



TO: Tim Latas

November 17, 1997

DT-155/0021

Pete Wilson
GovernorPeter M. Rooney
Secretary for
Environmental
Protection

To: EPA

Department of
Toxic Substances
Control245 West Broadway,
Suite 350
Long Beach, CA
562-4444Mr. Joseph Joyce
BRAC Environmental Coordinator
U.S. Marine Corps Air Station - El Toro
P.O. Box 95001
Santa Ana, California 92709-5001

Dear Mr. Joyce:

**COMMENTS ON DRAFT PROPOSED PLAN FOR OPERABLE UNITS (OU)-2B
SITES 2 & 17 AND OU-2C SITES 3 & 5, MARINE CORPS AIR STATION
(MCAS) EI TORO**

The Department of Toxic Substances Control (DTSC) has completed the review of the above subject document dated September 1997 prepared by Bechtel National Inc. The Proposed Plan (PP) presents the Marine Corp's preferred alternative for landfill sites 2, 3, 5, and 17.

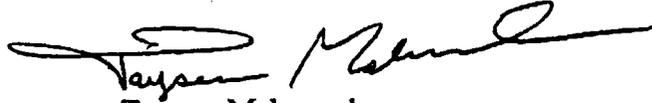
DTSC agrees with the Marine Corp's selection of Alternative 3 for landfill sites 2 and 17. However, although we recognize that the selected remedy, i.e., Alternative 3, is protective to human health and the environment, we have serious concern that this remedy is not compatible with the draft Reuse Plan for future land use as proposed by the Local Redevelopment Authority (LRA) for landfill sites 3 and 5. We request that a separate PP be submitted for OU-2C (sites 3 and 5) in order that this issue can be addressed without causing delay for OU-2B (sites 2 and 17) and because of potential controversy regarding cleanup for sites 3 and 5.

DTSC encourages the Marine's representatives along with the Base Transition Coordinator (BTC) to meet with the LRA to explain the PP and to reconcile environmental priorities with community reuse priorities prior to finalization of remedy selection. The regulatory agencies will be available to assist and participate in the meeting. If the remedy selected is Alternative 3, it is necessary that the LRA be aware that major costs and modification of the ROD would later be necessary to change this decision so as to make the environmental condition of the property suitable for the proposed reuse. If the reuse objectives cannot be achieved due to economic or technical considerations, this determination should be discussed and clarified with the LRA so that land use planners can revise the Reuse Plan accordingly. The LRA should be aware of the consequences of the remedy selected as it impacts the future reuse plan. The outcome of the discussions with the LRA should be included in the PP.

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For additional comments on the PP, please see the enclosed comments. If you have any questions, please call me at (562) 590-4891.

Sincerely,



Tayseer Mahmoud
Remedial Project Manager
Office of Military Facilities
Southern California Operations

Enclosures

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Comments on
Draft Proposed Plan for Landfill Sites 2, 3, 5, & 17
Marine Corps Air Station-EI Toro
Dated September 1997

The list of comments below were prepared by Mr. Tayseer Mahmoud, Remedial Project Manager for Department of Toxic Substances Control (DTSC) and Mr. Ronald Okuda, Environmental Reuse Specialist. We have also attached a memorandum dated October 23, 1997 from Ms. Marsha Mingay, Public Participation Specialist. The memorandum provides additional comments on the document.

General Comment:

Overall, DTSC agrees with the Marine Corp's selection of Alternative 3 for Landfill Sites 2 and 17. However, we have serious concern that this remedy is not compatible with the draft Reuse Plan for future land use as proposed by the Local Redevelopment Authority (LRA) for landfill sites 3 and 5. We request the submittal of a separate Proposed Plan (PP) for Sites 3 and 5.

Both the National Oil and Hazardous Substance Contingency Plan (NCP) and U.S. EPA's May 25, 1995 Directive "Land Use in the CERCLA Remedy Selection Process" discuss the selection of a remedy based on realistic assumptions regarding future land uses. As stated in the U.S. EPA memorandum, "... In general, remedial action objectives should be developed in order to develop alternatives that would achieve cleanup levels associated with the reasonably anticipated future use over as much of the site as possible." At MCAS El Toro, the Local Redevelopment Authority (LRA) approved the Reuse Plan for the installation in December 1996. This Reuse Plan will be the basis for the land use assumptions DoD will consider during the development of the Environmental Impact Study. Therefore, this Reuse Plan should be the basis for determination of "reasonably anticipated future use" during the remedy selection process. The Reuse Plan specifies that an industrial/commercial center is planned at the Site 3 landfill, and a golf course at the Site 5 landfill. DTSC does not agree that these future uses could be accommodated by Alternative 3, a native soil cap at these two landfills.

