

**RESPONSE TO COMMENTS
DRAFT FINAL RECORD OF DECISION, OPERABLE UNIT-1/2A
GROUNDWATER AT SITES 18 AND 24
MCAS EL TORO, CALIFORNIA**

M60050.002778
MCAS EL TORO
SSIC #5090.3

June 2002

Originator: Nicole Moutoux USEPA	CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0164 File Code: 0232
To: Dean Gould, BRAC Environmental Coordinator MCAS El Toro	
Date: 14 May 2002 (via e-mail)	
<u>GENERAL COMMENT</u> I have reviewed the Response to Comments for the 18/24 ROD as well as the draft final ROD and have no further comments. All of my concerns have been addressed and incorporated. I will let you know about Thelma's review as soon as I get it.	<u>RESPONSES TO GENERAL COMMENT</u> <u>RESPONSE 1:</u> The DON thanks U.S. EPA for their review of the draft final ROD. Comments from Thelma Estrada were of an explanatory nature and were resolved by teleconference with Navy Legal Counsel.

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June 2002

<p>Originator: Triss M. Chesney, P.E., RPM DTSC</p> <p>To: Dean Gould, BRAC Environmental Coordinator MCAS El Toro</p> <p>Date: 7 June 2002</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0164 File Code: 0232</p>
<p><u>SPECIFIC COMMENTS</u></p> <p>1. The ROD should identify the restrictions necessary for the protection of human health and the environment. Additionally, the ROD should explain the means to implement the restrictions to ensure that they are effective.</p> <p>The draft final ROD describes the use of the Environmental Restriction Covenant and Agreement as well as the deed to ensure that the identified restrictions will be implemented upon transfer. Similarly, the ROD should state that the identified restrictions will be included in any Finding of Suitability to Lease (FOSL) and lease agreements for property associated with Site 24. Reference to inclusion of restrictions in lease agreements was included in the draft version of the ROD; however, these references were removed from the draft final version of the ROD.</p> <p>Further, California Health and Safety Code Section 25359(a) states, "Any owner of nonresidential real property who knows, or has reasonable cause to believe, that any release of hazardous substance has come to be located on or beneath that real property shall, prior to the sale, lease, or rental of real property by that owner, give written notice of that condition to the buyer, lessee, or renter of real property."</p> <p>Restrictions to be included in the FOSL and lease should be reflected in the Declaration (page 3), Section 8.2.2.2 – Institutional Controls (page 8-25), Section 8.2.2.3 – Implementation of Institutional Controls (page 8-29) and any other applicable sections.</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p>RESPONSE 1: References to the FOSL and lease agreements have been added to the Declaration and to Sections 8.2.2.2, 8.2.2.3, and 10.8.2 as requested.</p> <p>In accordance with Section 120 (h)(3)(A) of CERCLA, the Department of the Navy (DON) provides a hazardous substances notification in deeds or leases for property where hazardous substances are known to have been stored for one year or more, known to have been released, or disposed of.</p>
<p>2. DTSC comment number 20 was included in a letter dated March 8, 2002 regarding the draft ROD. In response, the Department of the Navy (DON) proposed changes that included, "Current and future</p>	<p>RESPONSE 2: The 3×10^{-6} risk that DTSC mentions in this comment is not the risk to the agricultural worker at well 18_ET1. It is the residential risk at 18 ET1. The risk to the agricultural worker from groundwater in the principal</p>

