GEORGE AFB
CALIFORNIA

ADMINISTRATIVE RECORD
COVER SHEET

AR File Number 2461

FINAL

FINDING OF SUITABILITY TO TRANSFER (FOST)
FORMER GEORGE AIR FORCE BASE, CALIFORNIA
SUBPARCELS: D-7, D-8, D-9, F-1, G-2, J-1, J-2, J-3, J-4, J-5, J-6, J-7, CENTRAL AND SOUTHEASTERN PORTION OF D-5
SEPTEMBER 2007

1. PURPOSE

1.1 The purpose of this Finding of Suitability to Transfer (FOST) is to document environmental findings and the suitability to transfer the real property and any improvements on Subparcels D-7, D-8, D-9, F-1, G-2, J-1, J-2, J-3, J-4, J-5, J-6, J-7, and the central and southeastern portion of D-5 (hereinafter referred to as the "Property") at former George Air Force Base (AFB), California, to Southern California Logistics Airport Authority (hereinafter Transferee). A description of the Property is provided in Section 2 below. The described property will be transferred by deed and its primary anticipated use is for commercial/industrial purposes with some recreational use at the golf course.

1.2 This FOST is a result of a thorough analysis of information contained in the following documents:

(1) *Basewide Environmental Baseline Survey*, dated December 1993 (Administrative Record [AR]# 817)
(2) *Operable Unit (OU)-3 Remedial Investigation Vols I, II, and III*, April 1996 (AR# 747, 748, 749, 750.2, 751.2, and 752.2)
(3) *OU-3 Record of Decision (ROD)*, November 1998 (AR# 1294)
(4) *Final Environmental Impact Study (FEIS) for the Disposal and Reuse of George AFB*, March 1992 (AR# 1383, 1384)
(5) *Disposal and Reuse, Record of Decision (ROD)*, January 14, 1993
(6) *Disposal and Reuse Supplemental ROD*, September 21, 1993; (AR# 805)
(7) Visual Site Inspections (VSIs) conducted on June 22, 2005, and October 31, 2006 (included in SEBS), and May 7, 2007.
(8) Supplemental EBS (SEBS) for Subparcels D-7, D-8, D-9, F-1, G-2, J-1, J-2, J-3, J-4, J-5, J-6, J-7, Central and Southeastern Portion of D-5, dated August 2007

Note: AR documents are located on the following website:
https://afrpaar.afrpa.pentagon.af.mil/ar/docsearch.aspx
Documents not found in the AR could be viewed at the George Air Force Real Property Agency (AFRPA) Field Office, 18374 Phantom Street, Victorville, CA, 92394.

2. PROPERTY DESCRIPTION

The Property is shown on the map included at Attachment 1 and comprises approximately 825 acres. The Property also includes the following improvements and approximately 1,487 abandoned or demolished military housing units:

Table 2.0
Property Inventory Description

Facility Number	Parcel	Former Air Force Use	Square Footage/Acres
997	D-8	Housing Maintenance Shed *Removed*	828 sq ft
999	D-8	Base Engineering	3,800 sq ft
1055	D-8	Veterinary, Social Action Facility	10,800 sq ft
1056	D-8	Liquid Oxygen Storage	1,034 sq ft
1057	D-8	Portable Facility, Original AFRPA/OL Office *Removed*	4,320 sq ft
1132	D-5	Security Police Control and Identification *Removed*	224 sq ft
1133	D-5	Traffic Check House	264 sq ft
1138	J-5	Golf Storage & Office Shed	242 sq ft
1139	J-5	Golf Lawn & Equipment Storage	242 sq ft
1140	J-6	Golf Clubhouse Pro Shop	5,393 sq ft
1141	J-5	Golf Course Storage	1,750 sq ft
1142	J-4	Water Supply Facility	180 sq ft
1143	J-7	Golf Driving Range	3 acres
1144	J-4	Water Supply Storage/Pond (lined with high density polyethylene [HDPE])	~ 100 sq ft
1145	J-4	Nine Hole Golf Course	67 acres
1146	J-5	Golf Cart Storage	4,000 sq ft
1147	J-5	Golf Cart Fuel Station	~ 100 sq ft
1154	D-8	Wastewater Treatment	117 sq ft
1155	D-8	Base Medical Center	104,920 sq ft
1160	D-9	Youth Center	10,352 sq ft
1163	D-9	Child Care Center *Removed*	1,800 sq ft

3. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

The environmental impacts of this property transfer proposal have been adequately analyzed and disclosed in compliance with the NEPA. These impacts are analyzed in the *FEIS*, as appropriate. The major environmental impacts identified are insignificant.

4. ENVIRONMENTAL CONDITION OF THE PROPERTY

Based on a review of the VSIs and the supporting SEBS documentation, the Property is considered an overall Department of Defense (DoD) Environmental Condition Category (ECC) 1. However, due to the unresolved pesticide issue (see subparagraph 5.15), AFRPA will accede to the requests of the Environmental Protection Agency (EPA) and the California Regional Water Quality Control Board (RWQCB), Lahontan Region by designating the Property an ECC 3.

For reference, DoD environmental condition categories are defined as follows:

Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred, including no migration of these substances from adjacent areas.

Category 2: Areas where only release or disposal of petroleum products has occurred.

Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred but at concentrations that do not require a removal or remedial response.

Category 4: Areas where release, disposal, and or migration of hazardous substances has occurred and all removal or remedial actions to protect human health and the environment have been taken.

Category 5: Areas where release, disposal, and/or migration of hazardous substances has occurred and removal or remedial actions are underway, but all required actions have not yet been implemented.

Category 6: Areas where release, disposal, and/or migration of hazardous substances has occurred, but required actions have not yet been implemented.

Category 7: Areas that are not evaluated or require additional evaluation.

The table listed below summarizes the change in the Property's condition from the condition identified in the original *Basewide EBS*. Other subparcels not summarized in the table below did not have changes in the Property's condition from the Basewide EBS

Subparcels (IRP Site associated with Subparcels)	Reason for Change in Environmental Condition Category
D-7, J-1, J-2 (LF039)	Portions of D-7, J-1, and J-2 were originally designated as ECC 5 and 7 in the *Basewide EBS* based on the unknown contamination at Landfill 39 (IRP Site LF039) while other portions of the subparcels were designated as ECC 1 and 2. During the OU-3 Remedial Investigation (RI)/Feasibility Study (FS), four (4) test pits were excavated at LF039 and no evidence of debris was observed. Two (2) subsurface soil samples were collected and no volatile organic compounds (VOCs) or total petroleum hydrocarbons (TPH) were detected. No further action for LF039 was approved by Environmental Protection Agency (EPA) and RWQCB as documented in the Final OU-3 ROD. Based on the evidence that there were no

Subparcels (IRP Site associated with Subparcels)	Reason for Change in Environmental Condition Category
	releases, disposal, or migration of hazardous substances or petroleum products, these portions of the subparcels have changed from ECC 5 and 7 to ECC 1.
F-1 and J-4 (OT022)	Portions of F-1 and J-4 were originally designated as ECC 5 and 7 based on unknown contamination at IRP site OT022, the effluent discharge from the sanitary treatment plant (STP) percolation ponds used to irrigate the golf course. Other portions were designated as ECC 1 and 2 in the *Basewide EBS*. No Constituents of Concern were detected at the STP percolation ponds. No further action was proposed in the final OU-3 ROD and the Air Force received regulatory concurrence on November 1998. Based on the evidence that there were no releases, disposal or migration of hazardous substances or petroleum products, these portions of the subparcels have changed from ECC 5 and 7 to ECC 1.

5. DEED RESTRICTIONS AND NOTIFICATIONS

The environmental documents listed in Section 1.2 were evaluated to identify environmental factors that may warrant constraints on certain activities in order to substantially minimize or eliminate any threat to human health or the environment. Such constraints typically are embodied as permanent restrictions in the deed or as specific notifications to the transferee. The factors that require either deed restrictions or specific notifications are identified in Attachment 2 and are discussed below. Please refer to the *Basewide EBS*, SEBS, and applicable VSIs for more detailed information on each resource category.

AFRPA has determined that the remaining factors listed in Attachment 2 do not pose an unacceptable threat to human health or the environment, consistent with governing regulatory processes and, therefore, do not require deed restrictions or notifications to the Transferee and thus are not discussed below.

5.1 Hazardous Substances Notification

A hazardous substance notification need not be given because no hazardous substances were stored for one (1) year or more in quantities greater than or equal to: (1) 1,000 kilograms or the hazardous substance's CERCLA reportable quantity as described in 40 CFR Part 302.4, whichever is greater (40 CFR Part 373.2 (b)); or (2) 1 kilogram if the substance is an acutely hazardous substance found in 40 CFR Part 261.30 (40 CFR Part 373.2 (b)), and Air Force records do not indicate that any hazardous substances were released, treated, or disposed of on the Property. In addition, no evidence of a release of any hazardous substances to the environment was identified during the VSI.

5.2 Environmental Restoration Program: Installation Restoration Program (IRP) sites, Environmental Compliance-Closure Related (EC-CR) sites, and Areas of Concern (AOC).

There are no areas on the Property where release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas). The Property is suitable for transfer because no hazardous substances in quantities exceeding the reportable quantity found at 40 CFR Part 302.4 were known to have been released or disposed on the Property. Originally, the *Basewide EBS* identified two IRP sites: OT022 (effluent discharge from the sanitary sewer treatment plant percolation ponds) and LF039 (potential disposal site for construction debris) located within the boundaries of the Property. Investigations identified that no releases or disposal of hazardous substances or petroleum products have occurred at these two sites. The determination that no remedial action was necessary to protect human health and the environment at OT022 and LF039 is supported by the *Final OU-3 ROD*, dated November 1998, and by additional investigations accomplished in March, 2001, to determine that OT022 and LF039 were not sources of the Dieldrin present in groundwater under portions of the Property.

A restriction will be placed in the Deed prohibiting the installation of wells and the pumping of any groundwater on the Property because of the presence of Dieldrin in groundwater in the upper aquifer under portions of the Property. Installing wells by drilling through the upper aquifer into the lower/regional aquifer could cause cross contamination. AFRPA is planning an additional evaluation of Dieldrin in groundwater in 2008 so that an appropriate long-term plan can be developed.

The locations of groundwater monitoring wells located on the FOST parcel are shown on the map in Attachment 1 of the SEBS. These wells are: NZ-62, NZ-63, NZ-64, NZ-65, NZ-66, NZ-89, NZ-91, NZ-120, NZ-121, NZ-122 and NZ-123. CERCLA Covenants will be included in the Deed to protect the groundwater monitoring wells from destruction or disturbance until such time as the Air Force determines that the monitoring wells are no longer needed in an approved Long-term Monitoring Plan. Ownership of the monitoring wells shall be retained by the Air Force and the Air Force shall retain the right to access these wells for gauging, sampling, maintenance, repair, and decommissioning. The Air Force also retains the right to install additional wells, if necessary.

Pursuant to CERCLA regulations, the Deed will include covenants to ensure that any response or corrective actions that are the responsibility of the Air Force for hazardous substances released or disposed of on the Property prior to the date of the Deed that are found to be necessary after the date of delivery of the Deed will be conducted by the United States. Provisions will also be included in the Deed to allow the United States access to the Property in any case where any such response or corrective action is found to be necessary or where such access is necessary to carry out a response or corrective action on adjoining property. The above response assurance by the Air Force does not mean the Air Force will perform or fund any remediation to accommodate a change in land use desired by the Transferee that is inconsistent with any use restrictions or covenants contained in the Deed or other related property transaction documents.

5.3 Underground and Aboveground Storage Tanks (USTs and ASTs)

There were nine (9) suspected USTs and one (1) AST located within the boundaries of this Property. All of the USTs and one AST were removed prior to base closure, were closed by authority of the City of Victorville's Fire Department or DTSC, or could not be located. Table 5.3 provides additional detail on the USTs and ASTs. One 250-gallon AST located at Facility 1141 was installed and is owned and operated by the Local Reuse Authority for golf course ground equipment fuel. The Transferee will be responsible for complying with all applicable federal, state, and local laws relating to the use of this tank. Specific notification and written release of liability from Transferee will be required.

Table 5.3
Storage Tanks

Type of Tank/Contents	Tank Capacity (gallons)	Location	Site, Releases, and/or Spill Number	Tank Status	Tank Closure Date
UST/MOGAS	1,200	Facility 999	N/A	Removed	Closure letter dated March 22, 2001, from the Victorville Fire Department
UST/Diesel	2,000	Facility 1055	N/A	N/A	A civil engineering drawing inspection was performed on January 5 2000 and a follow-up geophysical survey was accomplished in 2001; no UST was identified or located.
UST/Diesel	Unknown	Facility 1139	N/A	N/A	A civil engineering drawing inspection was performed on January 5 2000 and a follow up geophysical survey was accomplished in fiscal year (FY) 2001; no UST was identified or located.
UST/MOGAS	1,000	Facility 1146	N/A	Removed	Closure letter dated September 11, 1992 from the San Bernardino County Environmental Health Services.

Type of Tank/Contents	Tank Capacity (gallons)	Location	Site, Releases, and/or Spill Number	Tank Status	Tank Closure Date
UST/MOGAS	1,000	Facility 1146	N/A	N/A	Based on records research and field inspections, this UST is considered a duplicate of the other 1,000-gallon MOGAS UST at Facility 1146.
AST/Diesel	250	Facility 1141	N/A	Active	New since base closure; owned by the LRA
AST/MOGAS	1,000	Facility 1147	N/A	Removed	Removed prior to base closure on December 15, 1992
UST/Diesel	5,000	Facility 1155	N/A	Removed	Closure letter dated April 26, 1999, from the Victorville Fire Department
UST/Diesel	5,000	Facility 1155	N/A	Removed	Closure letter dated April 26, 1999, from the Victorville Fire Department
UST/Diesel	12,000	Facility 1155	N/A	Removed	Closure letter dated April 26, 1999, from the Victorville Fire Department
UST/Diesel	25,000	Facility 1155	N/A	Removed	Closure letter dated April 26, 1999, from the Victorville Fire Department

5.4 Oil/Water Separators (OWSs)

OWSs were present on the Property to be conveyed. The Air Force has taken necessary steps, to include sampling where appropriate, to address the OWS located near Facility 1146. The OWS was removed as part of the basewide OWS removal action in 1995. The OWS located near Facility 1139 was never located as described in the *Basewide EBS*, Table 3-5.

5.5 Military Munitions: Unexploded Ordnance (UXO), Discarded Military Munitions (DMM), Waste Military Munitions (WMM), Explosive Soils, Explosive Debris, and/or Munitions Constituents (MC)

There are no known UXO, DDM, WMM, soils containing explosive compounds, explosive debris, or MC on the Property. The Deed, through the CERCLA covenant, will ensure that any response or corrective actions that are the responsibility of the Air Force for military munitions substances released or disposed of on the Property prior to the date of the Deed that are found to be necessary after the date of delivery of the Deed will be conducted by the United States. Provisions will also be included in the Deed to allow the United States

access to the Property in any case where any such response or corrective action is found to be necessary, or where such access is necessary to carry out any response or corrective action on adjoining property.

5.6 Asbestos-Containing Material (ACM)

The facilities as described in Section 2.0 contain asbestos-containing material (ACM). The Deed will contain the following notifications.

5.6.1 ACM in Structures or Buildings: An asbestos survey was conducted between April 1, 1994 and December 1, 1994. The survey report is available at the George AFB Field Office. The report describes the presence, location, and condition of ACM. Additionally, a summary of ACM identified by the *Basewide EBS* is included in Attachment 3 of the SEBS. Based on the June 22, 2005, October 31, 2006, and May 7, 2007, VSIs and a review of the *Basewide EBS*, the ACM located in the structures on the Property is in good condition and not damaged or deteriorated to the extent that it would create a potential source of airborne fibers.