DTSC requests that the LRA be consulted to reconcile environmental priorities with community reuse priorities prior to finalization of remedy selection. DTSC also recommends that the Base Transition Coordinator (BTC) work with the LRA and the Restoration Advisory Board (RAB) to ensure that the community is aware of the PP, and is aware that major costs and modification of the ROD would be necessary to change this decision so as to make the environmental condition of the property suitable for the proposed reuse. If the reuse objectives cannot be achieved due to economic or technical considerations, this determination should be discussed and clarified with the LRA so that land use planners can revise the Reuse Plan accordingly.

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Landfill Sites 2, 3, 5, & 17
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Landfill Site 3

Alternatives 5B or 6B, asphalt caps, would have a better likelihood of supporting a future light industrial/commercial reuse at Site 3. Also, Alternatives 5 and 6 provide the highest degree of long-term effectiveness because they provide the greatest reduction in rainfall infiltration of all activities as mentioned in Section 6.3 of the FS, Comparative Analysis of Alternatives. The statement in the PP that Alternative 3 is "easy to modify" and "allows flexibility for future site use" is misleading. Changes to the remedy would require a modification of the Record of Decision (ROD). Also, the LRA's request to modify the remedy could be denied by the Marines and/or the regulatory agencies. Issues regarding future liability, cost to modify the cover, and cost to modify the ROD to allow construction of a new remedy need to be clarified.

Landfill Site 5

Alternative 4D, synthetic flexible membrane liner (FML), appears to be more appropriate for a future recreational use scenario, such as the golf course at Site 5. The FML can be designed to allow irrigation to support vegetation compatible with an irrigated golf course for Site 5. According to the Section 6.3 of the FS, Comparative Analysis of Alternatives, alternatives 4C, 4D, 5A, 5B, 6A, and/or 6B would provide the highest degree of long-term effectiveness because they would provide the greatest reduction in rainfall infiltration of the landfills. Also, the FML liners can withstand large tensile strains.

Alternative 3 requires the installation of a 4-foot-thick layer soil cap on top of the landfill, making the elevation of the landfill higher than that of the surrounding golf course. It would be difficult for the LRA to modify Alternative 3 and make the landfill site suitable for reuse as an irrigated golf course because of the additional grading and liners needed; these would make the elevation of the site even higher than that of the surrounding golf course. In addition, Section 6.4 of the FS states that Alternative 3 under the irrigation scenario would *not* minimize potential leaching of the landfill. DTSC recommends that discussions be held between the BCT and the LRA, which may lead to a compromise between maintaining the protectiveness of the landfill cover and designing the landscaping for a golf course scenario.

Specific Comments:

1. Page 4, Identifying Exposure Pathways

Please clarify the statement that construction of residential housing units at the landfills is not permitted under California regulations by specifying the regulatory citations to which you refer. Does this refer to risk assessments? Are you saying that appropriate cleanup levels must be met to allow for residential use? Does this refer to institutional controls needed for this site? DTSC agrees that construction

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of residential housing at the landfills is not appropriate because of the requirements for methane gas monitoring, effect of differential settlement, prohibition of enclosed basements, utilities, pilings, etc.

2. Page 7, Alternative 2 - Institutional Controls and Monitoring

DTSC disagrees with the statement that land use restrictions could be negotiated at the time the property is leased or transferred. How can a portion of the remedy be negotiated after the ROD is signed?

Institutional controls are used to support the remedy to assure the protection of human health or the environment. As such, institutional controls are as vital to the remedy as any engineering control or technology. As noted in the July 25, 1997 "Responsibility for Additional Environmental Cleanup after Transfer of Real Property" Policy issued by DoD, "...for a remedy that will require restrictions on future use of the land, the proposed plan and record of decision (ROD) or other decision documents must identify the future land use assumption that was used to develop the remedy, specific land use restrictions necessitated by the selected remedy, and possible mechanisms for implementing and enforcing those use restrictions."

