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MCAS EL TORO
SSIC NO. 5090.3

Research • Service

12 July 1998

To: Mr. Joseph Joyce
Base Realignment and Closure Environmental Coordinator
MCAS El Toro
Building 368
Santa Ana, CA 92709-5001

Project # - El Toro RAB -
re - Proposed Plan - Sites 2, 3, 5 and 17

Dear Mr. Joyce:

The attached comments are submitted to you as the designated recipient for comment regarding the action for the Site 2, 3, 5, & 17 Landfills that constitute the Operating Unit 2 at El Toro. The Proposed Plan for OU2 is flawed and should be amended. These are submitted prior to the current deadline of July 13, 1998. A courtesy copy is being faxed to the others listed.

Yours sincerely,

Charles R. Bennett Ph. D.

by fax:

G. Kistner / USEPA
T. Mahmoud / Cal EPA
G. Hurley / Community Co-Chair
T. Spitzer / Orange County Board of Supervisors

BL Associates
224 W. Jacaranda Place
Fullerton, CA 92632
714-773-5525

May 30, 1997

Comments regarding:

Proposed Plan - SVE for Vadose Zone
OU 2A - Site 24 / May 1997
Marine Corps Air Station, El Toro, California

A. Cleanup Goals:

This is an excellent proposed plan, it should be implemented at the earliest opportunity as it means pollutants will began to be removed from the site.

B. Public Participation:

* 1. The Restoration Advisory Board and its community members were not given sufficient notice that this proposed plan was in place and the comment period was to commence. The FS was formally issued for review in mid-March. At the public Board Meeting on March 26, 1997, there was NO MENTION OF THE SPECIFIC CLEANUP GOAL, as evidenced in the minutes of that meeting. This is not an acceptable level of public participation at the RAB level.

2. The normal "Public Meeting" in a comment period has become a familiar activity to many participants, they are a standard procedure for CERCLA. There is no need to change or modify this common, standard activity.

A different activity was held at the Irvine City Hall on May 15, 1997 that complied with letter of the regulation for the holding of a "Public Meeting" according to the attending USEPA representative. It was advertised as, and appeared to succeed as, an opportunity for individuals to have their individual questions answered, and their individual opinions recorded, if they so wished. While complying with the letter of the regulation, it did not comply with the spirit of the law about a "Public Meeting". It IS incumbent on the DON to demonstrate that their method is clearly superior to the normal "Public Meeting". It IS NOT incumbent on the community to prove the new method is inferior. As advertised, structured and operated, the meeting could not have provided for the needs of the community for public participation in the process. [This unfavorable view was explicitly expressed by each individual community member of the El Toro RAB on 28 May, in 100% opposition to the non-community organizers of the meeting.] While democracy is disorganized, chaotic, difficult and often inefficient, history teaches that it is what the public want. The deeply respected concept of having "your day in court" means that Mary Jones stands up in front of her neighbors in a public forum and tells her Council or her Board or her Judge exactly what she thinks about the issue.

While being in compliance with regulation, this public comment period did not provide an acceptable public forum, and hence it does not meet an acceptable standard for public participation in the ROD process. As a superior process has not occurred, return to the "presumptive" method for holding public meetings that is the CERCLA norm - immediately.