

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4

West Broadway, Suite 425
San Diego Beach, CA 90802-4444
(310) 590-4919

M60050.000927
MCAS EL TORO
SSIC # 5090.3

April 10, 1995

Mr. Joseph Joyce
BRAC Environmental Coordinator
U.S. Marine Corps Air Station El Toro
P.O. Box 95000
Santa Ana, CA 92709-5000

Dear Mr. Joyce:

**STATE APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS (ARARs)
FOR THE REVISED INTERIM REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS)
OPTIONS FOR OPERABLE UNIT (OU)-1 AT MARINE CORPS AIR STATION (MCAS), EL
TORO**

This is in response to your letter dated March 21, 1995 requesting potential state ARARs for the groundwater plume associated with Operable Unit (OU) - 1 at MCAS El Toro. The Department of Toxic Substances Control (DTSC) has provided potential state ARARs for OU-1 on April 11, 1994, these will not be reiterated.

Per your request, DTSC has contacted and solicited ARARs from state and local government agencies (list enclosed). As part of the process and in accordance with §7.6 of the Federal Facilities Agreement (FFA), DTSC has contacted, in writing, those state and local governmental agencies that were a potential source of ARARs. This letter transmits the results of the additional request for identification of ARARs for MCAS El Toro. We have received potential ARARs from the following: California Regional Water Quality Control Board - Santa Ana Region, South Coast Air Management District, Air Resources Board, the Department of Health Services and the Orange County Health Care Agency.

DTSC hereby notifies the Navy of the agencies that failed to respond to our ARAR solicitation. Under the terms of the FFA, the Navy is responsible for contacting the agencies that failed to respond and to again solicit their inputs, if necessary.

DTSC would like to reiterate the following: we are concerned that all possible constituents of concern for OU-1 have not been identified. On a related matter, the concern that the samples are not representative due to aeration is still an issue. For details see prior ARARs submittal dated April 11, 1994.

In addition, the consensus was to pursue an interim Record of Decision (ROD) for OU-1. The interim ROD would allow for changes, if necessary, based on additional information obtained from subsequent groundwater monitoring events. These groundwater monitoring events are anticipated but not yet implemented. There is one additional item which merits mention: It is not necessary or appropriate to set cleanup levels in an interim Record of Decision, which is an expected milestone from the activities at OU 1. They should be treated as goals until such time as a Final Remedy for Operable Unit 1 is agreed to by all parties, with meaningful and timely public input.

Moreover, in accordance with United States Environmental Protection Agency (U.S. EPA) guidance, we feel that we do not have to provide the rationale and technical justification, as requested, for a state ARAR that is more stringent than the corresponding federal ARAR. The fact that such ARARs are promulgated by the State of California qualifies the requirements as ARARs by definition. According to U.S. EPA, a state requirement is promulgated if it is legally enforceable and of general applicability (40 CFR §300.400(g)(4)). Furthermore, state requirements are presumed to have been consistently applied unless there is evidence to the contrary. In other words, the state need not justify the consistent application of its ARARs at the time it submits its ARARs. Evidence must be provided by others to demonstrate that a requirement has not been consistently applied. In addition, the state ARARs contained herein are appropriate by being currently promulgated during this evaluation.

CHEMICAL-SPECIFIC ARARs

See the action-specific paragraph for chemical-specific ARARs which have been identified.

ACTION-SPECIFIC ARARs

The following action-specific ARARs were provided in this iteration, usually technology- or activity-based requirements or limitations

See the Orange County letter, which is attached, for an ARAR on the Construction and Abandonment of Water Wells. This is also a Location Specific ARAR.

The South Coast Air Quality Management District has provided their latest Rules and Regulations to be considered as ARARs. (also attached). These include chemical and location specific

ACTION-SPECIFIC ARARs (Continued)

ARARs which have been, in some instances, previously identified.

The California Regional Water Quality Control Board provides some clarification and corrections to the Navy's identification of their ARARs. (Attached)

LOCATION-SPECIFIC ARARs

See action-specific ARARs for identification of location specific ARARs.

Joseph Joyce
April 10, 1995
Page 3

TO BE CONSIDERED (TBC) CRITERIA

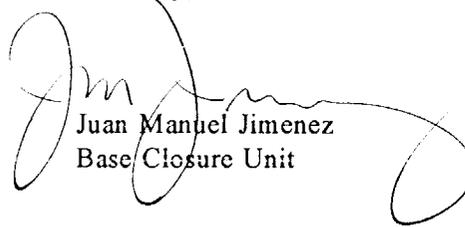
No new TBCs have been identified.