5.6.2 ACM in Utility Pipelines: No CERCLA response action for ACM in below ground utility pipelines is required at this time. ACM, such as transite pipes or pipes wrapped with asbestos insulation, may be found in (or on) utility pipelines located on the Property. ACM associated with utility pipelines below ground does not pose a threat to human health or environment as long as it is not disturbed, or, if it is disturbed, proper care is taken to manage and dispose of it. Utility pipelines below the ground have not been inspected. The property recipients and subsequent transferees will be given notice of the possibility of ACM in utility pipelines through a notice in the Deed. The Deed will provide notice to the property recipients that the Air Force will not be responsible for the probable presence of ACM in utility pipelines.

5.6.3 ACM in Demolition Debris: ACM, which was commonly used in building materials, may be located at building demolition locations. Based upon an inspection of the property and a review of the environmental baseline survey reports, no such locations are specifically known on this base. No CERCLA response action is required at this time. However, it is possible that there are undiscovered locations where demolition debris may be found by the property recipient or subsequent transferees during ground disturbance activities. The property recipient and subsequent transferees will be cautioned by notice in the Deed to exercise care during ground-disturbing activities. The property recipient or subsequent transferees will be required to notify the Air Force promptly of any demolition debris containing friable asbestos and believed to be associated with Air Force activities. The property recipients or subsequent transferees will be required to allow the Air Force a reasonable opportunity to investigate and, if a CERCLA response action is necessary, to accomplish it.

5.6.4 General: The Deed will contain a provision stating that the property recipient and subsequent transferees, in their use and occupancy of the property, will be responsible for complying with all applicable federal, state, and local laws relating to asbestos. The Deed will also state that the Air Force will be responsible for conducting any CERCLA remedial action found to be necessary for hazardous substances released or disposed of on the property prior to the date of the Deed, so long as the property recipient is not a potentially responsible party under CERCLA for the release or disposal. The above response assurance by the Air Force does not mean the Air Force will perform or fund any remediation to accommodate a change in land use desired by the property recipient that is inconsistent with use restrictions or covenants contained in the Deed or other related property transaction documents.

5.7 Drinking Water Quality

The potable water system on the former George AFB has been transferred to Victor Valley Water District. Facilities located on the Property are connected to this potable water system. The existing groundwater has a Municipal beneficial use; however, due to the presence of Dieldrin in groundwater in the upper aquifer under portions of the Property, this groundwater cannot be used for this purpose until levels are below the state action levels and meet Municipal water quality standards.

5.8 Lead-Based Paint (LBP)-Target Housing and Residential Property

The Air Force has conducted an LBP Evaluation (a risk assessment, a lead hazard screen, a lead-based paint inspection, paint testing, or a combination of these) to determine the presence of LBP and LBP hazards in target housing and residential property and child-occupied facilities on the Property. Target housing is defined as housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling. Residential property includes dwelling units, common areas, building exterior surfaces, and any surrounding land, including outbuildings, fences, and play equipment affixed to the land that is available for use by residents. The Transferee will be notified through the supporting *Basewide EBS* documentation of the presence and condition of LBP and will be provided with a copy of the LBP Evaluation.

The Air Force is required to disclose the presence of known LBP and/or LBP hazards in accordance with the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of Public Law 102-550) prior to the disposition of target housing or residential property to a non-governmental entity. The government is also required to provide the Transferee with any available records or reports pertaining to LBP and/or LBP hazards. Before the Transferee was obligated under the EDC Agreement, it was provided with a copy of the Environmental Protection Agency lead hazard information pamphlet, *Protect Your Family from Lead in Your Home*, and given at least 10 calendar days to conduct its own risk assessment and/or inspection for the presence of LBP and/or LBP hazards. The EDC agreement contains the Lead Warning Statement required by Title X, and a statement signed

by the purchaser that the purchaser has (a) read the statement and understands its contents; (b) has received the information pamphlet; and (c) had 10 days to conduct a risk assessment and/or inspection.

The Air Force provided notice to the Transferee of possible LBP and LBP hazards, and disclosed all actual knowledge of the presence of LBP and LPB hazards. The Transferee certified through the EDC that the housing will not be used for residential habitation and will be demolished, therefore abatement of LBP is not required.

5.9 Lead-Based Paint (LBP) - Facilities other than Target Housing & Residential Property

LBP and/or LBP hazards might be present in facilities other than target housing and residential property on the Property if the facilities were built prior to 1978. The Transferee will be notified through the supporting EBS documentation and SEBS of the possible presence of LBP and/or LBP hazards in these facilities. Notice was provided to the Transferee in the EDC that the Transferee would be responsible for managing all LBP and potential LBP in compliance with all applicable laws and regulations.

5.10 Lead-Based Paint and Lead-Based Paint Containing Materials and Debris (collectively "LBP")

LBP was commonly used prior to 1978 and may be located on the Property. Furthermore, LBP may have come to be in the soil as a result of deterioration, maintenance activities, and demolition. Based upon its evaluation of available records, the Air Force has concluded that remedial action under CERCLA is not necessary.

The Deed shall include a notice to the Transferee and subsequent transferees, notifying them that LBP may be on the Property and advising them to exercise caution during any use of the Property that may result in exposure to LBP. By a grantee covenant in the Deed, the Transferee and its successors will acknowledge and accept responsibility for managing LBP, and including LBP in soils, in accordance with all applicable laws and regulations and for promptly notifying the Air Force of any discovery of LBP in soils that appears to be the result of Air Force activities and is at concentrations requiring remediation. The Transferee and subsequent transferees will be required to provide the Air Force an opportunity to investigate such discoveries and, if a CERCLA remedial action is required, to accomplish it. The Deed will reserve a non-exclusive easement to the Air Force to enable it to investigate such discoveries and take any remedial action found to be necessary.

5.11 Polychlorinated Biphenyls (PCBs)

Serviceable PCB-containing equipment owned by Southern California Edison is present on the Property. The Transferee will be advised through the supporting EBS documentation and SEBS, Section 5.18, in accordance with the Toxic Substances Control Act of 1976, of the location of this equipment and PCB concentration if available or known.

5.12 Energy (Utility Infrastructure/Lines)

The electrical power lines on the Property are owned and operated by Southern California Edison and Southern California Gas Company provides natural gas to George AFB. All areas within the boundaries of the base have the potential for containing buried utility lines not indicated on maps used for locating subsurface utilities, with an increasing likelihood for such unidentified locations in the vicinity of the former industrial areas and residential areas of the former base. Hazards associated with these unmapped utility lines include contact with materials of construction, such as asbestos-containing transite piping, as well as contact with materials conveyed, such as pressurized natural gas, petroleum fuel products, and high voltage electricity. A provision will be provided in the Deed that any activity conducted on the Property that will require excavation or drilling into the subsurface should be conducted in accordance with all appropriate industry safety precautions in consideration of the potential presence of such unmarked utility lines.

5.13 Sanitary Sewer Systems

Facilities located on the Property are connected to the sanitary sewer system. The sanitary sewer system has been transferred to City of Victorville and is not part of this FOST. The Transferee will be responsible for submitting any required applications for discharges to the sanitary sewer system and for meeting all applicable discharge permit standards. This Factor requires specific notification of requirement for Transferee to comply with applicable discharge permit standards and to provide a written release of liability to Air Force. A provision will be provided in the Deed that any activity conducted on the Property that will require excavation or drilling into the subsurface should be conducted in accordance with all appropriate industry safety precautions in consideration of the potential presence of piping.

5.14 Solid Waste

Solid waste, to include municipal solid waste, is transported and disposed of off site at a permitted disposal facility. The Transferee will be responsible for securing all future disposal services and complying with all applicable federal, state, and local laws relating to solid waste disposal.

5.15 Pesticides

Pesticide applications, specifically of the termiticide Dieldrin, took place on or adjacent to the Property in conformity with the manufacturers' label specifications. In accordance with customary military housing construction and maintenance practices, the termiticide was applied during building construction under the concrete slab foundations and reapplied every three to five years around the perimeter of the foundations for termite control purposes. During site investigations, Dieldrin was found in the soil and groundwater. Thus far, investigations confirm the conceptual site model that Dieldrin was applied under building slabs and along building foundations and detections are indicative of application in accordance with customary military practices. The EPA and RWQCB submitted numerous comments on this issue and fundamentally disagree with AFRPA about the appropriate

characterization of, and response to, the Dieldrin contamination. These comments are considered "unresolved" and the positions are discussed below.

AFRPA Position

It is the AFRPA position that the presence of Dieldrin in the family housing area and groundwater at the former George AFB is not an actionable CERCLA release. Because Dieldrin was registered, at the time of its use, under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and was applied in accordance with the manufacturer's label specifications and customary practices, AFRPA believes that CERCLA's so called "pesticide exemption" applies (42 U.S.C. 9607(i)). Use of this pesticide exemption requires proper application of a registered pesticide. AFRPA believes that if the pesticide exemption applies, response action under CERCLA is not required at this National Priorities List (NPL) base, especially where environmental restrictive covenants imposed by the Deed are protective of human health and the environment.

CERCLA's general statutory scheme supports AFRPA's position. The general statutory scheme of CERCLA requires response actions for releases of hazardous substances and subsequently allows response cost recovery from potentially responsible parties (42 U.S.C. 9604, 9607). The AFRPA agrees that CERCLA Section 9601(22) defines "release" very broadly. AFRPA also admits that pesticides have not been categorically excluded from the definition of "hazardous substance." By its structure, CERCLA generally requires and encourages environmental response actions where hazardous substances are released. CERCLA Sections 9603(e) and 9607(i), with relevant case law, merely establish a narrowly construed pesticide exemption from the general requirements of CERCLA, i.e., where registered pesticides are properly applied. If the use of a registered pesticide is not a proper application, as defined by a former definition in FIFRA (40 C.F.R. §162.3(j) (1980)) and applicable case law, then there is an actionable CERCLA release.

AFRPA believes that it has sufficiently investigated and evaluated the soils and has reasonably determined that the presence of Dieldrin is due to proper application. Thus far, none of the groundwater investigation indicates anything but proper surface application and leaching to the groundwater through extensive landscape irrigation. More site investigation can always be done, but to prove a negative (i.e., there was never an improper surface application) would be costly and time consuming, if it could ever be done. AFRPA disagrees that there is a factual basis for characterizing the presence of Dieldrin as posing "a potential risk to human health and the environment." With the imposition of certain precautionary environmental restrictive covenants

as a risk management precaution, AFRPA believes that the management of Dieldrin in-place is protective.

EPA and State Position

It is the EPA and RWQCB's position that there is no "pesticide exemption" under CERCLA and that the presence of Dieldrin in the soils and groundwater under this Property constitutes a CERCLA release. The regulators note that CERCLA Section 9603 does not limit the definition of "release", but excludes certain activities, including the proper application of a pesticide, from reporting requirements. Further, the regulators assert that CERCLA Section 9607(i) only exempts the application of pesticide from activities which give rise to EPA's right to recover response costs. EPA has consistently maintained that Section 9607(i) does not limit the authority or obligation of the Air Force to respond to pesticide-related contamination.

EPA believes the Air Force has not adequately evaluated the Dieldrin contamination to determine whether, or under what circumstances, they could pose a threat to human health and the environment. In light of the available information regarding the nature and extent of soil contamination and the anticipated reuse of the property, which includes a major commercial construction project, evaluation of the risk would be of limited value.

Though our respective positions could not be reconciled and the comments relating to pesticides remain unresolved, AFRPA has altered this FOST in a manner that addresses some of the regulators' concerns. The EPA and RWQCB believe that the "release" of Dieldrin and the presence of lead-based paint and asbestos containing materials preclude an ECC 1 designation for the Property. The regulators recommended that the Property be designated an ECC 3 to accurately reflect their position. AFRPA has decided to designate the Property an ECC 3, rather than ECC 1. All parties agree that the Property is suitable for transfer, and AFRPA intends to give the CERCLA Section 120(h)(3) covenants in the Deed, which is supported by either ECC.

Additionally, AFRPA intends to impose certain environmental restrictive covenants, as risk management measures, in the Deed for this Property to ensure protectiveness of human health and the environment. The AFRPA expects the following restrictive covenants to prevent use and migration of groundwater containing Dieldrin and prevent unnecessary exposure to Dieldrin in soils.

- Grantee covenants and agrees that it will not use, or allow others to use, the Property for residential purposes, hospitals for human care, public or private schools for persons under 18 years of age, or day care centers for children.

- Grantee covenants and agrees that it will not conduct, or allow others to conduct, any surface activities that inject or allow infiltration of water/ other fluids into the groundwater (e.g., construction or creation of any groundwater recharge area, percolation pond, unlined surface impoundment or disposal trench), unless specifically approved in writing by the Air Force, the EPA Region IX, and the RWQCB. Normal watering on the golf course in support of routine landscaping and fairway/green maintenance activities is excluded from this restriction.
- Grantee covenants and agrees that it will not conduct, or allow others to conduct, any soil disturbing activities (e.g., constructing, digging, excavating, drilling, grading, removing, trenching, filling, moving, farming/planting, or mining) without a Health and Safety Plan. Routine landscaping and fairway/green maintenance activities on the golf course are excluded from this restriction.
- Grantee covenants and agrees for itself and any of its agents, representatives, contractors, or lessees that it will follow all applicable laws and regulations for the handling, transporting, and disposing of any soils containing Dieldrin or other pesticide-related constituents.
- Grantee covenants and agrees for itself and any of its agents, representatives, contractors, or lessees that it will not construct any well on the Property or extract/pump groundwater from beneath the Property for any purpose other than monitoring.

The current and anticipated future land uses for the Property as support facilities for aviation, intermodal transportation facilities, commercial facilities, and a golf course are compatible with all of the foregoing environmental restrictive covenants.

Finally, these environmental restrictive covenants and other covenants to protect long-term monitoring wells and reserve necessary access will be imposed on the property recipient in a state land use covenant (SLUC), if the property recipient agrees to enter into a SLUC. AFRPA will urge the property recipient to agree to the SLUC and will seek both State and EPA assistance in convincing the property recipient to do so. In the SLUC, these restrictions may be expressed using a slightly different format and phraseology, but they will be consistent with the Grantee covenants in the Deed. The SLUC will be signed and recorded after the transfer by Deed is completed.

6. REGULATOR COORDINATION

The State of California, RWQCB, Lahontan Region, and the USEPA were notified on June 15, 2005, of the initiation of the FOST, supporting EBS, and SEBS documentation and were invited to participate in preparing the working draft documents consistent with the provisions of AFRPA's Procedures for Processing Findings of Suitability to Lease/Transfer (FOSL/FOST and Supporting Environmental Documents, issued jointly by Alan K. Olsen, AFBCA, Thomas W.L. McCall Jr., DAS/ESOH, and Timothy Fields Jr., DAA/OSWER in a memo dated June 8, 1995. Consolidated draft documents were provided on June 14, 2007,

for regulatory agency review and comment. A revised draft final FOST and supporting EBS and SEBS documentation were provided for final coordination on September 14, 2007.

7. UNRESOLVED REGULATORY COMMENTS

After reviewing and discussing regulatory comments (Attachment 5) with the applicable regulatory agency, certain comments were not incorporated or addressed as requested by the regulatory agencies. AFRPA's response to these and other comments is provided in Attachment 6. There were three (3) unresolved comments; they are described below.

1) The EPA unresolved comment on Pesticides is further explained in Section 5.15 and Attachment 6 (Atch 6.2, EPA Comment Letter dated 27 Sep 06, Comment Number 2).

2) The EPA unresolved comment on remediation of LBP hazards is addressed in Attachment 6 (Atch 6.2, EPA Comment Letter dated 27 Sep 06, Comment Number 2).

3) The EPA and RWQCB unresolved comments on ACM abatement is addressed in Attachment 6 (Atch 6.2, EPA Comment Letter dated 27 Sep 06, Comment Number 2; Atch 6.6, RWCQB Comment Letter dated 29 Aug 07, Comment Number 10).

8. PUBLIC NOTICE

Public notice, as required by the FOST process, was provided on August 11, 2007; a copy of notice is included in Attachment 8.

