



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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San Francisco, CA 94105-3901

MC0050.001136

03/27/95 12:51

March 27, 1995

Mr. Joseph Joyce
BRAC Environmental Coordinator
Environment and Safety (Code 1AU)
MCAS El Toro
P.O. Box 95001
Santa Ana, CA 92709-5001

DUPLICATE

Dear Mr. Joyce:

This letter clarifies three issues from EPA's November 16, 1994, Comments on the Draft Operable Unit 1, Interim-Action Feasibility Study Report (IAFS), pursuant to a request by Mr. Andy Piszkin in a telephone conversation with Ms. Arthur on March 23, 1995. A meeting to discuss these issues was scheduled for March 16, 1995 and was canceled by the Navy due to an unexpected Navy headquarters briefing.

- 1) EPA reiterates that it is not necessary or appropriate to set cleanup levels in an interim Record of Decision (ROD). It is appropriate to set MCLs as cleanup goals, with the understanding that final cleanup levels will be established in the final groundwater or basewide ROD.
- 2) As stated on page 2-16, pursuant to 22 CCR 66264.94(c), "concentration limits greater than background can be established for constituents of concern only by demonstrating both of two conditions". These two conditions are technical and economic infeasibility of achieving background levels, and that the constituent will not pose a substantial present or potential hazard to human health or the environment at the higher concentration limit. As stated in EPA's comments, the draft IAFS only addresses the first condition. The Navy should consult relevant State guidance as to the criteria for demonstrating that both of these conditions are met.

EPA notes that this demonstration is not equivalent to the demonstration necessary for a technical impracticability waiver pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 121(d) (4c), for a remedial action which does not attain applicable or relevant and appropriate requirements (ARARs). This waiver would be necessary if the IAFS and Interim Record of Decision (ROD) proposed a cleanup goal for groundwater which

was less health protective than MCLs for the shallow and principal aquifers.

- 3) As the lead agency, it is the Navy's responsibility to determine whether the volatile organic compound (VOC) contaminated groundwater is a hazardous waste. The discussion in the revised IAFS must accurately state the basis for this determination. This analysis should include an explanation of the statement that TCE is not a listed hazardous waste, a discussion of efforts made to determine the source(s) of the TCE and other VOCs, and whether documentation exists to indicate the source(s). The Navy must use best professional judgement to determine on a site-specific basis if testing for hazardous characteristics is necessary, and should explain its decision in the revised IAFS.

If you have any questions, please call Bonnie Arthur at (415) 744-2389.

Sincerely,



Bonnie Arthur
Remedial Project Manager
Federal Facilities Cleanup Office



Karen Goldberg
Assistant Regional Counsel

cc: Mr. Juan Jimenez, DTSC
Mr. Larry Vitale, RWQCB
Mr. Wayne Lee, MCAS El Toro
Mr. Andy Piszkin, SW DIV