



California Regional Water Quality Control Board

Santa Ana Region



Terry Tamminen
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

M60050_003152
MCAS EL TORO
SSIC NO. 5090.3.A

July 26, 2004

Base Realignment and Closure
Attn: Mr. F. Andrew Piszkin, P.E.
BRAC Environmental Coordinator
7040 Trabuco Road
Irvine, CA 92618

COMMENTS ON NAVY RESPONSE TO COMMENTS: EXPANDED SITE INSPECTION, ANOMALY AREA 3, FORMER MARINE CORPS AIR STATION, EL TORO

Dear Mr. Piszkin:

We have reviewed the above referenced document, dated June 28, 2004, which we received on June 30, 2004. We have the following comments:

Our comment letter of January 26, 2004 regarding Anomaly Area 3 focused on the fact that this site is a non-hazardous solid waste landfill. For the most part, you agree with our statements. Your conclusion is to address this site utilizing the Navy's authority under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Defense Environmental Restoration Program under the Federal Facility Agreement (FFA) for El Toro NWS. As we have previously stated, this site is not a CERCLA release site, and the site inspection did not identify CERCLA wastes. Your proposal to investigate and manage the environmental issues at the site under CERCLA instead of CCR Title 27 is not appropriate. Further, such an approach would increase the cost and time required for your investigation. CERCLA requires human and ecological risk assessment and risk based decision-making protocols, which can be very expensive and time-consuming to complete. In the end, the applicable, relevant, and appropriate requirements (ARARs) for this site will be the State and federal solid waste landfill regulations. These regulations will ultimately determine whether remedial action is or is not required for this site, in accordance with the CERCLA process. Therefore, there is no cost savings or benefit to the Navy in opposing the implementation of the appropriate State and federal regulations.

We strongly disagree with your recommendations to include this site into the FFA for El Toro NWS, and to incorporate it into CERCLA program. As a signatory agency to the FFA, we do not concur with inclusion of this site into your CERCLA program. This is a compliance site, under CCR Title 27, as stated in our January 26, 2004 letter.

California Environmental Protection Agency

You should note that you failed to provide the evaluation monitoring plan for characterization of contaminant releases to groundwater at for Anomaly Area 3, as requested in our January 26 2004 letter. Please submit the evaluation monitoring plan, and proceed with appropriate action in accordance with CCR Title 27.

For any questions, please call me at (951) 782-4494, or send email to jbroderic@rb8.swrcb.ca.gov.

Sincerely,


John Broderick
SLIC/DoD Section

cc via e-mail: Mr. Jorge Leon, OCC SWRCB
Mr. Gino Yekto, CIWMB
Ms. Nicole Moutoux, US EPA, Region 9
Mr. Tayseer Mahmoud, DTSC, Office of Military Facilities
Mr. Karnig Ohannessian, NAVFACENGCOM, Southwest Division