – Action-Specific ARARs, paragraph 9: In the paragraph that begins with “The substantive provisions of HSC Section 25302.5...”, DTSC requests that the words “in the deed” in the second sentence of this paragraph be removed.</p>	<p>Response 6: The words “in the deed” have been removed and the sentence has been rewritten as follows: These substantive provisions will be implemented by incorporation of restrictive environmental covenants in the Environmental Restriction Covenant and Agreement at the time of transfer for the purposes of protecting public health and safety.”</p>
<p>7. Section 10.2.3 – Action-Specific ARARs, paragraph 11: In the paragraph that begins with “HSC 25222.1 provides the authority of the state to enter into voluntary agreements...”, DTSC requests that the second sentence “The HSC Section 25222.1 Land Use Covenant Agreement, itself, is in the form of an agreement, and this procedural form does not qualify as a legally binding “applicable or relevant and</p>	<p>Response 7: DTSC has agreed that this language may remain in the document as is.</p>

RESPONSE TO COMMENTS
“WORKING DRAFT” FINAL RECORD OF DECISION FOR OPERABLE UNIT 2B, SITES 2 AND 17
MCAS EL TORO, CALIFORNIA

<p>Originator: Triss M. Chesney, P.E. DTSC</p> <p>To: Mr. Dean Gould, BRAC Environmental Coordinator DON</p> <p>Date: February 22, 2000</p>	<p>CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p>appropriate” requirement under CERCLA because it is administrative (procedural) in nature.” be removed.</p>	
<p>8. Section 10.2.3 – Action-Specific ARARs, last two paragraphs: DTSC requests that the paragraphs that begin with “Subsequent to DON’s evaluation of the ARARs cited above, DON received a letter from Mr., John Scandura...” and “DON has reviewed HSC Section 25355.5 and has determined that the section consists of procedural and enforcement provisions...” be removed in their entirety.</p>	<p>Response 8: The two paragraphs relating to HSC Section 25355.5 have been removed as requested.</p>
<p>9. Based on discussions between Garry Brown (DTSC) and Rex Callaway (DON) DTSC understood that HSC Section 25234 regarding removal of land use restrictions would be referenced in the ROD. DTSC requests that this section of the HSC be referenced in both Sections 7 and 10.</p>	<p>Response 9: As agreed upon with DTSC, DON has added the following language on page 7-6 in Section 7.2.1.4 of the ROD at the end of the discussion under the heading Environmental Restriction Covenant and Agreement (Chapters 6.5 and 6.8 of Division...:</p> <p style="padding-left: 40px;">“HSC 25234 applies to the removal of land use restrictions imposed through an Environmental Restriction Covenant and Agreement between DON and DTSC by “aggrieved persons” as provided by that statute.”</p>
<p>10. Additionally, DTSC requests that the following language be included in Section 10 to clarify that environmental restrictions will be included in the Environmental Restriction Covenant and Agreement between Don and DTSC as well as in the deed between the United States and the transferee(s): “In addition to being referenced in the LUC incorporated in the quit claim deed between the DON and the transferee, the appropriate and relevant portions of the California Health and Safety Code Sections 25202.5, 25222.1, 25230, 25232 and 25233, and Civil Code Section 1471 shall also be incorporated into the Environmental Restriction Covenant and Agreement currently being negotiated between the DON and DTSC.”</p>	<p>Response 10: The sentence has been added as requested, but has been modified slightly per agreement with DTSC and reads as follows:</p> <p style="padding-left: 40px;">“In addition to being implemented through the Environmental Restriction Covenant and Agreement between the DON and the transferee, the appropriate and relevant portions of the California Health and Safety Code Sections 2502.5, 25221.1, 25230, 25232, and 25233, and Civil Code Section 1471 shall also be implemented through the deed between the DON and the transferee.”</p>

RESPONSE TO COMMENTS
"WORKING DRAFT" FINAL RECORD OF DECISION FOR OPERABLE UNIT 2B, SITES 2 AND 17
MCAS EL TORO, CALIFORNIA

Originator: Triss M. Chesney, P.E. DTSC To: Mr. Dean Gould, BRAC Environmental Coordinator DON Date: February 22, 2000	CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221
11. DTSC also requests that a copy of the Memorandum of Agreement and model Environmental Restriction Covenant and Agreement be included in the appendices for the ROD.	Response 11: Per agreement with DTSC and U.S. EPA, the memorandum of agreement will be referenced in Section 7 (Section 7.2.1.4) of the ROD. However, the document itself will not be included in the ROD.

RESPONSE TO COMMENTS
"WORKING DRAFT" FINAL RECORD OF DECISION (ROD) FOR SITE 2 AND 17
MCAS EL TORO, CALIFORNIA

Originator: Patricia A. Hannon, DoD Section California Regional Water Quality Control Board	CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0135 File Code: 02221
To: Dean Gould, BRAC Environmental Coordinator MCAS El Toro	
Date: November 30, 1999	
<u>COMMENTS</u> We have completed our review of the above referenced document dated October 1999 and received at this office on October 29, 1999. We do not have any additional comments on the ROD, and the response to our comment submitted in our July 15, 1999 letter is satisfactory.	<u>RESPONSES TO COMMENTS</u> RESPONSE: No response to this comment is required.

**RESPONSE TO COMMENTS
DRAFT RECORD OF DECISION (ROD) FOR SITE 2 AND 17
MCAS EL TORO, CALIFORNIA**

<p>Originator: Melissa K. Gunter, Waste Management Manager California Integrated Waste Management Board</p> <p>To: Ms. Trish Chesney Department of Toxic Substances Control</p> <p>Date: March 6, 2000</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0135 File Code: 02221</p>
<p><u>GENERAL COMMENTS</u></p> <p>The California Integrated Waste Management Board (IWMB) Closure, Remediation & Technical Services Branch received the subject Response to Comments on February 11, 2000, and the subject ROD on February 15, 2000. IWMB staff appreciates the opportunity to provide you with input during the closure process of the Site 2 and 17 landfills. Both the IWMB and the Orange County Local Enforcement Agency (LEA) have reviewed and accept the Response to Comments and the revised ROD.</p> <p>IWMB and the LEA concur with the Response to Comments with the following clarifications:</p> <ol style="list-style-type: none"> 1. Based on the February 11, 2000, telephone conference call, it is the understanding of IWMB and the LEA that the institutional controls described in Section 7.2.1.2 will be included in the "mutually agreed upon" MOU or deed restrictions discussed in Section 7.2.1. 2. DON will continue to work with the County of Orange in order to assess any potential impacts to the Site 2 landfill caused by the Alton Parkway extension. 3. The IWMB and the LEA reserve the right to review and make comments on plans and specifications during the design process. Drainage control and erosion are of particular concern due to the Alton Parkway expansion and the rapid industrial and residential development on nearby property. The final design, when completed, must be reviewed by the IWMB and the LEA. 	<p><u>RESPONSES TO GENERAL COMMENTS</u></p> <p>RESPONSE: DON thanks CIWMB for their timely review of the revised ROD and for their concurrence with the ROD and Response to Comments and hereby confirms the following:</p> <ol style="list-style-type: none"> 1. The institutional controls described in Section 7.2.1.2 will be included in the "mutually agreed upon" MOU or deed restrictions discussed in Section 7.2.1. 2. DON will continue to work with the County of Orange in order to assess any potential impacts to the Site 2 landfill caused by the Alton Parkway extension. 3. IWMB and the LEA will be provided with plans and specifications during the design process for review and comment. The final design will be provided to IWMB and the LEA for review.
<p><u>SPECIFIC COMMENTS</u></p> <p>Based on the review of the revised ROD, staff has the following specific concern:</p> <ol style="list-style-type: none"> 1. Figure 7-3, Monitoring probe spacing along the property boundary 	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>Landfill gas probe locations shown in Figure 7-3 are conceptual. The spacing,</p>

RESPONSE TO COMMENTS
DRAFT RECORD OF DECISION (ROD) FOR SITE 2 AND 17
MCAS EL TORO, CALIFORNIA

Originator: Melissa K. Gunter, Waste Management Manager California Integrated Waste Management Board	CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0135 File Code: 02221
To: Ms. Trish Chesney Department of Toxic Substances Control	
Date: March 6, 2000	
is inadequate. As per 27 CCR Section 20925, Perimeter Monitoring Network, the lateral spacing between adjacent monitoring probes should not exceed 1000 feet. Justification is required if probe spacing exceeds 1000 feet measure around the perimeter.	depth and locations of the landfill gas monitoring wells will be finalized during the remedial design phase in accordance with guidelines in Section 20925.

