



Cal/EPA

May 5, 1998

Pete Wilson  
Governor

Department of  
Toxic Substances  
Control

Peter M. Rooney  
Secretary for  
Environmental  
Protection

5796 Corporate Ave.  
Cypress, CA  
90630-4700

Mr. Joseph Joyce  
BRAC Environmental Coordinator  
U.S. Marine Corps Air Station - El Toro  
P.O. Box 95001  
Santa Ana, California 92709-5001

Dear Mr. Joyce:

**RESPONSE TO YOUR LETTER REGARDING DRAFT FINAL PROPOSED  
PLAN FOR LANDFILL SITES AT MARINE CORPS AIR STATION (MCAS) EI  
TORO**

The Department of Toxic Substances Control (DTSC) has received your letter dated April 24, 1998 regarding the draft final Proposed Plan (PP) for the landfill sites at MCAS El Toro. This letter is to reiterate DTSC's concern that the proposed remedy (Alternative 3, native soil caps) may not be compatible with the Reuse Plan for future land use at landfill sites 3 and 5, and may restrict future uses of the sites. Although it appears that you disagree with this position, DTSC must reiterate our request that the following statement be inserted in the PP under the State/support agency acceptance criterion in the "Evaluation of Alternatives" section:

*"DTSC remains concerned that the Marine's proposed remedy (native soil caps) may not be compatible with the Reuse Plan for future land use as proposed by the Local Redevelopment Authority (LRA) for landfill Sites 3 and 5. Hence, it may restrict future uses of the sites. DTSC believes that other remedies may be more compatible with the future land use. For example, Alternative 4D, synthetic flexible membrane liner (FML), appears to be more appropriate for a future recreational use scenario, such as the golf course at Site 5. Alternatives 5B or 6B, asphalt caps, would have a better likelihood of supporting a future light industrial/commercial reuse at Site 3."*

This request is made in accordance with the National Contingency Plan (NCP) Section 300.430(e)(9)(iii)(H) and OSWER Directive 9335.3-02 Chapter 3, Section 3.2.4.

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The following is a reiteration of our rationale for DTSC's recommendation of remedial alternative and a response to other issues raised in your letter:

1) Information in Feasibility Study (FS)

DTSC's position for Site 5 is based upon information contained in the Marine's Feasibility Study (FS) submittal which specifically indicates that the native soil cap is not compatible with an irrigated golf course (pages 5-10 and 5-11 of the draft final FS); this conclusion was also acknowledged during the March 25, 1998 Restoration Advisory Board meeting. However, the Reuse Plan clearly proposes that Site 5 will be part of a golf course. It therefore appears that the proposed remedy is in direct conflict with the Reuse Plan. DTSC recommends remedial Alternative 4D because it is more protective of public health and the environment if the future reuse of the site will be as part of an irrigated golf course. This conclusion is based on the HELP modeling performed, which showed that Alternative 4D would provide the lowest infiltration rate of all the alternatives evaluated in the FS. Alternative 4D allows irrigation of the site up to 30.6 inches of water every year (the irrigation number provided by the Navy for the golf course) without impact to the waste in the landfill. I want to point out that the Marines' response to the October 25, 1996 comments regarding potential reuse issues at Site 5 acknowledged that, based on the HELP model results for an irrigated golf course, a GCL or FML barrier is needed to minimize infiltration (see Enclosure 1).

DTSC notes that, although the FS proposes to restrict irrigation for *all* alternatives, the FS statement could be modified to allow irrigation of as much as 30.6 inches of water if alternative 4D were the chosen alternative.

For Site 3, DTSC has not received additional information from you regarding our concerns about the relative merits of the native soil cap vs. the use of an asphalt cap. DTSC continues to recommend that an asphalt cap be used, so as to protect the environment and to allow for less restrictive future land uses. The asphalt cap would be flexible, allowing light industrial use or use as a parking lot, etc. At present, DTSC is not aware of other uses for this property that would correspond to the Reuse Plan if the landfill Site 3 was capped with native soil.