DTSC strongly encourages the Navy to re-contact the Department of Health Services, Office of Drinking Water Standards, as they have a say for water which is treated and has a potential beneficial use as a potable water source.

Because of the iterative nature of the RI/FS process, the identification of ARARs will likely continue throughout the process as a better understanding is gained of site conditions, site contaminants and remedial action alternatives.

If you have any questions concerning this matter, please contact me at (310) 590-4919.

Sincerely,



Juan Manuel Jimenez
Base Closure Unit

Enclosures

cc:

Marguerite Mosnier w/enclosures
California Department of Toxic Substances Control
Office of Legal Counsel
P.O. Box 806
Sacramento, California 95812-0806

Bonnie Arthur w/enclosures
U.S. Environmental Protection Agency
Region IX
Hazardous Waste Management Division, H-7-5
75 Hawthorne Street
San Francisco, California 94105-3901

Larry Vitale w/ enclosures
Regional Water Quality Control Board
Santa Ana Region
2010 Iowa Avenue, Suite 100
Riverside, California 92507-2409

Joseph Joyce
April 10, 1994
Page 4

cc:

W. A. Dos Santos, CDR, CEC, USN
Department of the Navy
Southwest Division
Naval Facilities Engineering Command
Environmental Division
1220 Pacific Highway, Room 18
San Diego, California 92132-5181

Anthony J. Landis
DSMOA Technical Program Manager
Office of Military Facilities
California Department of Toxic Substances Control
Region 1
10151 Croydon Way, Suite 3
Sacramento, California 95827-2106

Don Diebert
California Department of Toxic Substances Control
Region 1
10151 Croydon Way, Suite 3
Sacramento, California 95827-2106

Commanding General
Attn: General Williams
Environmental Department, 1AU
MCAS El Toro
Santa Ana, California 92709

State of California

Memorandum

To: Juan M. Jimenez
Remedial Project Manager
Department of Toxic Substances Control
245 West Broadway, Suite 425
Long Beach, CA. 90802-4444

Date: March 22, 1995

From: CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SANTA ANA REGION
2010 IOWA AVENUE, SUITE 100, RIVERSIDE, CALIFORNIA 92507-2409
Telephone: CALNET 632-4130 Public (909) 782-4130

SUBJECT: ADDITIONAL ARARS FOR SPECIFIC REMEDIAL ALTERNATIVES FOR
OPERABLE UNIT 1 (OU-1) AT MARINE CORPS AIR STATION, EL
TORO

On March 9, 1995 we received your request for RWQCB ARARs for MCAS El Toro OU-1, specifically to address additional remedial alternatives. We understand that the Department of Navy (Navy) is not requesting ARARs for the remedial alternatives already addressed in the September 1994 draft Investigation and Feasibility Study. We also reviewed the draft ARARs analyses (Enclosures 2 and 3) which were included with the Navy's February 17, 1995 letter to you. We appreciate the fact that the Navy did a thorough analysis of our ARARs. Since Enclosures 2 and 3 have identified most of our ARARs, the following comments will focus on these two documents only to the extent where clarification or correction is required.

1. Enclosure #2

Section 2.1.2 (and other sections with reference to the Basin Plan)

All references to the "1994" Water Quality Control Plan for the Santa Ana River Basin (Basin Plan) should be changed to "1995". The 1995 Basin Plan has been approved by the State Office of Administrative Law. Please change the last two sentences on Page 4, first paragraph, to reflect this approval.

Section 2.1.2, last sentence of the section, Page 6

Reinjection of the groundwater will contribute total dissolved solids (TDS) and nitrates to the basin. However, as the concentration of TDS and nitrates in the reinjection water is expected to be the same as the groundwater, the concentrations of TDS and nitrates in the groundwater will not significantly change. Also, the TDS and nitrate levels in the local groundwater and treated reinjection water may not be consistent with the water quality objectives specified in the Basin Plan. However, we do recognize the fact that the high TDS and nitrate levels at the site may not be due to past operations at the MCAS El Toro site, and therefore, requiring cleanup of these constituents beyond background levels may not be appropriate.

Section 2.1.3, last paragraph on Page 6

We think that for both Alternatives 2a. and 5a., the antidegradation policy is applicable especially if the treated water is reinjected outside the contaminant plume. If the treated water is reinjected within the contaminant plume in compliance with our established treatment standards, it would not result in degradation of water quality and an antidegradation analysis is not necessary for those constituents that are above the water quality objectives. For all other constituents, an antidegradation analysis is required.