To state that land use restrictions will be "negotiated" at the time of property transfer suggests that the effectiveness of the remedy could be compromised at a later date without disclosure or involvement of the public and regulatory agencies. The statement also suggests that land use restrictions may not be evaluated with the same scrutiny as the engineering alternatives.

(At the time of transfer of BRAC properties, DTSC requests that the Marines enter into a Land Use Covenant with DTSC so as to provide DTSC with a mechanism to enforce deed restrictions after property transfer.)

3. Page 7, Alternative 3 - Preferred Alternative - Single Layer Soil Cap with Institutional Controls and Monitoring

Alternative 3 appears to limit the redevelopment potential of Sites 3 and 5 as described in the approved reuse plan. The PP states that access to the landfill sites would be controlled using institutional controls similar to Alternative 2. One of the institutional controls listed in Alternative 2 would restrict physical access by use of fences and appropriate signs. How is this compatible with future land uses for Sites 3 and 5? A fenced landfill cap constructed of native soil and vegetated with drought-resistant annual grasses would not be compatible with either industrial/commercial or recreational (golf) uses.

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DTSC also disagrees with the Marines' response to comments on the FS that the remedial actions at these two sites will be completed before the reuse is implemented. In our opinion, the remedial action may not be implemented until after 1999 when the base is to be closed and transferred to the LRA. The landfill cap alternatives for Sites 3 and 5 should be reevaluated to determine whether or not another remedy would provide a better nexus between the Reuse Plan and the Cleanup Plan.

4. Page 10, A. Threshold Criteria, Number 2

The statement that Alternative 3 meets all ARARs is not entirely accurate. Please clarify that Alternative 3 meets all ARARs for Site 5 as long as institutional controls preventing irrigation are included as a component of the alternative (see Section 5.2.3.2 page 5-11 of the FS).

5. Page 10, B. Primary Balancing Criteria, Number 3

This section states that Alternative 3 is "easy to modify" and "allows flexibility for future site use". This statement is misleading in that changes to the remedy would require a modification of the ROD. The LRA's request to modify the remedy may also be denied by the Marines and/or the regulatory agencies. Issues regarding future liability, cost to modify the cover, and cost to modify the ROD to allow construction of a new remedy need to be clarified.

6. Page 10, B. Primary Balancing Criteria, Number 3, Long-Term Effectiveness

The text should include a discussion regarding the long-term effectiveness of Alternative 4 (FML) for Site 5. Section 6 of the FS, Comparative Analysis of Alternatives, states that Alternatives 4C, 4D, 5A, 5B, 6A, and 6B provide the highest degree of long-term effectiveness because they provide the greatest reduction in rainfall infiltration of all alternatives.

Based on the detailed analysis of alternatives in Section 5.2.3.2 of the FS, the FML is not subject to desiccation in semiarid to arid climates and can withstand large tensile strains resulting from stretching and settlements. Thus, FML is both reliable and an adequate option for long-term effectiveness and permanence. Based on the document's findings, the FML cover would be most compatible with an irrigated golf course. Also, since this design would be virtually impermeable to water infiltration, the FML would greatly minimize any potential environmental and public health and safety problems related to landfill gas generation. Because of its longevity and durability, the FML would also reduce maintenance costs and reduce interruptions in functioning of future facilities such

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as a golf course. Alternative 4D is favored over Alternative 3 for a golf course.

7. Page 11, Chart, Comparative Analysis of Alternatives, Item 3, Long-Term Effectiveness and Performance

The relative performance of Alternative 3 should be less than that of Alternative 4D (FML) for Site 5 (Alternative 4D is best not least). See comment #7 above. To solve the problem with the chart, DTSC requests that a separate column for Site 5 be provided so as to compare Alternatives 3 & 4.

8. Page 11, Chart, Comparative Analysis of Alternatives, Item 4, Reduction of Toxicity, Mobility etc.

The relative performance of Alternative 3 should be less than that of Alternative 4D (FML) for Site 5 (Alternative 4D is best not equal to Alternative 3). See Table 6-4 of the FS. This comment also applies to Alternatives 5 and 6 which are rated better than Alternative 3.