2) Evaluation of PP by State Regulatory Agencies

DTSC is the lead state regulatory agency for MCAS El Toro, is a member of the BRAC (Base Realignment and Closure) Cleanup Team (BCT), and is a signatory to the Federal Facility Agreement (FFA). We have contacted representatives of other state agencies to discuss their evaluation of the PP. The California Integrated Waste Management Board (CIWMB) shares the DTSC opinion regarding the proposed remedy. This is reflected in the November 17, 1997 and November 21, 1997 letters issued by

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DTSC and CIWMB regarding the draft PP. Both agencies have recommended that other alternative remedies for Sites 3 and 5 that could support the Reuse Plan should be evaluated by the BCT.

It is DTSC's understanding that the California Regional Water Quality Control Board (RWQCB) recommended Alternative 3 for Site 5 due to the presence of semi-arid climate conditions. However, if the site were irrigated (i.e., irrigated golf course reuse), then the semi-arid conditions would no longer exist, as a result of which the native soil cap would no longer be protective. Thus, taking future land use into consideration, the recommendation for a native soil cap would no longer be valid. The RWQCB has deferred to DTSC for evaluation of compatibility of proposed remediation and proposed reuse.

### 3) Compatibility of PP With Reuse Plan

In your letter, you advised DTSC that the Reuse Plan has been "finalized". Perhaps we simply have a difference in semantics regarding the entire process. Under the auspices of the Orange County Board of Supervisors, the MCAS El Toro Local Redevelopment Authority (LRA) developed the Community Reuse Plan, which was approved in December 1996. This Reuse Plan is the basis for both the Environmental Impact Study (EIS) being developed by the Navy, and for the Environmental Impact Report (EIR) being developed by the County. The EIS will be the basis for the National Environmental Policy Act (NEPA) Record of Decision (ROD); the EIR will be the basis for the California Environmental Policy Act (CEQA) Notice of Determination. It is our understanding that these documents are being developed separately, and that the Notice of Intent (EIS) and Notice of Preparation (EIR) will be issued in summer, 1998. It is anticipated that completion of these reviews will take approximately one year, i.e., summer, 1999, and will occur at approximately the same time as base closure. It is also our understanding that the Community Reuse Plan will become "final" at the time of the NEPA ROD, after which property transfers will legally be able to take place.

According to the enclosure you sent in your letter, "Responsibility for additional Environmental Cleanup after Transfer of Real Property", the Department of Defense has agreed that closing military installations will evaluate remedial alternatives in conjunction with reuse plans, so as to ensure that both the BCT and the LRA are working on parallel tracks to achieve the goals of environmental cleanup, functional reuse and economic revitalization of communities. Also, please see Enclosure 2 to this letter which has excerpts from federal BRAC laws referring to interaction and relationships of closing military bases and state and local communities. In addition to BRAC law, State and community acceptance are two of the nine criteria under the NCP for remedy selection.

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At this time, DTSC has not yet received the LRA's written evaluation concerning the PP. In the event that this information is not received prior to public notice of the PP, we note that the PP may need to be revised based upon comments received during the public comment period. Because we want to make certain that the LRA and members of the public are aware that the PP may result in restricted future land uses, DTSC must again reiterate our request that the language we have proposed (see page 1) be placed in the PP prior to issuance of public notice.

#### 4) Request for Extensions

DTSC staff followed the BCT's normal procedure by verbally discussing requests for Federal Facility Agreement (FFA) extensions before sending a request in writing. We did not send a written request for a 60-day extension because you had already informed me during the February 23, 1998 BCT meeting that you would not grant the extension. You told me that extension requests "solely to support base closure" are denied under the FFA. Also, by not agreeing that DTSC could refer to Section 9.2(g) of the FFA ("any other event or serious of events mutually agreed to by the Parties as constituting 'good cause'"), you precluded any opportunity for the extension. Because DTSC considers compatibility of remedial alternatives with proposed reuse plans to be an important component of remedy selection, we were disappointed by your decision.