RESPONSE TO COMMENTS
"WORKING DRAFT" FINAL RECORD OF DECISION FOR OPERABLE UNIT 2B, SITES 2 AND 17
MCAS EL TORO, CALIFORNIA

<p>Originator: Michael B. Wochnick CIWMB</p> <p>To: Sharon Fair DTSC</p> <p>Date: November 29, 1999</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p><u>GENERAL COMMENTS</u></p> <p>1. The Record of Decision (ROD) lacks sufficient information to evaluate the proposed landfill closure design and postclosure land use and the adequacy of the proposed institutional controls. Furthermore, the ROD conditions the employment of land use restrictions upon agreements with the future land owners but remains very vague on identifying these entities. As stated by Board staff previously, the preferred approach would be to define these land use restrictions as an integrated part of the chosen closure alternative.</p>	<p><u>RESPONSES TO GENERAL COMMENTS</u></p> <p>RESPONSE 1: Land use restrictions that are specific to each alternative are identified in Section 7. Additional information has been added to the ROD related to the implementation and enforcement of the proposed institutional controls for the case of transfer to a non-federal agency. DON intends to transfer the areas currently designated as Sites 2 and 17 to a federal entity. In such case, land use restrictions would be imposed using a Memorandum of Understanding as stated in Section 7.2.1.1. However, land in proximity to Site 2 may be transferred to a non-federal entity and may be subject to land use controls because of the proximity to the landfill. Therefore, DON has modified language in Section 1 and Section 7 of the ROD to address possible transfer to a non-federal entity.</p> <p>DON transmitted a letter from Mr. Dana Sakamoto, Environmental Business Line Manager, to Mr. John Scandura, DTSC on December 22, 1999 addressing the mechanism to impose and enforce land use restrictions. This letter proposed the following:</p> <ul style="list-style-type: none"> • DON will commit in the ROD to enter into good faith negotiations to enter into a Land Use Covenant agreement pursuant to HSC Section 25222.1 contemporaneously with the negotiation and execution of the conveyance of the property to the transferee(s) pursuant to the Defense Base Closure and Realignment Action of 1990, 10 U.S.C. Section 2687 note. DON will transfer property to non-federal entities using a deed. The deed will include restrictive covenants between the United States and the transferee(s) pursuant to Civil Code Section 1471. The Civil Code Section 1471 restrictive covenants will be executed by the transferee and will serve as a legally binding agreement between the transferee, its successor and assigns (the covenantor), and the United States, the State of California Department of Toxic Substances Control (DTSC), and the Santa Ana Regional Water Quality Control Board (who shall be identified in the deed as the covenantees (beneficiaries)) pursuant to Civil Code 1471. The covenants will grant the covenantees, their contractors, and representatives

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<p>Originator: Michael B. Wochnick CIWMB</p> <p>To: Sharon Fair DTSC</p> <p>Date: November 29, 1999</p>	<p>CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
	<p>access to the property in order to ensure the continued effectiveness of the response action and to evaluate groundwater wells via site inspection.</p> <ul style="list-style-type: none"> • The DON will provide DTSC with a copy of the relevant language for the proposed deed for DTSC's review and comment in connection with DTSC's review of the finding of suitability to transfer (FOST) and finding of suitability of early transfer (FOSET) documents. • DON will incorporate language addressing the above into Section 7 of the Site 2 and 17 ROD and will modify the ARARs discussion in Section 10 of the ROD to address additional ARARs . <p>Negotiations are currently ongoing between legal representatives of DON and DTSC to develop the land use covenant.</p> <p>Please see the responses to specific comments below.</p>
<p>2. The ROD does not describe or depict the regulatory compliance boundaries for either of the two landfills. Because of the unknown landfill boundaries, Board staff cannot evaluate the adequacy of the proposed landfill gas migration monitoring network.</p>	<p>RESPONSE 2: The ROD has been edited to describe the regulatory boundaries for both landfills. Please see Figure 7-1 for Site 2 and Figure 7-2 for Site 17.</p>
<p>3. It is Board staff understanding that it is very likely that a public road may be constructed in the immediate vicinity of Site 2. However, the ROD lacks any information validating this proposal. Board staff request that the ROD include a proposal specifically addressing the possible impacts from the road being constructed immediately [adjacent] to Site 2.</p>	<p>RESPONSE 3: It is DON's understanding based on meetings with the County of Orange that only the preliminary design has been completed for the Alton Parkway extension. The County of Orange has not yet factored in the environmental review as required by the California Environmental Quality Act (CEQA). At the time of the CEQA review, DON anticipates that environmental issues such as dredging and filling, wetlands impact, water quality impact, and potential impacts to hazardous waste disposal sites will be addressed. DON anticipates that this review will address CIWMB concerns regarding potential impacts to the Site 2 landfill.</p>
<p><u>SPECIFIC COMMENTS</u></p> <p>1. Landfill gas monitoring probe locations and their vertical configuration should be depicted on a drawing which should also include both the landfill compliance boundaries and waste fill</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>RESPONSE 1: The tentative compliance boundary and tentative locations of the landfill gas monitoring probes at Sites 2 and 17 are depicted on Figures 7-1 and 7-2, respectively. Tentative depths of the probes and vertical screened</p>

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<p>Originator: Michael B. Wochnick CIWMB</p> <p>To: Sharon Fair DTSC</p> <p>Date: November 29, 1999</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p>extent.</p>	<p>intervals were proposed in the Site 2 and 17 feasibility study reports and are included in the footnotes for Figures 7-1 and 7-2. The final spacing, depth and locations of the landfill gas monitoring wells will be developed during the remedial design phase and will be consistent with guidelines in Title 27 Section 20925. Drawings depicting the final landfill gas probe's vertical configuration and the final regulatory compliance boundary will be provided to the BCT and CIWMB during the remedial design, as requested.</p>
<p>2. Board staff should be provided with the probe design details and proposed construction methods. Board staff request that multi-depth probe design be employed for the proposed monitoring network. Alternatively, a valid justification should be provided if such design is not necessary.</p>	<p>RESPONSE 2: A conceptual multi-depth probe design for the landfill gas probes was developed during the feasibility study phase. The probe depths have been added to the footnotes in Figures 7-1 and 7-2. Details of the landfill gas probe design and construction methods will be provided to the BCT and CIWMB in the remedial design documentation.</p>
<p>3. A drawing depicting the proposed landfill gas monitoring network for both scenarios (with and without the road) should be included in the ROD.</p>	<p>RESPONSE 3: Based on a review of the preliminary design drawings for the Alton Parkway extension, DON does not anticipate alterations to the gas monitoring network if the Alton Parkway extension is completed. A drawing depicting the proposed landfill gas monitoring network will be submitted during the remedial design phase.</p>
<p>4. Steps should be taken to assure that all information obtained during probe installation will be accurately recorded and subsequently submitted for Board staff review upon project completion.</p>	<p>RESPONSE 4: Information obtained during probe installation will be collected, summarized and submitted to the BCT, CIWMB and OCHCA under the supervision of the design engineer or engineering geologist during the remedial action phase.</p>
<p>5. The ROD should demonstrate that construction of the Road would not have negative impacts on the landfill closure or postclosure maintenance or interfere with the proposed land use. The explanation should be supported either by including the supporting documentation (such as drainage, erosion, and settlement calculation) or by making a reference to the existing documents relevant to the subject.</p>	<p>RESPONSE 5: DON does not agree that it is appropriate or feasible to provide this demonstration in the ROD. The ROD is a conceptual document and is not intended to contain detailed design information such as drainage, erosion, or settlement calculations. These will be developed during the detailed design phase.</p> <p>Further, it is DON's understanding based on meetings with the County of Orange that only the preliminary design has been completed for the Alton Parkway extension. Review of the project will be completed as the design is being finalized. A review of the project (i.e., excavation, backfilling, or</p>

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<p>Originator: Michael B. Wochnick CIWMB</p> <p>To: Sharon Fair DTSC</p> <p>Date: November 29, 1999</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
	<p>alteration of the Borrego Canyon Wash channel) will be consistent with the California Environmental Quality Act (CEQA). DON anticipates that this review will address CIWMB concerns regarding potential impacts to the Site 2 landfill. Since the engineering design for the Alton Parkway extension is preliminary and the environmental review will be consistent with CEQA requirements, the ROD will not provide a detailed account of potential negative impacts on the landfill that may result from the roadway extension. This will be accomplished by the County of Orange and will be consistent with the CEQA process.</p>
<p>6. Landfill gas monitoring probe locations and their vertical configuration should be compared with the available geological and hydrogeological information to confirm their functionality and longevity.</p>	<p>RESPONSE 6: Available geological and hydrogeological information was used during the feasibility study to establish the tentative locations of the landfill gas probes and their vertical configuration. The final spacing, depth and locations of the landfill gas monitoring wells will be developed during the remedial design phase and will be consistent with guidelines in Title 27, Section 20925. Details of the landfill gas probe design will be provided to the BCT and CIWMB for review during the remedial design phase.</p>
<p>7. A Schedule should be provided for the landfill gas migration monitoring system installation.</p>	<p>RESPONSE 7: DON plans to complete the design of the landfill gas migration monitoring system during the remedial design phase and install the landfill gas migration monitoring system during the construction of the remedial alternative. As agreed upon in the Federal Facility Agreement, DON will provide a deadline for the Remedial Design/Remedial Action Work Plans to the BCT within 21 days of ROD signature. The work plans will contain a preliminary construction schedule.</p>

