

DEPARTMENT OF TOXIC SUBSTANCES CONTROL400 P STREET, 4TH FLOOR
P.O. BOX 806
SACRAMENTO, CA 95812-0806

(916) 324-8295



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February 21, 1996

Mr. Joseph Joyce
BRAC Environmental Coordinator
U.S. Marine Corps Air Station - El Toro
P.O. Box 95001
Santa Ana, CA 92709-5001

Dear Mr. Joyce:

As a result of the conference call you had with Claire Best and John Scandura from Department of Toxic Substances Control (DTSC); Dana Sakamoto of Southwest Division, Navy; and Major Frank Baynard and Captain Brad Bartelt with Marine Corps - El Toro Base on February 9, 1996 regarding the Draft Community Relations Plan for El Toro, I was asked to review DTSC's comments.

It is my understanding that it is your position that DTSC's comments do not hold as much weight because El Toro is a National Priorities List site and the United States Environmental Protection Agency (U.S. EPA), Region 9 is the lead oversight agency.

I was most disturbed by your position for several reasons. First, the State, U.S. EPA, and the Navy are all co-signatories to a Federal Facility Agreement (FFA), Docket Number 91-2. I have reviewed the FFA, and do not find any reference to U.S. EPA as the "lead oversight agency." Rather, section 1.1 (c) PURPOSE cites facilitating cooperation, exchange of information and participation of the Parties (to the FFA) in remedial actions. Further, 1.2 (h) specifically provides for State involvement in the initiation, development, selection and enforcement of remedial actions...including review and development of studies, reports and action plans. Public involvement is a CERCLA mandated step for remedial actions.

Second, according to FFA section 7.3, the Community Relations Plan is a primary document required under the FFA, which is submitted in draft to U.S. EPA and the State for review and comment. No where do I read that the State's comments carry less weight. Section 7.7 (f) states: "Following the close of the comment period for a draft document, the Marine Corps shall give full consideration to all written comments."



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Third, it is important that I point out that much of the specific activities, and therefore the related comments provided by oversight agencies, in a community relations plan are site-specific. State and federal statutes and regulations are not intended to address individual project details. The expertise of public involvement professionals participating in community interviews and reviewing your consultant's draft are what develop into a final community relations plan with a common sense and effective two-way communication process for the individual base's installation restoration program.

Under separate cover, you will receive DTSC's specific comments on the Draft Community Relations Plan for El Toro. Our comments reflect our position as an equal partner on the El Toro Clean-up team as defined in the FFA. The comments are from the Department's public involvement professionals and as such reflect valuable insight and experience which I believe will enhance your community relations program.

I look forward to reviewing other comments on your draft plan and to my staff's opportunity to present our input to the Restoration Advisory Board.

Sincerely,



Marcia Murphy, Chief
Public Participation and Education

cc: see next page

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cc: Colonel Jim Ritchie
AC/S BRAC Base Transition Coordinator
1AS BRAC
H & HS MCAS - El Toro
P.O. Box 95002
Santa Ana, CA 92709-5002

Major Frank Baynard
c/o Mr. Joseph Joyce
U.S. Marine Corps Air Station - El Toro
P.O. Box 95001
Santa Ana, CA 92709-5001

Captain Brad Bartelt
Base Realignment and Closure
Public Affairs Officer
Marine Corps Air Bases, Western Area
Santa Ana, CA 92709

Mr. Vish Parpiani
MCAS El Toro Point of Contact
AC/S Environmental (1AU)
U.S. Marine Corps Air Station - El Toro
P.O. Box 95001
Santa Ana, CA 92709-5001

Dana Sakamoto, P.E.
Base Realignment and Closure
Environmental Branch Manager
Southwest Division, Code 183
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5190

James R. Pawlisch
Director, Environmental Department
Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5181

John Scandura, Chief
Office of Military Facilities
Department of Toxic Substances Control
245 West Broadway, Suite 350
Long Beach, CA 90802

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cc: Ms. Claire Best
Public Participation Supervisor
Department of Toxic Substances Control
245 West Broadway, Suite 350
Long Beach, CA 90802