



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

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MCAS EL TORO  
SSIC # 5090.3

November 8, 1996

Joseph Joyce  
BRAC Environmental Coordinator  
Environment and Safety (Code 1AU)  
MCAS El Toro  
P.O. Box 95001  
Santa Ana, CA 92709-5001

Dear Mr. Joyce:

EPA has reviewed the "Draft Phase II Feasibility Study (FS) - Operable Unit 2B Reports (Sites 2 and 17)." The attached comments (Enclosures A & B) should be addressed in the revised reports. Additionally, comments from EPA's biologist were forwarded to you with EPA's Remedial Investigation comments on October 9, 1996. If you have any questions regarding these comments, I can be reached at 415/744-2368.

Sincerely,

Bonnie Arthur  
Remedial Project Manager  
Federal Facilities Cleanup Office

Enclosures

cc: Tayseer Mahmoud, DTSC  
Larry Vitale, RWQCB  
Bernie Lindsey, Southwest Div.

ENCLOSURE A

November 7, 1996

MEMORANDUM

To: Bonnie Arthur  
RPM, El Toro MCAS

Fr: Thelma Estrada  
ORC

Re: Draft Phase II - FS Report, Site 17

I have reviewed the above-referenced document and have the following comments.

General Comment on ARARs:

The FS identifies both the Subtitle C (Hazardous Waste) and Subtitle D (Solid Waste) regulations of RCRA as potentially applicable ARARs. I find this approach to be confusing. DON should decide whether this landfill is a municipal solid waste landfill, which means that generally the Subtitle D regulations are the applicable ARARs or this landfill is a hazardous waste landfill, in which case Subtitle C regulations are the applicable ARARs. By choosing one over the other, DON can still use the regulations from the other as relevant and appropriate requirements but should make it clear this is what DON is doing.

I did an analysis of the Subtitle D requirements and the following is my conclusion: Unlike Subtitle C, the approved State Subtitle D program is not in lieu of the federal Subtitle D regulations. Thus, only the state Subtitle D regulations which are more stringent than the federal Subtitle D regulations (found in Title 40, Part 258 of the CFR) are the ARARs. California's Subtitle D regulations are found in Chapter 15, Division, 3, Title 23 of the CCR (Water Board regulations) and Chapter 3, Division 7, Title 14 of the CCR (Integrated Waste Management Board regulations). An additional note regarding the Integrated Waste Management Board regulations: even if this landfill is not subject to the Subtitle D regulations in Title 14 (which are in sections 17258.1 through 17258.74), if DON determines that this a solid waste landfill, the Integrated Waste Management Board regulations in Chapters 3 (sections 17200 through 17895) and 5 of Title 14 (sections 18010 through 18413) are applicable.

The FS also states that the DON believes that the requirements in Title 23 (the Water Board regulations) are not ARARs because these are not any more stringent than Subtitle C,

the federal ARAR. However, the document is still littered with Title 23 citations. First, if in fact the specific Title 23 requirement is not any more stringent than the comparable Title 22 requirement, there should be no need to cite the Title 23 regulation as an ARAR. If the DON wants to cite a Title 23 regulation nevertheless, the document should make it clear that the Title 23 regulation is only being considered as relevant and appropriate.

#### Specific Comments on ARARs/ARARS TABLES:

1. In various places, the document states that the no action alternative (alternative 1) does not comply with ARARs. ARARs are triggered only when an action is taken. Therefore, this statement regarding ARARs and alternative 1 should be deleted.
2. SIP regulations are cited as federal ARARs. Only authorized programs are considered federal requirements. Therefore, citations to SIP requirements should be in the State ARARs.
3. P.A2-13, Control Plan for the Santa Ana Basin: states that DON accepts the provisions of Chapters 2 through 4 of the WQCP as potential ARARs. If Chapter 4 contains guidances, recommendation, considerations for the Regional Board (as it does in other Basin Plans), which can be characterized as not being specific standards, requirements or criteria or limitations, then these are not ARARs but TBCs.
4. P.A2-14, Res.92-49: states that this resolution also requires conformance to 68-16 and Chapter 15. It is EPA's position that applicability of 68-16 and Chapter 15 is determined independently, through the ARARs process, not because 92-49 requires it.
5. P.A2-17, Groundwater ARARs: second paragraph refers to containment of the source areas. It is my understanding that there will be no source area control, i.e., no collection/treatment. Therefore, why are these potential ARARs? Also, this section cites the State primary mcls as potential ARARs. Please clarify that these are only ARARs if they are more stringent than the federal mcls.
6. P.A4-1, State: I cannot find the requirement being cited here as "Article 7.8 of Title 23 CCR."
7. P.A4-2, State: Why are the citations here to Title 23 and not Title 22?
8. P.A4-3: recordkeeping is not considered substantive.
9. P.A4-5: first row, in Comments, refers to solid waste. This should be hazardous waste as this section is analyzing the Subtitle C requirements.
10. P.A4-7: cites to 40 CFR 257.3-4. Why are these potential ARARs? Are these requirements different from the Subtitle D municipal waste landfills and why would they be potential ARARs in this instance?
11. P.A4-9: first row refers to discharge to groundwater. There is no discharge being contemplated in any of the alternatives.
12. P.A4-11,12,13: these requirements are considered offsite

requirements and are therefore not ARARs. The facility is required to comply with these but not because they have been identified as ARARs.

13. P.A4-13,14,15: please see my comment 10.

14. P.A4-18: It is my understanding that the Regional Board Order No. 91-10 only applies to petroleum cleanups.

15. P.A4-22,23,24,25: please review my general comment above regarding the applicability of Title 14. The requirements being cited here may be applicable (and the other requirements in Chapters 3 and 5 of Title 14 as well), not just relevant and appropriate.

Other Comments:

16. P3-8: last paragraph: please see my comment above regarding Subtitle D.

17. P.3-24: the various monitoring being discussed in this section does not indicate the frequency of the monitoring.

18. P.5-10: last paragraph in Compliance with ARARs, refers to Title 23 CCR prescriptive capping requirements. Elsewhere in the document (for instance p. 7-1), I believe the citation is to Title 14. [Page 6-4 cites both.] Which prescriptive capping requirement will not be complied with?

**ENCLOSURE B**

**EPA COMMENTS ON THE OU 2B DRAFT FEASIBILITY STUDY (FS) REPORTS  
SITES 2 AND 17, MCAS EL TORO**

*SITES 2 & 17*

- 1) State Acceptance; Add the RWQCB to state agencies under "State acceptance."
- 2) It appears that Alternatives 4a, 4b, 4c, 4d, 5c and 5d meet the prescriptive capping requirements of either Title 23 and/or Title 14 (see Enclosure A for clarification of which are applicable). The RWQCB's 10/29/96 letter provides recommendation to ensure that Alternative 3's selected cover design is equivalent to the prescriptive cover requirements. Additionally, Alternatives 4a, 4b, 4c and 4d are not acceptable due to the difficulty of coastal scrub revegetation. Please discuss your proposed alternative with the BCT.

*SITE 2*

- 1) Page 3-14, Section 3.1.4; Clarify the intent of the statement, "consider landfill gas controls in the final remedial design."

*SITE 17- MINOR*

- 1) Pages ES-7, 2-19; Please delete the word "trihalomethanes" as a compound category from these sentences; it is only appropriate to use this term if these compounds are derived from the reactions due to chlorination of surface water containing humus materials.