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<p>Originator: Peter Hersh City of Irvine</p> <p>To: Dean Gould BRAC Environmental Coordinator</p> <p>Date: December 1, 1999</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p><u>GENERAL COMMENTS</u></p> <p>Thank you for the opportunity to offer comments on the Working Draft Final Record of Decision (ROD) for Landfill Sites 2 and 17. The City of Irvine and ETRPA (El Toro Reuse Planning Authority Staff) are very concerned that the Working Draft does not reflect a complete characterization and analysis of remedial actions for potential contamination on Sites 2 and 17 by radionuclides and perchlorate, both of which have been detected in the vicinity of these sites. The City and ETRPA believe further that reliance on presumptive remedies for the site is inadequate, since EPA's documentation regarding the application of presumptive remedies to municipal landfills does not include any discussion of radionuclides contamination. Because there are a number of unresolved issues in regard to the sites, we respectfully request additional analysis prior to issuing the final ROD that will provide adequate characterization of all contaminants, including radionuclides and perchlorate. Only after adequate characterization will it be possible to determine appropriate remedial action for all contaminated areas including groundwater associated with the operable unit.</p>	<p><u>RESPONSES TO GENERAL COMMENTS</u></p> <p>Thank you for your comments.</p> <p>DON believes that sufficient characterization has been completed to proceed with the design of the final remedy for the landfill cover. In addition, DON has decided to issue the Site 2/17 ROD as an "interim" ROD. This ROD will not be finalized until the data regarding radionuclides and perchlorates at these sites have been published and reviewed by the BRAC Cleanup Team (BCT).</p> <p>DON is in the process of finalizing a Historical Radiological Assessment (HRA) that summarizes radionuclide use at MCAS El Toro. DON also plans to conduct a radiological survey of several sites, including landfill Sites 2 and 17, in 2000. Information collected during the HRA and the radiological surveys will be considered as the information becomes available. If changes to the remedial design are determined to be necessary based upon the results of the HRA and surveys, then the changes will be incorporated into the final ROD.</p> <p>DON is also investigating the occurrence of perchlorate and radionuclides in groundwater at various locations at the Station. The results of the radionuclide investigation were published in a technical memorandum that was issued to the BCT in March 2000. The results of the perchlorate investigation are expected to be published in technical memorandum in May 2000. The radionuclide and perchlorate results will also be summarized in the final ROD as appropriate.</p> <p>Please see the response to Specific Comment 3 for a discussion of U.S. EPA's documentation regarding the application of presumptive remedies to municipal landfills.</p>
<p><u>SPECIFIC COMMENTS</u></p> <p>1. The lack of analysis, including human health and ecological risk assessments, regarding the impacts of potential radionuclides contamination and the exclusion of VOC contaminated groundwater on the sites from the ROD indicate that the ROD is</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>RESPONSE 1: Please see the response to the General Comment above.</p> <p>DON will be performing a radiological survey at both Sites 2 and 17 in the near future. If evidence of radiological contamination is found during the survey,</p>

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<p>incomplete. This analysis must be completed to determine the effectiveness of the proposed remedy prior to issuance of the ROD.</p>	<p>DON will evaluate the need to revise the risk assessments for these sites. The ROD for Sites 2 and 17 will not be finalized before this process is complete and the regulatory agencies and public have the opportunity to review the results.</p> <p>As noted in the response to the General Comment above, the results of the radionuclide investigation of groundwater at the landfill sites were published in a technical memorandum that was issued in March 2000. The memorandum concluded that "No man-made radionuclides were detected at concentrations indicative of a release." The results of the radiological investigation of groundwater will be summarized in the final ROD.</p> <p>Remediation of groundwater at Site 17 is not considered necessary. Remediation of groundwater at Site 2 will be addressed in the final ROD.</p>
<p>2. Staff believes that perchlorate contamination is due to the demolition and disposal of materials such as JATOs (jet-assisted take-offs) and explosive ordnance, rather [than] fertilizer applications. As such, the City requests that the Navy include the evaluation and characterization of perchlorates in its remedial investigations and feasibility studies for the Operable Unit, especially Site 17.</p>	<p>RESPONSE 2: The DON is investigating the occurrences of perchlorate in groundwater at various locations at the Station. The results of the investigation, which includes Sites 1, 2, 3, 5, and 17, will be published in a technical memorandum that is expected to be issued in May 2000.</p>
<p>3. EPA's guidance document for the use of presumptive remedies does not discuss the presence of radioactive materials. The use of presumptive remedies appears to be precluded by the presence of radionuclides on and in Site 2. As such, we reiterate our request for adequate sampling, characterization, and evaluation of the contents of the landfill at Site 2 to provide a remedy that is adequately protective of public health.</p>	<p>RESPONSE 3: DON used two U.S. EPA documents as guidance in applying the presumptive remedy to the landfills at MCAS El Toro. The first document, "Presumptive Remedy for CERCLA Municipal Landfill Sites," did not address the presence of radioactive materials because these are typically not components of municipal landfills. The second document, "Application of the CERCLA Municipal Landfill Presumptive Remedy to Military Landfills," lists low-level radioactive wastes as an example of low-hazard military specific wastes that are "specific to military bases, but generally are no more hazardous than some wastes found in municipal landfills." The U.S. EPA document recommends that when military-specific wastes are present, consultation with military experts should occur before determining if the containment (capping) presumptive remedy is appropriate. DON's Low-Level Radioactive Waste and Remediation Specialists are the Naval Sea System Command Detachment</p>

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	<p>Radiological Affairs Support Office (RASO), who have given guidance in developing the remedy for the landfill sites.</p> <p>In addition, as mentioned in the response to the General Comment, DON has decided to issue the Site 2/17 ROD as an "interim" ROD. This ROD will not be finalized until the radiological survey of Sites 2 and 17 is complete and the results have been evaluated. If changes to the remedial design are determined to be necessary based on the results of the HRA and surveys, then the changes will be incorporated into the final ROD.</p>
<p>4. Findings of gross alpha radiation levels in excess of the maximum contaminant level (MCL) for drinking water upgradient from Site 17 suggests that there may be other sources for radionuclide contamination such as the Explosive Ordnance Demolition area. This needs to be evaluated and integrated into the evaluation of the adequacy of the proposed remedial actions for Sites 2 and 17.</p>	<p>RESPONSE 4: There have been no gross alpha radiation levels in excess of the MCLs reported upgradient from Site 17.</p> <p>Upgradient monitoring wells for Site 17 include monitoring well 17NEW2, located upgradient from the landfill, and Site 1 (Explosive Ordnance Disposal Range) wells 01MW101, 01MW102, 01MW201, 01_DGMW57, and 01_DGMW58. Gross alpha analytical results for groundwater samples collected at well 17NEW2 are less than 5 picoCuries per liter (pCi/L) and those for groundwater samples collected at the five Site 1 wells are all less than 8 pCi/L. These data are summarized in the Final Groundwater Monitoring Report, October 1997 Sampling Round, issued in March 1998.</p> <p>DON has also performed a special investigation of radionuclides in groundwater at Sites 1, 2, 3, 5, and 17. The results of the investigation were published in technical memorandum issued in March 2000. As noted in the response to Comment 2, the technical memorandum concluded that no man-made radionuclides were detected at concentrations indicative of a release. The results of the radiological investigation of groundwater will be included in the final ROD.</p>
<p>5. To-date, the Navy has not adequately determined the disposition of the radium paint room following its demolition. The likelihood of disposal of potentially radioactive debris in base landfills, particularly Site 2, is high, suggesting the need to conduct a thorough investigation of Building 296 activities, its demolition, and the disposition of the demolition debris. We suggest that without adequate knowledge of the radium paint room disposal, there is no way to determine the</p>	<p>RESPONSE 5: The Historical Radiological Assessment and the radiological surveys that are being planned for various sites at MCAS El Toro will address this issue.</p>

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<p>adequacy of the remedial action proposed for the landfill sites.</p>	
<p>6. In Section 7.2.1.2, Land-Use Control Restrictions, if the landfills are not fully characterized, how can restrictions on excavation and structures within 1,000 feet be enforced? Moreover, how does the Navy intend to characterize the potential for radionuclide contamination that might also affect the Alton Parkway extension and Borrego Canyon Wash improvements? These issues must be addressed prior to issuance of the ROD.</p>	<p>RESPONSE 6: Although the presumptive remedy does not require complete characterization of the <i>contents</i> of the landfills, application of this remedy requires that the <i>extent</i> of landfill wastes be defined. DON defined the extent of wastes during the RI.</p> <p>DON will use deed restrictions to prohibit construction within 1,000 feet of the landfill without prior approval of DON and the appropriate regulatory oversight agencies. Such construction would not be allowed without a thorough review of the impact of the proposed structures on the landfill remedy. It is anticipated that deed restrictions will be monitored and enforced through a land use covenant. This is discussed in Section 7.2.1.4 of the final interim ROD.</p> <p>The potential for radionuclide contamination will be characterized through the HRA and the radiological survey of Site 2. In addition, as noted in several comments above, a radiological investigation of groundwater has been performed. The results of the HRA, radiological survey, and radiological investigation of groundwater will be summarized in the final ROD.</p>
<p>7. Section 8.10, Remedy Selection and Conclusion, identifies Alternative 3 as the most cost effective, but does not give adequate evidence that it will be sufficient for the protection of human and ecological health, especially since there is a marked absence of discussion of how the selected alternative will be affected by the presence of radionuclides and/or perchlorates.</p>	<p>RESPONSE 7: Further radiological investigation of the landfills is scheduled to occur in 2000. As noted in the response to the General Comment above, should the radiological investigation show that radiological contaminants are present that could adversely impact the landfill remedy, DON will reevaluate the remedy and modify it in the final ROD as required. The DON has discussed this issue with the regulatory agency members of the BCT. They have concurred with this approach.</p> <p>DON is also investigating radionuclides and perchlorates in groundwater at the landfill sites. Results of the radionuclide investigation were published in March. Results of the perchlorate investigation are scheduled to be published in May 2000. Should these investigations show that radionuclides or perchlorates are present that could adversely impact the remedy, DON will reevaluate the remedy and modify it in the final ROD as required.</p>
<p>8. The Navy's investigation of radionuclide background levels appears inadequate, given the potential for contamination in various areas of the base including the golf course (carried by potentially</p>	<p>RESPONSE 8: The methodology that will be used to determine background levels for the radiological investigation of Sites 2 and 17 will be addressed in the survey plan for the radiological investigation. The survey plan is scheduled</p>