9. Page 11, Chart, Comparative Analysis of Alternatives, Item 3, Long-Term Effectiveness and Performance

The relative performance of Alternative 3 should be less than that of Alternatives 5 or 6 for Site 3 (Alternatives 3, 5, & 6 are not equal). See Section 6.3 of the FS. To solve the problem with the chart, you need to provide a separate column for Site 3 to compare Alternatives 3 & 5, & 6.

10. Page 11, Chart, Comparative Analysis of Alternatives, Item 4, Reduction of Toxicity, Mobility etc.

The relative performance of Alternative 3 should be less than that of Alternative 6 for Site 3 (Alternative 6 is best not equal to Alternative 3). See Table 6-4 of the FS.

11. Page 12, Conceptual Design of Alternative 3

- a) The text describing Sites 2 and 17 states that the remedy would have institutional controls, including deed restrictions, on development and groundwater use. Since the transfer of Sites 2 and 17 is intended as a federal-to-federal transfer, please clarify how the federal government will record deed restrictions on the property since no "deed" exists.

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- b) The figures on page 12 appear to only show the footprint of the landfills. The PP should also include information regarding the dimensions of the landfill covers because they will most likely extend beyond the footprint of the landfills. This will assist the LRA to evaluate the impact of the landfill covers and plan for adjacent uses.

12. Page 13, Land-Use Restrictions

Third bullet item: With the knowledge that the intended future use of Site 5 will be for recreational purposes such as a golf course, how can restricting the planting and irrigation of any type of vegetation be compatible with this proposed use?

For all sites requiring deed restrictions, the restrictions should be appropriate for the intended reuse, and should be specific to that site. The restrictions should state the length of time for the restriction, who will monitor the restrictions, and how the restrictions will be enforced, especially after any transfers occur. As noted in the July 25, 1997 DOD Policy re: "Responsibility for Additional Environmental Cleanup after Transfer of Real Property", "...The community and local government should be involved throughout the development of those implementation and enforcement mechanisms."



MEMORANDUM

Pete Wilson
Governor

Peter M. Rogney
Secretary for
Environmental
Protection

TO: Tayseer Mahmoud
Remedial Project Manager

FROM: Marsha Mingay *mmg*
Public Participation Specialist

DATE: October 23, 1997

SUBJECT: COMMENTS ON MCAS EL TORO'S DRAFT PROPOSED
PLAN FOR SITES 2, 3, 5 AND 17 (FOUR INACTIVE
LANDFILLS)

The following comments represent comments from the Public Participation Branch within the Department of Toxic Substances Control. The above referenced document was reviewed to ascertain if regulatory requirements were met and assess it's level of clarity to the public. Please forward the following comments to the lead agency for consideration and incorporation into the final Proposed Plan.

If you have any questions regarding these comments, please contact me at (562) 590-4881.

1. Page 1, first paragraph (and various other places throughout document) -- Define the word "inactive". Since you are describing hazardous waste sites, this word could have dual meanings (i.e., the wastes are inactive now versus the landfill no longer receives wastes and therefore is inactive).
2. Page 1, first and second paragraph -- Delete the word "also" since it could be interpreted that you are placing public notification secondary to requesting comments. A suggestion is made to modify and move the last sentence in the first paragraph to the introduction sentence in the second paragraph. The sentence would read, "This Proposed Plan notifies the public of opportunities to comment on these alternatives and provides an overview ..."
3. Page 1, third paragraph , first sentence -- A suggestion is made to delete the word "adequately" since it may be misread as the Marine Corps intent to only adequately protect versus "protect".

