



Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
5796 Corporate Avenue
Cypress, California 90630

M60050_003489
MCAS EL TORO
SSIC NO. 5090.3.A

Gray Davis
Governor

May 8, 2001

Mr. Daniel Jung
Director of Strategic Programs
City of Irvine
One Civic Center Plaza
P.O. Box 19575
Irvine, California 92623-9575

POTENTIAL USE RESTRICTIONS ASSOCIATED WITH LANDFILL SITES AT MARINE CORPS AIR STATION (MCAS) EL TORO

Dear Mr. Jung:

The Department of Toxic Substances Control (DTSC) received your letter, dated March 8, 2001, requesting an explanation of potential use restrictions within a 1,000 foot radius surrounding the landfill sites at MCAS El Toro. There are four former landfill sites located at MCAS El Toro, Sites 2, 3, 5 and 17. Since your request is in regard to the former landfill sites, DTSC also forwarded a copy of your letter to the California Integrated Waste Management Board (CIWMB) and the Orange County Health Care Agency (the designated Local Enforcement Agency (LEA)) to coordinate a response to your letter.

Attached is a response prepared by the CIWMB/LEA. Their response defines current CIWMB regulation for development standards for postclosure land uses within 1,000 feet of a landfill footprint, the applicability of such regulations, and additional recommendations.

Previously, the City of Irvine requested a presentation on the nature and extent of land use controls to be imposed on the property at the former base. This request was forwarded by Mr. Peter Hersh in a letter, dated April 20, 2000, addressed to the members of the Base Realignment and Closure Cleanup Team. The request included numerous detailed questions regarding land use controls. The Department of the Navy (DON) responded to the request in a letter dated November 29, 2000 addressed to the City of Irvine and copied to DTSC.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.*

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Mr. Daniel Jung
May 8, 2001
Page 2

The DON response includes the information requested by the City of Irvine regarding land use restrictions for the landfill sites at MCAS El Toro. For more details, please see the *Final Interim Record of Decision, Landfill Sites 2 and 17* (Bechtel National, Inc., March 2000), and the *Draft Record of Decision, Landfill Sites 3 and 5* (Bechtel National, Inc., March 1999). Any changes to the land use controls for Sites 3 and 5 will be included in the Draft Final ROD that will be available for review by the Restoration Advisory Board (including the City of Irvine). Presently, DTSC does not have any additional details regarding land use restrictions at MCAS El Toro.

DTSC appreciates your concerns and those of the City of Irvine. Please contact me at (714) 484-5395 if you have any questions.

Sincerely,



Triss M. Chesney, P.E.
Remedial Project Manager
Southern California Branch
Office of Military Facilities

Enclosure

cc: Mr. Dean Gould
BRAC Environmental Coordinator
Marine Corps Air Station El Toro
Base Realignment and Closure
P.O. Box 51718
Irvine, California 92619-1718

Ms. Nicole Moutoux
Remedial Project Manager
U. S. Environmental Protection Agency
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75 Hawthorne Street
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Mr. Daniel Jung
May 8, 2001
Page 3

cc: 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. Michael Wochnick
Closure and Technical Services
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, California 95812-0425

Mr. Gregory F. Hurley
Restoration Advisory Board Co-chair
620 Newport Center Drive, Suite 450
Newport Beach, California 92660-8019

Ms. Polin Modanlou
MCAS El Toro Local Redevelopment Authority
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Santa Ana, California 92701

Mr. Steven Sharp
Orange County Health Care Agency
2009 East Edinger Avenue
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Ms. Content Arnold
Remedial Project Manager
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California Integrated Waste Management Board



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Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

April 16, 2001

Ms. Triss Chesney
Office of Military Affairs
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

POTENTIAL LAND USE CONTROLS AT MCAS EL TORO

Dear Ms. Chesney:

California Integrated Waste Management Board (CIWMB) staff is in receipt of the March 8, 2001, letter from the City of Irvine (City) concerning the potential land use controls especially those institutional controls that would restrict access to the landfills (Sites 2, 3, 5, and 17) at the El Toro Marine Corp Air Station (MCAS). In particular the City requested an explanation of potential use restrictions within a 1,000-foot radius surrounding the landfill sites.

Current CIWMB regulations prescribe development standards for postclosure land uses within 1,000 feet of a landfill footprint [Title 27, California Code of Regulations, Section 21190 (27 CCR 21190)]. These regulations do not prohibit development but contain standards that are designed primarily to prevent damage to the environmental control systems at the closed landfill and to protect the public health and safety from landfill gas migration. However, these regulations are only applicable to "onsite" development within 1,000 feet of a landfill footprint. Therefore, neither the CIWMB, nor the Solid Waste Local Enforcement Agency, can enforce these regulations outside the established property boundary of the disposal site even if the proposed development is less than 1,000 feet from the landfill footprint.

In the case of closing military bases, CIWMB staff usually recommends that the property boundary of any landfill include a 1,000-foot buffer zone around the landfill footprint. However, we realize that because of development potential, especially in urban areas, this is not often a likely scenario. Therefore, CIWMB staff normally recommends that as a condition of transfer of parcels to non-Department of Defense ownership, any proposed future development within 1,000 feet of landfill footprints be required to comply with the standards contained in 27 CCR 21190. This recommendation is often accomplished by including the compliance requirement as part of the institutional controls developed for the closing base.

Should you have any further questions concerning the above matter, please contact me at (916) 341-6318.

Sincerely,

Michael B. Wochnick, P.E., Manager
Closure and Technical Services

cc: Mr. Steve Sharp, Orange County Solid Waste Local Enforcement Agency

California Environmental Protection Agency

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