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<p>contaminated recycled water from the former sewage treatment plant). A careful delineation of background levels is necessary before the Navy proceeds with evaluating the significance of identified radionuclide contamination on and near Sites 2 and 17.</p>	<p>to be issued mid-2000. Since the radiological investigation is not part of the remedial action for Sites 2 and 17, it is not appropriate to include the methodology for the survey in the ROD.</p>
<p>9. There appears to be off-base radionuclide contamination from seeps and run-off associated with Site 2. Will the Navy take responsibility for continued off-site monitoring to assure the public that the intended remedy is working even after any transfer takes place?</p>	<p>RESPONSE 9: As shown in Figure 5-7 of the ROD, all concentrations of gross alpha and gross beta measured in seep water were below the MCLs for these constituents (the MCL for gross alpha is 15 pCi/L; the MCL for gross beta is 50 pCi/L).</p> <p>The concentrations of gross alpha and gross beta in storm water are shown in Figure 5-7 in the ROD. Several of the concentrations shown exceed the MCL for gross alpha and/or gross beta. However, review of the sampling data for these locations shows that all the elevated concentrations are associated with unfiltered storm water samples containing a high concentration of suspended solids (i.e., sediment). Table 1 presents the filtered and unfiltered sample results. When the effect of the suspended solids in the samples was eliminated by filtering, only non-detect to low levels (all below MCLs) of gross alpha and gross beta remained in the storm water samples. Further, as the Figure 1 plot of Table 1 data for the unfiltered sample analyses indicates, increased gross alpha and gross beta levels correlate directly to increased total suspended solids concentrations in the storm water samples.</p> <p>Uranium is known to be a naturally occurring constituent of the bedrock and alluvial sediments present in the vicinity of Site 2. Naturally occurring uranium and its decay products are believed to be the major contributors to the elevated concentrations of gross alpha and gross beta in the unfiltered samples. Further, the gross alpha and gross beta levels reported in the sample collected downstream from Site 2 generally fall within the range of activity levels observed in the samples collected at several locations upstream from Site 2. All of these factors support a conclusion that naturally occurring uranium (and its decay products) are responsible for the reported gross alpha and gross beta analytical results reported for the storm water samples and that the elevated concentrations of radionuclides in storm water are not due to activities that occurred on-site.</p>

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	<p>In spite of the fact that radionuclide activity in storm water appears to be naturally occurring, DON agrees that it would be prudent to measure surface water quality in Borrego Canyon Wash, but believes that this can be accomplished under the current NPDES permit and need not be included in monitoring associated with landfill closure.</p> <p>Currently, surface water quality is monitored at the downstream boundary of the Station for Aqua Chinon Wash, and a tributary to Agua Chinon Wash is located near IRP Site 17. The DON is also in the process of establishing a monitoring point for routine storm water monitoring on Borrego Canyon Wash.</p> <p>Monitoring results are reviewed by the Regional Water Quality Control Board.</p>

Table 1
Comparison of Unfiltered and Filtered Sample Radionuclide Analytical Results for Site 2 Stormwater Samples^a

Parameter	Filter Code	Sample Location 02SW1 ^b				Sample Location 02SW2 ^c				Sample Location 02SW3 ^d				Sample Location 02SW4 ^e			
		Result	Error	MDA		Result	Error	MDA		Result	Error	MDA		Result	Error	MDA	
Gross Alpha ^f	UF	169	CJ	49	40	144	CJ	46	43	70	CJ	20	19	8	CU	5.9	8.9
Gross Alpha	F	0.47	UJ	0.89	1.6	0.9	CUJ	1.3	2.2	3.7	CJ	2.3	3.2	0.73	UJ	0.94	1.6
Gross Alpha-duplicate	UF	-	-	-	-	-	-	-	-	93	CJ	24	20	6.2	CJ	3.2	4.1
Gross Alpha-duplicate	F	-	-	-	-	-	-	-	-	2.7	CUJ	2.2	3.2	1.1	UJ	1.2	1.8
Gross Beta ^f	UF	121	C	24	29	144	C	26	29	53	C	10	12	19	C	3.8	4.6
Gross Beta	F	2.9		1.4	2.1	10.3		1.8	2.1	5.9		2	2.9	5.1		1.6	2.2
Gross Beta-duplicate	UF	-	-	-	-	-	-	-	-	67	C	12	14	14.5		2.5	2.9
Gross Beta-duplicate	F	-	-	-	-	-	-	-	-	6.9		2	2.7	7.7		1.7	2.2
Total Suspended Solids ^g	UF	5030		NA	NA	7510		NA	NA	2110		NA	NA	1120		NA	NA
Total Suspended Solids -duplicate	UF	-	-	-	-	-	-	-	-	-	-	-	-	563		NA	NA

Notes:

^a Samples collected along Borrego Canyon Wash and its tributaries on 20 February 1996 during stormwater runoff event.

^b 02SW1 is located along the west tributary of Borrego Canyon Wash upstream from the landfill at the retro yard.

^c 02SW2 is located along Borrego Canyon Wash downstream from Site 2 at the crest of the drop chute for the concrete culvert at Irvine Boulevard.

^d 02SW3 is located along the eastern tributary of Borrego Canyon Wash at the northeastern Station boundary upstream from Site 2.

^e 02SW04 is located along the eastern tributary of Borrego Canyon Wash near the northeastern Station boundary upstream from Site 2 at the fork adjacent to the Orchard Road

^f Analytical results for this parameter are reported in pCi/L.

^g Analytical results for this parameter are reported in mg/L.

Acronyms:

C – presence of high total suspended solids required reduction of sample size, increasing the MDA. Laboratory qualifier.

F – filtered sample

J – estimated value. Review qualifier.

MDA – minimum detectable activity (i.e., detection limit)

mg/L – milligrams per liter

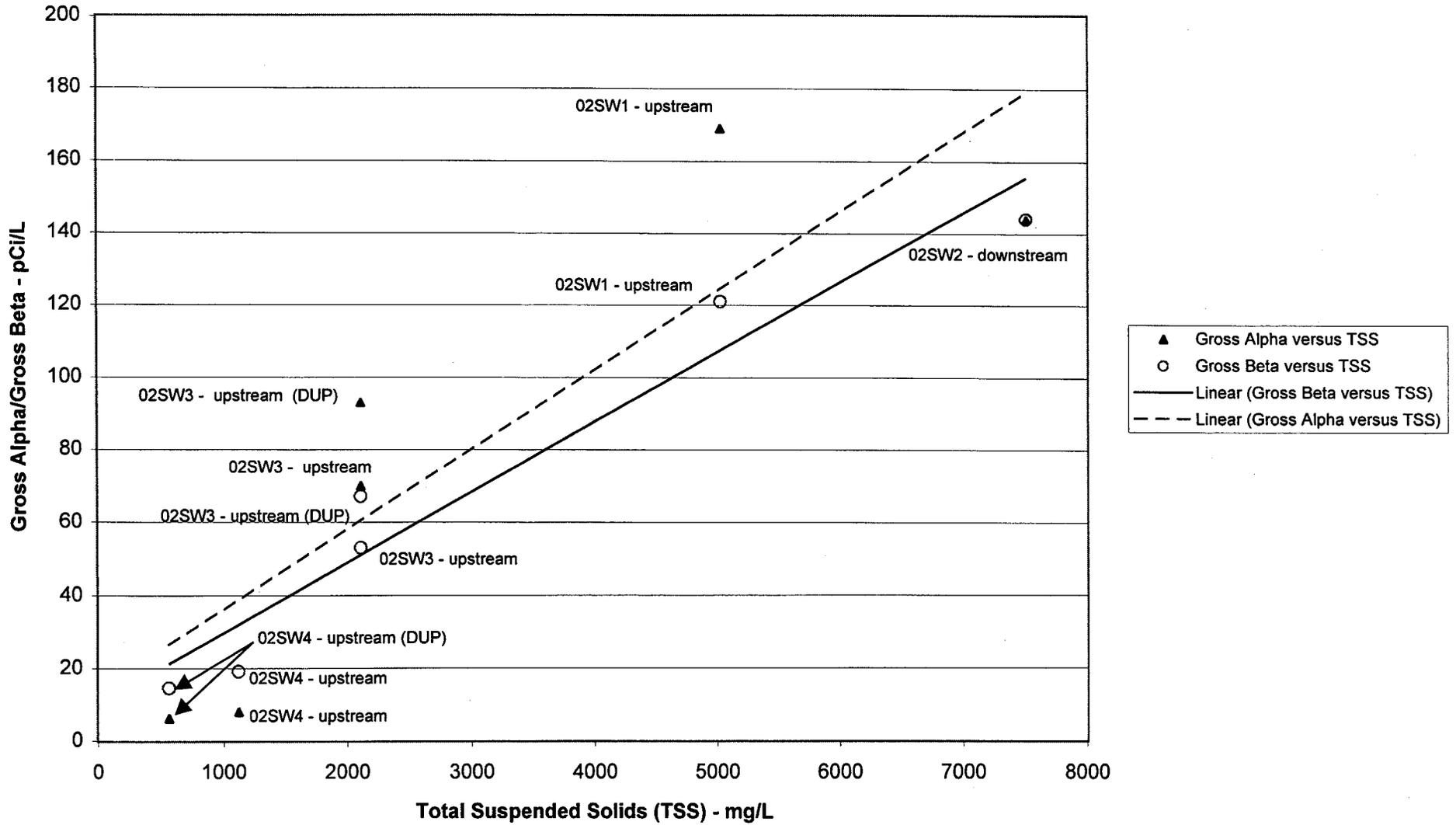
NA – not applicable

pCi/L – picoCuries per liter

U – not detected. Data validation qualifier.