Section 2.2.1, Page 7

Remedial action objectives for the groundwater must be reconsidered in light of SWRCB Resolution No. 92-49. The remedial action objectives must be the lowest levels that are technically and economically achievable, and at a minimum, must attain the MCLs.

Section 2.2.3, next-to-last paragraph on Page 8

Since the exact location of reinjection has not been determined, it may be premature to state that Alternatives 2a. and 5a will improve the overall water quality in the area. If the proposed reinjection is outside the contaminant plume, the discharge may not improve the existing quality of the receiving waters. Furthermore, treatment to MCLs for reinjection outside the contaminant plume would not comply with SWRCB Resolution No. 68-16's requirement that the discharge meet best practicable treatment or control.

Section 2.2.4, Page 9

Substantive provisions of a permit are applicable or relevant and appropriate requirements, not TBCs.

Enclosure #3

Section 2.1, last sentence of the section, Page 2 (and Section 2.4, Page 3)

Please note that the use of reclaimed water by The Irvine Company and the Irvine Ranch Water District are regulated by the Regional Board through water reclamation requirements. These reclamation requirements are consistent with the water quality objectives specified in the Basin Plan. Therefore, for any discharge of treated water to the reclamation system operated by these dischargers, we will not be specifying any additional requirements.

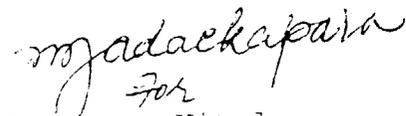
Section 2.3, Page 2

Dry washes are tributary to surface waters. Any discharge to surface water bodies, including tributaries, needs to be regulated under a NPDES permit. However, we recognize that under controlled conditions, it is possible to recharge treated water through dry washes without any discharge to surface water bodies. The ARARs identified in this section are only applicable if appropriate controls are in place to avoid any discharge to surface water bodies. Any action to dam the dry washes would require a Clean Water Act (CWA) Section 404 permit (off-site), and must meet conditions for CWA Section 401 Water Quality Certification.

Enclosure #2, Section 2.1.2, and Enclosure #3 Section 2.3

Please make it clear that for both recharge and reinjection, TDS and nitrate levels for the discharged groundwater will not be above the levels in the receiving water if the receiving waters are above the water quality objectives for TDS and nitrates, and will comply with Resolution No. 68-16 if the receiving waters are below water quality objectives.

If you have any questions, please contact me at 909-782-4998.



Lawrence Vitale
DoD Remedial Program Manager

cc: Ted Cobb, Office of the Chief Counsel, SWRCB, Sacramento
Joseph J. Joyce, BRAC Environmental Coordinator, Department of
the Navy, Southwest Division, San Diego
Andy Piszkin, RPM, Department of the Navy, Southwest Division,
San Diego
Rex Callaway, Associate Counsel (Environmental), Department of
the Navy, Southwest Division, San Diego



**South Coast
AIR QUALITY MANAGEMENT DISTRICT**

21865 E. Copley Drive, Diamond Bar, CA 91765-4182 (909) 396-2000

April 6, 1995

Department of Toxic Substances Control
Region 4
245 West Broadway, Suite 425
Long Beach, Ca. 90802-4444

Attn: Mr. Juan M. Jimenez
Office of Military Facilities

The AQMD appreciates your request for input into compiling Applicable or Relevant and Appropriate Requirements (ARAR's) for the Marine Corp Air Station, El Toro, Operable Unit (OU)-1 as stated in your letter date March 22, 1995.

The following AQMD Rules and Regulations should be incorporated in the ARAR's.

Regulation IV - Prohibitions

Rule 401 - Visible Emissions

This rule limits any visible emissions from any single source to less than Ringlemann No. 1 or 20 percent opacity for 3 minutes in any hour (Ref. Health and Safety Code 41701).

Rule 402 - Nuisance

This rule prohibits the discharge of any air contaminant or other material (including odorous compounds) that causes injury or annoyance to the public, endangers the comfort, repose, health or safety of the public or cause damage to business or property. In general, a notice of violation may be issued upon receipt of six verified complaints or for any property damage or personal injury (Ref. Health and Safety Code 41700).