FINAL

9. FINDING OF SUITABILITY TO TRANSFER

The proposal to transfer this Property by deed has been adequately assessed and evaluated for: (a) the presence of hazardous substances and contamination on the Property; (b) environmental impacts anticipated from the intended use for the Property: (c) the adequacy of use restrictions and notifications to ensure that the intended use is consistent with protection of human health and the environment; and (d) adequate notice of disclosures. including those required by CERCLA Section 120(h). The anticipated future use of this Property does not present a current or future risk to human health or the environment subject to inclusion and compliance with the appropriate restrictions on use and disclosures as addressed above. The following CERCLA language will be included as covenants in the Deed:

- CERCLA 120(h)(3)(A)(ii)(I) warranting that all remedial action under CERCLA necessary to protect human health and the environment with respect to hazardous substances remaining on the Property have been taken before the date of transfer.
- CERCLA 120(h)(3)(A)(ii)(II) warranting that any remedial action under CERCLA found to be necessary after the date of transfer with respect to such hazardous substances remaining on the Property shall be conducted by the United States.
- CERCLA 120(h)(3)(A)(iii) granting the United States access to the Property in any case in which remedial action or corrective action is found to be necessary after the date of transfer.

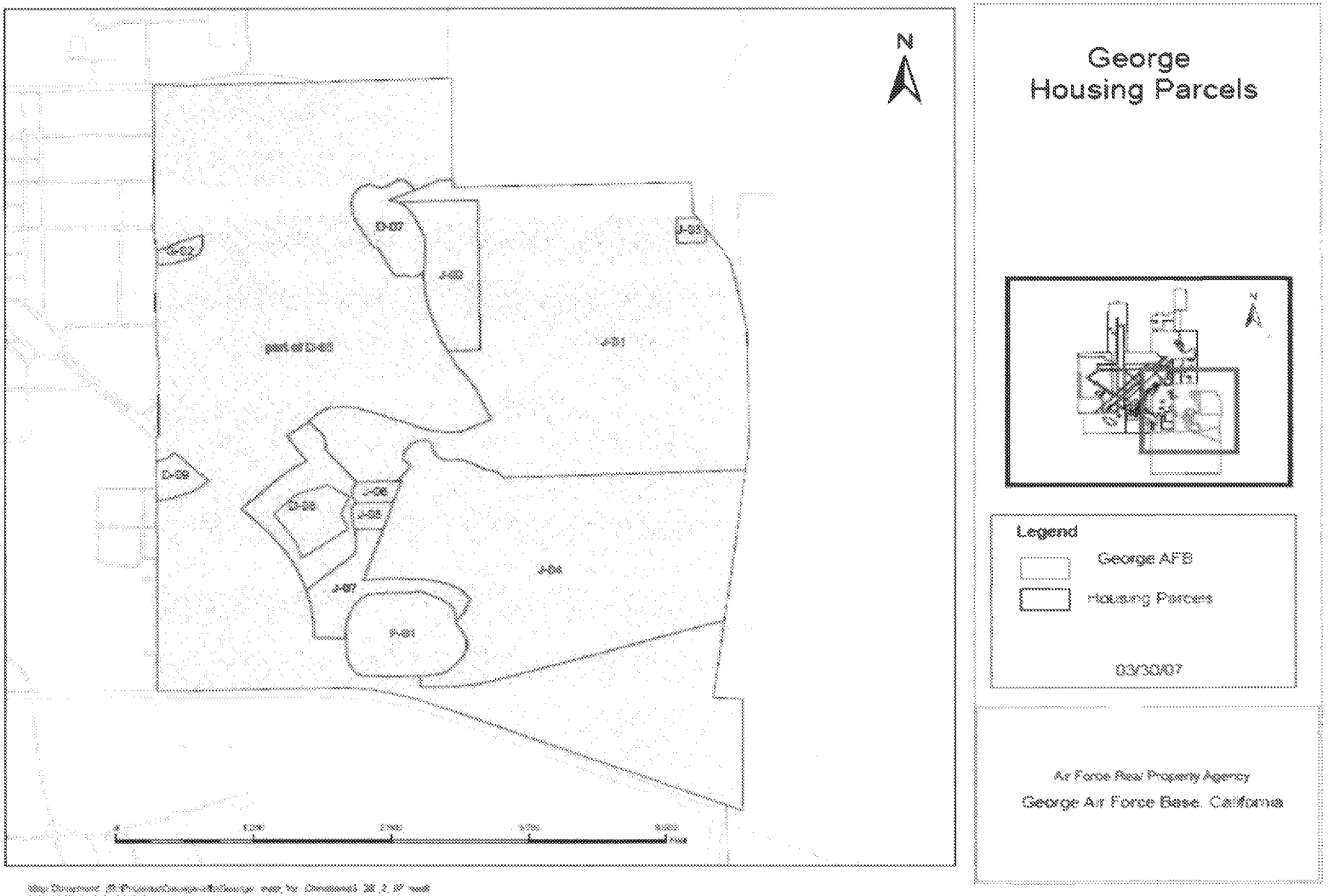
The conditions of CERCLA Section 120(h) have been satisfied. Therefore, the Property is suitable for transfer.

24 Sept 2007
Date

JEFFREY DOMM
Deputy
Air Force Real Property Agency

Attachments:
1. Property Map
2. Environmental Factors Table
3. Not Used
4. Not Used
5. Regulatory Comments
6. Air Force Response to Regulatory Comments
7. FOST Regulatory Concurrence Letters
8. FOST Public Notice

SubParcels D-7, D-8, D-9, F-1, G-2, J-1, J-2, J-3, J-4, J-5, J-6, J-7, and Central and Southeastern portion of D-5
Former George AFB,
California



FOST, George AFB, Subparcels D-7, D-8, D-9,
F-1, G-2, J-1, J-2, J-3, J-4, J-5, J-6, J-7,
Central and Southeastern Portion of D-5, 9/12/2007
Attachment 1

ENVIRONMENTAL FACTORS TABLE

(Note: Each item identified with an "X" in the "Yes" column is discussed in Section 5)

Deed Restriction or Notification Required?			***Environmental Factors Considered***
No	**Yes**		
	Notification	Deed Restriction	***Environmental Restoration, Hazardous Substances, Petroleum***
X			Hazardous Substances (Notification)
		X	Environmental Restoration Program; (IRP, EC-CR, and AOC)
X			Petroleum Products and Derivatives
	X		Storage Tanks (USTs/ASTs)
X			Oil/Water Separators (OWSs)
X			Military Munitions (UXO), (DMM), (WMM), (MC)
X			Radioactive & Mixed Wastes
			Disclosure Factors/Resources:
	X		Asbestos Containing Material (ACM)
X			Drinking Water Quality
X			Indoor Air Quality (Radon)
	X		Lead-Based Paint (Target Housing & Residential Property)
	X		Lead-Based Paint (Other than Target Housing & Res Property)
	X		LBP and LBP Containing Materials and Debris
X			PCBs
			Other Factors:
X			Outdoor Air Quality/Air Conformity/Air Permits
	X		Energy (Utilities)
		X	Pesticides
X			Flood plains
X			Historic Property (Archaeological/Native American, Paleontological)
X			Sanitary Sewer Systems
X			Septic Tanks
X			Solid Waste
X			***Biological Resources:***
X			Sensitive Habitat
X			Threatened and Endangered Species
X			Wetlands

Attachment 5

Regulatory Comments

1. **Jehiel Cass, RWQCB, Lahontan Region, letter comments on Hospital (Sub-Parcel D-8) FOST dated September 19, 2006**
2. **James Chang, USEPA, letter comments on Hospital (Sub-Parcel D-8) FOST dated 27 September 2006**
3. **Jehiel Cass, RWQCB, Lahontan Region, email comments on Housing FOST dated 5 July 2007**
4. **Jehiel Cass, RWQCB, Lahontan Region, letter comments on Housing FOST dated 11 July 2007**
5. **James Chang, USEPA, email comments on Housing FOST dated 26 July 2007**
6. **David Coupe, RWQCB, Lahontan Region, email comments on Housing FOST dated 29 August 2007**
7. **James Chang, USEPA, email comments on Housing FOST dated 30 August 2007**

1. Jehiel Cass, RWQCB, Lahontan Region, letter comments on Hospital (Sub-Parcel D-8) FOST dated September 19, 2006

California Regional Water Quality Control Board
Lahontan Region

Linda S. Adams
Secretary for Environmental Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392-2306
(760) 241-6583 • Fax (760) 241-7308
http://www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

September 19, 2006

File: DoD – George AFB

David E. Green
BRAC Environmental Coordinator
AFRPA/DD-McClellan
3411 Olson St
McClellan, CA 95652-1003

COMMENTS ON FINDING OF SUITABILITY TO TRANSFER AND SUPPLEMENTAL ENVIRONMENTAL BASELINE SURVEY FOR SUBPARCEL D-8 (HOSPITAL) – FORMER GEORGE AIR FORCE BASE, VICTORVILLE, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff reviewed the above-referenced document dated August 23, 2006 requesting concurrence or comments by September 21, 2006. The Air Force is proposing to transfer the former base hospital located on four acres of land to the Southern California Logistics Airport, operated by the City of Victorville. Please address the following comments on the Finding of Suitability to Transfer (FOST) before it is finalized.

1. Section 5 (Deed Restrictions) – The report, page 2, indicates that no deed restrictions or notifications to the transferee are required but goes on to state that land use covenants will be included in the deed to state that the Air Force will be responsible for cleanup of hazardous substances released prior to the transfer. Please clarify the difference between land use covenants and deed restrictions.

   Water Board staff believes that the deed must include restrictions on the pumping of groundwater unless it has been established by the Air Force that such pumping will not adversely affect adjacent plumes of groundwater contamination and concurrence has been obtained from the regulatory agencies. These deed restrictions should continue to run with the land until the land use covenant is revised to remove the requirement for regulatory agency approval. Indicate that if pumping wells are installed, sentry monitoring wells will be installed between the plume and the well.

2. Section 5.10 (Sanitary Sewer Systems) - The document indicates that the sanitary sewer collection system has been transferred to the Victor Valley Wastewater Reclamation Authority (VVWRA). Please verify this information. Water Board staff understands that the system was transferred to the City of

1.

2. James Chang, USEPA, letter comments on Hospital (Sub-Parcel D-8) FOST dated 27 September 2006

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

September 27, 2006

David Green
Regional Environmental Coordinator
AFRPA Western Region Execution Center
3411 Olson Street
McClellan, CA 95652-1003

Re: **Draft Finding of Suitability to Transfer (FOST), Subparcel D-8 (Hospital)**

Dear Mr. Green

EPA has reviewed the subject FOST for transferring 4 acres. The property includes the Wastewater Treatment Facility and Base Medical Center, and is considered Environmental Condition Category (ECC) 1. The following comments are provided:

1. If there is no groundwater contamination at this site, the FOST should clearly state this information. Additionally, EPA believes a deed restriction is needed to prohibit pumping of groundwater for preventing adverse impacts on the adjacent groundwater contamination plumes.

2. Section 4. Because lead based paint (LBP), Pesticides (Dieldrin) and Abestos are present on the parcel, and notifications to the transferee are required, the property should not be classified as ECC 1. We recommend an ECC 3, which is defined as areas where contamination is present, but below action levels.

3. Section 5. The text states that "factors that require either deed restrictions or specific notifications are identified..." but the AF does not propose any deed restrictions. If no deed restrictions will in fact be included, the AF should clarify that in this paragraph. And, for each subsection in Section 5 that proposes a deed notification or covenant, the AF should provide that draft language.

4. Section 5.6. The FOST should have a deed restriction for lead based paint (LBP) that prohibits any residential reuse, unless a LBP risk assessment and any required abatement is completed prior to residential use.

5. Section 5.9. Should "The Gas Company" be changed to "Southern California Gas Company"?

6. Section 5.10. The last sentence beginning with "This Factor requires" is confusing. Please explain what is required, by whom, and what specifically the AF is planning to do.

7. Section 5.12, 1st Paragraph. The text inaccurately refers to Section 107(i) of CERCLA when it states that termiticide "was applied in accordance with regulations (42 USC §9607(i) and Federal Insecticide, Fungicide and Rodenticide Act [FIFRA])." Termiticide cannot be applied "in accordance" with Section 107(i) because that statutory provision does not include any direction for the application of pesticides. Further Section 107(i) does not exempt the application of pesticide from the definition of a "release" under CERCLA but only provides that, in general, EPA may not recover response costs resulting from pesticide application. EPA has consistently maintained that Section 107(i) does not limit the authority or obligation of the Air Force to respond to pesticide-related contamination. It is our position that where contamination resulting from pesticide application poses a risk to human health or the environment, such contamination must be addressed by the Air Force. Accordingly, the AF should conduct adequate soil sampling to evaluate the risks from pesticides.

8. Section 5.12, 2nd Paragraph. The text states that "Institutional Controls will be incorporated in the deed as grantee covenants and in a state land use covenant (SLUC)," but it should also state what restrictions will be implemented.

9. Section 6. The Regional Water Quality Control Board should be mentioned in this section

10. Section 8. The FOST is missing the required covenants for property transfer. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires a covenant indicating that all remedial action necessary to protect human health and the environment, with respect to any hazardous substances remaining on the Property, has been taken prior to transfer of such property by deed (*see* CERCLA § 120 (h)(3)(A)(ii)(I)). Accordingly, replace the entire Section 8 with following suggested language:

"The deed proposal has been adequately assessed and evaluated for: (a) the presence of hazardous substances and contamination on the Property (b) environmental impacts anticipated from the intended use for the Property, (c) adequacy of use restrictions and notifications to ensure that the intended use is consistent with protection of human health and the environment, and (d) adequate notice of disclosures, including those required by CERCLA 120(h). The anticipated future use of this Property does not present a current or future risk to human health or the environment subject to inclusion and compliance with the appropriate restrictions on use and disclosures as addressed above. The following covenant CERCLA language will be included in the Deed:

- CERCLA 120(h)(3)(A)(ii)(I) warranting that all remedial action under CERCLA necessary to protect human health and the environment with respect to hazardous substances remaining on the Property have been taken before the date of transfer.

- CERCLA 120(h)(3)(A)(ii)(II) warranting that any remedial action under CERCLA found to be necessary after the date of transfer with respect to such hazardous substances remaining on the property shall be conducted by the United States.
- CERCLA 120(h)(3)(A)(iii) granting the United States access to the Property in any case in which remedial action or corrective action is found to be necessary after the date of transfer.

The Conditions of CERCLA Section 120(h) have been satisfied. Therefore, the property is suitable for transfer."

Thank you for considering our concerns. If you have any questions, please contact me at extension (415) 972-3193.

Sincerely,

James Chang
Remedial Project Manager

cc: Jeheil Cass
Lahontan Regional Water Quality Control Board
14440 Civic Drive, Suite 200
Victorville, CA 92392

Calvin Cox
Attn: Air Force Real Property Agency
c/o Southern California Logistics Airport
18374 Phantom Way
Victorville, CA 92392

Susan Soloyanis
Mitretek Systems
4610 Fox Road
Cascade, CO 80809

File: 058_draftFOST D-8

3. Jehiel Cass, RWQCB, Lahontan Region, email comments on Housing FOST dated 5 July 2007

From: Jehiel Cass [mailto:jcass@waterboards.ca.gov]
Sent: Thu 7/5/2007 4:26 PM
To: Cox, Calvin
Cc: david.green@afrpa.pentagon.af.mil; Chang.James@epamail.epa.gov; Susan@sologeo.com
Subject: GAFB SEBS Thoughts

Calvin - I completed draft FOST comments but did not look at the photo attachments to the SEBS until now. Some thoughts.

1. Facility 1144 (golf course pond) - you may want to indicate it is now lined.

2. Facility 1155 (former hospital) - What is the status of transformer cleanup and are PCBs present?

3. Figure of Housing Parcels Buffer with IRP Sites - Even though it may be further than 1/4 mile away, I thought it may be appropriate to include Site ST-67b because the groundwater plume remains undefined - or does it?