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<p>off-Station agricultural workers could be exposed to COCs [chemicals of concern] in groundwater through dermal adsorption and inhalation of VOCs.” Following review of the response, DTSC requested that restrictions to prevent exposure of on and off-Station agricultural workers to VOCs in groundwater be included in the ROD. In turn, the DON stated that “Risks to the agricultural worker from groundwater in the principal aquifer have been evaluated and found to be acceptable.” As a result, DTSC’s comment has not been adequately addressed.</p> <p>The results of the risk assessment for Site 18 indicate that the excess lifetime cancer risk for the agricultural worker scenario is 3×10^{-6} in one existing well, 18_ET1, where the major chemical contributor is TCE. Please note that 18_ET1 is not located in an area where the maximum concentrations of TCE in the plume would be anticipated. As a result, references, to “prevent domestic use” of groundwater from Site 18 should be changed to “prevent use” to include current and future agricultural workers.</p> <p>This modification should be reflected in the Declaration (page 3), Section 8 – Description of Alternative (page 8-1), Section 8.1.2.3 – Institutional Controls, Section 10.8.1 – Off-Station Groundwater Plume (page 10-12), and other applicable sections.</p>	<p>aquifer was not quantified in the OU-1 Interim Action RI/FS but was evaluated qualitatively in terms of the residential risk. This use of the residential risk is conservative because the agricultural worker would be exposed to contaminants for a much shorter exposure period (e.g., 8 hours a day, 250 days a year for 25 years as opposed to 24 hours a day, 350 days a year for 30 years) than the resident and would not be exposed to groundwater through the same pathways (e.g., there would be no ingestion).</p> <p>To understand the actual risk to the agricultural worker, the DON reviewed an agricultural risk assessment previously performed for Orange County Water District (OCWD) and performed a confirmatory risk assessment based on the more realistic agricultural scenario subsequent to receipt of this comment (both assessments were forwarded to the BCT for review on June 19, 2002 under separate cover). The OCWD risk assessment estimated the excess cancer risk to the agricultural worker from a well screened in the principal aquifer within the groundwater plume to be on the order of 6.37×10^{-15} to 3.185×10^{-14} based on a maximum concentration of TCE of 40 µg/L. The non-cancer risk was on the order of 2.45×10^{-10} to 1.23×10^{-9}.</p> <p>The confirmatory assessment was intended to provide a conservative upper-bound on the risk and was based on the highest concentrations of VOCs in the off-Station portion of the <u>shallow groundwater unit</u>. Use of these concentrations is considered conservative because TCE concentrations in this portion of the shallow groundwater unit (140 µg/L) are over two times higher than the highest TCE concentrations (61 µg/L) reported anywhere in the principal aquifer plume. The agricultural worker was assumed to be exposed to groundwater 8 hours a day, 250 days a year for 25 years.</p> <p>The results of the agricultural risk assessment are presented in the revised Section 7.1.5.3 and indicate that even under this conservative scenario the risks to the agricultural worker are acceptable (i.e., it is not necessary to restrict agricultural wells in the principal aquifer or off-Station portions of the shallow groundwater unit).</p>

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	<p>Because both risk assessments (that performed by OCWD and by the DON) have demonstrated that it is not necessary to prevent agricultural use of off-Station groundwater, references to restrictions to protect agricultural workers from exposure to contaminated groundwater in the off-Station portion of the shallow groundwater unit have been removed from the Declaration, from Section 8.1.2.3, and from Section 10.8.1. The references to “preventing domestic use” of groundwater in the principal aquifer have been left unchanged.</p> <p>With regard to the on-Station property, deed restrictions will be used to prohibit installation of any on-Station wells within the plume area and its associated buffer zone.</p> <p>It should be noted that the DON has also had discussions with Orange County Health Care Agency (OCHCA) on this issue. The OCHCA is responsible for permitting all wells (e.g., domestic and agricultural) in the area of the groundwater plume. OCHCA indicated that they are aware of the plume location and would not permit any agricultural wells without requiring the permit applicant to coordinate with Regional Water Quality Control Board (to obtain a waste discharge permit) and/or South Coast Air Quality Management District (to obtain an air quality permit).</p>
<p>3. Section 5.3.3 – Phase I Remedial Investigation (RI): The first paragraph mentions several areas of groundwater contamination associated with other IRP sites and references Figure 5-5. Figure 5-5 does not include information regarding these other IRP sites. Please revise the text or figure accordingly.</p>	<p>RESPONSE 3: The reference to Figure 5-5 has been deleted from this sentence and Figure 5-5 has been left as is.</p>
<p>4. Figure 5-10 – Total Dissolved Solids Concentrations in Principal Aquifer, 1992 to 1994: In the legend, please provide a reference and date for the isoconcentration contour based on “Combined MCAS El Toro RI and OCWD [Orange County Water District] Data.”</p>	<p>RESPONSE 4: Both isoconcentration contours shown in Figure 5-10 were taken from Figure 4-2b in the OU-1 RI Report Addendum. The source and date have been added to the legend as requested.</p>