Rule 403 - Fugitive Dust

This rule limits on site activities so that the concentrations of fugitive dust at the property line shall not be visible. In addition, PM10 levels shall not exceed 50 micrograms per cubic meter as determined by the difference between upwind and downwind samples collected on high volume particulate matter samplers. These requirements do not apply if the wind gusts exceed 25 miles per hour. The rule also requires every reasonable precaution to minimize fugitive dust and the prevention and cleanup of any material accidentally deposited on paved streets. This rule shall not apply during life-threatening situations or during a declared disaster or state of emergency.

Rule 403.1 - Wind Entrainment of Fugitive Dust.

This rule applies only to fugitive source activities in the Coachella Valley of the Riverside County whenever wind speeds exceed 25 mph. It further requires stabilizing solid particulate matter emitted from man made activities using water, spraying with chemical suppressants or installing wind breaks.

Rule 404 - Particulate Matter

This rule limits equipment from discharging particulate emissions in excess of 0.01 to 0.196 grain per cubic foot based on a given volumetric (dry standard cubic feet per minute) exhaust gas flow rate averaged over one hour or one cycle of operation. It excludes steam generators or gas turbines.

Rule 405 - Solid Particulate Matter

This rule limits equipment from discharging particulate emissions in excess of 0.99 to 30 pounds per hour based on a given process weight.

Rule 407 - Liquid and Gaseous Air Contaminants

This rule limits equipment from discharging carbon monoxide emissions in excess of 2000 ppm and sulfur dioxide emissions of 500 ppm or greater averaged over 15 minutes. It excludes stationary internal combustion engines, propulsion of mobile equipment or emergency venting.

Rule 408 - Circumvention

This rule prohibits a person from building, erecting, installing or using any equipment, the use of which reduces or conceals an emission which would otherwise constitute a violation of these rules or Chapter 3 (starting with 41700) of Part 4, of Division 26 of the Health and Safety Code.

Rule 409 - Fuel Combustion Contaminants

This rule limits the emissions of particulate matter from the exhaust of a combustion source (such as a gas turbine) to 0.23 grams per cubic meter (0.1 grains per standard cubic foot) at 12 percent CO₂ averaged over 15 minutes. It excludes internal combustion engines.

Rule 431.1, 431.2, 431.3 - Sulfur Content of Gaseous, Liquid or Fossil Fuels

These rules limit sulfur compounds from combustion of gaseous fuels not to exceed 800 ppm (40 ppm after May 4, 1994), 0.05 percent by weight for liquid fuels and 0.56 pounds of sulfur per million BTU for solid fossil fuels.

Rule 473 - Disposal of Solid and Liquid Wastes

This rule requires incinerators for combustible refuse to be multiple-chamber type (with afterburner) and limits incinerators with burning rates greater than 110 pounds per hour from releasing particulate matter in excess of 0.10 grains per standard cubic foot of gas calculated to 12 percent of carbon dioxide averaged over 15 minutes.

Rule 474 - Fuel Burning Equipment-Oxides of Nitrogen

This rule limits the concentration of oxides of nitrogen (as NO₂) averaged over 15 minutes, from any non-mobile fuel burning equipment, to a range of 125 to 300 ppm for gaseous fuels and 225 to 400 ppm for solid and liquid fuels depending on equipment size.

Regulation IX - Standards of Performance for New Stationary Sources.

This regulation implements the provisions of Part 60, Chapter I, Title 40 of the Code of Federal Regulations (CFR) under the supervision of SCAQMD Executive Officer. It specifies test methods and procedures and opacity limits for specific sources such as incinerators and stationary gas turbines. Refer to the specific area of interest to ensure compliance.

Regulation X - National Emission Standards for Hazardous Air Pollutants

This regulation implements the provisions of Part 61, Chapter I, Title 40 of the Code of Federal Regulations (CFR) under the supervision of SCAQMD Executive Officer. It specifies emissions testing, monitoring procedures or handling of hazardous pollutants such as beryllium, benzene, mercury, vinyl chloride and asbestos.

Regulation XI - Source Specific Standards**Rule 1150 - Excavation of Landfill Sites**

This rule states that no person shall initiate excavation of an active or inactive landfill without an Excavation Management Plan approved by the Executive Officer of SCAQMD. The Plan shall provide information regarding the quantity and characteristics of the material to be excavated and transported and shall identify mitigation measures including gas collection and disposal, baling, encapsulating, covering the material and chemical neutralizing.