****
Jehiel (Jay) Cass
Water Resources Control Engineer
CA Regional Water Quality Control Board
Lahontan Region (6B)
14440 Civic Dr., Ste 200
Victorville CA 92392
phone: (760) 241-2434
fax: (760) 241-7308
email: jcass@waterboards.ca.gov
web: http://www.waterboards.ca.gov/lahontan/
****
Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."
****

4. Jehiel Cass, RWQCB, Lahontan Region, letter comments on Housing FOST dated 11 July 2007

California Regional Water Quality Control Board
Lahontan Region

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
http://www.waterboards.ca.gov/lahontan

July 11, 2007

File: DoD – George AFB

David E. Green
BRAC Environmental Coordinator
AFRPA/DD-McClellan
3411 Olson St
McClellan, CA 95652-1003

COMMENTS – DRAFT FINDING OF SUITABILITY TO TRANSFER AND SUPPLEMENTAL ENVIRONMENTAL BASELINE SURVEY FOR SUBPARCELS D-7, D-8, F-1, G-2, J-1, J-2, J-3, J-4, J-5, J-6, J-7, and CENTRAL AND SOUTHWESTERN PORTION OF D-5 – FORMER GEORGE AIR FORCE BASE, VICTORVILLE, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff reviewed the above-referenced document dated June 27, 2007 requesting concurrence or comments by July 27, 2007. The Air Force intends to transfer the former base housing and golf course located on the Southern California Logistics Airport, operated by the City of Victorville because it believes the property is now suitable to transfer. The parcels comprise collectively about 825 acres of land, 1,487 abandoned or demolished housing units, and about 17 other structures. Please address the following comments on the Finding of Suitability to Transfer (FOST) before it is finalized.

1. Comments on Sub-parcel D-8 (Hospital) – The Air Force incorporated Sub-parcel D-8 into this FOST for a much larger area of land involved. Water Board staff comments dated September 19, 2007 for Sub-parcel D-8 still apply, and are substantively repeated herein.

2. State Land Use Covenant (SLUC) – Prior to completing land transfer, a SLUC must be finalized as required by the Porter-Cologne Water Quality Control Act. Relevant institutional controls need to be identified and included in the SLUC for soil and groundwater because all cleanup decisions for this parcel have not been finalized (e.g. Dieldrin). This will ensure that land use restrictions "run-with-the-land." Please provide a copy of a draft SLUC using as the basis the McClellan AFB Parcel C-6 SLUC.

3. Landfill Site LF039 – The Water Board did concur with a No Further Action recommendation for site LF039. However, as noted in the Water Board's July 11, 1997 OU-3 Record of Decision comments, no investigation work was conducted in the western portion of Site LF039 because it is beneath former base housing. Therefore, the No Further Action decision only applies to the eastern portion of Site LF039. The SLUC should include a requirement that if, as a result of any post-land transfer construction activities, wastes are found beneath the former base housing area, a waste management plan must be developed and appropriate regulatory concurrence obtained. See Enclosure 1 that shows a general outline of the site with respect to base housing.

4. Monitoring Wells – The FOST indicates the Air Force retains ownership of the monitoring wells. These wells have a dual-use. In addition to Air Force monitoring of the Dieldrin plume, they are used for groundwater monitoring as required in Board Order 6-03-028 for the Desert Winds Golf Course. The SLUC should clarify that if the Air Force decides to destroy these wells, the Air Force will first coordinate with the City of Victorville and Victor Valley Wastewater Reclamation Authority, allowing them an opportunity to acquire or replace the wells.

5. Groundwater Quality Evaluation - The response action for Dieldrin has not yet been completed but is likely to include some form of monitored natural attenuation. Because the existing groundwater has a MUNICIPAL (MUN) beneficial use, the FOST should include a comparison of subsurface water quality with respect to primary and secondary drinking water standards. Currently, the FOST only indicates that the potable water system was transferred to the Victor Valley Water District.

6. Groundwater Pumping Restriction - The SLUC should clarify that if the transferee wants to use groundwater, then the effects of that use would be evaluated with respect to potential receptors and the Dieldrin groundwater remedy and appropriate controls will be incorporated into the planned water use. An industrial water use may be acceptable or another controlled use in a manner that is protective of human health and the environment so that the restriction is not so limiting as to exclude all groundwater pumping.

7. Underground Storage Tanks – Water Board staff understands that the City of Victorville issued closure letters for the underground storage tanks because there was no evidence of a release at the time the tanks were pulled. Please include a statement to this effect if true. If not, indicate the status of further investigation. Also please provide copies of the closure letters along with a statement that there was no evidence of a release at the time the tanks were pulled.

8. The Supplemental Environmental Baseline Survey (page 7) should state that Site ST-67b is located to the west of the parcel. It contains petroleum hydrocarbons released to soil and groundwater and is still being investigated.

9. Dieldrin Application – The FOST should include reference to the US EPA, Region 9 evaluation that Dieldrin was applied in a manner consistent with Federal Insecticide, Fungicide, and Rodenticide Act and the basis for its determination that Dieldrin in soil or groundwater was not the result of a "release" under CERCLA section 103(e).

If you have any questions, please contact me at (760) 241-2434 or Cindi Mitton, Senior Engineer at (760) 241-7413.

Sincerely,

Jehiel Cass, P.E.
Water Resource Control Engineer

Enc: Enclosure 1 – site LF39

Cc w/enc: Mailing List

JC/rc/George AFB/ FOST/GeorgeFOSTParcelsD,F,G,J(jwc 7-3-06)

Mailing List

FOST, George AFB, Subparcels D-7, D-8. D-9, F-1, G-2, J-1, J-2, J-3, J-4, J-5, J-6, J-7, Central and Southeastern Portion of D-5, 9/12/2007

Attachment 5

George AFB
Finding of Suitability to Transfer Base Housing & Golf Course Parcels

Jerry Bingham
HQ AFCEE/BCW
3300 Sidney Brooks
Brooks City-Base TX 78235-5112

James Chang
US EPA, Region IX
Mail Stop SFD8-1, 9th Floor
75 Hawthorne St
San Francisco CA 94105

Susan Soloyanis
Mitretek Systems
4610 Fox Road
Cascade CO 80809

Jon Roberts, City Manager
City of Victorville
14343 Civic Dr.
Victorville CA 92392

Peter Soderquist
Airport Operations
Southern California Logistics Airport
18374 Phantom
Victorville, CA 92394

Calvin Cox
Booz Allen Hamilton Inc.
18374 Phantom West St
Victorville CA 92394-1504

California Environmental Protection Agency

Recycled Paper

5. James Chang, USEPA, email comments on Housing FOST dated 26 July 2007

From: Chang.James@epamail.epa.gov [mailto:Chang.James@epamail.epa.gov]
Sent: Thu 7/26/2007 3:47 PM
To: david.green@afrpa.pentagon.af.mil
Cc: Cox, Calvin; Gilbert.Dimidjian@us.mwhglobal.com; Susan@sologeo.com; Jehiel Cass; Hamill.John@epamail.epa.gov; Jolish.Taly@epamail.epa.gov
Subject: Housing FOST comments

Dave,
Following are EPA's subject comments:.

1. Section 4, pg 3. The FOST identifies the property as an ECC 1, but ECC 7 is more appropriate because the Dieldrin contaminated soil require additional evaluation. EPA believes that the contaminated soil poses a potential risk to human health and the environment, and that the AF should conduct an adequate evaluation to address that risk.

2. Section 5.15, pg 12. The text states that "the Dieldrin present in soil and groundwater is not considered a CERCLA release under Section 103...." Section 103 does not define the term "release." The proper application of a pesticide IS a release, per the definition in Section 101(22), and needs to be evaluated as such. Section 103 sets forth those circumstances which require notice to the agency, and does nothing more than exclude certain pesticide applications from the notice requirement.

3. EPA concurs with the proposed restrictions in Section 5.15. The text should also state that the AF will provide EPA with a draft deed for review before it is recorded, and that the transferred property will be covered by a SLUC to make the restrictions enforceable by the State.

Please call me if you have questions, thanks.

****
James Chang
Phone: 415.972.3193 Fax: 415.947.3526

6. David Coupe, RWQCB, Lahontan Region, email comments on Housing FOST dated 29 August 2007

From: Jehiel Cass [mailto:jcass@waterboards.ca.gov]
Sent: Wed 8/29/2007 6:09 PM
To: david.green@afrpa.pentagon.af.mil
Cc: Michael.Kelly@afrpa.pentagon.af.mil; Cox, Calvin; MAlonzo@dtsc.ca.gov; Chang.James@epa.gov; Susan@sologeo.com; Cindi Mitton; David Coupe; John Russell; Mike Plaziak
Subject: Additional Water Board staff Comments - George AFB Housing Parcel - Draft Final FOST

Dave -

RE: George AFB Draft Final Housing Parcel Documents - Water Board Attorney Comments

In addition to the comments that I sent you in a 8-24-07 (1:05pm) email, the following comments are provided by Dave Coupe, the assigned Regional Water Board attorney at the State Board.

Draft Housing Parcel Deed

1. Typo in V.B. Should be Lahontan, not Lahonton.

2. VII.C, paragraph 2: What needs to be clear is the fact that the US will record any appropriate document modifying or removing such restrictions, as appropriate, is subject to concurrence or approval by the Regional Board.

3. VIII.B: What should be reiterated here is that property development activities requires submittal of a Health and Safety Plan.

4. VIII.B: Clarify what is friable ACM.

5. VIII.D: State "must" instead of "should".

6. VIII.F: Reference to 14 CFR part 77 is unclear. State specific regulation that is referenced.

Comments on Draft Final FOST

1. First paragraph on Page 3: re: ECC 1 classification. Water Board staff agrees with USEPA Region 9.

2. Table at bottom of Page 3, first reason for change in ECC: Water Board staff disagrees that the two subsurface soil samples collected are sufficient to change the classifications of 5 and 7 to 1 for the entire Site LF-39. Our position is reiterated that concurrence with No Further Action at this site applies to the "east" portion of the site. The "west" portion of the site was not investigated. Please clarify.

3. Table at top of Page 4: "Contamination was not detected in soil samples collected beneath the STP percolation ponds". This is a qualified statement. Clarify if this means that contamination was

in fact detected in other soil samples within these subparcels. Also, the relevance of this conclusion is unclear. The George AFB wastewater treatment plant percolation ponds are not included within the Housing parcel that is being transferred. Water Board staff is aware that elevated nitrate contaminants were detected in soil beneath the percolation ponds and was a likely contributor to nitrate groundwater pollution that was detected in groundwater subsequent to use of these ponds to percolate treated groundwater extracted from the Operable Unit One solvent plume.

4. Clarify what is being done to ensure compliance with 22 CCR section 67391.1 as part of the deed restrictions and notifications section.

5. Page 5, first paragraph: "The Property is suitable for transfer because no hazardous substances in quantities exceeding the reportable quantity found at 40 CFR Part 302.4 were known to have been released or disposed on the Property." Clarify why this is true. Even if true, the property is still subject to 22 CCR section 67391.1 which are land use control provisions under the CA DTSC's jurisdiction.

6. Section 5.2, page 5: Clarify, or refer to documents, that explain where the Dieldrin exists and at what concentrations.

7. Section 5.2, page 5: Clarify that a remedy for groundwater containing Dieldrin has not been established. The Water Board has not yet accepted a remedy consisting of only Long-Term Monitoring that allows for continued groundwater degradation without any active remediation at all.

8. Section 5.3, page 5 and 6: It appears that the CA DTSC closed at least one of the tanks (at Facility 1146). Based on this Water Board staff believes the CA DTSC may have jurisdiction to assert State Land Use Requirements.

9. Section 5.3, page 6: The tank removed at Facility 1147: Clarify who removed this underground storage tank, under what circumstances, and under whose jurisdiction the tank was closed.

10. Section 5.6.2: The presence of ACM and utility pipelines. This appears to be an unresolved issue and it is unclear why no action is required. Clarify if this is because the assumed presence of asbestos on utility pipelines does not constitute a release of a hazardous substance. In certain places, reference is made to the "possible presence of ACM in utility pipelines." This is inconsistent with other comments that utility pipelines constructed prior to 1981 likely had ACM, and that the majority of utility pipelines at George were constructed prior to 1981.

11. Section 5.7 (top), page 9: Clarify why the Air Force believes that the Dieldrin remaining in soil is stable and there is no risk of additional groundwater degradation. Clarify that a remedy has not been selected for Dieldrin remaining in soil.

Covenant and Agreement to Restrict Use of Property

Thank you for providing the draft State Land Use Covenant. Water Board staff comments on this document will be made in the draft document you provided and then coordinated with other state agencies as appropriate and provided to the Air Force for inclusion in the Housing parcel property transfer documents.

Comments on Responses to Water Board staff (Cass) Letter Dated July 11, 2007

1. Attachment 6, Comment 3: As previously stated, it remains unclear as to the scope of the No Further Action for site LF-39. We say it only applies to the eastern portion of Site LF039. Please clarify.

2. Attachment 6, Comment 4: Please clarify that during the August 24, 2007 meeting, the Air Force and Victor Valley Wastewater Reclamation Authority agreed not to pursue an agreement regarding disposition of the Dieldrin/West Winds golf course monitoring wells at this time.

3. Attachment 6, Comment 5: The response did not provide the requested comparison of existing groundwater quality with respect to drinking water standards. Because there is no primary drinking water standard for Dieldrin, Water Board staff does not agree that the groundwater can not be used for Municipal uses. However, the groundwater is degraded and subject to State Board Resolutions 68-16, 92-49 and the Regional Water Board Basin Plan. The CA Department of Public Health published guidance on their internet site: (http://cdph.ca.gov/certlic/drinkingwater/Pages/NotificiationLevels.aspx) that for chemicals with a non-cancer toxicological endpoint, the CA DPS recommends removing the source from a Municipal use when concentrations are 10 times the notification (e.g., action) level. Also provide a comparison of Dieldrin concentrations in groundwater with respect to this standard.

4. Provide a closure letter from the CA DTSC for Facility 1146.

Comments on Attachment 6 (AFRPA Comments to USEPA and Regional Board---not D-8)

1. AFRPA Response to Comment 2: Not exactly right here. 107(i) does not preclude liability. It arguably precludes response costs or damages.

2. AFRPA Response to Comment 4: "because such provisions are inappropriate for recordable documents." Indicate according to who or what and what this is based on.

3. Comment 6: Note that the Water board has not agreed to the problem by prohibiting any pumping at all, land use restrictions, and submittal of a Health and Safety Plan if there is going to be soil disturbance beyond normal landscaping activities.

4. Comment 9: Confusing. Perhaps the reg. existed at one time, but does not exist now.

Comments on AFRPA Response to USEPA and Regional Board---D-8)

1. Comment 1: Same unresolved issue re the ECC.

2. Comment 7: The fact that the application of the termiticide around housing was in accordance with FIFRA requirements dos not mean that we are not dealing with a CERCLA release.

3. RB Comment 1: Reiterate that the Water Board has not agreed to any kind of active remediation.

4. RB Comment 3, AFRPA Response: Clarify whether the fact that the Air Force will continue to evaluate and monitor the Dieldrin that has been identified in the groundwater adjacent to the Property is sufficient.

4. The AFRPA comment in response to Regional Board comment 4 is unresponsive. What are they committing themselves to do (if anything) in the future?

5. RB Comment 6: Clarify the AF's basis for believing that Dieldrin was used as an insecticide applied to soils beneath and adjacent to the building during their construction.

6. AFRPA Response to RB Comment 6: "it is unlikely that Dieldrin may be present in the groundwater beneath the parcel." Clarify that the Water board has not agreed that no additional investigation is necessary. Clarify why it is unlikely that Dieldrin would be present in the groundwater beneath the parcel.

7. The newspaper notice states that the public comment period expires 9/10/07. Water Board staff asserts the need to have until this time to resolve these comments.

