California Regional Water Quality Control Board
Santa Ana Region

Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold Schwarzenegger
Governor

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

COMMENTS ON DRAFT REMEDIAL INVESTIGATION/FEASIBILITY STUDY REPORT, OPERABLE UNIT 2C – ANOMALY AREA 3, FORMER MARINE CORPS AIR STATION, EL TORO, SWRCB GEOTRACKER ID: DOD100131500

Dear Mr. Newton:

We have reviewed the above referenced document, dated December 2005, which we received on December 6, 2005. We have the following comments:

- **3.7 EVALUATION OF RADIONUCLIDES, 3.7.1 Groundwater**, Page 3-15 and –16: The section states that a least one or more groundwater samples test above drinking water standards, likely the maximum contaminant level (MCL) for that radionuclide concentrations. It is further stated the accidence is naturally occurring. Backup information to evaluated the information and decision for no further evaluation is not supported in an appendix to the report, as it should be. Please attach sufficient supporting information for the statement that no further evaluation of radionuclide concentrations in groundwater was required.

- **6.5 GROUNDWATER**, Page 6-75: Groundwater was sampled only for contaminants of concern. General minerals were not sampled regularly for total assessment of the impact of the waste management unit on the underlying groundwater and downgradient beneficial uses. Since the site is a typical compliance site, a solid waste landfill, regularly sampling of general mineral parameters should have occurred in addition to sampling contaminants of concern.

- **6.7 SURFACE WATER SAMPLING**, Page 6-113: Surface water was sampled only for contaminants of concern, also. General minerals and or applicable parameters of concern for assessing the waste management units impact on the downgradient or down stream beneficial uses and total maximum daily loads (TMDLs) were not sampled. This sampling should have occurred. The limited surface water sampling completed implies the general area is impacting downgradient surface water quality. The sampling completed was insufficient to demonstrate the waste management unit is not impacting down stream water quality.

- **ARARs EVALUATION**: We continue to disagree with your selection of State hazardous waste regulations for items such as groundwater monitoring and water quality protection standard over State solid waste regulations. This waste management unit is a solid waste

landfill, not a hazardous waste landfill. Yes, the State regulations for hazardous waste landfills are in several instances more stringent than those for solid waste landfills. But, the State applies the regulations that are applicable for the type of waste disposed of in the unit. We do not concur that you have properly identified all the ARARs for a solid waste landfill regulated under Title 27 of the California Code of Regulations.

- **13.3.2 COMPLIANCE WITH ARARs**, (13.3.2) Page 13-32: The groundwater investigation demonstrates that the landfill has and is currently impacting the underlying groundwater quality. The investigation also documents that waste is now or has been in groundwater or is located with five feet of the underlying groundwater. All existing solid waster landfill units are required by Title 27 of the California Code of Regulation, Section 20240 (c) to have the base of the waste separated by a minimum of five feet above the highest anticipated elevation of underlying groundwater. All of the alternatives evaluated in the feasibility study portion of the report do not identify this regulatory requirement and do not propose as part of the remedy actions to comply with the five-foot separation requirement. Therefore, we do not concur with all remedial alternative except Alternative 1 complies with our applicable, relevant, and appropriate requirements. In our opinion, none of the remedial alternatives fully complies with our ARARs.

- **Appendix H – ARAR Evaluation, 2.2.1.2 STATE, Comprehensive Water Quality Control Plan for the Santa Ana River Basin (Basin Plan)**, Page H2-4: We do not concur with the statement that no remedial action is require at Anomaly Area 3 Site for surface water impacts. We do not believe the site's potential to impact surface water was completely and properly assessed.

It should be noted, we have stated in our letters of January 26, 2004 and July 26, 2004 our disagreement with the determination that, Anomaly Area 3 is a CERCLA release site. We consider the site a compliance site, a solid waste landfill unit. Furthermore, we will not agree to inclusion under the Federal Facility Agreement of this site. We will not stand in the way of any site environmental benefit or improvements which result from CERCLA remedial actions. We will, however, at the end of the CERCLA process hold the property owner responsible for compliance with our regulatory mandates for a solid waste landfill unit. For any questions, please call me at (951) 782-4494, or send email to jbroderick@waterboards.ca.gov.

Sincerely,

John Broderick
SLIC/DoD Section

cc via email: Mr. Richard Muza, US EPA, Region 9
Mr. Frank Cheng, DTSC, Office of Military Facilities
Mr. James Callian, NAVFACENGCOM, Southwest Division