

July 12, 1998

Comments Regarding El Toro Landfills
Operating Unit 2:

**"There is none so blind as they that won't see."
(Jonathan Swift)**

References are to the Draft Phase II Feasibility Study Reports for Site 3 and Site 5
Marine Corps Air Station, El Toro, California

General Comment - The bulk of these comments were submitted when the feasibility studies for these sites were released. The DoN has not resolved these points since the release of these reports and they are being reiterated for the public record. In many ways the Site 3 and Site 5 landfills are interchangeable, with no major differences beyond the differing volumes of waste; thus, comments for one are generally applicable to the other.

for SITE 3:

- A. Page ES-9: The risk drivers are arsenic and chromium. As the arsenic is not even above background and the chromium speciation supports only the less toxic Cr(III), a strong case may possibly be made that there is negligible or no true risk at these landfills. Is it not true that there is little or no risk from this landfill material?
- * B. Page 2-16, 2.2.2.3: Unit 1, paragraph 3 - Methane concentrations are reported. Are these true methane concentrations or are they TOC's reported as methane (see Comment D)? Is it not true that there is little or no actual release of methane from a waste material that bears little or no resemblance to municipal landfill material?
- C. Page 2-23 to 2-25: Maps were missing from the review copy; thus, it was impossible to evaluate the quality or location of the soil contaminants. Since these contain the only significant risk drivers, this is a serious omission.
- D. Page 2-31: Aluminum can produce false positives for some types of arsenic analysis. As arsenic is the sole risk driver, it would be sad to find that the arsenic risk was actually a chimera. Has the possibility of low false positives for arsenic been eliminated?

for SITE 5:

E. Page ES-1: Minor waste segregation may allow some materials to be rated non-hazardous or suitable for landfill day cover. This consolidation should be given careful consideration. As the waste volume is only 30,000 cubic yards, excavation to one of the other landfills in the OU 2 or OU 3 would yield complete clean closure impacting 6 acres of land around Site 5 worth many millions of dollars.

* Is there any regulatory barrier to designating all of Site 5 waste as "Hot Spot" material as defined in USEPA protocols, thus permitting complete excavation for Site 5 for a clean closure?

- F. Page ES-5: Again, the risk drivers are only arsenic and chromium, is there true risk in this site?
- G. Page ES-7: Consolidation, beneficial reuse of materials, and clean closure is the only appropriate plan for Site 5, and it will cost much less in both the short and long run than any of the proposed plans for Site 5. The true cost for this approach if released into the open commercial market would be less than \$2M and would free the land for any use by the receiver. The DoN proposed plan would not only cost the taxpayers more, it would leave a site

with heavy, restrictive institutional controls and limited use to the receiver.

* Is it not true that the cost of consolidation and clean closure for Site 5 is statistically indistinguishable from the cost of the dirt cover and monitoring in perpetuity? How can a cost argument be made that an alternative is more costly when the error of the measurement does not permit the distinction between the estimated costs? Did the DoN make an unwarranted distinction based on cost in this process of proposing capping over excavation for the proposed plan for Site 5?

Is it not true that the cost estimate for consolidation and clean closure for Site 5 used an estimate of 22,500 cubic yards of the material in Site 5 that would require expensive Class I hazardous disposal? Since the estimated waste in Site 5 is only 30,000 cubic yards, this assumption means that the DoN estimates that the waste is 75% serious hazardous waste when they are asked to excavate it for a clean closure, which conflicts with their proposed plan to just put four feet of dirt over a not very hazardous waste.

* Does the DoN have any intention of resolving the obvious conflict that a highly hazardous Site 5 landfill (by DoN estimation) that is too expensive to be moved will then be just covered with dirt and just monitored because that meets a minimal CERCLA standard since the Site 5 waste is not a serious hazardous waste risk (by DoN estimation)?

H. Page 2-2, Section 2.1: Incinerated waste should not necessarily be considered a municipal landfill component. It is the biomass degradation that produces the methane and severe settling in a more typical municipal landfill. Cellulosics constitute more than 70% in most landfills (reference - William Rathje). The case presented by the DoN that this is a municipal landfill is based solely on a misrepresentation of the testimony of witnesses that note that incinerator ash went into the landfill.

* I. Page 2-11: Note "TOC as methane", and "no organic speciation was performed" means that the presence of methane was never truly demonstrated. There is no evidence of methane generation at this landfill.

J. Page 2-12, Section 2.2.2.4: Could SVE or soil ventilation yield a non-hazardous waste?

* K. Page 2-15: See Comment I, is there actually any methane present?

L. Page 2-17: It may require remediation if it is above background, but does it require remediation if it is not above background?