Rule 1150.1 - Control of Gaseous Emissions from Active Landfills

This rule limits gaseous emissions from active landfills. It requires installation of perimeter probes and a gas collection and flaring system. It also requires ambient air sampling and monitoring the surface of the landfill for organic compounds as methane.

Rule 1150.2 - Control of Gaseous Emissions from Inactive Landfills

This rule limits gaseous emissions from inactive landfills. It requires installation of perimeter probes and a gas collection and flaring system. It also requires ambient air sampling and monitoring the surface of the landfill for organic compounds as methane.

Rule 1166 - Volatile Organic Compound Emissions from Decontamination of Soil

This rule limits the emissions of volatile organic compounds (VOCs) from contaminated soil to less than 50 ppm. For contaminated soil with 50 ppm or greater, an approved mitigation plan, describing removal methods and mitigation measures, must be obtained from the District prior to proceeding with the excavation. Uncontrolled spreading of contaminated soil is not permitted.

Regulation XIII - New Source Review

This rule applies to any new or modified equipment which may cause the issuance of any nonattainment air contaminant, halogenated hydrocarbon or ammonia. It requires all emission increases to be offset and all equipment to be constructed with BACT (Best Available Control Technology). It also requires substantiation with modeling that the equipment will not cause a significant increase in concentrations of specific contaminants.

Regulation XIV - Toxics**Rule 1401 - New Source Review of Carcinogenic Air Contaminants**

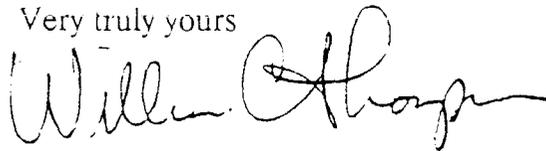
This regulation specifies limits for cancer risk and excess cancer cases from new stationary sources and modifications to existing stationary sources that emit carcinogenic air contaminants. The rule establishes allowable emission impacts for all such stationary sources requiring new permits pursuant to SCAQMD Rules 201 or 203. Best Available Control Technology for Toxics (T-BACT) will be required for any system where a lifetime (70 years) maximum individual cancer risk of one in one million or greater is estimated to occur. Limits are calculated using risk factors for specific contaminants.

Best Available Control Technology (BACT) Guidelines document

This document was compiled by SCAQMD. Although a guideline, it set up BACT requirements for various types of equipment or process. To determine BACT, a cost effectiveness analyses must be made for the Alternate Basic Equipment or Process, the Technologically Feasible options and the Achieved in Practice options, in that order. Modifications or relocations of existing equipment do not need to be analyzed for Alternative Basic Equipment or Process. The first option which can be shown to be cost effective would then be the required BACT.

If you have any questions regarding these regulations, please call Mr. Ted Kowalczyk at (909) 396-2592.

Very truly yours



William Thompson,
Senior Manager

AIR RESOURCES BOARD

2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812



MEMORANDUM

TO: Juan Manuel Jimenez
Remedial Project Manager
Base Closure Unit
Office of Military Facilities
DTSC-Region 4

FROM: *Lynn Baker*
Lynn Baker
Staff Air Pollution Specialist
Project Support Section
Stationary Source Division

DATE: April 6, 1995

SUBJECT: APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS FOR THE
MARINE CORPS AIR STATION, EL TORO

This memorandum is in response to your request for potential Applicable or Relevant and Appropriate Requirements (ARARs) relating to the remediation of the Marine Corps Air Station, El Toro.

State law as codified in the Health and Safety Code (Division 26, sections 40000) provides to local and regional authorities the primary responsibility for control of air pollution from sources other than emissions from motor vehicles. Air pollution control districts and air quality management districts are required to adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction, and to enforce all applicable provisions of state and federal law (Health and Safety Code section 40001).

Rules and regulations of the South Coast Air Quality Management District (SCAQMD) should be included in the considerations of ARARs for the El Toro site. We note that you have already contacted the SCAQMD. Examples of rules which may apply include:

| | |
|--------|---|
| 402 | Nuisance |
| 403 | Fugitive Dust |
| 1110.1 | Emissions from Stationary Internal Combustion Engines |
| 1173 | Fugitive Emissions of Volatile Organic Compounds |

In addition, the state and national ambient air quality standards (CAAQS and NAAQS, respectively) themselves should be included as ARARS. This is to ensure that activities undertaken to remediate the El Toro site do not themselves cause ambient concentrations above the health protection levels of the CAAQS and NAAQS.