UF – unfiltered sample

Figure 1 Site 2 Unfiltered Stormwater Sample Radionuclide Analytical Results



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<p>Originator: Michael Lapin El Toro Master Development Program</p> <p>To: Dean Gould BRAC Environmental Coordinator</p> <p>Date: November 29, 1999</p>	<p>CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p><u>GENERAL COMMENTS</u></p> <p>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").</p> <p>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.</p>	<p><u>RESPONSES TO GENERAL COMMENTS</u></p>
<p><u>SPECIFIC COMMENTS</u></p> <p>1. 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:</p> <p><u>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,</u></p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>RESPONSE 1: As noted in the LRA's comment, this sentence was also commented upon by the EPA. DON has been changed the sentence as follows to incorporate both suggested modifications:</p> <p style="padding-left: 40px;">"In preparing detailed design plans and implementing the remedy for Site 2, the DON will cooperate with FFA signatories and the County of Orange to ensure that all proposed projects (the remedy for Site 2, the Construction of Alton Parkway, and improvements to Borrego Canyon Wash) are mutually compatible and are designed, constructed, and maintained in a prompt and reasonable manner."</p>

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<p>Originator: Michael Lapin El Toro Master Development Program</p> <p>To: Dean Gould BRAC Environmental Coordinator</p> <p>Date: November 29, 1999</p>	<p>CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p>constructed, and maintained in a prompt and reasonable manner. See ROD at § 1.7 (paragraph 2, page 1-12).</p>	
<p>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 landfills is required, DON shall exercise its judgement 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).</p>	<p>RESPONSE 2: DON has revised both page 7-4 and page 9-6 to clarify that DON shall exercise its judgement in a prompt and reasonable manner with regard to projects involving land-disturbing activities.</p>
<p>3. 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.</p>	<p>RESPONSE 3: DON appreciates the LRA's understanding of DON's position that resolution of technical issues associated with detailed design of the remedy for Sites 2 and 17 should be done during the detailed design phase. The LRA will have the opportunity to review and comment on all technical issues associated with the remedial alternative at that time.</p> <p>With regard to surface water monitoring, DON agrees that it would be prudent to measure surface water quality in Borrego Canyon Wash, but believes that this can be accomplished under the current NPDES permit and need not be included in monitoring associated with landfill closure.</p> <p>Currently, surface water quality is monitored at the downstream boundary of the Station for Aqua Chinon Wash, and a tributary to Agua Chinon Wash is located near IRP Site 17. The DON is also in the process of establishing a monitoring point for routine storm water monitoring on Borrego Canyon Wash.</p>

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<p>Originator: Michael Lapin El Toro Master Development Program</p> <p>To: Dean Gould BRAC Environmental Coordinator</p> <p>Date: November 29, 1999</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
	<p>Monitoring results are reviewed by the Regional Water Quality Control Board</p>
<p>4. 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.</p>	<p>RESPONSE 4: DON understands the LRA's position regarding the differences between landfill Sites 2 and 17 and Sites 3 and 5 and looks forward to working with the LRA to resolve any outstanding issues related to the remedy for Sites 3 and 5 in the near future.</p>

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<p>Originator: Charles R. Bennett, Ph.D. MCAS El Toro RAB</p> <p>To: Glenn Kistner U.S. EPA</p> <p>Date: November 11, 1999 (via e-mail)</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
<p><u>GENERAL COMMENTS</u></p> <p>1. The proposed narrow remedy of simple soil caps for these two Landfills may be too simple. The RAB part of the Community has earlier expressed concerns that the proposed remedy will be found inadequate after the planned further study. Moreover, this "Working Draft" has enough gaps and completely new plans to question whether even the planned study will be adequate. Fortunately, at the least, the DoN ultimately acknowledged the need for a more comprehensive investigation in this area of the former MCAS El Toro Base, as required by the Regulatory Agencies and as requested by the impacted Community.</p>	<p><u>RESPONSES TO GENERAL COMMENTS</u></p> <p>RESPONSE 1: Comment noted. Please see the responses that follow for a discussion of the selected remedy for Sites 2 and 17.</p>
<p>2. The RAB has expressed high concern frequently during the RAB process regarding Radioactivity at El Toro about: 1) the use and misuse of the term "Background" in text, 2) the lack of proper protocols and procedures for the measurement of "Background" onbase, 3) failure to even consider measurements of "Background" offbase, as would be required by published DHS Guidelines for background determinations, 4) attribution of survey method (i.e. Geiger counter and gross alpha and gross beta) results in attributing radioactivity sources, but with no speciation reference to radionuclide sources from natural sources, 5) attribution of survey method (i.e. Geiger counter and gross alpha and gross beta) results in attributing radioactivity sources, but with no speciation reference to non Base related activity sources, such as agriculture. These sorts of hypothetical attributions can not be accepted without question, they have to be validated by methods deemed acceptable to those skilled in the art. More seriously, with this "Working Draft", we have it demonstrated that, not only are these hypothetical attributions being accepted by the DoN, the proposed remedy shows they are acting upon their hypotheticals.</p>	<p>RESPONSE 2: The methodology for establishing radionuclide background levels for the radiological investigation will be addressed in the survey plan for the radiological investigation. The survey plan is expected to be issued in mid-2000. The RAB will have the opportunity to review the survey plan and Dr. Bennett's comments will be addressed at that time.</p> <p>In addition to the radiological survey referenced above, DON has conducted a radiological investigation of groundwater at the landfill sites. The groundwater investigation was performed using California DHS guidelines to collect data and evaluate whether gross alpha and beta activities reported in groundwater were due to natural or man-made activities. Samples were evaluated for the following:</p> <ul style="list-style-type: none"> • Gross alpha emissions • Isotopic uranium; uranium²³⁴, uranium²³⁵, uranium²³⁸ • Total uranium was summed from the results of uranium²³⁴, uranium²³⁵, and uranium²³⁸ • Isotopic thorium: thorium²²⁸, thorium²³⁰, thorium²³² • Radium²²⁶

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MCAS EL TORO, CALIFORNIA

<p>Originator: Charles R. Bennett, Ph.D. MCAS El Toro RAB</p> <p>To: Glenn Kistner U.S. EPA</p> <p>Date: November 11, 1999 (via e-mail)</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0141 File Code: 02221</p>
	<ul style="list-style-type: none"> • Radium²²⁸ • Total radium was summed from the results of radium²²⁶ and radium²²⁸ • Lead²¹⁰ • Americium²⁴¹ • Beta emitting isotope strontium⁹⁰ <p>The results of the radionuclide investigation of groundwater were published in March 2000 in a draft technical memorandum "Evaluation of Radionuclides in Groundwater at Former Landfill Sites and the EOD Range" (Earth Tech 2000). The following was concluded:</p> <p style="padding-left: 40px;">"Evaluation of the uranium isotopes indicated that the uranium [reported in groundwater] is naturally occurring, and serves as the primary source of the alpha emissions [reported in groundwater]. No man-made radionuclides were detected at concentrations indicative of a release. The results for all samples satisfy the no further analyses criteria specified by the California DHS analysis strategy for radionuclides."</p> <p>A copy of this technical memorandum has been submitted to the BCT and RAB for review. Copies are also available for review in the Administrative Record file and in the Information Repository.</p>
<p>3. Is there a risk, or is there a potential, or is there a likelihood, or is there a virtual certainty that two DoN contaminated Landfills will be transferred to the County of Orange before a full and complete assessment of the risks associated with these Landfills and the land surrounding them has been completed, and reported to the County, and all other stakeholders of standing?</p>	<p>RESPONSE 3: The property containing Sites 2 and 17 is expected to be transferred to the Federal Aviation Administration, and not the County of Orange.</p> <p>Risks associated with hazardous materials at Sites 2 and 17 were evaluated in the Remedial Investigation reports for the sites and presented in the Site 2 and 17 Record of Decision. As noted in Dr. Bennett's Comment "D," radionuclides were not assumed to be chemicals of potential concern in the risk assessments for Sites 2 and 17 because the data that has been gathered to date (including the groundwater radionuclide data discussed in Response 2) indicate that radiological levels at the sites are due to natural sources rather than site-related</p>