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<p>5. Section 7.1.1 – Chemicals of Potential Concern: The first sentence states, “Table 7-1 lists the chemicals of potential concern (COPCs) used in the Phase I HHRA [Human Health Risk Assessment] for Sites 18 and 24.” Since this section is a summary for Site 18, please remove “and 24” from the end of the sentence.</p>	<p>RESPONSE 5: The sentence has been revised to remove the words “and 24” as requested.</p>
<p>6. Section 7.1.5 – Results: The first sentence in this section states, “The following paragraphs summarize future hypothetical risk from domestic use of untreated groundwater at Site 18.” This introductory sentence should be revised to include all of the scenarios discussed, including current and future residential, agricultural and recreational, rather than just “future domestic use.”</p>	<p>RESPONSE 6: The first sentence in Section 7.1.5 has been revised to read as follows: “The following paragraphs summarize hypothetical risks from residential, agricultural, and recreational use of untreated groundwater at Site 18.”</p>
<p>7. Section 8.1.2.3 – Institutional Controls (Site 18) and Section 8.2.2.3 – Institutional Controls (Site 24), Monitoring and Reporting: Please specify the time frame (for example, within 30 days) for submittal of permit applications and permits by the DON to the regulatory agencies.</p>	<p>RESPONSE 7: Sections 8.1.2.3 and 8.2.2.3 have been revised to specify that copies of permits and permit applications will be provided to U.S. EPA, DTSC, and RWQCB within 60 days of receipt from OCHCA and IRWD.</p>
<p>8. Section 8.2.2.2 – Institutional Controls, Land-Use Restrictions on Property Overlying the Site 24 Shallow Groundwater Plume: Item number 1 should be revised to state, “No new wells of any type shall be installed within the Site 24 Shallow Groundwater Plume, without prior review and written approval from the DON, DTSC, and RWQCB [California Regional Water Quality Control Board].”</p>	<p>RESPONSE 8: The first sentence of Item number 1 has been changed to read as follows:</p> <ol style="list-style-type: none"> 1. No new wells of any type shall be installed within the Site 24 Shallow Groundwater Plume or buffer zone without prior review and written approval from the DON, DTSC, U.S. EPA, and RWQCB.
<p>9. Section 8.2.2.2 – Institutional Controls, Land-Use Restrictions on Property Overlying the Site 24 Shallow Groundwater Plume: To include leases with the DON or future owners, the ROD should state that “transferees” include lessees.</p>	<p>RESPONSE 9: Where appropriate, the word “transferee” has been changed to “transferee/lessee” throughout Section 8.2.2.2 to include leases with the DON or future owners.</p>
<p>10. Section 8.2.2.3 – Implementation of Institutional Controls (page 8-26): The ROD states that the covenant and quitclaim deed with be</p>	<p>RESPONSE 10: Section 8.2.2.3 has been revised to indicate that the covenant will be executed and recorded immediately prior to the recordation of a</p>

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<p>executed contemporaneously. Please note that the actual sequence must be that the covenant is executed and recorded before the deed.</p>	<p>quitclaim deed for conveyance of the property.</p>
<p>11. Section 10.8.2 – On-Station Groundwater Plume: The first sentence of this section states, “Institutional controls for the on-Station portion of the groundwater plume are intended to protect residents from use of VOC-contaminated groundwater . . . “ To be consistent with the changes made to the Declaration, this section should be revised to reflect that institutional controls are to prevent any use of the contaminated groundwater.</p>	<p>RESPONSE 11: The first sentence of Section 10.8.2 has been revised to replace the words “protect residents from” with the word “prevent” and now reads as follows: “Institutional controls for the on-Station portion of the groundwater plume are intended to prevent use of VOC-contaminated groundwater until cleanup goals are achieved in the shallow groundwater unit . . .”</p>
<p>12. Attachment A – Administrative Record for Site 18 and 24: The attachment states “An updated Administrative Record for Sites 18 and 24 will be submitted under separate cover.” DTSC has not received a copy of the Administrative Record to be included in the ROD. Please ensure that this is provided in the final version of the ROD.</p>	<p>RESPONSE 12: The site-specific Administrative Record Index for Sites 18 and 24 was transmitted to recipients of the Record of Decision on 14 June 2002. This index was intentionally not included in the transmittal of the Draft Final ROD to allow time for additional documents related to Sites 18 and 24 to be added to the Administrative Record and reflected in the index.</p>

