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Ser 1811.LN/04623
02 Nov 1990

Mr. Kenneth Williams
Santa Ana Regional Water Quality Control Board
6809 Indiana Avenue, Suite 200
Riverside, CA 92506

Dear Mr. Williams:

This letter is to inform you in writing of the permitting policy to be established at Marine Corps Air Station (MCAS), El Toro, for well drilling required to conduct the Remedial Investigation/Feasibility Study. As you know, in February 1990 MCAS El Toro was included on the National Priority List and response actions are underway following the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process.

The National Oil and Hazardous Substances Pollution Contingency Plan, Subpart E, Section 300.400(e), states that no federal, state, or local permits are required for on-site response actions conducted pursuant to CERCLA sections 104, 106, 120, 121 and 122. The term "on-site" is interpreted as the areal extent of contamination and all suitable areas in very close proximity to the contamination necessary for implementation of the response action. This includes CERCLA investigations before remedy (see Volume 55, Number 46, page 8689 of the Federal Register). In the Federal Facility Agreement, Section 19, between MCAS El Toro and the state and federal agencies, the permit exemption is clearly described. The Federal Facility Agreement also points out the requirement of the National Oil and Hazardous Substances Pollution Contingency Plan that all applicable or relevant and appropriate federal and state substantive standards, requirements, criteria, or limitations which would have been included in any permit be complied with during the performance of any response action.

We are requiring our contractor to complete all permit applications which would typically be required for this work and submit them to the appropriate agencies along with a cover letter stating "this application is for informational purposes only; no permit is being requested". This will inform the agencies of forthcoming actions and allow time for their review and comment on these actions.

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If you have any questions, please contact Larry Nuzum, Remedial Project Manager, at (619) 532-1230.

Sincerely,

DANA N. SAKAMOTO
Manager, Environmental
Restoration Branch
By direction of
the Commanding Officer

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Writer: Larry Nuzum, 1811.LN, X21230
Typist: Chris Potter, 181MA, X22419, 18 Oct 90 (onsite5597.ln)

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