Juan Manuel Jimenez
April 6, 1995
Page Two

If we can be of further assistance, please call me at (916) 327-5619.

cc: Ms. Connie Day, South Coast AQMD

Memorandum

Date : April 10, 1995

To : Mr. Juan Manuel Jiminez
Department of Toxic Substances Control
Region 4
Office of Military Facilities
245 West Broadway, Suite 425
Long Beach, California 90802-4444

From : Environmental Management Branch
601 North 7th Street (MS 396)
324-2206

Subject : Applicable or Relevant and Appropriate Requirements for Radionuclides

This is in response to your March 14, 1995, request for Applicable or Relevant and Appropriate Requirements (ARARs) for Marine Corps Air Station El Toro.

As an Agreement State with the Nuclear Regulatory Commission (NRC), California licenses, and monitors compliance of, byproduct materials use as defined by the Atomic Energy Act of 1954. In addition, the Department of Health Services (DHS) controls the uses of naturally occurring radioactive materials (e.g. radium-226). DHS' regulatory authority does not include the licensing and compliance monitoring of federal facilities. This is the NRC's responsibility. DHS becomes involved when a federal facility (e.g. a military base) is going to close and revert to State control. We are currently providing radiological consultation for closing military bases in California in preparation for the bases being transferred into State, local or private ownership.

Listed below are the regulations, statutes and guidance that pertain to radioactive materials found on military bases in California.

1. Title 10, Code of Federal Regulations (CFR), Section 20.2202(a)(iii), as incorporated by reference to Title 17, California Code of Regulations (CCR), Section 30253. A significant change in the regulations, as adopted by California, is that the federal term "licensee" is replaced by "user" as defined in Title 17, CCR, Section 30100.
2. California's Safe Drinking Water and Toxic Enforcement Act (1986), Health and Safety Code 25249.5 et seq. (Proposition 65) and its implementing regulations: prohibits a discharge or release of carcinogens, including radionuclides, unless the resulting exposure poses no significant lifetime risk, which is defined as one excess cancer per 100,000 people (or 10^{-5} risk). If an individual's exposure exceeds this level, "clear and reasonable warning" must be given.

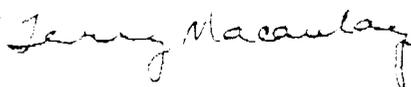
Mr. Juan Manuel Jiminez

Page 2

April 10, 1995

3. "Guidance for Cleanup of Radioactivity on Closing Military Bases for Unrestricted Public Use of Property" (attached). This document presents guidance to assist interested parties in the evaluation of levels of environmental radioactivity on closing military bases and resulting radiation exposures to the general population. It provides direction on managing potential risks of cancer from radionuclides in the environment for purposes of site cleanup and decontamination associated with the cleanup of closing military bases so that the property can be utilized by the public.

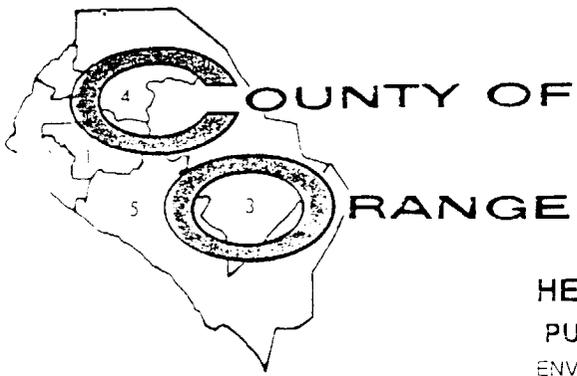
If you have question about DHS' ARARs or their applications to this base, please contact me at (916) 322-2040.



Terry Macaulay
DoD Program Coordinator
Environmental Radiation Section

Attachment

cc: Mr. Donn Diebert
Office of Military Facilities
Department of Toxic Substances Control
Region 1
10151 Croydon Way, Suite 3
Sacramento, CA 95827



TOM URAM
DIRECTOR

HUGH F. STALLWORTH, M.D.
HEALTH OFFICER

ENVIRONMENTAL HEALTH DIVISION
ROBERT E. MERRYMAN, REHS, MPH
DEPUTY DIRECTOR

HEALTH CARE AGENCY
PUBLIC HEALTH SERVICES
ENVIRONMENTAL HEALTH DIVISION
2009 E. EDINGER AVENUE
SANTA ANA, CALIFORNIA 92705
(714) 667-3700

March 27, 1995

Juan Manuel Jimenez
Base Closure Unit
Office of Military Facilities
Department of Toxic Substances Control, Region 4
245 West Broadway, Suite 350
Long Beach, CA 90802-4444

Juan

Dear Mr. Jimenez:

This is in response to your letter dated March 10, 1995, requesting Orange County's Applicable or Relevant and Appropriate Requirements (ARARs) as they relate to the Marine Corps Air Station El Toro. At this time, we have identified one ARAR that would apply to all federal facilities within Orange County (including Seal Beach Naval Weapons Station, MCAS El Toro, & MCAS Tustin).

