

**MINUTE ITEM**

This Calendar Item No. ~~C45~~ was approved as Minute Item No. 45 by the California State Lands Commission by a vote of 3 to 0 at its ~~11/21/00~~ meeting.

**CALENDAR ITEM  
C45**

S 33

11/27/00

A 71

W 25514

J. Frey

**INFORMATIONAL UPDATE ON THE ENVIRONMENTAL CLEANUP AT MCAS EL TORO, ORANGE COUNTY SINCE ACCEPTANCE OF A RETROCESSION OF JURISDICTION ON JUNE 27, 2000**

**BACKGROUND:**

In the early 1940s the United States acquired approximately 2319 acres of land in Orange County for military use. That land came to be known as the Marine Corps Air Station El Toro. Under authority granted by Government Code section 126, the State Lands Commission ceded partial legislative jurisdiction to the United States in 1950. In 1993, after many years of operation, MCAS was scheduled for closure under the Base Realignment and Closure Act. On December 1, 1998, just prior to the actual closure, the United States requested California to accept a retrocession of jurisdiction so that the base facilities could be transferred to Orange County for civilian use. The State Lands Commission accepted the retrocession on June 27, 2000. The United States is currently leasing much of the former base to Orange County under a long term lease.

During the course of the retrocession proceedings the status of the environmental cleanup of the base became an issue. Under the Comprehensive Environmental Recovery and Liability Act (CERCLA) and the Base Closure statute, the United States cannot dispose of its lands until they have been certified as environmentally clean and safe for other uses. Where the lands cannot be completely remediated, the United States disposes of the lands with deed restrictions limiting the future use of the land to specific purposes in order to protect the public. Pursuant to these statutes the United States has been working with the Federal Environmental Protection Agency, the State Environmental Protection Agency, the California Department of Toxic Substances Control and the Santa Ana Region Water Quality Control Board to develop and implement a program to rid the former base of any hazardous materials.

At Commission meetings in December, 1999 and June, 2000 both the Navy and the Department of Toxic Substances Control addressed you and made a presentation describing the types and areas of pollution present, the cleanup activities then being conducted and the the progress in the base cleanup. At your last meeting, the Commission asked that the staff return with an update in 6 months.

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**CURRENT SITUATION:**

In the initial environmental assessment of MCAS, the United States identified 25 sites, referred to as Installation Restoration Program Sites (IRP), as ones requiring remedial cleanup. At the time of the Commission's consideration of the retrocession, 13 of the 25 sites still required additional cleanup. Other areas of concern have been categorized into aerial photograph anomalies, underground and above ground storage tanks, temporary accumulation areas, polychlorinated biphenyl (PCB) transformers, RCRA facility assessments, oil/water separators and an all inclusive category of "other."

The Department of Toxic Substances Control has recently informed staff that there has been much progress in preparation for decontaminating the IRP sites but that none of them have been cleaned to a point where they can be considered as requiring no further action and thus available for disposal. For these sites the Department of the Navy has prepared final or draft Records of Decision which identify the method of cleanup for each IRP site. Draft Work plans have also been drawn up for several of the sites.

The Navy has informed staff that from July through October 2000 it has:

1. Achieved No Further Action (NFA) status (obtained regulatory agency permission for close-out) on;

- 20 underground storage tanks
- 17 above ground storage tanks
- 19 oil water separators
- 9 aerial photographic anomaly sites
- 2 solid waste management units/temporary accumulation areas
- 2 additional miscellaneous RCRA sites

2. Conducted the formal public meeting on the Proposed Plan for Installation Remediation (IR) Sites 7&14

3. Conducted 2 public Restoration Advisory Board meetings

4. Performed a Multi-Phase Extraction (MPE) pilot study at IR Site 16 with significant success in contaminant removal

5. Put contractual vehicles in place to perform lead based paint and asbestos testing

6. Signed the Interim Record of Decision for IR Sites 2&17, which allows for the Remedial Design (RD) to proceed for those two landfill sites

7. Significant progress on a host of other issues.

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In its statement to Commission staff the Navy concludes: "As you can see, even in just four months, we have made significant progress in the IR program, which we are of course legally bound to complete by way of the signed Federal Facilities Agreement (FFA) for this National Priorities List (NPL) site, as well as in the regulated RCRA program. These actions have taken place with oversight by multiple regulatory agencies, many have been briefed to the public, and have records which are also publicly available."

With regard to the impacts of the retrocession on the cleanup process the Navy further concludes that: "I can not site an instance where retrocession has had a single negative impact or resulted in even the remotest modification to any of our programs. To the contrary, the law enforcement presence on base has been most welcome and beneficial towards site security."

On September 1, 2000 Orange County executed a Master Lease with the Navy for the entirety of El Toro. In consideration for use of the base, Orange County will provide maintenance for all facilities. Presently, the County is using the same facilities that it used under the interim lease. As more buildings go through the environmental clean up process and are certified for other uses, the County will occupy them.

Additionally the County is now providing fire and police services over the entire base, reportedly without any complications.

It is staff's belief that the Navy remains committed to the cleanup of MCAS El Toro as required by federal law and that the process is ongoing. The retrocession does not seem to have any negative effects on it. Rather the retrocession has been beneficial to the Orange County community by allowing the continued civilian use of the facilities.