

*Admin Record
El Toro*

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MCAS EL TORO
SSIC NO. 5090.3.A

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

7 July 2006

Mr. Darren Newton
BRAC Environmental Coordinator
Base Realignment and Closure
7040 Trabuco Road
Irvine, California 92618

Subject: Revised Draft Record of Decision (ROD) for Installation Restoration Program
(IRP) Sites 8 and 12
Former Marine Corps Air Station, El Toro, California

Mr. Newton:

The U.S. Environmental Protection Agency has reviewed the subject revised draft ROD dated May 2006. This ROD covers the excavation and off-site disposal of waste and soils above cleanup goals at IRP Sites 8 and 12. EPA offers the attached comments on the document.

If you should have any questions/concerns, please contact me at 415-972-3349.

Sincerely,

Rich Muza

Rich Muza, RPM
Superfund Division

cc. Content Arnold, NFECSW SDIEGO
Jim Callian, NFECSW SDIEGO
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John Broderick, RWQCB
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Thelma Estrada, ORC

received
7/17/06

COMMENTS ON THE REVISED DRAFT ROD, OU-3A, SITES 8 AND 12
FORMER MCAS EL TORO

1. Record of Decision Data Certification Checklist, Page V -- Why does the second bullet from the top say that the ROD does not address the materials constituting principal threats because the wastes at Sites 8 and 12 do not meet the definition of principal threat waste? It is recommended that this issue be clarified.
2. Section 6.1, Page 6-1 – It is stated here that Sites 8 and 12 are zoned for institutional use. What is the definition of institutional use? EPA guidance evaluates sites based on either residential or industrial use. It is recommended that this issue be clarified.
3. Section 8, Page 8-1 -- It is stated that “based on site conditions, the presence of COCs in shallow soil, and the potential exposure pathways, the following RAOs were developed for non-radiologically contaminated soil...”. Why does this listing not include the phrase “and potential applicable or relevant and appropriate requirements (ARARs)” which is included below in regard to the radiologically contaminated soil? Were ARARs not a factor in settling cleanup levels for the non-radiologically contaminated soil? It is recommended that this issue be clarified.
4. Section 12, General – It is recommended that the ARARs section be broken up into two parts: 1) the ARARs for the non-radiologically contaminated soil and 2) the ARARs for the radiologically contaminated soil. As presented, it is difficult to follow as the discussion of the ARARs goes back and forth between these two sets.
5. Section 12.2, Page 12-1 – This section should include a reference to CERCLA Section 121(d), which is the citation for the requirement to comply with ARARs. It is recommended that this issue be resolved.
6. Table 12-1, Page 12-3 -- The citation of ground-water protection standards is not necessary as there are no actions being taken with regards to ground water. As is stated in the comment section, the contamination at Sites 8 and 12 is restricted to shallow soils. It is recommended that this issue be resolved.
7. Table 12-1, Page 12-3 & 12-4 – Under UMTRCA, the “Comments” for 40 C.F.R. s192.12(b)(1) & s192.41(b) and 40 C.F.R. s192.12(b)(2) do not clearly state that the cleanup goals will meet the requirements. The phrases “results in the radon dose at a small percentage of the limits stipulated in the cited regulations” or “results in gamma radiation levels at a small percentage of the limits stipulated in the cited regulations” are vague. It is recommended that this issue be resolved.
8. Table 12-1, Page 12-4 – The first and second citations on the page refer to regulations from the NRC. It is recommended that a separate heading be used here to indicate that these are NRC regulations.

9. Table 12-2, Page 12-10 -- The citation for the NPDES General Permit for Stormwater Discharges is not a TBC; it is an ARAR. The substantive standards should be complied with.

10. Table 12-2, Pages 12-11 & 12-12 -- Under the California Fish and Game Code, why are the first 5 citations (ie., Cal. Fish & Game Code s3005(a), Cal. Fish & Game Code s3003, Cal. Fish & Game Code s3003.5, Cal. Fish & Game Code s3800, and Cal. Fish & Game Code 4150) "relevant and appropriate" while the last citation (ie., Cal. Code Regs. Tit. 14, s472) is "applicable?" What are the regulations under Cal. Code Regs. Tit. 14, s472? Are these part of the California Fish and Game Code? It is recommended that these issues be clarified.

11. Table 12-2, Page 12-12 & 12-13 -- The citations to California DOT requirements are not ARARs; these are considered off-site requirements. Both the substantive and procedural requirements for these citations need to be complied with. It is recommended that these requirements be moved to the narrative part of the text under a heading "Other Requirements."

12. Section 12.2.4, Page 12-15 -- Please see Comment 9 above regarding NPDES General Permit.