The Orange County Code, Article 2, describes standards for the Construction and Abandonment of Water Wells. The intent of the Article is to ensure that groundwater within the County is not impaired in quality, that water obtained from such wells be suitable for its intended purpose, and that the water will not jeopardize the health, safety, or welfare of the people of this County. Proper construction and closure of these wells helps us to meet those goals. Complying with Article 2 is, therefore, a **substantive** requirement as defined in CERCLA.

In accordance with Article 2, Section 4-5-17, prior to construction or abandonment of any well, a written permit must be issued by the Health Officer. The information requested on a permit application is necessary to assist in tracking all monitoring wells and applicable soil borings in the county and to ensure that soil borings, well installations, and well abandonments are done properly. When issued, these permits generally require payment of a fee. Fee payment and issuance of a written permit are **procedural** requirements, as defined in CERCLA, that assist us in meeting the provisions of Article 2.

Juan Manuel Jimenez
March 27, 1995
Page 2

In order to expedite the process at federal- and state-lead contaminated sites, we agree to waive our procedural requirements (payment of the permit fee and issuance of the written permit) in order to obtain compliance with our substantive requirements (proper construction and closure of wells and applicable soil borings). To accomplish this smoothly, the permit application form must be completed and submitted to this office for review prior to field work. The information may either be submitted on the four-part application or on photocopies of its first page. We request that the permit applicant is a representative of the federal or the state agency that is overseeing the site investigation or remediation activities.

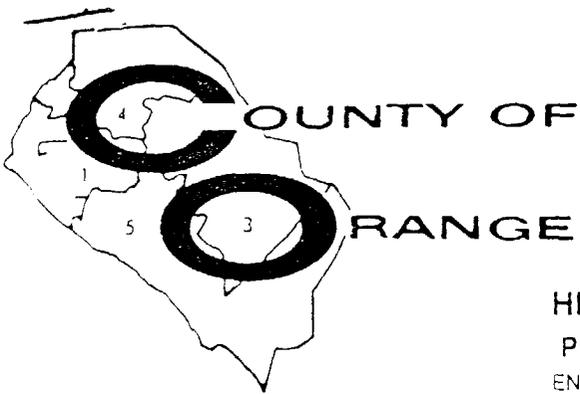
Thank you for your attention to this matter. Please contact me at (714) 667-3768 if needed.

Sincerely,

The signature is handwritten in black ink, appearing to read "BOB L. Allen".

Robert L. Allen, Hazardous Waste Specialist
Environmental Health Division

Attachments: County Requirements for Well Permits
Orange County Code, Article 2
Application for Well Construction Permit
Application for Well Destruction Permit
Common Defects of Well Construction with Remedies
Well Destruction Specifications
Destruction of Monitoring Wells and Soil Borings



TOM URAM
DIRECTOR

HUGH F. STALLWORTH, M.D.
HEALTH OFFICER

ENVIRONMENTAL HEALTH DIVISION
ROBERT E. MERRYMAN, REHS, MPH
DEPUTY DIRECTOR

HEALTH CARE AGENCY
PUBLIC HEALTH SERVICES
ENVIRONMENTAL HEALTH DIVISION
2009 E. EDINGER AVENUE
SANTA ANA, CALIFORNIA 92705
(714) 667-3600

SUBJECT: County Requirements for Well Permits

Dear Consultant/Contractor/Driller:

The Orange County Well Ordinance (County Ordinance No. 2607) requires that a permit be obtained prior to the construction or destruction of any well. In unincorporated County areas and in twenty-six of thirty-one Orange County cities, the Orange County Health Officer is responsible for enforcement of the well ordinance. In the remaining five cities (**Anaheim, Buena Park, Fountain Valley, Orange and San Clemente**), well ordinances are enforced by city personnel.