Comments re SEBS

1. 4.0: Clarify the basis for determining that Dieldrin was applied "in an appropriate manner".

2. 5.6, last paragraph: This does not serve as a basis that Dieldrin was applied in an appropriate manner. It only suggests that these Dieldrin detections presumably support a pattern of detection that confirms the conceptual site model that termiticide was applied prior to construction and reapplied along the building foundations after construction. The Water Board has not yet agreed to a remedy based on this assumption.

3. 5.11: The wording here strongly supports the fact ACM is likely present, not that there is a "possibility" that ACM exists as this language is used elsewhere.

4. 5.18: Clarify whether there was an investigation to determine what the ppm actually was and whether it was solely based on the label. Some investigation seems appropriate.

5. 5.24: Clarify whether all disposal was proper during the entire operation of the hospital so therefore no investigation needed or whether there was some period when the hospital was in operation that the waste was not properly disposed.

It is not yet clear whether the Water Board can independently enforce the land use covenants under provisions pertaining to DTSC's jurisdiction and not the Water Board's. Thus, at this point in time Water Board staff believes that the CA DTSC should be a signatory to the covenant.

****

Jehiel (Jay) Cass
Water Resources Control Engineer

CA Regional Water Quality Control Board
Lahontan Region (6B)
14440 Civic Dr., Ste 200
Victorville CA 92392
phone: (760) 241-2434
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email: jcass@waterboards.ca.gov
web: http://www.waterboards.ca.gov/lahontan/
****
Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations."
****

7. James Chang, USEPA, email comments on Housing FOST dated 30 August 2007

From: Chang.James@epamail.epa.gov [mailto:Chang.James@epamail.epa.gov]
Sent: Thursday, August 30, 2007 8:47 PM
To: Green David E Civ AFRPA COO/McClellan
Cc: Kelly Michael P Civ SAF/GCN-RPO McClellan; cox_calvin@bah.com; jcass@waterboards.ca.gov; Jolish.Taly@epamail.epa.gov
Subject: EPA's George Housing FOST Comments

Dave,
Here are EPA's comments keyed to respective sections of the Housing FOST and Deed. I'll send you a signed copy upon returning to the office as I'm out starting tomorrow and entire next week. If you have questions, please cc Taly Jolish as she can address them also. Thanks

4.0 Environmental Condition of the Property
EPA and the Air Force have a fundamental disagreement about the environmental condition of the property addressed in this FOST. The ECC 1 designation is reserved for "areas where no release or disposal of hazardous substances or petroleum products has occurred, including no migration of these substances from adjacent areas." The presence of Dieldrin, lead-based paint, and asbestos containing materials disqualifies the Property from classification as ECC 1.

With respect to the Dieldrin, EPA and the AF agree that the pesticide was applied many years ago and that some, unquantified levels of Dieldrin persist in the soil and groundwater; in fact, we agree that, as a result of the Dieldrin contamination, the groundwater cannot serve as a source of drinking water. Unlike the AF, however, EPA considers Dieldrin a hazardous substance and its application a release (albeit a release that would not have triggered the notice requirements of CERCLA Section 103), and therefore cannot concur in the ECC 1 designation.

This disagreement - which extends to every statement in the FOST indicating the absence of a CERCLA release on the Property, including statements in sections 5.1, 5.2, and 5.15 - must be documented in a section titled "Unresolved Comments."

5.15 Pesticides
The AF again asserts here that "CERCLA Section 103 (e) excepts the Dieldrin present in soil and groundwater on and beneath the property from being a CERCLA release...." EPA continues to object to this misstatement of Section 103(e), as it has several times this year.

Section 103 is establishes notification and record keeping requirements, and the statement in Section 103(e) exempting pesticide applications is explicitly limited to "this section." The fact that a FIFRA-compliant application of a pesticide does not have to be reported to EPA does not imply or justify any other exemptions from CERCLA.

On a separate issue, this section of the FOST notes that the "SLUC will be signed and recorded immediately prior to deed transfer." The SLUC, however, is drafted as an agreement between the new owner and the Regional Board; if it is recorded prior to transfer, the new owner will not yet have authority to agree to the SLUC provisions. We suggest a revision to reflect that the SLUC will be signed and recorded immediately following deed transfer.

Attachment 6, AFRPA Response to EPA Comment 2
EPA finds this response difficult to parse and potentially misleading to members of the public. The AF purports to agree that pesticides and their application fall within the CERCLA definitions of "hazardous substance" and "release," respectively. The statements that follow these admissions, however, appear to contradict them without explanation. The AF should revise its response to clarify that CERCLA Section 103(e) exempts certain pesticide applications from notice requirements and that Section 107(i) precludes cost recovery and contribution actions for costs incurred as a result of certain pesticide applications. If the AF persists in its stated interpretations of these sections, it should clearly identify its position as an interpretation and NOT state that it is "consistent" with our website or any other EPA statement as to the meaning of CERCLA Section 103(e).

RWQCB Comment #2 on draft final FOST
FOST Table, Page 3. EPA concurs with RWQCB's comment that the west side of LF-39 has not been addressed. Air Force should clarify the issue by discussing any specific investigations that may have taken place on the west side, and supports the Air Force's "NFA" position in that area.

Quitclaim Deed, Section V Reservations, Paragraph B
This paragraph begins

> **AND FURTHER RESERVING UNTO THE Grantor, including the United States Environmental Protection Agency ("EPA") and the California Regional Water Quality Control Board - Lahontan Region (RWQCB).... (emphasis added)**

Please revise this paragraph to exclude EPA from inclusion as a "Grantor," perhaps by substituting "as well as" for "including." EPA cannot be "included" as Grantor because EPA does not have and is not

permitted to have any property interest in the Property.

****

James Chang
Phone: 415.972.3193 Fax: 415.947.3526

Attachment 6
AFRPA Responses to Regulatory Comments

1. **Jehiel Cass, RWQCB, Lahontan Region, letter comments on Hospital (Sub-Parcel D-8) FOST dated September 19, 2006**
2. **James Chang, USEPA, letter comments on Hospital (Sub-Parcel D-8) FOST dated 27 September 2006**
3. **Jehiel Cass, RWQCB, Lahontan Region, email comments on Housing FOST dated 5 July 2007**
4. **Jehiel Cass, RWQCB, Lahontan Region, letter comments on Housing FOST dated 11 July 2007**
5. **James Chang, USEPA, email comments on Housing FOST dated 26 July 2007**
6. **David Coupe, RWQCB, Lahontan Region, email comments on Housing FOST dated 29 August 2007**
7. **James Chang, USEPA, email comments on Housing FOST dated 30 August 2007**

1. AFRPA Responses to Jehiel Cass, RWQCB, Lahontan Region, letter comments on Hospital (Sub-Parcel D-8) FOST dated September 19, 2006 *(Because the Hospital Sub-Parcel has been combined with the Housing Parcel, the FOST section numbers referenced in this section no longer pertain.)*

Comment 1: Section 5 (Deed Restrictions)-The report, page 2, indicates that no deed restrictions or notifications to the transferee are required but goes on to state that land use covenants will be included in the deed to state that the Air Force will be responsible for cleanup of hazardous substances released prior to the transfer. Please clarify the difference between land use covenants and deed restrictions.

Water Board staff believes that the deed must include restrictions on the pumping of groundwater unless it has been established by the Air Force that such pumping will not adversely affect adjacent plumes of groundwater contamination and concurrence has been obtained from the regulatory agencies. These deed restrictions should continue to run with the land until the land use covenant is revised to remove the requirement for regulatory agency approval. Indicate that if pumping wells are installed, sentry monitoring wells will be installed between the plume and the well.

AFRPA Response: According to Section 5 and Attachment 2, deed notifications will be required. The language in the Section is the standard Air Force language. Specifics as related to land use covenants and deed restrictions will be included in the Deed. Restrictions on the pumping of groundwater will be included in the FOST and Deed to prevent migration of groundwater contamination.

Comment 2: Section 5.10 (Sanitary Sewer Systems)-The document indicates that the sanitary sewer collection system has been transferred to the Victor Valley Wastewater Reclamation Authority (VVWRA). Please verify this information. Water Board staff understands that the system was transferred to the City of Victorville, one of VVWRA's member entities, and wastewater treatment is provided at VVWRA's regional plants.

AFRPA Response: This section has been rewritten to indicate that the sanitary sewer collection system has been transferred to the City of Victorville.

Comment 3: Section 5.12 (Dieldrin)-You claim on page 6 of the draft FOST that "*covenants will be included in the Deed to protect human health and the environment from the slight detections of Dieldrin in groundwater adjacent to the Property.*" Please note that a deed alone cannot protect human health and the environment from the Dieldrin in groundwater as stated in the report. Please clarify what actions the Air Force will take, how the proposed deed covenant will be worded, and how the Air Force will enforce it after the property transfer.

AFRPA Response: Section 5.12, 3rd Sentence: "*covenants will be included in the Deed to protect human health and the environment from the slight detections of Dieldrin in groundwater adjacent to the Property*" has been replaced with "The Transferee will be advised through the supporting SEBS of the location of Dieldrin detections. The Air Force will continue to evaluate and monitor the Dieldrin that has been identified in the groundwater adjacent to the Property." Additionally, the Deed language will be provided.

Comment 4: Section 5.12 (Dieldrin) - You claim on page 6 of the Draft FOST that Dieldrin in soil and groundwater does "not require removal or response" due to the low concentrations and because the application was in accordance with federal law regulating insecticides. Please note that because the Dieldrin is detected above natural background concentrations (which are non-detectable) then it is subject to the investigation and response action requirements of the following State of California requirements.

a. Section 13304 of the California Water Code;
b. Section III.G. of State Board Resolution 92-49 (Policies and Procedures for the Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304;
c. Sections 1 and 2 of State Board Resolution 68-16 (Statement of Policy With Respect to Maintaining High Quality of Waters in California); and the
d. Municipal Beneficial Use Designation for the Upper Mojave River Valley (Department of Water Resources Basin No. 6-42, page 2-46), Non-Degradation Objective (page 3-2), Water Quality Objectives for Groundwater (page 3-12), References to Toxicity (page 3-15) and Soil and Groundwater Cleanup Levels (pages 4.2-4 & 4.2-5) of the Water Quality Control Plan for the Lahontan Region (Basin Plan).

Note also that the State of California Department of Health Services has established an Action Level for Dieldrin of 0.002 µg/L (parts per billion). The Action Level is below the detected groundwater concentrations for Dieldrin near the parcel, as described below. Please clarify in the report that the Air Force is continuing investigation and response actions to comply with the above requirements.

AFRPA Response: Section 5.12 has been revised to include a statement that the Air Force will continue to evaluate and monitor the Dieldrin in groundwater.

Comment 5: The Supplemental Environmental Baseline Survey (page 4) states that "groundwater sample results down gradient of this property were non detect in November 2002." This is incorrect. Figure 3-35 of the Final 2004 Annual Basewide Ground Water Monitoring Report, Operable Units 1,2,3 and the Pesticide Area of Concern shows Dieldrin in well NZ-123, down gradient of the parcel, at 0.013 µg/L. Please correct the report.

AFRPA Response: The SEBS has been revised to reflect the correct groundwater flow direction from "eastwardly" to "northeastwardly." Based on the direction of the groundwater flow, monitoring well NZ-120 is downgradient of the parcel and the sample result for this MW was 0.0008 µg/L.

Comment 6: Although Dieldrin in groundwater is still being investigated, the Air Force believes it was used as an insecticide applied to soils beneath and adjacent to buildings during their construction. Although no monitoring wells have been installed near the hospital, the report should indicate it is likely that the Dieldrin may be present in groundwater beneath the parcel.

AFRPA Response: Based on the October 2004 groundwater monitoring results and the fact that the groundwater flow direction is more of a northeastwardly direction than an eastwardly

direction, it is unlikely that Dieldrin may be present in the groundwater beneath the parcel. Upgradient groundwater monitoring results were below 0.01 µg/L at MW NZ-119, and downgradient of the parcel, monitoring well NZ-120 results were 0.0008 µg/L. The SEBS has been revised to reflect that the groundwater flow direction is more of a northeastwardly direction than an eastwardly direction.

Comment 7: Please provide a copy of the deed language when available.

AFRPA Response: It will be provided.

2. AFRPA Responses to James Chang, USEPA, letter comments on Hospital (Sub-Parcel D-8) FOST dated 27 September 2006

(Because the Hospital Sub-Parcel has been combined with the Housing Parcel, the FOST section numbers referenced in this section no longer pertain.)

Comment 1. If there is no groundwater contamination at this site, the FOST should clearly state this information. Additionally, EPA believes a deed restriction is needed to prohibit pumping of groundwater for preventing adverse impacts on the adjacent groundwater contamination plumes.

AFRPA Response: The FOST has been rewritten to clearly state that no groundwater contamination is located under this Property. Additionally, a deed restriction to prohibit pumping of groundwater will be put in place.

Comment 2. Section 4. Because lead based paint (LBP), Pesticides (Dieldrin) and Asbestos is present on the parcel, and notifications to the transferee are required, the property should not be classified as ECC 1. We recommend an ECC 3, which is defined as areas where contamination is present, but below action levels.

AFRPA Response: Under CERCLA 103, the Air Force does not believe that there has been a CERCLA release or disposal of LBP, asbestos containing material (ACM), or pesticides and considers the property environmentally ready to transfer under Environmental Condition Category (ECC) 1. The standard AFRPA notices and provisions relating to LBP and ACM will be inserted into the deed. The text of the FOST has not been changed as a result of this comment.

This is considered an unresolved comment with respect to the pesticides.

Comment 3. Section 5. The text states that "factors that require either deed restrictions or specific notification are identified..." but the AF does not propose any deed restrictions. If no deed restrictions will in fact be included, the AF should clarify that in this paragraph. And, for each subsection in Section 5 that proposes a deed notification or covenant, the AF should provide that draft language.

AFRPA Response: Per EPA's recommendations, deed restrictions for groundwater will be included. Draft language for deed notification, restrictions, or covenants will be provided to regulators upon the completion of the draft Deed. The LBP language in Sections 5.6 and 5.7 is the standard AFRPA language and was not changed. As stated in the FOST, the deed will include a grantee covenant that the grantee and successors acknowledge and accept responsibility for managing LBP in accordance with all applicable laws and regulations.

Comment 4. Section 5.6. The FOST should have a deed restriction for lead based paint (LBP) that prohibits any residential reuse, unless a LBP risk assessment and any required abatement is completed prior to residential use.

AFRPA Response: The Air Force procedure for LBP at facilities other than housing and child support facilities requires notification of the possible presence of LBP, and the federal deed will

contain a notice of the possible presence of LBP and the statement that the transferee is responsible for compliance with all applicable rules and regulations. The FOST will require the deed to include a restriction against residential reuse.

Comment 5. Section 5.9. Should "The Gas Company" be changed to "Southern California Gas Company"?

AFRPA Response: "The Gas Company" has been changed to "Southern California Gas Company".

Comment 6. Section 5.10. The last sentence beginning with "This Factor requires" is confusing. Please explain what is required, by whom, and what specifically the AF is planning to do.

AFRPA Response: This is standard Air Force language that explains that a notification will be included in the Deed for the Transferee to comply with all applicable discharge permits and for the Transferee to release the liability to the Air Force.

Comment 7. Section 5.12, 1st Paragraph. The text inaccurately refers to Section 107(i) of CERCLA when it states termiticide "was applied in accordance with regulations (42 USC § 9607 (i) and Federal Insecticide, Fungicide and Rodenticide Act [FIFRA])." Termiticide cannot be applied "in accordance" with Section 107 (i) because that statutory provision does not include any direction for the application of pesticides. Further Section 107 (i) does not exempt the application of pesticide from the definition of a "release" under CERCLA but only provides that, in general, EPA may not recover response cost resulting from pesticide application. EPA has consistently maintained that Section 107 (i) does not limit the authority or obligation of the Air Force to respond to pesticide-related contamination. It is our position that where contamination resulting from pesticide application poses a risk to human health or the environment, such contamination must be addressed by the Air Force. Accordingly, the AF should conduct adequate soil samplings to evaluate the risks from pesticides.

