



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

August 12, 1999

Mr. Dean Gould  
BRAC Environmental Coordinator  
U. S. Marine Corps Air Station El Toro  
P. O. Box 51718  
Irvine, CA 92619-1718

Re: U. S. EPA Comments on Draft Record of Decision (ROD), Operable Unit (OU) 3A  
Sites 8, 11 and 12, Marine Corps Air Station El Toro, CA

Dear Mr. Gould:

The United States Environmental Protection Agency (EPA) has reviewed the above referenced document and our comments are provided below. Please note that EPA attorney Thelma Estrada's comments are also provided.

Comments

- 1) Please modify the ROD to reflect the new alternative disposal option (offsite) that was selected.
- 2) Please modify the text to reflect the recommendations of the Historical Radiological Assessment (HRA) which lists certain areas for conducting a radiological survey that are also listed in the ROD as No Further Action.
- 3) EPA recommends that a contingency remedy (excavation) be added to the text to address the potential of discovering radium, etc., at the sites.
- 4) To what specific risk level will the excavated areas be remediated to? The text in the Declaration, Section 6 and Section 9 should be modified to reflect the specific risk level that will be attained through excavation. Some suggested language would be to state that; "excavation at the Units would achieve a  $10^{-6}$  risk level under a residential use scenario, allowing for unrestricted use."
- 5) Also suggest adding language stating that areas not requiring excavation are also suitable for unrestricted use.
- 6) Section 11 should be modified to reflect the change in the disposal of the excavated material.

The following are Thelma Estrada's comments:

1. Overall, the quality of the document is excellent. Its well-written and easy to understand by a non-technical person.
2. Page 2: In describing the preferred remedy, DON should clarify the steps following excavation, i.e., contaminated soil will be evaluated to see if it meets the criteria for use as foundation material for landfill caps at the two on-Station landfills ("acceptance criteria"); if it doesn't, the contaminated soil will be disposed at an appropriate off-Station facility. The parenthetical statement that DON may choose to dispose contaminated soil at an off-Station facility should be deleted.
3. Pp 5-1 through 5-8 (Summary of Site Characteristics): In this section, there should be a brief description of each unit, e.g., Unit 5 is an old salvage yard. Sometimes, there is such a description ("Unit 3 is the former location of a refuse pile.") but this is not done consistently. A short description of the site is helpful in understanding the history of the contamination at the site.
4. P. 5-5: The discussion for Units 1 and 2 should conclude with a statement similar to that in Units 2, 3, and 5 for Site 11, i.e., "This ROD presents the remedial action selected for this area."
5. P. 5-7: After describing the contamination at Units 2 and 4, there should be concluding statement that states something like "Nevertheless, these units are recommended for No Further Action because...."
6. Pp. 5-13 through 5-42: The Notes following the Tables should explain what the shaded areas represent.
7. Pp. 6-7, 6-8: This is an excellent Table. A quick glance at this Table gives the reader a summary of the risks and recommended actions for the sites.
8. Pp. 6-8, 6-9: Glenn - is EPA fine with the recommended NFA for Units 1, 2, and 4 at Site 12, based on the reasons articulated by DON?
9. P. 6-10: The last sentence for the section discussing Unit 3 is awkward and confusing. What do we mean by "Because not all the PCB-contaminated soil was removed from Unit 3 and concentrations of total PCBs contained in the soil previously removed from Unit 3, a remedial action is necessary...?"
10. P. 6-10: After reading the site risks at Unit 5, the reader is left with the following question: Why is a remedial action necessary for this unit? We need an explanation here similar to that on the next page for Unit 3 ("This Rod selects remedial action for Unit 3 because of the ....").
11. P. 7-3: Delete the paragraph discussing the transferee's liability for cost of any additional remedial action. EPA does not agree with this statement. Under CERCLA, DON cannot shift liability to the transferee. The agreement between DON and the transferee as to the consequence of any violation by transferee of any restrictive covenants should be addressed in the transfer document.
12. Pp. 7-4, 7-5: See my comment 2 above regarding making it clear what the steps are following excavation. We need to clarify here what are the "acceptance criteria" for Landfills 2 and 17. In other words, the excavated soils from OU3A have to meet this acceptance criteria before they can be sent to these landfills. Otherwise, the soils will be