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June 2002

<p>Originator: Patricia Hannon RWQCB</p> <p>To: Dean Gould, BRAC Environmental Coordinator MCAS El Toro</p> <p>Date: 6 June 2002</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0164 File Code: 0232</p>
<p><u>SPECIFIC COMMENTS</u></p> <p>1. Page 5 Signature Page: Please add the middle initial J. to Mr. Gerard Thibeault's name in the signature block.</p>	<p><u>RESPONSES TO SPECIFIC COMMENTS</u></p> <p><u>RESPONSE 1:</u> Mr. Thibeault's initial has been added as requested.</p>
<p>2. Page 2-6 Table 2-1 Summary of Environmental Activities at Former MCAS El Toro: Please change the order number for the Cleanup and Abatement Order (CAO) to 87-97. CAO No. 87-97 was rescinded by Order No. 93-36 Rescission of Cleanup and Abatement Order No. 87-97.</p>	<p><u>RESPONSE 2:</u> The order number has been corrected as requested and the Summary of Finding text has been changed to read as follows: "CAO 87-07 was rescinded by Order No. 93-36, Rescission of Cleanup and Abatement Order No. 87-97, in April 1993."</p>
<p>3. Page 8-25 Land-Use Restrictions of Property Overlying the Site 24 Shallow Groundwater Plume, paragraph 3: Please add the RWQCB to the first sentence.</p>	<p><u>RESPONSE 3:</u> The RWQCB has been added to the first sentence of the third paragraph as requested.</p>
<p>4. Page 8-29 Environmental Restrictive Covenants in the Quitclaim Deed (California Civil Code Section 1471), 3rd paragraph: Please add RWQCB to the last sentence.</p>	<p><u>RESPONSE 4:</u> The RWQCB has been added to the last sentence in the third paragraph as requested.</p>



BECHTEL NATIONAL INC.

CLEAN II TRANSMITTAL/DELIVERABLE RECEIPT

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

Document Control No.: CTO-0164/0307

File Code: 0232

TO: Contracting Officer
Naval Facilities Engineering Command
Southwest Division
Mr. Richard Selby, Code 02R1
1220 Pacific Highway
San Diego, CA 92132-5190

DATE: June 20, 2002
CTO #: 0164
LOCATION: MCAS El Toro, CA

FROM: [Signature]
Thurman L. Heironimus, Project Manager

DESCRIPTION: Response To Comments On Draft Final Record Of Decision For Groundwater
At Sites 18 and 24 - Dated June 2002

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

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BECHTEL NATIONAL, INC.

CLEAN II TRANSMITTAL/DELIVERABLE RECEIPT

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

Document Control No.: CTO-0164/0307-1

File Code: 0232

TO: Contracting Officer
Naval Facilities Engineering Command
Southwest Division
Ms. Karen Rooney, Code 02R1.KR
1220 Pacific Highway
San Diego, CA 92132-5190

DATE: July 30, 2002
CTO #: 0164
LOCATION: MCAS El Toro, CA

FROM: Jon M. Heironimus / for
Thyrman L. Heironimus, Project Manager

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At Sites 18 and 24 - Dated July 2002

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M. Rudolph, RAB Subcommittee Chair (1C/1E)

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C = Copy Transmittal Sheet
E = Enclosure
* = Enclosure previously transmitted on 6/20/02

Date/Time Received