



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

June 12, 2003

Mr. F. Andrew Piszkin  
BRAC Environmental Coordinator  
Base Realignment and Closure  
Marine Corps Air Station, El Toro  
7040 Trabuco Road  
Irvine, CA 92618

RE: Draft Finding of Suitability to Transfer(FOST) and Draft Finding of Suitability to Lease(FOSL), Former Marine Corps Air Station, El Toro, CA, June 2003

Dear Mr. Piszkin:

EPA has reviewed the revised draft FOST referenced above. The draft FOST and FOSL were originally submitted for review in early May, 2003. Due to the numerous errors contained in these draft documents, particularly the tables and figures, the Navy made significant revisions to both the text and the tables and figures. The revisions to the text were subsequently forwarded via e-mail on June 4, 2003, while the tables and figures were provided to EPA on June 10, 2003. Due to the complexity of the document (ie, it covers over 3700 acres of property) as well as the extremely abbreviated review times, EPA is able to provide comments on the text of the FOST at this time. We are currently reviewing tables and figures recently provided and will provide comments by June 24, 2003. With regard to the FOSL, we will forward comments on the text and tables and figures during the week of June 23<sup>rd</sup>.

We understand that the Navy is under considerable pressure to complete these important documents, however these are, as mentioned above, complex documents which require careful review. We will continue to support this effort to the best of our ability.

If you have questions, please call me at (415) 972-3012.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Moutoux".

Nicole Moutoux  
Project Manager  
Federal Facilities Cleanup Branch

received  
6/23/03



cc: Kyle Olewnik, SWDIV  
John Broderick, RWQCB  
Rafat Abbasi, DTSC  
Content Arnold, SWDIV  
Thelma Estrada, EPA



**EPA Comments on Text of Finding of Suitability to Transfer for the Former MCAS El  
Toro  
June, 2003**

General Comments

1. A map showing the contaminated groundwater plumes should be provided with the FOST.
2. It is not reasonable to expect a future user of the FOST to review the EBS at the same time. Therefore, the FOST should be somewhat of a stand-alone document. As such, please include the following details:
  - the map which shows future reuse as well as the carve-out areas should note the environmental condition which caused the carve-out. For example, note that IRP 16 is the reason for one of the carve-outs in the runway area.
  - LOCs are generally referred to on page 2-2. However the following sections further categorize these LOCs. There should be a short description of these environmental conditions in the FOST as was in the EBS.
3. In section 5, Notifications and Restrictions, the following statement is made several times, "The transferee shall not conduct subsurface excavation, drilling....within the vicinity of the following PRLs..". The phrase, "within the vicinity" is too vague to be sufficiently enforced and must be defined more clearly and shown on a map.
4. Also in Section 5, Notifications and Restrictions, the first paragraph states that notification will be provided to transferee by attaching a copy of the FOST to each deed. Section 120(h)(3)(A) requires that the notice be included in the deed. Attaching the FOST to the deed will be not be sufficient unless the deed references the FOST and the FOST will also be recorded together with the deed.

Specific Comments

1. Pg. 4-1, Section 4.1.1: Before transfer of these PRLs the Navy must provide documentation showing that these PRLs were not associated with hazardous substances. Because these PRLs have not been investigated, we can not be sure that they are only associated with petroleum products. In addition, PRL 380 is not shown on either Figure 4a or 4b.
2. Pg. 4-2, Section 4.1.3.1: Site 4 is not shown on Figure 6.
3. Pg. 4-5 and 4-6, Section 4.1.3.6: It is not clear which soils the Navy would like to transfer

without restrictions. More specifics regarding the depth of the vadose zone must be provided and shown on a map. The description of the depth of the shallow groundwater plume should also be provided and shown on a map.

4. Pg.4-10, Section 4.2.5.1: This states "Types of hazardous substance LOCs in Parcel V-A *"include* "APHO" sites. This leads the reader to believe that there may be others. Please reconcile.
5. Pg. 5-1, Section 5.1: Note that PRL 380 is not shown on the appropriate figure.
6. Pg. 5-2, Section 5.3: It is stated that no restrictions are needed due to IRP sites, however earlier it is noted that shallow groundwater associated with IRP site 24 will be restricted. This restriction should be stated here, included in the deed and shown on a map.
7. Pg. 5-2, Section 5.2 : Under notification, there is a phrase "including regulatory agency status." It seems to me what we want to say is regulatory agency "action" rather than status. Please make the change in this section and all other sections where this is found.
8. Pg. 5-2, Section 5.3: As noted in the general comments above, the notification regarding soil containing PCBs used as back fill at site 19 must be included in the deed.
9. Pg. 5-4, section 5.6: This section states that there are no restrictions due to PCBs. Yet in the sentence above, there is a statement that disposal of light ballasts containing more than 2 lbs of PCBs should be processed as regulated items. This should be a requirement that the transferee comply with and therefore should be a restriction in the deed.
10. Pg. 5-8, Section 5.11: Parcel IV should be listed in the bullets at the top of this page. Also on this page, under Facilities requiring an ACM Survey, there should be an affirmative requirement for a survey, rather than simply a prohibition of use or transfer pending a survey.
11. Pg. 5-9: Under Facilities with no ACM, again Parcel IV is not listed in the bullets.
12. Pg. 5-12 and 5-13, Section 5.12: The FOST must state that a deed restriction is required for areas that have not been sampled or cleared for Lead-Based Paint to prevent them from being used as residential until sampling and necessary abatement have been completed and obtained regulatory concurrence. Also, a deed restriction is required in order to prevent non-residential structures from being used as residential or as child-occupied structures.
13. Pg. 7-1, Section 7: Second paragraph: This only references the requirement for a covenant and access pursuant to 120(h)(3)(A) (ii) and (iii). As stated above, 120(h)(3)(A)(i) also requires notice in the deed.

14. Pg.8-1: The final paragraph, to be complete, should refer to all the requirements under 120(h)(3)(A), i.e., notice, covenant, and access, and that the DON will meet these requirements in the transfer. Also in the final paragraph, it is stated that the parcels are suitable for transfer by deed for the "intended purpose". It is not clear that the Navy has enough detail about the intended purpose for all areas of the base. For example one category for reuse includes education. The property may not be suitable for use as an elementary school.

Typos

1. Several typos exist in the Acronyms and Abbreviations List. Please review and correct.
2. Pg 4-4: The first paragraph on this page has a jumbled sentence midway through the paragraph.