- disposed off-site at the appropriate facility. Also, this alternative involves stockpiling, albeit temporarily, following excavation. Are LDRs triggered? If the answer is no, explain why not, i.e., no placement, the stockpiling area is part of the AOC, etc.. If yes, do we do a temporary CAMU? These should also be included in the ARARs discussion.
13. Pp. 7-10, 7-11: The heading for this section and the discussion includes Unit 5 in the list of units that will be subject to on-site incineration; I thought Unit 5 soil will be treated using thermal desorption/thermal oxidation. Also, it should be made clear in the text here that ARARs for on-site incineration include the RCRA requirements for incinerators (either because they are applicable or relevant and appropriate) and that the thermal oxidation unit (which I gather is part of the thermal desorption treatment for Unit 5) will also comply with RCRA regulations for combustion of waste (again, either because they are applicable or relevant and appropriate). This alternative also includes a provision for stockpiling the treated soil. See my comment above regarding ARARs for stockpiling.
  14. Pp. 8-2 through 8-4: Again, the description of Alternative 3 should state that the soil will either be recycled as cover material or be disposed offsite. Delete the rows "overall protection of human health and the environment" and "compliance with ARARs." These are threshold criteria that must be met and therefore not relevant to a comparison of alternatives; the Notes following the Table do state that "rating is not appropriate for threshold criteria" but having these criteria in the Table gives the impression that they are part of the comparative analysis. My suggestion is to keep the Notes and elaborate on the point that all the alternatives being considered (except for the no-action alternative) meet these threshold criteria. In the "Implementability" row, there is a statement that alternative 4 will require pilot testing, permitting and public approval. Usually, permits are not required for onsite remedial actions; however, I believe what is being referred to here is the permit from the POTW (discharge to a POTW is considered an offsite activity). This is too complicated to explain in this Table so I suggest we delete reference to the permit here since it is discussed elsewhere in the text.
  15. Pp. 8-6: In the paragraph discussing alternative 3 (and several times in the text of the draft ROD), mention is made of the DTSC memorandum regarding management of soil used in a manner constituting disposal as a TBC. Why is it necessary to consider this TBC? Isn't the action of using the excavated soil as foundation for landfill caps covered by a RCRA or Water Board regulation? Once the DON commits to a TBC in a ROD, it should be discussed under "Additional Performance Standards."
  16. Pp. 8-6: Please review the paragraph discussing alternative 4 in light of my comment above regarding ARARs that applicable or relevant and appropriate to incineration, thermal oxidation, and LDRs.
  17. P. 8-7: First paragraph under section on "Reduction of TMV" - delete the word "appreciable" in the second sentence. There is NO reduction in contaminant toxicity, mobility, or volume under alternative 1 (no action).
  18. P. 8-8: Last line on this page - risks associated with incineration residuals will be mitigated by shipping these offsite to the appropriate facility.
  19. P. 8-9: Last line on this page - include RCRA regulations that apply to incinerators as well as RCRA/AIR regulations that apply to combustion of waste to the list here.
  20. P. 9-1: First bullet: delete the phrase "compliance with ARARs and overall protection of HHE here and move it to the text. The text will then read: "Based on the information

available at this time, the DON believes this alternative meets the threshold criteria of overall protection of human health and the environment and complies with ARARs and it also offers:"

21. P. 9-3: First line on this page: what will the DON's discretion be based on? Why would prerediation confirmatory sampling be considered to "optimize the excavation effort."
22. P. 9-3: Fourth paragraph: again, please spell out the steps before the excavated soil will be recycled as foundation material for landfill caps, i.e., testing to see whether it meets the acceptance criteria at these on station landfills. This paragraph also gives the impression that we don't know yet whether the capping remedy will be chosen for these landfills. Is this true? Last sentence in this paragraph is awkward.
23. P. 9-3: Second to the last paragraph: see my comment above regarding use of DTSC's Memorandum as TBC. Also, there is a statement that the excavated soils will be stockpiled "at the sites." What sites - Sites 8, 11, and 12, or the on station landfills? Also, please incorporate here my comments regarding ARARs for stockpiling, CAMUs, i.e., whether these ARARs will apply to the activities planned for the selected remedy.
24. P. 10-1: First paragraph following the bullets: add the phrase "or disposed at an appropriate offsite facility" following landfills.
25. P. 10-1, 10-2: Delete the sentences here pertaining to TBCs.
26. P. 10-2: Under Federal: second sentence - the word "regulations" needs to be added following "federal." Also, in the last sentence here add "storage, disposal" following the word "accumulation." Under State: this only refers to State of CA regulations pertaining to identification of non-RCRA hazardous waste. What about requirements for accumulation, storage, disposal?
27. P. 10-4: Under Federal: states that the excavated waste will be accumulated. Where? Again, incorporate here my comment regarding the applicability of ARARs for stockpiling, CAMUs.
28. P. 10-4: See my comment above regarding the appropriateness of having DTSC's Memorandum as a TBC.
29. P.10-5: Why are some RCRA regulations "applicable" while others are "relevant and appropriate." This needs to be explained in the "Comments" column.
30. P. 10-7: Last two sentences under "Utilization of Permanent Solutions etc." - why are these relevant in this section? Under "Statutory Preference for Treatment" - include the phrase "or will be disposed at an appropriate offsite facility." following "recycled as landfill cover material."

Please feel free to contact me at (415) 744-2210, if you have any questions.

Sincerely,



Glenn Kistner  
Remedial Project Manager  
Federal Facilities Cleanup Branch

cc: Patricia Hannon, RWQCB  
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