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	<p>activities.</p> <p>A radiological survey of Sites 2 and 17 is scheduled to take place later this year. The results of the survey, the radiological investigation of groundwater, and an investigation of perchlorate in groundwater will be used to evaluate whether the risk assessments for these sites need to be revised to include additional COPCs. The remedial action for the landfill sites will not be implemented before this evaluation has taken place and the results of the radiological survey and groundwater investigations have been made available to the regulatory agencies and to the public. If changes to the risk assessment or the remedial design are determined to be necessary based upon the results of the survey or the groundwater investigations, then the changes will be incorporated into the final ROD.</p>
<p><u>SPECIFIC COMMENTS</u></p> <p>A. Strontium 90:</p> <p>Site 2 has had a number of radionuclides added to its monitoring plan, which is a movement in the right direction. However, the HRA has made specific reference (Draft Historical Radiological Assessment, May 1999; Sections 6.1.4.1, 6.2.1.2.1 and Table 5.2) to the potential for the use of radioactive materials that included Sr 90, a known beta emitter, on the base. Moreover, the Draft ROD for Site 2 has demonstrated the presence of gross beta well in excess of the acceptable MCL in water samples in the vicinity of Site 2 (June ROD or Draft Final Record of Decision Operable Unit 2B Landfill Sites 2 & 17, June 1999; Figures 5-7, 5-8, 5-4, 5-5). Thus, the RAB recommends that Sr 90 be added to any planned water (groundwater, seep water, and/or stormwater) monitoring scheme, unless it can be demonstrated with certainty (rather than speculation) that the beta sources are derived from K 40.</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>RESPONSE A: Up to three rounds of groundwater monitoring for total strontium were conducted at Site 2 between 1995 and 1997 and two rounds of groundwater monitoring for strontium-90 were conducted at Site 2 in 1997. Analytical results for the total strontium and strontium-90 samples are summarized in Tables 8-2 and 8-3 respectively of the March 1998 Final Groundwater Monitoring Report, October 1997 Sampling Round, prepared on behalf of the DON by CDM Federal Programs Corporation and are summarized as follows:</p> <ul style="list-style-type: none"> • The total strontium results ranged from non-detect to 0.102 picoCuries per liter (pCi/L). • All of the strontium-90 results were non-detect. <p>The California MCL for strontium-90 is 8 pCi/L. These data support a conclusion that strontium-90 is not a contaminant of potential concern at Site 2. Strontium-90 is a beta emitter. Elevated concentrations of gross beta could therefore indicate the potential presence of Strontium-90. However, as shown in Figures 5-6 (Analytes in Groundwater at Site 2), 5-7 (Analytes in Storm</p>

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	<p>Water at Site 2), and 5-13 (Analytes in Groundwater at Site 17), gross beta concentrations exceed the MCL of 50 pCi/L only in stormwater. All groundwater and seep water gross beta levels are below the MCLs. [MCLs are water quality standards and do not apply to soil and sediment samples shown in Figures 5-4, 5-5, and 5-8.]</p> <p>Additional sampling of groundwater was performed in October and November 1999 in support of the technical memorandum on radionuclides in groundwater (see response to General Comment 2). Seventeen samples were collected at Sites 1, 2, 3, 5, and 17 and analyzed using DHS guidelines. Although none of the gross beta activities exceeded the MCL, the sample with the highest beta activity (23.2 pCi/L at 02_DGMW60) was analyzed for the man-made beta emitting isotope strontium 90. Strontium 90 was not detected.</p> <p>The concentrations of gross beta in storm water are shown in Figure 5-7 in the ROD. Several of the concentrations shown exceed the MCL for gross beta. However, review of the sampling data for these locations shows that the elevated concentrations are associated with unfiltered storm water samples containing a high concentration of suspended solids (i.e., sediment). Table 1 presents the unfiltered and filtered sample results. When the effect of the suspended solids in the samples was eliminated by filtering, only low levels of gross beta ($\leq 10.3 \pm 1.8$ pCi/L) less than the MCL of 50 pCi/L remained in the storm water samples. As the Figure 1 plot of Table 1 data for the unfiltered sample analyses indicates, there is a direct correlation between gross beta levels and the concentration of total suspended solids in the storm water samples.</p> <p>Uranium is known to be a naturally occurring constituent of the bedrock and alluvial sediments present in the area that encompasses MCAS El Toro. Naturally occurring uranium and its decay products, which include both alpha and beta emitting isotopes, are the probable sources of the elevated concentrations of gross alpha and gross beta in the unfiltered samples. Further, the gross alpha and gross beta levels reported in the storm water sample collected downstream from Site 2 are comparable to the range of radionuclide activity levels observed in the samples collected at several locations upstream from Site 2. All of these factors support a conclusion that naturally occurring</p>

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	<p>uranium (and its decay products) are responsible for the gross alpha and gross beta analytical results reported for the storm water samples and that the elevated concentrations of radionuclides in storm water are not indicative of historic radioactive waste disposal activities at Site 2.</p>
<p>B. Radon 222:</p> <p>The superficial radionuclide investigation activity planned for Site 17 appears to be only a limited replication of testing that is widely considered to have dubious, ambiguous, and negligible value in remediation. Gross alpha and beta determinations are valid for the survey of a saleable product, such as drinking water, but not for remediations. The RAB recommends that radionuclide speciation, including Rn 222 and Ra 226, be added to the surveying of Landfill Site 17.</p> <p>The monitoring well near Site 17 (Technical Memo Radionuclides in Groundwater MCAS El Toro, June 1998; Table 1, well 17 DGMW82) has expressed a 1619 pCi/L of Rn 222, which is strong, clear, circumstantial evidence of anthropogenic radionuclide disposal into Landfill Site 17, such as Radium 226 or Uranium 238, for which Rn 222 is a daughter product. The Rn 222 at this location exceeds the MCL by a factor of 5, and the value is threefold higher than other Rn 222 values in groundwater anywhere else across MCAS El Toro groundwater analyses. The MCAS El Toro Rn 222 values also exceed background levels derived from offbase, surrounding monitoring wells. The DoN has hypothesized that the Site 17 Rn 222 is "natural", but has provided absolutely no data to substantiate that position. In fact, from the data that has been released in DoN documentation, it is easier to infer that the base background radioactivity is anthropogenic and not "natural". Based upon the available information, it is not possible to demonstrate whether the elevated onbase background levels of radioactivity derive from Ra 226 paint waste disposal in the landfills and sewage water, or Strontium 90 debris disposal, or</p>	<p>RESPONSE B: Radon sampling was performed at Site 17 at well 17_DGMW82 on three occasions (February 1996, November 1996, and April 1997). The radionuclide levels for radon reported in two of the three rounds (303 and 515 pCi/L) were comparable to levels measured elsewhere at MCAS El Toro. The radionuclide level for the third round was 1619 pCi/L as noted. However, this one measurement appears to be an anomalous result based on two factors. First, it is inconsistent with the results reported at the same monitoring location on previous occasions and is almost 2 times greater than any other radon result reported at MCAS El Toro. Second, if such a substantial increase in the radon level (3 times previous levels) were actually present in the 1 April 1997 sample, a comparable increase in the gross alpha activity level should also have been observed since radon is an alpha emitter. However, as the data in Table 2 indicates, no such increase in the gross alpha level was reported. The gross alpha level for the 1 April 1997 sample falls within the range of levels reported at this well for the three previous sampling events.</p> <p>The technical memorandum "Evaluation of Radionuclides in Groundwater at Former Landfill Sites and the EOD Range" provides further support that radionuclide activities reported at the landfill sites are due to natural sources. As noted in the response to General Comment 2, samples were collected at Sites 2 and 17 in October-November 1999 and analyzed in general accordance with the published methods for the following:</p> <ul style="list-style-type: none"> • Gross alpha emissions • Isotopic uranium; uranium²³⁴, uranium²³⁵, uranium²³⁸ • Total uranium was summed from the results of uranium²³⁴, uranium²³⁵, and uranium²³⁸ • Isotopic thorium: thorium²²⁸, thorium²³⁰, thorium²³²

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<p>depleted Uranium 238 ordnance destruction at Site 1 or "natural" sources.</p>	<ul style="list-style-type: none"> • Radium²²⁶ • Radium²²⁸ • Total radium was summed from the results of radium²²⁶ and radium²²⁸ • Lead²¹⁰ • Americium²⁴¹ • Beta emitting isotope strontium⁹⁰ (one sample only) <p>Sampling results were evaluated using DHS protocol. As noted in response to General Comment 2, the evaluation concluded that:</p> <p style="padding-left: 40px;">"Evaluation of the uranium isotopes indicated that the uranium [reported in groundwater] is naturally occurring, and serves as the primary source of the alpha emissions [reported in groundwater]. No man-made radionuclides were detected at concentrations indicative of a release. The results for all samples satisfy the no further analyses criteria specified by the California DHS analysis strategy for radionuclides."</p> <p>The technical memorandum summarizing the results of this investigation has been provided to the RAB for review.</p>
<p>C. Radionuclides in Site 2 Runoff Water:</p> <p>The present Working Draft has an important omission in a medium of concern for Site 2. Having omitted mention, the DoN has avoided any need to justify their inaction. This shifts the burden of demanding action to those who note the omission. The RAB recommends that amelioration of contaminated stormwater, including control of radionuclide runoff, be specifically added to the remedy for Landfill Site 2.</p> <p>The obvious excuse that the DoN is likely to propose for this omission is that the addition of the four foot dirt cap will ameliorate the potential runoff. However, by avoiding any mention of the runoff risk and that the remedy would address that risk, the risk is effectively</p>	<p>RESPONSE C: As discussed previously in Specific Comment A, the gross beta (and gross alpha) activity levels observed in the storm water samples appear to be associated with the high concentrations of suspended sediment in these samples. Because the bedrock and sediments (derived from erosion of the bedrock) at MCAS El Toro are known to contain naturally occurring uranium and its decay products, it is logical that storm water samples containing high sediment concentrations would have high gross alpha and gross beta levels.</p> <p>The fact that upstream storm water samples contained radionuclides at higher concentrations than downstream samples is also supporting evidence that radionuclides are not originating with the landfills.</p>