AFRPA Response: Reference 42 USC § 9607(i) has been removed from this sentence. The Air Force position is that the Dieldrin found in groundwater and soil is not considered a CERCLA release in accordance with 42 USC Chapter 103 as it has met the following requirement for exemption as a release: "Application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act." The application of the termiticide around housing was in accordance with the FIFRA requirements. The Air Force will continue to evaluate and monitor the groundwater; however, this should not affect the property transfer.

Comment 8. Section 5.12.2nd Paragraph. The text states that "institutional Controls will be incorporated in the deed as grantee covenants and in a state land use covenant (SLUC)," but it should also state what restrictions will be implemented.

AFRPA Response: The following sentences have been added to this paragraph: "Grantee covenants and agrees that it will not use the Property for residential purposes, hospitals for human care, public or private schools for persons under 18 years of age, or day care centers for children. Grantee covenants and agrees that it will not conduct or allow others to conduct activities that limit access to the site for inspections."

Comment 9. Section 6. The Regional Water Quality Control Board should be mentioned in this section.

AFRPA Response: The Regional Water Quality Control Board has been included in this section.

Comment 10. Section 8. The FOST is missing the required covenants for property transfer. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires a covenant indicating that all remedial action necessary to protect human health and the environment, with respect to any hazardous substances remaining on the Property, has been taken prior to transfer of such property by deed (see CERCLA § 120 (h)(3)(A)(ii)(I)). Accordingly, replace the entire Section 8 with following suggested language:

"The deed proposal has been adequately assessed and evaluated for: (a) the presence of hazardous substances and contamination on the Property, (b) environmental impacts anticipated from the intended use for the Property, (c) adequacy of use restrictions and notifications to ensure that the intended use is consistent with protection of human health and the environment, and (d) adequate notice of disclosures, including those required by CERCLA 120(h). The anticipated future use of this Property does not present a current or future risk to human health or the environment subject to inclusion and compliance with the appropriate restrictions on use and disclosures as addressed above. The following covenant CERCLA language will be included in the Deed:

- CERCLA 120(h)(3)(A)(ii)(I) warranting that all remedial action under CERCLA necessary to protect human health and the environment with respect to hazardous substances remaining on the Property has been taken before the date of transfer.
- CERCLA 120(h)(3)(A)(ii)(II) warranting that any remedial action under CERCLA found to be necessary after the date of transfer with respect to such hazardous substances remaining on the property shall be conducted by the United States.
- CERCLA 120(h)(3)(A)(iii) granting the United States access to the Property in any case in which remedial action or corrective action is found to be necessary after the date of transfer.

The conditions of CERCLA Section 120(h) have been satisfied. Therefore, the property is suitable for transfer."

AFRPA Response: Section 8 language will be revised as above.

3. AFRPA Responses to Jehiel Cass, RWQCB, Lahontan Region, email comments on Housing FOST dated 5 July 2007

Email Comment 1. Facility 1144 (golf course pond) - you may want to indicate it is now lined.

AFRPA Response: The FOST and SEBS has been revised to indicate that Facility 1144 (golf course pond) was lined with high density polyethylene (HDPE).

Email Comment 2. Facility 1155 (former hospital) - What is the status of transformer cleanup and are PCBs present?

AFRPA Response: Southern California Edison was contacted on July 9, 2007. The Air Force and Southern California Edison completed a field inspection that afternoon. It was identified by Southern California Edison that the City of Victorville owns this transformer. Southern California Edison notified the city of the leaking transformer.

Email Comment 3. Figure of Housing Parcels Buffer with IRP Sites - Even though it may be further than 1/4 mile away, I thought it may be appropriate to include Site ST-67b because the groundwater plume remains undefined - or does it?

AFRPA Response: This site is approximately ½ mile away from the boundaries of the property and has not historically or to date impacted the property for transfer. Additionally, this is a petroleum only site, which is CERCLA exempt.

4. AFRPA Responses to Jehiel Cass, RWQCB, Lahontan Region, letter comments on Housing FOST dated 11 July 2007

Comment 1: Comments on Sub-parcel D-8 (Hospital) – The Air Force incorporated Sub-parcel D-8 into this FOST for a much larger area of land involved. Water Board staff comments dated September 19, 2007 for Sub-parcel D-8 still apply, and are substantively repeated herein.

AFRPA Response: The response to the comments have been incorporated into the FOST and SEBS, additionally, the Air Force responses to comments have been included.

Comment 2: State Land Use Covenant (SLUC) – Prior to completing land transfer, a SLUC must be finalized as required by the Porter-Cologne Water Quality Control Act. Relevant institutional controls need to be identified and included in the SLUC for soil and groundwater because all cleanup decisions for this parcel have not been finalized (e.g., Dieldrin). This will ensure that land use restrictions "run-with-the-land." Please provide a copy of a draft SLUC using as the basis the McClellan AFB Parcel C-6 SLUC.

AFRPA Response: Groundwater and soil restrictions are in the deed and a draft SLUC will be provided for review with the draft deed. As much as possible, the Air Force will use the McClellan AFB Parcel C-6 SLUC as a model. Unfortunately the C-6 SLUC is associated with an early transfer and the parcel is subject to a privatized cleanup, this makes the C-6 SLUC somewhat unique.

Comment 3: Landfill Site LF039 – The Water Board did concur with a No Further Action recommendation for site LF039. However, as noted in the Water Board's July 11, 1997 OU-3 Record of Decision comments, no investigation work was conducted in the western portion of Site LF039 because it is beneath former base housing. Therefore, the No Further Action decision only applies to the eastern portion of Site LF039. The SLUC should include a requirement that if, as a result of any post-land transfer construction activities, wastes are found beneath the former base housing area, a waste management plan must be developed and appropriate regulatory concurrence obtained. See Enclosure 1 that shows a general outline of the site with respect to base housing.

AFRPA Response: According to historical documents as listed on the Administrative Record, there is no documentation stating that the NFA decision only applies to the eastern portion of Site LF039. According to the signed OU-3 ROD and correspondences dated, September 30, 1997 (AR 1204), December 3, 1997 (AR 1219), March 24, 1998 (AR 1239), and May 20, 1998 (AR 1177), no further action was determined for LF039 based on the data collected and analyzed through investigations including identifying that LF039 was not a source area of Dieldrin in groundwater. However, the Air Force standard FOST and deed language includes a "provision to allow the United States access to the property in any case where any such response or corrective action is found to be necessary, or where such access is necessary to carry out a response or corrective action on adjoining property" as stated in Section 5.2 of the FOST.

Comment 4: Monitoring Wells – The FOST indicates the Air Force retains ownership of the monitoring wells. These wells have a dual-use. In addition to Air Force monitoring of the Dieldrin plume, they are used for groundwater monitoring as required in Board Order 6-03-028 for the

Desert Winds Golf Course. The SLUC should clarify that if the Air Force decides to destroy these wells, the Air Force will first coordinate with the City of Victorville and Victor Valley Wastewater Reclamation Authority, allowing them an opportunity to acquire or replace the wells.

AFRPA Response: The Air Force does not intend to include within the Deed or SLUC provisions to coordinate the abandonment of monitoring wells because such provisions are inappropriate for recordable documents. However, the Air Force will consider entering into collateral, written agreements with the City of Victorville and /or the Victor Valley Wastewater Reclamation Authority to ensure that such advanced coordination is accomplished.

Comment 5: Groundwater Quality Evaluation - The response action for Dieldrin has not yet been completed but is likely to include some form of monitored natural attenuation. Because the existing groundwater has a MUNICIPAL (MUN) beneficial use, the FOST should include a comparison of subsurface water quality with respect to primary and secondary drinking water standards. Currently, the FOST only indicates that the potable water system was transferred to the Victor Valley Water District.

AFRPA Response: FOST Section 5.7 and SEBS Section 5.17 Drinking Water Quality has been revised to reflect that the existing groundwater has a Municipal beneficial use; however, due to the Dieldrin, groundwater can not be used for this purpose until levels are below the state action levels and meet Municipal water quality standards.

Comment 6: Groundwater Pumping Restriction - The SLUC should clarify that if the transferee wants to use groundwater, then the effects of that use would be evaluated with respect to potential receptors and the Dieldrin groundwater remedy and appropriate controls will be incorporated into the planned water use. An industrial water use may be acceptable or another controlled use in a manner that is protective of human health and the environment so that the restriction is not so limiting as to exclude all groundwater pumping.

AFRPA Response: Based on prior EPA comments, the Air Force prefers to impose an environmental restrictive covenant that prohibits all extraction of groundwater for any purpose other than monitoring. The Air Force does not want groundwater extraction to potentially exacerbate the migration of Dieldrin.

Comment 7: Underground Storage Tanks – Water Board staff understands that the City of Victorville issued closure letters for the underground storage tanks because there was no evidence of a release at the time the tanks were pulled. Please include a statement to this effect if true. If not, indicate the status of further investigation. Also please provide copies of the closure letters along with a statement that there was no evidence of a release at the time the tanks were pulled.

AFRPA Response: In the SEBS, Section 5.4, Underground Storage Tanks, an additional statement will be included stating according to the closure letters from the City of Victorville there was no evidence of a release at the time the tanks were pulled, therefore no further investigation was necessary. Copies of closure letters are included in the revised SEBS.

Comment 8: The Supplemental Environmental Baseline Survey (page 7) should state that Site ST-67b is located to the west of the parcel. It contains petroleum hydrocarbons released to soil and

groundwater and is still being investigated.

AFRPA Response: This site is approximately ½ mile away from the boundaries of the property and has not historically or to date impacted the property for transfer. Additionally, this is a petroleum only site, which is CERCLA exempt.

Comment 9: Dieldrin Application – The FOST should include reference to the US EPA, Region 9 evaluation that Dieldrin was applied in a manner consistent with Federal Insecticide, Fungicide, and Rodenticide Act and the basis for its determination that Dieldrin in soil or groundwater was not the result of a "release" under CERCLA section 103(e).

AFRPA Response: FOST Section 5.15 has been partially rewritten as follows: "Since the Dieldrin was registered under Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and was applied as defined in FIFRA (40 C.F.R. §162.3(j)), CERCLA Section 103(e) excepts the Dieldrin present in soil and groundwater on and beneath the property from being a CERCLA release;... ." Additionally, according to the former George AFB Federal Facilities Agreement Update (AR #2112), it was agreed during a BCT meeting in 2004 that the Dieldrin Groundwater Plume would be considered a non-CERCLA site.

5. AFRPA Responses to James Chang, USEPA, email comments on Housing FOST dated 26 July 2007

Comment 1. Section 4, pg 3. The FOST identifies the property as an ECC 1, but ECC 7 is more appropriate because the Dieldrin contaminated soil require additional evaluation. EPA believes that the contaminated soil poses a potential risk to human health and the environment, and that the AF should conduct an adequate evaluation to address that risk.

AFRPA Response: Under CERCLA Sections 103(e) and 101(22), the Air Force believes that it has sufficiently investigated and evaluated the soils and has reasonably determined that there has been no CERCLA release or disposal of pesticides into the soils. Consequently, Department of Defense (DOD) Environmental Condition Category (ECC) 1 is the appropriate category for this property. The Air Force considers the property environmentally ready to transfer, as long as proposed notices are given and the proposed environmental restrictive covenants are imposed in the deed and State Land Use Covenant (SLUC) (see also the Air Forces responses to EPA comments 2 and 3 below). The text of the FOST has not been changed as a result of this comment. This is an unresolved comment.

Comment 2. Section 5.15, pg 12. The text states that "the Dieldrin present in soil and groundwater is not considered a CERCLA release under Section 103...." Section 103 does not define the term "release." The proper application of a pesticide IS a release, per the definition in Section 101(22), and needs to be evaluated as such. Section 103 sets forth those circumstances which require notice to the agency, and does nothing more than exclude certain pesticide applications from the notice requirement.

AFRPA Response: Section 5.15 has been rewritten as follows "Since the Dieldrin was registered under Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and was applied as defined in FIFRA (40 C.F.R. §162.3(j)), CERCLA Section 103(e) excepts the Dieldrin present in soil and groundwater on and beneath the property from being a CERCLA release."

The Air Force's position is consistent with the concept expressed in CERCLA Section 107(i) that precludes liability for application of registered pesticides. The Air Force agrees that CERCLA Section 101(22) defines "release" very broadly. Under CERCLA Section 101(22): release is defined as "any...spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment." The Air Force also admits that pesticides have not been excluded from the definition of "hazardous substance." CERCLA Sections 103(e) and 107(i) merely establish a pesticide exemption from the general CERCLA requirements in certain situations, i.e., where registered pesticides are applied consistent with the definition in FIFRA or applicable case law.

Additionally, US EPA's website interprets CERCLA 103(e) (as linked below) similar to the Air Force, as establishing a pesticide exemption from the general CERCLA requirements in certain situations.
http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=browse_usc&docid=Cite:+42USC9603
TITLE 42--THE PUBLIC HEALTH AND WELFARE CHAPTER 103--COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY SUBCHAPTER I--

HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION Sec. 9603.
Notification requirements respecting released substances
(e) Applicability to registered pesticide product
This section shall not apply to the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.] or to the handling and storage of such a pesticide product by an agricultural producer.

EPA Website
If a pesticide registered under FIFRA is accidentally spilled, must it be reported?
Yes. Accidents, spills, improper application, and improper disposal are in the scope of the release notification provisions of CERCLA and must be reported. EPA's interpretation of the pesticide exemption in CERCLA section 103 covers only the normal application of registered pesticides in ways that are consistent with the pesticides' purpose (50 FR13464, April 4, 1985).

Comment 3. EPA concurs with the proposed restrictions in Section 5.15. The text should also state that the AF will provide EPA with a draft deed for review before it is recorded, and that the transferred property will be covered by a SLUC to make the restrictions enforceable by the State.

AFRPA Response: The draft deed will be provided to the regulators and the property transfer will be covered by a SLUC.

6. AFRPA Responses to California Regional Water Quality Control Board Attorney Comments dated August 29, 2007

Jehiel Cass, RWQCB, emailed "In addition to the comments that I sent you in a 8-24-07 (1:05pm) email, the following comments are provided by Dave Coupe, the assigned Regional Water Board attorney at the State Board."

Draft Housing Parcel Deed

Comment 1. Typo in V.B. Should be Lahontan, not Lahonton.

AFRPA Response: "Lahonton" has been replaced with "Lahontan."

Comment 2. VII.C, paragraph 2: What needs to be clear is the fact that the US will record any appropriate document modifying or removing such restrictions, as appropriate, is subject to concurrence or approval by the Regional Board.

AFRPA Response: It is clearly implied that RWQCB concurrence for modifications is necessary. All modifications will also concern the State Land Use Covenant. The AF prefers not to alter the standard document language.

Comment 3. VIII.B: What should be reiterated here is that property development activities requires submittal of a Health and Safety Plan.

AFRPA Response: The grantee will submit a Health and Safety Plan before handling ACM. This language will be put into VIII.b in the deed.

Comment 4. VIII.B: Clarify what is friable ACM.

AFRPA Response: Friable ACM is defined by USEPA as "any material containing more than one-percent asbestos, and that can be crumbled or reduced to powder by hand pressure. (May include previously non-friable material which becomes broken or damaged by mechanical force.)"
The regulation, 40 CFR Part 763, Section 1, will be cited in the deed.

Comment 5. VIII.D: State "must" instead of "should".

AFRPA Response: This sentence has been rewritten, "should" has been replaced with "must."

Comment 6. VIII. F: Reference to 14 CFR Part 77 is unclear. State specific regulation that is referenced.

AFRPA Response: The specific regulation is Federal Aviation Regulation 77.

Draft Final FOST

Comment 1. First paragraph on Page 3: re: ECC 1 classification. Water Board staff agrees with USEPA Region 9.