DTSC is committed to provide timely decisions on remedial actions; however, we recognize that haste may sometimes result in future difficulties which could have been avoided by more explanation and evaluation. DTSC has endeavored to assure that there has been full disclosure to all interested parties, and to ensure cooperative interaction among all stakeholders.

DTSC remains hopeful that MCAS El Toro is committed to working with both state and local agencies to achieve base closure and reuse. If you have any questions or need further information, please call me at (714) 484-5418.

Sincerely,



Tayseer Mahmoud  
Remedial Project Manager  
Office of Military Facilities  
Southern California Operations

Enclosures

cc: See next page.

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cc: Mr. Glenn R. Kistner  
Remedial Project Manager  
U. S. Environmental Protection Agency  
Region IX  
Superfund Division (SFD-8-2)  
75 Hawthorne Street  
San Francisco, California 94105-3901

Ms. Patricia Hannon  
Remedial Project Manager  
California Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, California 92501-3339

Mr. Peter Janicki  
California Integrated Waste Management Board  
8800 Cal Center Drive  
Sacramento, California 95826

Mr. Steven Sharp  
County of Orange  
Environmental Health Division  
Solid Waste Local Enforcement Agency  
2009 East Edinger Avenue  
Santa Ana, California 92705

Ms. Candace Haggard  
Lead Project Manager  
MCAS El Toro Local Redevelopment Authority  
300 North Flower Street, Suite 720  
Santa Ana, California 92703

Mr. Tim Latas  
Bechtel National, Inc.  
401 West A Street, Suite 1000  
San Diego, California 92101-7905

Mr. Gregory F. Hurley  
Restoration Advisory Board Co-chair  
8001 Irvine Center Drive, Suite 900  
Irvine, California 92618-2921

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cc: Mr. Wayne Lee  
AC/S Environmental and Safety (1AU)  
U.S. Marine Corps Air Station - El Toro  
P.O. Box 95001  
Santa Ana, California 92709-5001

Col. J. Ritchey, USMC  
AC/S BRAC (1AS)  
U.S. Marine Corps Air Station - El Toro  
P.O. Box 95001  
Santa Ana, California 92709-5001

Ms. Marianna Potacka  
CMC (LFL)  
2 Navy Annex  
Washington, DC 20380-1775

Ms. Laura Duchnak  
AFT Leader  
Naval Facilities Engineering Command  
Southwest Division  
BRAC Operation Office  
1220 Pacific Highway  
San Diego, California 92132-5190

Mr. Rex Callaway  
Environmental Counsel  
Naval Facilities Engineering Command  
Southwest Division  
1220 Pacific Highway  
San Diego, California 92132-5190

Mr. Andy Piszkin  
Remedial Project Manager  
Naval Facilities Engineering Command  
Southwest Division  
BRAC Operation Office  
1220 Pacific Highway  
San Diego, California 92132-5190

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cc: Mr. Bernie Lindsey  
Remedial Project Manager  
Naval Facilities Engineering Command  
Southwest Division  
BRAC Operation Office  
1220 Pacific Highway  
San Diego, California 92132-5190

Ms. Courtney Wiercioch  
Manager of El Toro Master Development Program  
10 Civic Center Plaza, 2nd Floor  
Santa Ana, California 92701

Mr. Louis Misko  
BRAC Operations Officer  
Naval Facilities Engineering Command  
Southwest Division  
BRAC Operation Office  
1220 Pacific Highway  
San Diego, California 92132-5190

Mr. Dana Sakamoto  
West Coast Environmental Business Line Team Leader  
Naval Facilities Engineering Command  
Southwest Division  
1220 Pacific Highway  
San Diego, California 92132-5190