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<p>hidden from review and assessment by skilled reviewers unaware of the complete data base. This is inadequate. A close review for Site 2 of the stormwater and seep water (June ROD, Figures 5-7 and 5-6), and various shallow soil and sediments demonstrates clearly that gross alpha and gross betas are at levels of concern. Specifically, the high gross alphas and betas for Upgradient samples 02SW3 and 02SW1 and the Downgradient 02SW2 on City of Irvine property are of concern. The DoN has hypothesized that the Site 2 stormwater is from a separate or "natural" source, but has, again, provided absolutely no data to substantiate that position. In fact, from the data that has been released in DoN documentation, it is easier to infer that the base runoff radioactivity is anthropogenic and not "natural". These data necessitate increased radionuclide review inclusion in the more thorough survey that has been demanded by the broad critical response to the Draft HRA (May 1999). The DoN argues that the data show that Site 2 is not leaking radionuclides, as the "upgradient" and "downgradient" levels are essentially the same for the surface samples of soil and water. Even if you accept the validity of this hypothetical interpretation, the DoN omits mentioning something that the HRA did not omit, many of these values express elevated values exceeding MCL's for radioactivity. Even if we concede that Site 2 is not leaking radionuclides, the elevated level of radioactivity around Site 2 demonstrates another possible radioactivity source that is further upgradient of Site 2 - Site 1, the Explosives Ordnance Destruction Area. Site 1 has periodically been reported to have radioactivity sources, including possibly depleted U 238, a known alpha emitter. Site 1 also has the highest detected perchlorate in monitoring wells on the base. Either or both of these classes contaminants have the potential to be found downgradient of Site 1 and have been omitted as possibly impacting Landfill Site 2, eventually.</p>	<p>Since the storm water runoff associated with sample 02SW3 comes from off-Station sources to the northeast (orchards and other development), this result does not provide substantiation of an on-Station release. Sample 02SW1 was collected upstream of Site 2 (and downstream of Site 1) while sample 02SW02 was collected downstream of Site 2. However, the elevated activity levels associated with these samples correlate with the concentrations of suspended sediment in each sample. The activity levels in filtered samples collected at the same locations did not exceed MCLs. Please see the response to Comment A for additional discussion of this issue.</p> <p>DON is also planning to conduct a radiological survey of Sites 2 and 17. This survey will assist in determining whether radionuclides are present near the surface of the landfills and therefore whether radionuclides are available for transport in storm water runoff.</p> <p>A work plan for the remedial investigation of Site 1 is scheduled to be released in 2000. The DON will evaluate the need for further action, including monitoring, at Site 1 once the investigation results have been completely assessed. Site 1 will be addressed in a separate ROD.</p>
<p>D. Contaminants of Potential Concern:</p>	<p>RESPONSE D: Radionuclides were not identified as COPCs at Sites 2 and 17 because there is no evidence that radionuclides are present above naturally-</p>

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<p>The Working Draft of the Final Record of Decision for Landfill Sites 2 & 17 persists in an omission that has existed since the initial Remedial Investigations. Never have radionuclides been identified as Contaminants of Potential Concern (COPC) for incorporation into the Risk Assessments for Sites 2 and 17 (Oct 1999 ROD; Section 6.1). Again, having omitted mention of radionuclides, the DoN has avoided any need to justify their inaction. This shifts the burden of demanding action to those who note the omission, when it evolves to the DoN to justify that radionuclides should not be considered as COPC's. The RAB recommends that a more comprehensive consideration of COPC's, including considerations of radionuclides, be specifically added to the Risk Assessment for Landfill Site 2 and Site 17.</p>	<p>occurring concentrations or that radionuclides are associated with activities that occurred at Site 2. As discussed in the response to Comment 2, to ascertain whether the concentrations of radionuclides present at Site 2 are naturally occurring, the DON conducted groundwater sampling, including sampling for gross alpha, gross beta, total radium (radium-226 plus radium-228), radium-228, and uranium. DON has evaluated the results using criteria provided by the Department of Health Services (DHS). The results of this evaluation were presented in a technical memorandum that was issued to the BCT and RAB in March 2000.</p> <p>DON is in the process of finalizing a Historical Radiological Assessment (HRA) that summarizes radionuclide use at MCAS El Toro. DON also plans to conduct a radiological survey of several sites, including landfill Sites 2 and 17, in 2000. The survey plan will be issued in mid-2000. The RAB will have the opportunity to review and comment on the plan at that time.</p> <p>Information collected during the HRA and radiological survey will be considered as the information becomes available. If changes to the risk assessment or remedial design are determined to be necessary based upon the results of the HRA and surveys, then the changes will be incorporated into the final ROD.</p>
<p>E. Implementation of Institutional Controls:</p> <p>We have learned with receipt of this Working Draft the following (Oct 1999 ROD; Section 7.2.1.1): "The DON intends to transfer the property containing Sites 2 and 17 by means of a federal agency to federal agency transfer agreement (if the transferee is another federal agency) or by deed (if the transferee is a non-federal agency). The boundaries of the sites and the conditions, terms, and limitations of the land-use controls will be described in the Findings of Suitability for Transfer (FOSTs) and recorded in the MOU and/or deed." What is the controlling code, regulation, legislation, or judgment by which the transfer to a non-federal agency and what are the implications on any future institutional controls?</p>	<p>RESPONSE E: In the event that land in the vicinity of (i.e., within 1,000 feet of) Sites 2 and/or 17 is transferred to a non-federal entity, DON will transfer property to this entity using a deed. The deed will include restrictive covenants between the United States and the transferee(s) pursuant to Civil Code Section 1471. The Civil Code Section 1471 restrictive covenants will be executed by the transferee and will serve as a legally binding agreement between the transferee, its successor and assigns (the covenantor), and the United States, the State of California Department of Toxic Substances Control (DTSC), and the Santa Ana Regional Water Quality Control Board (who shall be identified in the deed as the covenantees (beneficiaries)) pursuant to Civil Code 1471. The covenants will grant the covenantees, their contractors, and representatives access to the property in order to ensure the continued effectiveness of the response action and to evaluate groundwater wells via site inspection. The</p>

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	<p>deed restrictions will be binding upon all future owners unless legally terminated; that is, they will run with the land. The deed will be recorded in the Office of the County Recorder for the County of Orange.</p> <p>In addition, in March 2000 DON and DTSC executed a memorandum of agreement (MOA) (Department of the Navy 2000). The purposes of the MOA were to:</p> <ul style="list-style-type: none"> • formalize the use of two model Environmental Restriction Covenants and Agreements; and • describe under what specific conditions the Environmental Restriction Covenant and Agreement would be used to give DTSC the same authority as DON to enforce environmental restrictions imposed on transferring parcels of property. <p>The Environmental Restriction Covenant and Agreement will contain environmental restrictions and will serve as a mechanism to implement the institutional control use restrictions set forth the ROD. Once the Environmental Restriction Covenant and Agreement is finalized, it will be executed contemporaneously with the negotiation and execution of the conveyance of the property to the transferee(s) by deed pursuant to the Defense Base Closure and Realignment Act of 1990, 10 U.S.C. Section 2687 note.</p> <p>DON will prepare a Finding of Suitability to Transfer (FOST) and an Environmental Baseline Survey (EBS) to support the property transfer.</p>

References: Earth Tech. 2000. Draft Technical Memorandum Evaluation of Radionuclides in Groundwater at Former Landfill Sites and the EOD Range. March.

United States Department of the Navy. 2000. Memorandum of Agreement Between the United States Department of the Navy and the California Department of Toxic Substances Control. March.

Table 1
Comparison of Unfiltered and Filtered Sample Radionuclide Analytical Results for Site 2 Stormwater Samples^a

Parameter	Filter Code	Sample Location 02SW1 ^b			Sample Location 02SW2 ^c			Sample Location 02SW3 ^d			Sample Location 02SW4 ^e						
		Result	Error	MDA	Result	Error	MDA	Result	Error	MDA	Result	Error	MDA				
Gross Alpha ^f	UF	169	CJ	49	40	144	CJ	46	43	70	CJ	20	19	8	CU	5.9	8.9
Gross Alpha	F	0.47	UJ	0.89	1.6	0.9	CUJ	1.3	2.2	3.7	CJ	2.3	3.2	0.73	UJ	0.94	1.6
Gross Alpha-duplicate	UF	-	-	-	-	-	-	-	-	93	CJ	24	20	6.2	CJ	3.2	4.1
Gross Alpha-duplicate	F	-	-	-	-	-	-	-	-	2.7	CUJ	2.2	3.2	1.1	UJ	1.2	1.8
Gross Beta ^f	UF	121	C	24	29	144	C	26	29	53	C	10	12	19	C	3.8	4.6
Gross Beta	F	2.9		1.4	2.1	10.3		1.8	2.1	5.9		2	2.9	5.1		1.6	2.2
Gross Beta-duplicate	UF	-	-	-	-	-	-	-	-	67	C	12	14	14.5		2.5	2.9
Gross Beta-duplicate	F	-	-	-	-	-	-	-	-	6.9		2	2.7	7.7		1.7	2.2
Total Suspended Solids ^g	UF	5030		NA	NA	7510		NA	NA	2110		NA	NA	1120		NA	NA
Total Suspended Solids -duplicate	UF	-	-	-	-	-	-	-	-	-	-	-	-	563		NA	NA

Notes:

^a Samples collected along Borrego Canyon Wash and its tributaries on 20 February 1996 during stormwater runoff event.