AFRPA Response: The ECC Category has been changed to 3, see Section 4 of the FOST. AFRPA will document this disagreement under Sections 5 and 6 of the FOST as an "unresolved comment."

Comment 2. Table at bottom of Page 3, first reason for change in ECC: Water Board staff disagrees that the two subsurface soil samples collected are sufficient to change the classifications of 5 and 7 to 1 for the entire Site LF-39. Our position is reiterated that concurrence with No Further Action at this site applies to the "east" portion of the site. The "west" portion of the site was not investigated. Please clarify. This comment applies to the deed and the SLUC.

AFRPA Response: According to the signed OU-3 ROD, no further action was determined for all of LF039. The OU-3 ROD for LF039 did not place any institutional controls for portions of LF039; however, as part of the Air Force standard FOST and deed language, a provision to allow the United States access to the property in any case where a response or corrective action is found to be necessary will be put in place. This would occur if waste material were found at a portion of the landfill or other areas that are identified at a later date and is determined to be Air Force-related. Additional clarification including the requirement for a waste management plan will be provided in the deed. AFRPA will forward this clarification to RWQCB for inclusion in the SLUC.

Comment 3. Table at top of Page 4: "Contamination was not detected in soil samples collected beneath the STP percolation ponds". This is a qualified statement. Clarify if this means that contamination was in fact detected in other soil samples within these subparcels. Also, the relevance of this conclusion is unclear. The George AFB wastewater treatment plant percolation ponds are not included within the Housing parcel that is being transferred. Water Board staff is aware that elevated nitrate contaminants were detected in soil beneath the percolation ponds and was a likely contributor to nitrate groundwater pollution that was detected in groundwater subsequent to use of these ponds to percolate treated groundwater extracted from the Operable Unit One solvent plume.

AFRPA Response: The wording in the table has been changed to reflect that no constituents of concern were detected at the STP ponds. Because water from the old base sewage treatment ponds was used to irrigate the golf course, there was a possibility that any constituents of concern present in those ponds might have been transferred to the golf course. Analytical data from the Operable Unit 1 (OU 1), Remedial Investigation of the old base sewage treatment ponds (STP), which is IRP Site WP026, were used to document that OU 3 IRP Site OT022, Nine-Hole Golf Course, was a "No Further Action" site. Therefore, reference to the STP percolation ponds support the NFA determination for Site OT022 in the Housing transfer.

Comment 4. Clarify what is being done to ensure compliance with 22 CCR section 67391.1 as part of the deed restrictions and notifications section.

AFRPA Response: A State Land Use Covenant between the RWQCB and the grantee will be signed immediately after the transfer by Deed is completed.

Comment 5. Page 5, first paragraph: "The Property is suitable for transfer because no hazardous substances in quantities exceeding the reportable quantity found at 40 CFR Part 302.4 were known to have been released or disposed on the Property." Clarify why this is true. Even if true, the property is still subject to 22 CCR section 67391.1, which are land use control provisions under the CA DTSC's jurisdiction.

AFRPA Response: The AFRPA position, based upon historical records review, is that no hazardous substances in any quantity were known to have been disposed or released on the property. Whether ECC 1 and ECC 3, the property is suitable for transfer.

Comment 6. Section 5.2, page 5: Clarify, or refer to documents, that explain where the Dieldrin exists and at what concentrations.

AFRPA Response: Maps and tables documenting Dieldrin detections in soil and groundwater are included in Attachment 6 of the SEBS.

Comment 7. Section 5.2, page 5: Clarify that a remedy for groundwater containing Dieldrin has not been established. The Water Board has not yet accepted a remedy consisting of only Long-Term Monitoring that allows for continued groundwater degradation without any active remediation at all.

AFRPA Response: A statement that AFRPA is planning an additional evaluation of Dieldrin in groundwater in 2008 so that an appropriate long-term plan can be developed has been included in this section.

Comment 8. Section 5.3, page 5 and 6: It appears that the CA DTSC closed at least one of the tanks (at Facility 1146). Based on this Water Board staff believes the CA DTSC may have jurisdiction to assert State Land Use Requirements.

AFRPA Response: This UST was closed by CA DTSC in a letter dated September 11, 1992 and the letter states "further investigation at this site is not warranted at this time." AFRPA's position is that no State Land Use Restriction is needed for this site. The closure letter will be included in the Final FOST (SEBS Attachment 6).

Comment 9. Section 5.3, page 6: The tank removed at Facility 1147: Clarify who removed this underground storage tank, under what circumstances, and under whose jurisdiction the tank was closed.

AFRPA Response: There was no UST at Facility 1147. The aboveground storage tank (AST) for Building 1147 was removed by the U.S. Air Force prior to base closure. During the SEBS VSI, no evidence of spills or leaks was present so no soil samples were taken.

Comment 10. Section 5.6.2: The presence of ACM and utility pipelines. This appears to be an unresolved issue and it is unclear why no action is required. Clarify if this is because the assumed presence of asbestos on utility pipelines does not constitute a release of a hazardous substance. In certain places, reference is made to the "possible presence of ACM in utility pipelines." This is inconsistent with other comments that utility pipelines constructed prior to 1981 likely had ACM,

and that the majority of utility pipelines at George were constructed prior to 1981.

AFRPA Response: The AF believes that the presence of asbestos on utility pipelines does not constitute a release of a hazardous substance. The reference that is made to the "possible presence of ACM in utility pipelines" has been changed to "probable presence of ACM in utility pipelines."

Comment 11. Section 5.7 (top), page 9: Clarify why the Air Force believes that the Dieldrin remaining in soil is stable and there is no risk of additional groundwater degradation. Clarify that a remedy has not been selected for Dieldrin remaining in soil.

AFRPA Response: It is AFRPA's understanding that Dieldrin is relatively immobile in subsurface soils. Research at the University of Connecticut Environmental Research Institute indicates that Dieldrin binds strongly to soils but can be flushed, although it then rebinds to underlying clean soils. At former George AFB, it is believed that Dieldrin was mobilized by extensive landscape irrigation when the base was open. Only the observed trace amounts of Dieldrin have migrated to groundwater because of the thickness of soil available to bind Dieldrin above the groundwater. It is not expected that landscape irrigation will ever be conducted at the previous intensity and it is also anticipated that the construction of buildings and parking lots in the former housing area will effectively cap the Dieldrin. The AF plans additional evaluation of Dieldrin in groundwater in 2008 so that an appropriate long-term plan can be developed.

Covenant and Agreement to Restrict Use of Property

Thank you for providing the draft State Land Use Covenant. Water Board staff comments on this document will be made in the draft document you provided and then coordinated with other state agencies as appropriate and provided to the Air Force for inclusion in the Housing parcel property transfer documents.

Responses to Water Board staff (Cass) Letter Dated July 11, 2007

Comment 1. Attachment 6, Comment 3: As previously stated, it remains unclear as to the scope of the No Further Action for site LF-39. We say it only applies to the eastern portion of Site LF039. Please clarify.

AFRPA Response: According to the signed OU-3 ROD, no further action was determined for all of LF039. The OU-3 ROD for LF039 did not place any institutional controls for portions of LF039; however, as part of the Air Force standard FOST and deed language, a provision to allow the United States access to the property in any case where a response or correction action is found to be necessary will be put in place. This would occur if waste material were found at a portion of the landfill or other areas that are identified at a later date and is determined to be Air Force-related. Additional clarification including the requirement for a waste management plan will be provided in the deed. A map showing the extent of LF039 will be included in the deed.

Comment 2. Attachment 6, Comment 4: Please clarify that during the August 24, 2007 meeting, the Air Force and Victor Valley Wastewater Reclamation Authority agreed not to pursue an agreement

regarding disposition of the Dieldrin/West Winds golf course monitoring wells at this time.

AFRPA Response: AFRPA does not intend to include within the Deed provisions to coordinate the abandonment of monitoring wells; however, the Air Force will pursue entering into collateral, written agreements with the City of Victorville and/or the Victor Valley Wastewater Reclamation Authority to ensure that such coordination is accomplished.

Comment 3. Attachment 6, Comment 5: The response did not provide the requested comparison of existing groundwater quality with respect to drinking water standards. Because there is no primary drinking water standard for Dieldrin, Water Board staff does not agree that the groundwater can not be used for Municipal uses. However, the groundwater is degraded and subject to State Board Resolutions 68-16, 92-49 and the Regional Water Board Basin Plan. The CA Department of Public Health published guidance on their internet site: (http://cdph.ca.gov/certlic/drinkingwater/Pages/NotificiationLevels.aspx) that for chemicals with a non-cancer toxicological endpoint, the CA DPS recommends removing the source from a Municipal use when concentrations are 10 times the notification (e.g., action) level. Also provide a comparison of Dieldrin concentrations in groundwater with respect to this standard.

AFRPA Response: Dieldrin detections in groundwater are listed in Attachment 5 of the SEBS. Groundwater rights beneath the Property have been transferred to the City of Adelanto.

Comment 4. Provide a closure letter from the CA DTSC for Facility 1146.

AFRPA Response: A copy of the closure letter from the County of San Bernardino Environmental Health Services, not DTSC, will be provided in Attachment 6 of the SEBS. A correction was made in FOST Table 5.3.

Attachment 6 (AFRPA Comments to USEPA and Regional Board---not D-8)

Comment 1. AFRPA Response to Comment 2: Not exactly right here. 107(i) does not preclude liability. It arguably precludes response costs or damages.

AFRPA Response: AFRPA and the regulatory agencies disagree on this point. Their positions are stated in Section 5.15 of the FOST.

Comment 2. AFRPA Response to Comment 4: "because such provisions are inappropriate for recordable documents." Indicate according to who or what and what this is based on.

AFRPA Response: AFRPA does not intend to include within the Deed provisions to coordinate the abandonment of monitoring wells; however, the Air Force will pursue entering into collateral, written agreements with the City of Victorville and/or the Victor Valley Wastewater Reclamation Authority to ensure that such coordination is accomplished."

Comment 3. Comment 6: Note that the Water Board has not agreed to the problem by prohibiting any pumping at all, land use restrictions, and submittal of a Health and Safety Plan if there is going to be soil disturbance beyond normal landscaping activities.

AFRPA Response: The AF plans additional evaluation of Dieldrin in groundwater in 2008 so that an appropriate Corrective Action Plan can be developed.

Comment 4. Comment 9: Confusing. Perhaps the regulations existed at one time, but does not exist now.

AFRPA Response: This FIFRA provision was from 1980 and was used in certain cases as indication of what "application of a pesticide" in CERCLA meant.

AFRPA Response to USEPA and Regional Board---D-8)

Comment 1. Comment 1: Same unresolved issue re the ECC.

AFRPA Response: The ECC Category has been changed to 3, see Section 4 of the FOST. AFRPA will document this disagreement under Sections 5 and 6 of the FOST as an "unresolved comment."

Comment 2. Comment 7: The fact that the application of the termiticide around housing was in accordance with FIFRA requirements does not mean that we are not dealing with a CERCLA release.

AFRPA Response: AFRPA and the regulatory agencies disagree on this point. Their positions are stated in Section 5 of the FOST.

Comment 3. RB Comment 1: Reiterate that the Water Board has not agreed to any kind of active remediation.

AFRPA Response: Section 5.6 of the SEBS has been revised to include the following statement, "The AF plans additional evaluation of Dieldrin in groundwater in 2008 so that an appropriate long-term plan can be developed."

Comment 4. RB Comment 3, AFRPA Response: Clarify whether the fact that the Air Force will continue to evaluate and monitor the Dieldrin that has been identified in the groundwater adjacent to the Property is sufficient.

AFRPA Response: Section 5.6 of the SEBS will include the following information: "It is AFRPA's understanding that Dieldrin is relatively immobile in subsurface soils. Research at the University of Connecticut Environmental Research Institute indicates that Dieldrin binds strongly to soils but can be flushed, although it then rebinds to underlying clean soils. At former George AFB, it is believed that Dieldrin was mobilized by extensive landscape irrigation when the base was open. Only the observed trace amounts of Dieldrin have migrated to ground water because of the thickness of soil available to bind Dieldrin above the groundwater. It is not expected that landscape irrigation will ever be conducted at the previous intensity and it is also anticipated that the construction of buildings and parking lots in the former housing area will effectively cap the Dieldrin. AFRPA plans additional evaluation of Dieldrin in groundwater in 2008 so that an appropriate long-term plan can be developed."

Comment 5. The AFRPA comment in response to Regional Board comment 4 is unresponsive. What are they committing themselves to do (if anything) in the future?

AFRPA Response: The Air Force will continue to evaluate and monitor the Dieldrin in the groundwater to determine an appropriate long-term plan.

Comment 6. RB Comment 6: Clarify the AF's basis for believing that Dieldrin was used as an insecticide applied to soils beneath and adjacent to the building during their construction.

AFRPA Response: According to the Phase I Investigation (1982) and EBS dated 1993, and files found during these investigations; pesticide application was accomplished according to the manufacturers' recommendations to control termites.

Comment 7. AFRPA Response to RB Comment 6: "it is unlikely that Dieldrin may be present in the groundwater beneath the parcel." Clarify that the Water board has not agreed that no additional investigation is necessary. Clarify why it is unlikely that Dieldrin would be present in the groundwater beneath the parcel.

AFRPA Response: The rationale that it is unlikely that Dieldrin would be present in the groundwater beneath Parcel D-8 is that the groundwater flow direction and results from the upgradient groundwater monitoring results (below 0.01 µg/L at MW NZ-119) and downgradient (0.0008 µg/L at NZ-120). It is AFRPA's understanding that Dieldrin is relatively immobile in subsurface soils. Research at the University of Connecticut Environmental Research Institute indicates that Dieldrin binds strongly to soils but can be flushed, although it then rebinds to underlying clean soils. At former George AFB, it is believed that Dieldrin was mobilized by extensive landscape irrigation when the base was open. Only the observed trace amounts of Dieldrin have migrated to ground water because of the thickness of soil available to bind Dieldrin above the groundwater. It is not expected that landscape irrigation will ever be conducted at the previous intensity and it is also anticipated that the construction of buildings and parking lots in the former housing area will effectively cap the Dieldrin. AFRPA plans additional evaluation of Dieldrin in groundwater in 2008 so that an appropriate long-term plan can be developed. The Air Force has included the following statement in Section 5.6 of the SEBS, "The Air Force plans additional evaluation of Dieldrin in groundwater in 2008 so that an appropriate long-term plan can be developed."

Comment 8. The newspaper notice states that the public comment period expires 9/10/07. Water Board staff asserts the need to have until this time to resolve these comments.

AFRPA Response: The Air Force understands that the Water Board will require additional time to resolve the comments.

SEBS

Comment 1. 4.0: Clarify the basis for determining that Dieldrin was applied "in an appropriate manner".

AFRPA Response: For clarification, Section 4.0 has been revised to include the following

information, "According to the Phase I Investigation (1982) and EBS dated 1993, and files found during these investigations; pesticide application was accomplished according to the manufacturers' recommendations to control termites."

Comment 2. 5.6, last paragraph: This does not serve as a basis that Dieldrin was applied in an appropriate manner. It only suggests that these Dieldrin detections presumably support a pattern of detection that confirms the conceptual site model that termiticide was applied prior to construction and reapplied along the building foundations after construction. The Water Board has not yet agreed to a remedy based on this assumption.

AFRPA Response: This section has been revised to include the following statement, "According to the Phase I Investigation (1982) and EBS dated 1993, and files found during these investigations; pesticide application was accomplished according to the manufacturers' recommendations to control termites."

Comment 3. 5.11: The wording here strongly supports the fact ACM is likely present, not that there is a "possibility" that ACM exists as this language is used elsewhere.

AFRPA Response: The wording has been changed from "possibility" to "probability."

Comment 4. 5.18: Clarify whether there was an investigation to determine what the ppm actually was and whether it was solely based on the label. Some investigation seems appropriate.

AFRPA Response: On 9 July, 2007, a representative for Southern California Edison met with onsite personnel to determine ownership of the leaking transformer. The Edison representative stated that this leaking transformer was owned by the City of Victorville. The City has been contacted in reference to the leaking transformer.

