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Plan to seal off toxic dumps on El Toro base criticized

ENVIRONMENT: The government favors the idea, but citizen panelists say it raises liability concerns if contents aren't determined first.

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By **PAT BRENNAN**

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A flexible, waterproof cap that would seal in hazardous waste at two landfills is the top choice for officials directing cleanup of the El Toro Marine Corps Air Station — a choice that worries several members of a citizens advisory panel, who fear there may be unknown contaminants buried in the landfills.

In a draft document being circulated among local, state and federal agencies, Navy officials say installing caps over the two landfills would satisfy state and federal requirements and, at \$13.5 million, would be a cost-effective choice.

The caps would allow a golf course or a park to be built on top of the landfills, and prevent irrigation-water runoff from disrupting the buried waste. That includes as much as 243,000 cubic yards of waste on an 11-acre site and about 40,000 cubic yards on a 1.8-acre site.

But cleanup officials have never sampled extensively to find out exactly what lies inside the decades-old landfills, said Charles Bennett, a chemist and a member of the Restoration Advisory Board — a panel that reviews the base's cleanup decisions. He says choosing the caps would be a way for the military to avoid further sampling, which could reveal previously unknown contaminants.

"It's a situation of 'Don't ask, don't tell,'" Bennett said.

And although Navy officials say they are committed to continuing cleanup of any leftover military waste even after the U.S. Marines close the base down in July, Bennett — along with other panelists — remains skeptical.

Bennett is worried that the Navy could assert that previously unidentified waste came from some other source, taking the military off the hook and saddling the county with property full of toxic compounds and no one to clean them up.

"The Navy will say, 'We are going to be here forever (to continue cleanup),' " Bennett said. "The reality is, if there's a conflict in liability, or to the origin of contamination, they will be able to say, 'It's not our dog.' "

Lt. Adrienne Dewey, the base spokeswoman, declined to comment on the proposal because the document is still in draft form, is still being reviewed

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by various agencies for approval, and has not been released to the public.

Bennett shared the document with The Orange County Register because he believes it is a public document, even in draft form.

Lake Forest Councilwoman Marcia Rudolph, another member of the board, believes the county should do its own sampling of the landfills. Earlier this month, she sent a letter suggesting as much to Board of Supervisors Chairman Charles V. Smith.

"This is the time for the supervisors to spend \$100,000 to \$120,000 to do the site investigation, so everybody knows where the liability stands," she said.

County officials say they are considering the idea, but that they believe the responsibility for investigating contaminated sites rests with the Navy, said Ellen Cox Call, spokeswoman for the county's El Toro program.

A third board member, Greg Hurley, said he believes capping the sites is an appropriate remedy, but a shortsighted one. He said he also would prefer more-extensive sampling of the sites by drilling out core samples a few inches in diameter, and is concerned about what might be buried there.

"It ought to make us nervous," Hurley said. "If they're so certain there is nothing hazardous in there, why not do the coring?"

Hurley, an attorney who has worked on liability issues on military bases throughout the country, also said Bennett's fears of county officials' being stuck with unwanted liability for hazardous cleanup are not unfounded.

"There are over a dozen bases I've handled across the United States, and on almost every one, this issue rears its head," Hurley said. "I've seen it time and time again. It's a trap the county has to be very careful of."

So far, Bennett and advisory board colleagues who are worried about the landfills appear to be in the minority among the various parties involved.

The U.S. Environmental Protection Agency finds the Navy's capping solution acceptable, said Glenn Kistner, EPA's remediation project manager for the base. The state Regional Water Quality Control Board and county officials say they are still reviewing the capping proposal, and declined further comment.

And Bennett acknowledges that what little sampling has been done near the landfills has so far turned up mostly low levels of hazardous materials — some that barely rise above background levels for chemicals that are pervasive in the environment, others that cannot be definitively traced to the landfills.

The Navy's report on the sites says such a broad variety of substances exist inside landfills that sampling within them was considered impractical — not to mention dangerous, because drilling could create a pathway for water to enter the landfills and cause hazardous material to leach out.

The larger site, used from 1943 to 1955, is believed to contain metals, incinerator ash, solvents, paint residues, hydraulic fluids, engine coolants, construction debris and oily waste, among other things.

The smaller site, used from 1955 to the late 1960s, is believed to contain

burnable trash, cleaning fluids, scrap metals, paint residues and fuels, oils and solvents.

Sampling around the sites also turned up enough contaminants to prohibit the building of homes, according to the report. These included arsenic, manganese and nickel in ground water.

The report also recommends that any workers attempting in the future to dig beneath the surface of the landfills wear protective equipment and monitor methane concentrations in the air.

One of Bennett's main concerns is what is not mentioned in the report. He says previous sampling had turned up low levels of perchlorate near one of the landfills — a substance used in explosives that is reported to have toxic effects, chiefly disruption of thyroid-gland function.

Because high concentrations of perchlorate have been found elsewhere on the base — at an explosives training range — Bennett is concerned that the tiny levels of perchlorate detected near the landfill may indicate an underground plume that is moving through ground water.

If the Navy caps the landfills, it will not be required to do further sampling there, and no one will ever know whether a plume of the toxic substance exists beneath the base, Bennett said.

The Restoration Advisory Board will meet at 6:30 p.m. Wednesday at Irvine City Hall, 1 Civic Center Plaza.

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