Permits are specifically required for all wells and soil borings except:

- 1) Vadose zone monitoring systems which are regulated by the administrative authority for enforcement of the Underground Storage Tank Laws and Regulations.
- 2) Wells used for the purpose of dewatering excavations during construction, or stabilizing hillsides or earth embankments.
- 3) Soil borings which meet all of the following conditions:
 - a) less than 50 feet in depth;
 - b) do not enter into groundwater;
 - c) do not penetrate significant confining material beds.

To expedite the permit approval process, all the necessary attachments and applicable fees should be submitted with the permit application. The required attachments include a site plan showing the locations of all wells (proposed and existing), potential sanitary hazards and a well construction diagram. The diagram should include, at a minimum, materials of construction, depth of seals, borehole diameter, size of casing, depth to first groundwater and total depth of wells.

A permit shall remain in effect for one year from date of issuance.

PERMIT APPLICATION FEES

| CONSTRUCTION | <u>Fee</u> |
|---|------------|
| Water Well (Domestic, Irrigation or Industrial) | \$405.00 |
| Cathodic Protection Well | \$345.00 |
| Monitoring Well, Observation Well, Hydropunch, or Soil Boring | |
| Initial | \$225.00 |
| Each Additional (same permit number, same site) | \$115.00 |
| Cone Penetration Test (CPT) Survey | \$225.00 |
| | |
| DESTRUCTION | |
| All Wells | \$ 72.00 |

REFUND AND LATE FEES

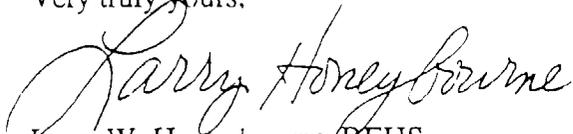
In the event the permit is denied or if the permit is canceled within sixty (60) days after issuance and no work has been performed, fifty percent (50%) of the fee shall be returned to the applicant. To avoid a twenty-five percent (25%) late charge, applicants are required to file for and receive approved permits prior to initiation of construction. Permit fees are not transferable between sites.

The County requires notification of at least **forty-eight hours** (48 hrs.) prior to beginning construction. Completion reports and well logs must be submitted to this Agency upon completion of work. The completion report should include the permit number, total number of wells installed, location of wells, and as built details of well construction (e.g., depth of seals, perforation intervals, and groundwater depth).

Failure to comply with any condition of an approved permit or any aforementioned requirement is a violation of the Orange County Well Ordinance and a misdemeanor.

If you have any questions or wish to obtain a well permit application or information, please feel free to contact the County of Orange Health Care Agency, Water Quality Section at (714) 667-3657 or 667-3758.

Very truly yours,



Larry W. Honeybourne, REHS
Environmental Health Engineering Specialist
Water Quality Section
Environmental Health Division

LWH:aam

Mailing List - Original

Sierra Club
ATTN: Ms. Liz Allen
394 Blaisdell
Claremont, CA 91711

Environmental Defense Fund
ATTN: Mr. David Roe
Rockridge Market Mall
5655 College Avenue
Oakland, CA 94618

Sacramento Valley
Toxics Campaign
ATTN: Mr. Mark Fleming
1912 F Street, Suite 100
Sacramento, CA 95814

Environmental Health Coalition
ATTN: Ms. Diane Takvorian
1717 Kettner Boulevard, Suite 100
San Diego, CA 92101

California Council for Environmental
and Economic Balance
ATTN: Ms. Lisa Bicker
100 Spear Street, Suite 805
San Francisco, CA 94105

Center of Community Action and
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ATTN: Ms. Penny Newman
P.O. Box 33124
Riverside, CA 92519

CALPIRG
ATTN: Ms. Perry Rafferty
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Sacramento, CA 95814

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Sacramento, CA 95814

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Los Angeles, CA 90014

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245 W. Broadway, Suite 425
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Citizen for a Better Environment
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501 Second Street, Suite 305
San Diego, CA 94107

Toxics Assessment Group
ATTN: Ms. Jody Sparks
P.O. Box 73620
Davis, CA 93620

League of Women Voters
ATTN: Ms. Anne Coombes
521 Guadalupe Drive
Los Altos, CA 94022

Greenpeace
ATTN: Mr. Bradley Angel
139 Townsend Street, 4th Floor
San Francisco, CA 94102

Clean Water Action
ATTN: Mr. Bruce Livingston
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American Association of
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Los Angeles Chapter
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Los Angeles, CA 90015

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City Manager
20 Civic Center Plaza
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Director of Public Works
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City of Lake Forrest
Mr. Gaylord Knapp
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Sacramento, CA 95812-0100

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