RESPONSE TO COMMENTS  
POTENTIAL REUSE ISSUES ASSOCIATED  
WITH OPERABLE UNIT 2C - SITE 5  
MCAS EL TORO, CALIFORNIA

Enclosure 1

<p>Originator: Peter M. Janicki Cal/EPA</p> <p>To: Tayseer Mahmoud DTSC</p> <p>Date: 25 October 1996</p>	<p style="text-align: right;">CLEAN II Program Contract No. N68-711-92-D-4670 CTO-0076 File Code: 0214</p>
<p>5. Modified HELP model infiltration analyses based on the proposed irrigation and approved final cover design.</p>	<p>RESPONSE 5: The draft final PS report presents a HELP model result which simulates the use of the site as an irrigated golf course (30.6 inches of water application over the year). Under this scenario, a GCL or FML barrier layer is required to minimize infiltration.</p>
<p>In addition to the site investigation requirements and based on its results, modifications to the design of the final cover may be required as well. The modifications may include the following elements:</p>	
<p>6. Modified final cover design which would include a synthetic impermeable membrane along with a subsurface drainage layer connected to the runoff collection system.</p>	<p>RESPONSE 6: Based on the HELP model results for an irrigated golf course, a GCL or FML barrier layer is needed to minimize infiltration.</p>
<p>7. In addition to the final cover design modification or in lieu of, a subsurface moisture sensing system synchronized with the onsite irrigation system may be required.</p>	<p>RESPONSE 7: As part of the final design, a soil moisture sensing system, especially in the area of the landfill, is a design element which would be useful for minimizing irrigation.</p>
<p>8. Landfill gas monitoring and collection systems and audible gas detection devices (for onsite enclosed structures) may be required, based on the results of the landfill gas survey.</p>	<p>RESPONSE 8: All results of the landfill gas surveys have shown that low concentrations of VOCs and methane are present and would be monitored through the perimeter soil gas probes on a quarterly basis. Onsite enclosed structures are not considered as part of the irrigated golf course reuse but this will be negotiated at the time of BRAC transfer.</p>
<p>9. Special design consideration should be given to allow ease of all monitoring and control systems related to the landfill postclosure maintenance.</p>	<p>RESPONSE 9: Access will be included in the final design and will be negotiated as part of the BRAC transfer process.</p>
<p>As an alternative to constructing actual irrigated golf course areas over the fill, the project proponent may consider designating the landfill for golf course related functions such as parking lot, restrooms, etc. By eliminating site irrigation, the site investigation and closure requirements may be then reduced.</p>	<p>For the PS report, the irrigated golf course presents the most severe problems with reuse and will be considered in the report. Actual reuse activities will be decided by the reuse agency.</p>
<p>It should be pointed out that the extent of site investigation may have a direct effect on the final cover and other closure related requirements for</p>	<p>Based on the results from the Air SWAT, Phase I RI, and Phase II RI, the existing environmental threats from Site 5 are minimal. The PS report for the</p>

## ENCLOSURE 2

Excerpts from Public Law, 103-160, Division B, Title XXIX, Section 2903 © and (d), (Nov. 30, 1993), 107 Stat. 1915

“...the Federal Government will assist communities that experience adverse economic circumstances as a result of the closure of military installations by working with such communities to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner or of otherwise revitalizing such communities and economies of such communities...”

“...the federal government may also provide assistance by accelerating environmental restoration at military installations to be closed, and by closing such installations in a manner that best ensures the beneficial reutilization and redevelopment of such installations by such communities...”

“...the Secretary [of Defense] shall take into account the redevelopment plan developed for the military installation involved.”

“...the Secretary of Defense shall cooperate with the State in which a military installation ...is located, with the redevelopment authority with respect to the installation, and with local governments and other interested persons in communities located near the installation in implementing the entire process of disposal of the real property and personal property at the installation.”