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4. **Page 1, third paragraph, second sentence --** Expand the sentence by including the word "environment". This sentence also contains two points that need further elaboration. One, since the groundwater is already contaminated at some sites, the phrase, "prevent groundwater degradation" needs to be clarified. Two, the document later states that the purpose of eliminating or reducing infiltration of surface water is to reduce leachate from occurring. Ultimately, the paragraph needs to first define leachate and then summarize how leachate effects the groundwater and surrounding landfill soils.
5. **Page 1, fourth paragraph --** Since there is community interest in consolidation of wastes, it is strongly advised that this paragraph includes a statement that consolidation will occur at three of the landfill sites. A reference to the map on page 12 would be helpful to fully inform the reader of this aspect of the proposed plan.
6. **Page 2, all site background descriptions --** In the introduction, add information which states why the lead agency can only "suspect" the types of waste contained within each landfill. To further educate the reader, state the process used to suspect these types of wastes (e.g., records, interviews with former employees).
7. **Page 2, Site 2, second sentence --** The description of the landfill is difficult to understand. The phrase, "between the two landfill areas" could lead the reader to ask, "what two landfills?". To clarify for the reader, insert, "see map on page 3", at the end of the sentence.
8. **Page 2, Site 3 --** In the beginning of the paragraph, it states, "wastes that are likely to have ..." and then later it states, "The site contains concrete and asphalt pads ...". Please clarify this conflicting information.
9. **Page 2, Landfill Investigations --** Clarify by eliminating the conflicting information contained within the first and second paragraphs. The first paragraph states, "Only the soils surrounding the buried landfill materials were sampled ..." and the second paragraph states, "Subsurface soil sampling was conducted to determine ..."
10. **Page 2 and 3 --** Please state, either under "Landfill Investigations" or "Investigation Results", the depth of the groundwater samples and the relationship of this aquifer to the drinking water aquifer.

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11. Page 2, second paragraph, second sentence -- State the number of soil gas samples which were taken.
12. Page 2, second paragraph, third sentence -- State if chemical of concerns were found outside of the landfill perimeter.
13. Page 2, second paragraph, fourth sentence -- To refresh the reader's mind, restate the definition of leachate.
14. Page 3, first partial paragraph, last sentence -- State what happens to the metals after they precipitate out of the water solution.
15. Page 3, first full paragraph, third sentence -- Add information which clarifies the shape of the plume since "downgradient" and "regional groundwater" are technical terms and may not have clear meaning to the reader. The shape could also be defined by adding it to one of the existing maps in the Proposed Plan.
16. Page 3 and 4 -- The area beginning with, "When TCE and PCE dissolve into groundwater, several ..." and including all text up until the next article, contains information that is outside of this article's heading. It is believed that this information is important but is misplaced. Perhaps a new article heading for this material would be beneficial in bringing the information to the reader's attention.
17. Page 4, Other Site Conditions, Site 2 -- This first paragraph is missing information. For example, the summary leaves one to believe that the removed material is still in a staging area. (Note, the same is true for the description of Site 17). Since this is not correct, additional information is needed.
18. Page 4, Other Site Conditions, Site 2, 3 and 5 -- If correct, please add information which states that the landfills are, or will be, fenced to restrict access. This is especially important for Site 5 since the document provides a scenario of an individual digging into the soil.
19. Page 4, Human Health and ..., first paragraph, third sentence -- Please clarify this sentence. How can the laws and regulations designed to protect public health and the environment be applied if the risk to public health is not defined?

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20. Page 4, Human Health and ..., first paragraph, last sentence -- Delete the word "However".
21. Page 4, Human health and ..., second paragraph, last sentence -- To clarify the information, reword to read, "No ecological risk assessment was performed ... or pavement and therefore does not support wildlife habitat. The area is used as a staging and office area for the cleanup contractor at MCAS El Toro."
22. Page 5, first full paragraph, second sentence -- Add the word "adjacent" immediately before "habitat reserves".
23. Page 5, first full paragraph, last sentence -- Since landfill sites are to be fenced, please clarify why children may be playing in the soil. If this was a conservative scenario developed for the health risk, please add information which eliminates the possible misinterpretation.
24. Page 5, Groundwater -- Delete the word, "however".
25. Page 5, Ecological -- Provide additional information. What is the risk to ecological receptors? Special mention should be made to the California gnatcatcher.
26. Pages 6 to 8, Summary of ... Alternatives -- Add information which states; 1) how the alternatives are protective to ecological receptors, 2) how implementation of the remedial action will impact the gnatcatcher, and 3) maintenance required. (Note that this last item will substantiate the statement on Page 10 which states, "Alternatives 5 and 6 (Sites 3 and 5) are also protective of human health and the environment, but require more maintenance to preserve their effectiveness than the single-layer soil cap.")
27. Page 6, first paragraph, last sentence -- Reword to read, "Presumptive remedies can be cleanup activities, control technologies or ...".
28. Page 6, second paragraph, last two sentences -- Clarify if the last sentence provides the rationale for the second to the last sentence. If so, restructure the sentences to establish this relationship.
29. Page 6, last partial paragraph on page -- To clarify, add "(not presented in this Proposed Plan)" immediately after "Other technologies".