^b 02SW1 is located along the west tributary of Borrego Canyon Wash upstream from the landfill at the retro yard.

^c 02SW2 is located along Borrego Canyon Wash downstream from Site 2 at the crest of the drop chute for the concrete culvert at Irvine Boulevard.

^d 02SW3 is located along the eastern tributary of Borrego Canyon Wash at the northeastern Station boundary upstream from Site 2.

^e 02SW04 is located along the eastern tributary of Borrego Canyon Wash near the northeastern Station boundary upstream from Site 2 at the fork adjacent to the Orchard Road

^f Analytical results for this parameter are reported in pCi/L.

^g Analytical results for this parameter are reported in mg/L.

Acronyms:

C – presence of high total suspended solids required reduction of sample size, increasing the MDA. Laboratory qualifier.

F – filtered sample

J – estimated value. Review qualifier.

MDA – minimum detectable activity (i.e., detection limit)

mg/L – milligrams per liter

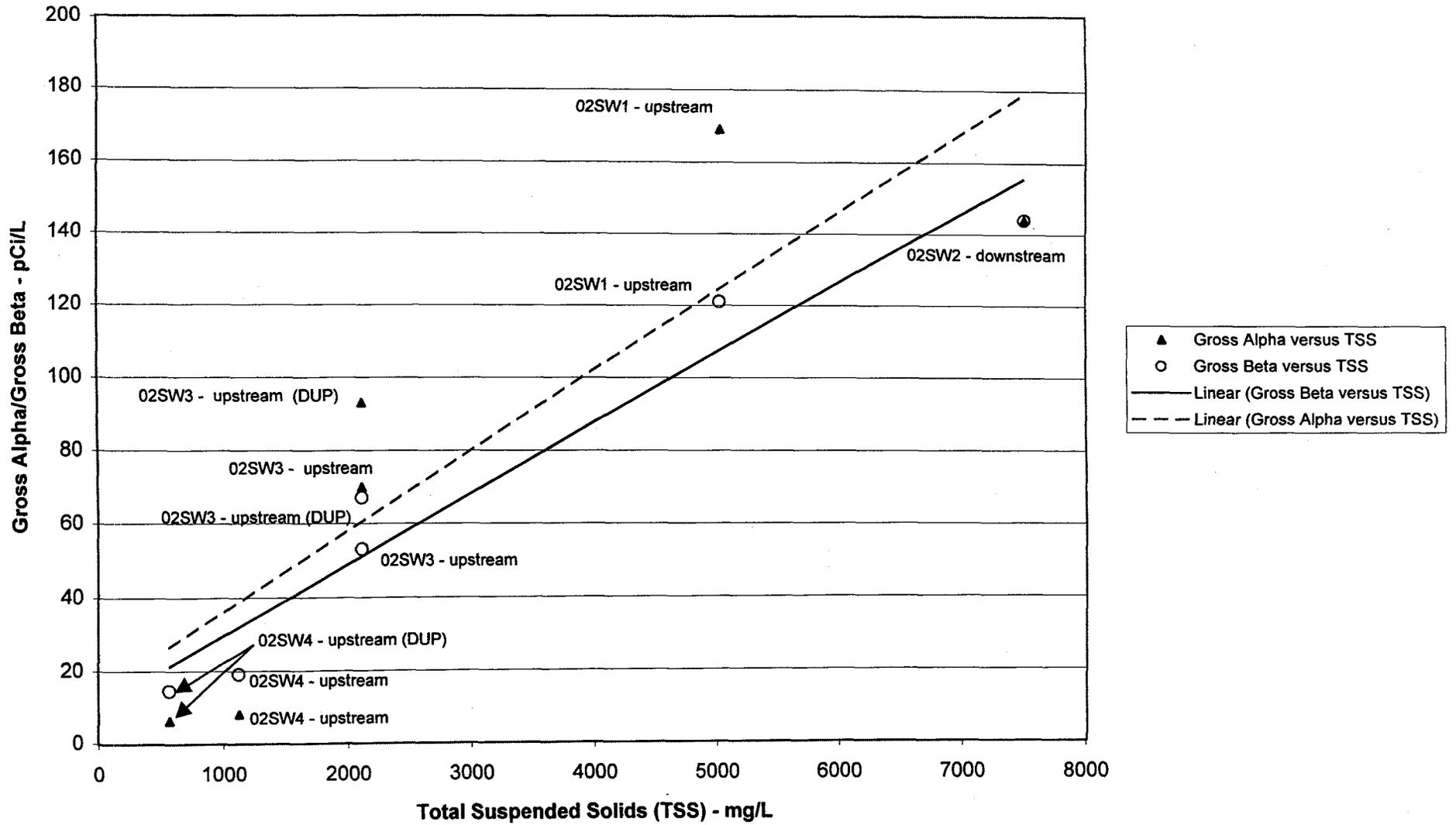
NA – not applicable

pCi/L – picoCuries per liter

U – not detected. Review qualifier.

UF – unfiltered sample

Figure 1 Site 2 Unfiltered Stormwater Sample Radionuclide Analytical Results





CLEAN II Program
Bechtel Job No. 22214
Contract No. N68711-92-D-4670
File Code: 02221

IN REPLY REFERENCE: CTO-0164/0163

April 14, 2000

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

Subject: Response to Comments on "Working Draft" Final Record of Decision for Operable Unit
2B – Sites 2 and 17 - Dated April 2000

Dear Mr. Selby:

It is our pleasure to submit this copy of the Response to Comments on the "Working Draft" Final Record of Decision (ROD) for Operable Unit (OU) 2B – Sites 2 and 17 – for the Marine Corps Air Station (MCAS) El Toro, California. This document was prepared under Contract Task Order (CTO) 0164 and Contract No. N68711-92-D-4670 and accompanies the Final Interim ROD for Sites 2 and 17. Both documents are dated April 2000.

To facilitate signature of the ROD, any comments on this document should be submitted promptly to Mr. Dean Gould, BRAC Environmental Coordinator, goulda@efdswnavfac.navy.mil.

We appreciate the opportunity to be of service to you on this project. If you have any questions or would like further information, please contact Jane Wilzbach at (619) 744-3029, or myself at (619) 744-3080.

Sincerely,

Thurman L. Heironimus, R.G.
Project Manager

DJT/sp

Enclosure

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BECHTEL NATIONAL INC.

CLEAN II TRANSMITTAL/DELIVERABLE RECEIPT

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

Document Control No.: CTO-0164/0163

File Code: 02221

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

DATE: April 14, 2000

CTO #: 0164

LOCATION: MCAS El Toro

FROM:

Thurman L. Heironimus, Project Manager

DESCRIPTION: Response to Comments on "Working Draft" Final Record of Decision for

Operable Unit 2B - Sites 2 and 17 - DTD April 2000

TYPE: Contract Deliverable (Cost) X CTO Deliverable (Technical) Other

VERSION: N/A REVISION #: 0

ADMIN RECORD: Yes X No Category Confidential

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R. Callaway, 09C.RC (1C/1E)
C. Arnold, 5BSE.CA (1C/1E)
A. Lee, 5BL.AL (1C/1E)
M. Pound, 4EN2.MP (1C/1E)
L. Hornecker, 5BME.LH (1C/1E)
D. Gould, 5BMC.DG (1C/1E)
D. Silva, 4MG.DS (1C/1E for IR, 2E for AR)*

- BECHTEL (Distributed by Bechtel):
K. Kapur (1C)
T. Heironimus (1C/1E)
B. Coleman (1C/1E)
J. Wilzbach (1C/1E)
BNI Document Control (1C/1E)

- OTHERS (Continued)
C. Wiemert, MCAS El Toro (1C/1E)
R. Ress, Miramar (1C/1E)

- OTHER (Distributed by Bechtel):
P. Hannon, CRWQCB (1C/2E)
G. Kistner, US EPA (1C/3E)
W. Lee, Miramar (1C/1E)
J. Scandura, Cal EPA (1C/1E)
T. Chesney, Cal EPA (1C/2E)
M. Lapin, Co. of Orange (1C/3E)
M. Wochnick, CIWMB (1C/1E)
G. Hurley RAB Co-chair (1C/1E)
C. Bennett, RAB (1C/1E)
C. Wanyoike, Earth Tech (1C/1E)
J. Bartel, FWS (1C/1E)
D. Rundle, FWS (1C/1E)
J. Bradley, FWS (1C/1E)
S. Sharp, Co of Orange (1C/1E)
P. Hersch, City of Irvine (1C/1E)

Date/Time Received

O = Original Transmittal Sheet
C = Copy Transmittal Sheet
E = Enclosure
* = Unbound