Comment 5. 5.24: Clarify whether all disposal was proper during the entire operation of the hospital so therefore no investigation needed or whether there was some period when the hospital was in operation that the waste was not properly disposed.

AFRPA Response: Two known areas of improper disposal of medical waste were IRP Sites FT019c and the Southeast Disposal area (SEDA). The medical waste was properly disposed of at Kettleman Landfill in the 1995 and 1996 timeframe.

Comment 6. It is not yet clear whether the Water Board can independently enforce the land use covenants under provisions pertaining to DTSC's jurisdiction and not the Water Board's. Thus, at this point in time Water Board staff believes that the CA DTSC should be a signatory to the covenant.

AFRPA Response: This issue deals with the SLUC and will be resolved by the State.

7. AFRPA Responses to Environmental Protection Agency, Region IX Comments dated August 30, 2007

Comment 1. 4.0 Environmental Condition of the Property: EPA and the Air Force have a fundamental disagreement about the environmental condition of the property addressed in this FOST. The ECC 1 designation is reserved for "areas where no release or disposal of hazardous substances or petroleum products has occurred, including no migration of these substances from adjacent areas." The presence of Dieldrin, lead-based paint, and asbestos containing materials disqualified the Property from classification as ECC 1.

With respect to the Dieldrin, EPA and the AF agree that the pesticide was applied many years ago and that some, unquantified levels of Dieldrin persist in the soil and groundwater; in fact, we agree that, as a result of the Dieldrin contamination the groundwater cannot serve as a source of drinking water. Unlike AFRPA, however, EPA considers Dieldrin a hazardous substance and its application a release (albeit a release that would not have triggered the notice requirements of CERCLA Section 103), and therefore cannot concur in the ECC 1 designation.

This disagreement - which extends to every statement in the FOST indicating the absence of a CERCLA release on the Property, including statements in sections 5.1, 5.2, and 5.15 - must be documented in a section title "Unresolved Comments."

> **AFRPA Response:** The ECC Category has been changed to 3; see Section 4 of the FOST. AFRPA will document this disagreement under Sections 5 and 6 of the FOST as an "unresolved comment."

Comment 2. 5.15 Pesticides: The AF again asserts here that "CERCLA Section 103(e) excepts the Dieldrin present in soil and groundwater on and beneath the property from being a CERCLA release...: EPA continues to object to this misstatement of Section 103(e), as it has several times this year. Section 103 is establishes notification and record keeping requirements, and the statement in Section 103(e) exempting pesticide applications is explicitly limited to "this section." The fact that a FIFRA-compliant application of a pesticide does not have to be reported to EPA does not imply or justify any other exemptions from CERCLA.

On a separate issue, this section of the FOST notes that the "SLUC will be signed and recorded immediately prior to deed transfer.:" The SLUC, however, is drafted as an agreement between the new owner and the Regional Board; if it is recorded prior to transfer, the new owner will not yet have authority to agree to the SLUC provision. We suggest a revision to reflect that the SLUC will be signed and recorded immediately following deed transfer.

> **AFRPA Response.** AFRPA will document this disagreement under Sections 5 and 6 of the FOST as an "unresolved comment." It is intended that the SLUC be signed immediately after the deed has been signed.

Comment 3. Attachment 6, AFRPA response to EPA comment 2: EPA finds this response difficult to parse and potential misleading to members of the public. The AF purports to agree that pesticides and their application fall within the CERCLA definitions of "hazardous substance" and "release," respectively. The statements that follow these admissions; however, appear to contradict

them without explanation. The AF should revise its response to clarify that CERCLA Section 103(e) exempt certain pesticide applications from notice requirements and that Section 107 (i) precludes cost recovery and contribution actions for cost incurred as a result of certain pesticide applications. If the AF persists in its stated interpretations of these sections, it should clearly identify its position as an interpretation and NOT state that it is "consistent" with our website or any other EPA statement as to the meaning of CERCLA Section 103(e).

AFRPA Response. A clarification of both USEPA/RWQCB and AFRPA positions is provided in Section 5 of the FOST.

Comment 4. RWQCB Comment #2 on draft final FOST. FOST Table, Page 3. EPA concurs with RWQCB's comment that the west side of LF-39 has not been addressed. Air Force should clarify the issue by discussing any specific investigations that may have taken place on the west side, and supports the Air Force's "NFA" position in that area.

AFRPA Response. According to the signed OU-3 ROD, no further action was determined for all of LF039. The OU-3 ROD for LF039 did not place any institutional controls for portions of LF039; however, as part of the Air Force standard FOST and deed language, a provision to allow the United States access to the property in any case where a response or correction action is found to be necessary will be put in place. This would occur if waste material were found at a portion of the landfill or other areas that are identified at a later date and is determined to be Air Force-related.

Quitclaim Deed, Section V Reservations, Paragraph B

Comment 1. This paragraph begins

AND FURTHER RESERVING UNTO THE Grantor, including the United States Environmental Protections Agency ("EPA") and the California Regional Water Quality Control Board-Lahontan Region (RWQCB).... (emphasis added)

Please revise this paragraph to exclude EPA from inclusion as a "Grantor," perhaps by substituting "as well as" for "including." EPA cannot be "included" as Grantor because EPA does not have and is not permitted to have any property interest in the Property.

AFRPA Response. The deed will be revised.

ATTACHMENT 7
FOST Regulatory Concurrence Letters

1. **Jehiel Cass, RWQCB, Lahontan Region, FOST Concurrence, dated September 14, 2007**
2. **James Chang, U.S. EPA, Region IX, FOST Concurrence, dated September 19, 2007**

1. Jehiel Cass, RWQCB, Lahontan Region, FOST Concurrence, dated September 14, 2007

California Regional Water Quality Control Board
Lahontan Region

Linda S. Adams
Secretary for Environmental Protection

Victorville Office
14440 Civic Drive, Suite 200, Victorville, California 92392
(760) 241-6583 • Fax (760) 241-7308
http://www.waterboards.ca.gov/lahontan

Arnold Schwarzenegger
Governor

September 14, 2007

File: DoD – George AFB

David E. Green
BRAC Environmental Coordinator
AFRPA/DD-McClellan
3411 Olson St
McClellan, CA 95652-1003

FINAL - FINDING OF SUITABILITY TO TRANSFER - SUBPARCELS D-7, D-8, F-1, G-2, J-1, J-2, J-3, J-4, J-5, J-6, J-7, and CENTRAL AND SOUTHWESTERN PORTION OF D-5 – FORMER GEORGE AIR FORCE BASE, VICTORVILLE, SAN BERNARDINO COUNTY

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff accepts the Final Finding of Suitability to Transfer dated September 13, 2007, for the above referenced parcels, with the understanding that land use restrictions will be contained in the deed with further enforceability in a State Land Use Covenant. Approximately 825 acres including the former base housing area and golf course is being transferred to the City of Victorville. If you have any questions, please contact me at (760) 241-2434 or Cindi Mitton, Senior Engineer at (760) 241-7413.

Sincerely,

Jehiel W. Cass

Jehiel Cass, P.E.
Water Resource Control Engineer

JC/rc/George AFB/ FOST/Final-GAFB-FOST-Parcels-D,F,G,J-(jwc 9-14-07)

Cc: James Chang
US EPA, Region IX
Mail Stop SFD8-1, 9th Floor
75 Hawthorne St
San Francisco CA 94105

Peter Soderquist
Airport Operations
Southern California Logistics Airport
18374 Phantom
Victorville, CA 92394

2. James Chang, U.S. EPA, Region IX, FOST Concurrence, dated September 19, 2007

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

September 19, 2007

David Green
Regional Environmental Coordinator
AFRPA Western Region Execution Center
3411 Olson Street
McClellan, CA 95652-1003

Re: **Concurrence on Housing Finding of Suitability to Transfer (FOST), Subparcels D-7, 8, 9, F-1, G-2, J-1, 2, 3, 4, 5, 6, 7, Central and Southern Portion of D-5, Former George AFB**

Dear Mr. Green:

The U.S. Environmental Protection Agency (EPA), Region IX has received the above referenced FOST from the U.S. Air Force (AF) dated September 2007. The FOST addresses the property at the former George Air Force Base identified as subparcels D-7, 8, 9, F-1, G-2, J-1, 2, 3, 4, 5, 6, 7, Central and Southern portion of D-5. These parcels, herein after referred to as "the Property," are proposed for transfer to Southern California Logistics Airport Authority.

Pursuant to this FOST, the AF is proposing to enter into deeds for transfer under Section 120(h)(3) of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9620(h)(3). When entering into a deed for transfer under Section 120(h)(3), the AF is required to include in such deed a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of the transfer, and that any additional remedial action found to be necessary after the date of transfer shall be conducted by the United States.

EPA has reviewed the subject Final FOST and the accompanying Supplemental Environmental Baseline Survey (SEBS). Not withstanding the unresolved issues regarding pesticides, asbestos, and lead-based paint, EPA concurs with the ECC-3 designation and the determination that the referenced parcels are suitable for transfer, given the environmental restrictions identified.

Without independent investigation or verification of certain information contained in the documentation, the undersigned concurs, to the extent set forth below, with the AF's determination that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the Property has been taken. The concurrence shall not be construed in any manner inconsistent with any obligation, right or authority existing under the George Federal Facilities Agreement entered into by EPA , the State of California, and the AF. The review of the documentation was completed pursuant to Section 120(h)(3) of CERCLA, and the sole purpose of this letter is to satisfy the requirements of these

provisions. The undersigned expressly reserves all rights and authorities relating to information not contained in this FOST and accompanying documentation, whether such information is known as of this date or is discovered in the future.

We appreciate the opportunity to review the FOST and the AF's cooperative efforts in transferring approximately 825 acres for reuse. If you have any questions regarding this letter, please contact James Chang at (415) 972-3193.

Sincerely,

Michael Montgomery, Chief
Federal Facilities and Site Cleanup Branch

cc: Jehiel Cass
Lahontan Regional Water Quality Control Board
14440 Civic Drive, Suite 200
Victorville, CA 92392

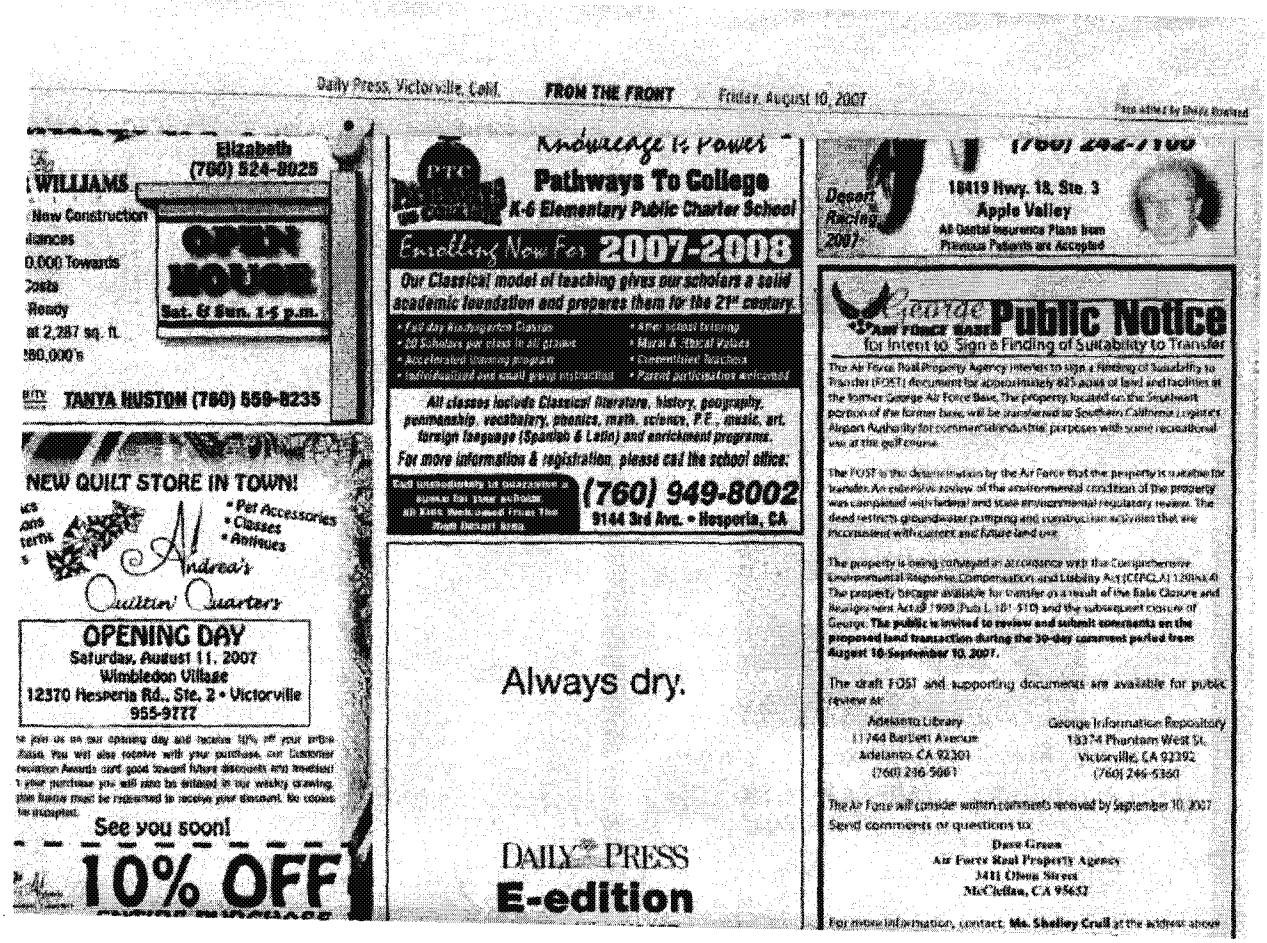
Calvin Cox
Attn: Air Force Real Property Agency
c/o Southern California Logistics Airport
18374 Phantom Way
Victorville, CA 92392

Susan Soloyanis
Mitretek Systems
4610 Fox Road
Cascade, CO 80809

File: 017HousingFOSTconcur

Attachment 8

Public Notice



Daily Press, Victorville, Calif. FROM THE FRONT Friday, August 10, 2007

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George Public Notice
AIR FORCE BASE
for Intent to Sign a Finding of Suitability to Transfer

The Air Force Real Property Agency intends to sign a Finding of Suitability to Transfer (FOST) document for approximately 825 acres of land and facilities at the former George Air Force Base. The property, located on the Southwest portion of the former base, will be transferred to Southern California Logistics Airport Authority for commercial/industrial purposes with some recreational use at the golf course.

The FOST is the determination by the Air Force that the property is suitable for transfer. An extensive review of the environmental condition of the property was completed with federal and state environmental regulatory review. The deed restricts groundwater pumping and construction activities that are inconsistent with current and future land use.

The property is being conveyed in accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 120(h)(4). The property became available for transfer as a result of the Base Closure and Realignment Act of 1990 (Pub L 101-510) and the subsequent closure of George. **The public is invited to review and submit comments on the proposed land transaction during the 30-day comment period from August 10-September 10, 2007.**

The draft FOST and supporting documents are available for public review at:

Adelanto Library
11744 Bartlett Avenue
Adelanto, CA 92301
(760) 246-5061

George Information Repository
18374 Phantom West St.
Victorville, CA 92392
(760) 246-5360

The Air Force will consider written comments received by September 10, 2007. Send comments or questions to:

Dave Green
Air Force Real Property Agency
3411 Olson Street
McClellan, CA 95652

For more information, contact: **Ms. Shelley Crull** at the address above

FOST, George AFB, Subparcels D-7, D-8. D-9, F-1, G-2, J-1, J-2, J-3, J-4, J-5, J-6, J-7, Central and Southeastern Portion of D-5, 9/12/2007

FINAL PAGE

ADMINISTRATIVE RECORD

FINAL PAGE