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30. Page 7, Alternative 3 -- The description should also include consolidation of wastes and location and purpose of riprap.
31. Page 8, Erosion Control ..., first paragraph -- Add the following sentence to the end of this paragraph, "However, depending upon public comments received, additional work may be performed."
32. Page 8; Erosion Control ..., 2nd bullet -- Clarify if debris placed in "central locations within each landfill site" is exposed or covered.
33. Page 9, Alternative 5, first sentence -- To correct information, reword to, "... with either a concrete pavement cap (alternative 5A) or a crushed aggregate based covered by an asphalt pavement cap (Alternative 5B)."
34. Page 9, Alternative 6, first sentence -- To correct information, reword to, "In summary, Alternative 6 ... (plastic) and either a concrete pavement cap (Alternative 6A) or a crushed aggregate base covered with an asphalt pavement cap (Alternative 6B). (See diagram below)"
35. Page 9, diagram for Option 6B -- Insert, in the diagram, the term "Asphalt concrete pavement" and an arrow leading to the appropriate area.
36. Page 10, Evaluation of the Preferred Alternatives, introductory paragraph -
- After the fourth sentence, insert the following to complete the regulatory requirements. "Public comments are reviewed with the State in order to determine if the alternative remains the most appropriate remedial action" (40 CFR, Section 300.430 (e)(9)(iii)(I)(i)(C)(ii)).
37. Page 10, Primary Balancing Criteria, Number 3, Long Term Effectiveness and Permanence, second paragraph, third and fourth sentences -- Clarify that these sentences are true for all alternatives and not just Alternative 3.
38. Page 10, Primary Balancing Criteria, Number 3, Long Term Effectiveness and Permanence, second paragraph, fifth sentence -- Provide information which supports the statement, "The single-layer soil cap is easy to modify and allows flexibility for future site use". In order to provide equal information for all alternatives, for each site separately, please state how the other alternatives compare on these characteristics .
39. Page 10, Primary Balancing Criteria, Number 3, Long Term Effectiveness and Permanence, second paragraph, sixth sentence -- The sentence states that clay and soil/bentonite barriers are subject to drying and cracking in

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39. (continued)
semiarid climates. To support this conclusion, add information which clarifies if this effect will occur when the material is below the ground surface.
40. Page 11, Modifying Criteria, Number 9, Community Acceptance, second paragraph -- Substitute "request" to "invitation".
41. Page 11, chart, Item 6, Sites 2 and 17, Alternative 5b -- The square is in black ink versus blue. Please change for consistency.
42. Page 13, Institutional Controls -- Add the word "Proposed" to the title. The title should read, "Proposed Institutional Control - MCAS El Toro Landfills".
43. Page 13, Land-Use Restrictions, first paragraph - Add the following words to begin the first paragraph, "If the Proposed Plan is adopted as outlined in this document, the future landowners or users of ...".
44. Page 13, Land-use Restrictions, third bullet -- Add information which eliminates possible confusion as to why prior approval is needed for planting and irrigation when part of the Proposed Plan is to vegetate the landfill area.
45. Page 13, Site Access Restrictions -- To fully address the contents of this section, re-title the article to, "Site Access Restrictions, Monitoring and Maintenance".
46. Page 13, Site Access Restrictions -- Begin the paragraph with the words, "The proposed remedial action ...".
47. Page 13, Groundwater -- Similar to item 46 above, begin the paragraph with, "DON proposes that the future landowners and users ...".
48. Page 14 and 15, Applicable or Relevant ... -- According to US EPA's Community Relations in Superfund: A Handbook, the proposed plan is to be written in lay person's terminology. The legal information presented does not conform to the guidance. Since the Proposed Plan has satisfied the ARAR component of the nine criteria, (in a similar manner to previous Proposed Plans, see page 10 of this draft) it is suggested that the information be deleted.