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MCAS EL TORO
SSIC #5090.3



California Integrated Waste Management Board

Daniel G. Pennington, Chairman
8800 Cal Center Drive • Sacramento California 95826 • (916) 255-2200
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Pete Wilson
Governor

Peter M. Rooney
Secretary for
Environmental
Protection

OPTIONAL FORM 99 (7-89)

FAX TRANSMITTAL

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To: LEX	From: Joseph
Dept./Agency:	Phone #:
Fax # 21663	Fax #:

NSN 7540-01-317-7388 5099-101 GENERAL SERVICES ADMINISTRATION

December 8, 1998

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

Federal Facility Agreement Schedule, Marine Corps Air Station (MCAS) El Toro

Dear Mr. Joyce:

The California Integrated Waste Management Board (Board) Closure and Remediation Section staff are in receipt of a copy of your letter to the Department of Toxic Substances Control (DTSC) on the aforementioned subject, dated December 2, 1998. The copy was provided to us by Mr. Tayseer Mahmoud of DTSC on December 4, 1998.

In our letter dated November 3, 1998, we requested that Board staff are directly copied on all correspondence relevant to the El Toro landfills. As of now, we have not received a reply to our request. However, we are concerned and disappointed that you have issued the December 2, 1998, letter in which our agency was not only mentioned but also implicated in an activity with a preset deadline without first consulting us and then copying us on the finalized letter.

We would like to point out to you that our agency does not conduct research on behalf of landfill closure proponents in support of their designs. It is strictly the landfill owner/operator responsibility to provide information in support of their design. The Board role is to review and approve or deny such proposal and supporting information. Also, Board staff have no recollection of committing themselves either in writing or verbally to conduct such a project. Thus, we request that you revise item no. 2 (30 November 1998 to 20 January 1999) to exclude the Board from such activity.

However, any general information we may have, we are more than happy to provide to you. As mentioned during the October 22, 1998, meeting, there are several landfills in California which have initiated monolithic final cover pilot studies and this agency can provide you with their locations and points of contact. However, none of these sites include postclosure land use other than open, non-irrigated space. To Board staff knowledge, there are no sites which have proposed irrigated postclosure land use over a monolithic final landfill cover. Board staff can also provide you with several golf course sites which are located over landfills. All of these sites were constructed prior to Board regulations.

Board staff request that an explanation is provided to the statement included in the schedule requirements attachment under February 4, 1999, regarding providing Applicable, Relevant and Appropriate Regulations (ARAR) language for draft proposed Record of Decision. Board staff would like to remind the project proponent, Department of Navy (DoN), that it is the regulatory agencies right and responsibility to identify and submit all ARAR's falling within regulatory agency

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regulations. However, our agency will gladly accept language relevant to addressing AKAR's already identified by Board staff,

Finally, Board staff hereby notify the Department of Navy that because of the proposed irrigated postclosure land use, the regulatory status of closure requirements for sites 3 and 5 is being upgraded effective immediately to applicable, in accordance with California Code of Regulations, Title 27, Sections 21100 (b) (2) and 21190. Thus, the current site owner (DoN) and future site owner(s) are subject to Board closure and postclosure maintenance requirements for municipal solid waste disposal sites.

Also, please note that any timeframes set by DoN and involving this agency can be applicable only after consulting Board staff and upon timely receipt of all relevant documents by staff concurrently with other regulatory agencies. It is DoN responsibility to assure that when Board approval or concurrence is required to provide this agency with all relevant documents directly and on time.

Should you have any questions regarding this matter, you can contact me at (916) 255-1302 or Mr. Peter Janicki of my staff at (916) 255-1302.

Sincerely,



Michael B. Wuchnick, Manager
Closure and Remediation Section
Permitting and Enforcement Division

cc: Mr. Tayseer Mahmoud, Department of Toxic Substances Control
Ms. Laura Duschnak, BRAC Operations Office
Colonel Mugg, El Toro MCAS Commanding Officer
Mr. Glenn Kistner, U.S. EPA
Ms. Patricia Hannon, Santa Ana Regional Water Quality Control Board
Mr. Steven Sharp, Orange County Environmental Health Division
M. Polin Modanlou, MCAS El Toro Local Redevelopment Agency
Mr. Gregory F. Hurley, Restoration Advisory Board Co-chair