

DEPARTMENT OF TOXIC SUBSTANCES CONTROLM60050.000938
MCAS EL TORO
SSIC # 5090.3Region 4
West Broadway, Suite 425
Beach, CA 90802-4444
(310) 590-4856

APR 21 1995 2:40

April 21, 1995

Mr. Joseph Joyce
BRAC Environmental Coordinator
Department of the Navy-Southwest Division
Naval Facilities Engineering Command
Environmental Division
1220 Pacific Highway, Room 18
San Diego, California 92132-5181

Dear Mr. Joyce:

**SUPPLEMENTAL RESPONSE TO THE REQUEST FOR THE IDENTIFICATION OF
POTENTIAL STATE APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS
(ARARs) FOR THE REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS) FOR
OPERABLE UNIT (OU) 1 AT MARINE CORPS AIR STATION, EL TORO**

The Department of Toxic Substances Control (DTSC) received a request to provide potential state ARARs on February 21, 1995. The Navy was supplied with a list of potential state ARARs on April 10, 1995. This is a supplement to the previous submittal. These documents were received after the DTSC transmitted its initial response in this iteration.

The DTSC hereby transmits responses from: Department of Transportation, State Lands Commission, Department of Health Services and Orange County. As a result of this transmittal the Navy need not solicit ARARs from these state and local agencies.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Juan M. Jimenez", written in a cursive style.

Juan M. Jimenez
Base Closure Unit
Office of Military Facilities
Southern California Operations

Enclosures

cc: See next page.

Mr. Joseph Joyce
ARARs for RI/FS - OU 1 MCAS, El Toro
April 21, 1995
Page 2

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

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

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

Mr. James Hendron
County of Orange
Environmental Health Division
2009 East Edinger Avenue
Santa Ana, California 92705-4720

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

Mr. John Delagowski
Project Manager
CH2M Hill
2510 Red Hill Avenue
Santa Ana, California 92705

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
7501 PULLMAN STREET
SANTA ANA, CA 92705



March 31, 1995

Mr. Juan Manuel Jimenez
Department of Toxic Substance Control
Region 4
245 West Broadway, Suite 425
Long Beach, Ca. 90802-4444

File: IGR/CEQA
SCH # none

Subject: ARARs Marine Corps Air Station El Toro

Dear Mr. Jimenez:

Thank you for the opportunity to review and comment on the Applicable or Relevant and Appropriate Requirements (ARARS) for Operable Unit 1 which deals with groundwater contamination associated with the Marine Base. Caltrans District 12 is a reviewing agency and has no comment at this time.

Please continue to keep us informed of future developments which could potentially impact our State Transportation Facilities. If you have any questions, or need to contact us, please call Aileen Kennedy on (714) 724-2239.

Sincerely,

A handwritten signature in black ink that reads "Robert F. Joseph".

Robert F. Joseph, Chief
Advance Planning Branch

cc: Tom Loftus, OPR
Ron Helgeson, HDQTRS Planning
Tom Persons, HDQTRS Traffic Operations
Vinh Pham, Hazardous Waste

STATE LANDS COMMISSION

GRAY DAVIS, *Lieutenant Governor*
ATHLEEN CONNELL, *Controller*
RUSSELL S. GOULD, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814-7187
ROBERT C. HIGHT
Executive Officer

March 29, 1995

Mr. Jun Manuel Jimenez
Department of Toxic Substances Control
Region 4
245 West Broadway, Suite 425
Long Beach, CA 90802-4444

Dear Mr. Jimenez:

This is a written response to your letter of March 14, 1995, regarding applicable or relevant and appropriate requirements (ARARS) of the State Lands Commission (Commission) which may effect Marine Corps Air Station El Toro (MCASET), Orange County.

As mentioned below, the Commission has not adopted specific ARARs for projects within its jurisdiction, but there are three points which should be noted:

1. With regard to military and similar surface uses which may involve use or occupation of State-owned land, this Commission does not promulgate regulations dealing with ordinary surface land operations which deal specifically with military and similar surface uses which may involve use, or occupation of, State-owned land.
2. The Commission does, however, rely on existing statutory framework, regulations and expertise specifically charged with the responsibilities for toxic substances, air quality, water quality, among others.
3. The Commission, acting in its capacity as trustee for the sovereign lands of the State, does not waive any rights under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

If you should need any further assistance or have questions regarding this matter, please contact Blake Stevenson at (916) 323-8492 or myself at (916) 322-7825.

Sincerely,



Steven J. Sekelsky
Public Land Manager
Division of Environmental
Planning and Management

Memorandum

ate : 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.

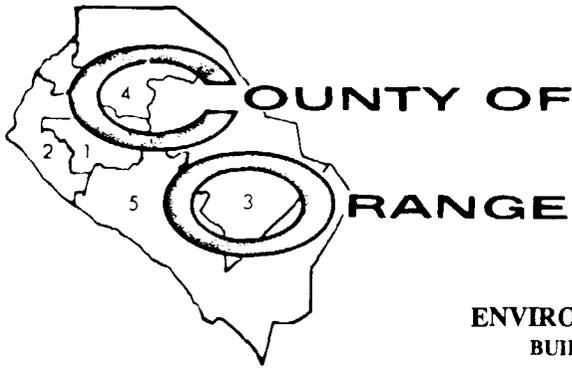
If you have question about DHS' ARARs or their applications to this base, please contact me at (916) 322-2040.



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



MICHAEL M. RUANE
DIRECTOR, EMA

RONALD J. NOVELLO
DIRECTOR OF BUILDING AND
DEVELOPMENT SERVICES

300 N. FLOWER ST.
P.O. BOX 4048
SANTA ANA, CA 92702-4048

INFO (714) 834-2626
SEC (714) 834-2609
FAX (714) 834-4588

ENVIRONMENTAL MANAGEMENT AGENCY
BUILDING AND DEVELOPMENT SERVICES

April 6, 1995

Alice Gimeno
Department of Toxic Substances Control
California - Environmental Protection Agency
Region 4
245 West Broadway, Suite 425
Long Beach, CA 90802-4444

SUBJECT: Applicable or Relevant and Appropriate Requirements (ARARs): Marine Corps Air Station El Toro (MCASET)

Dear Ms. Gimeno:

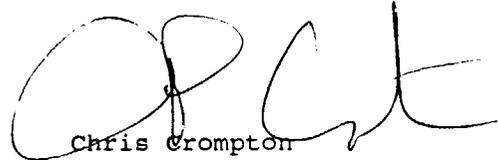
In response to your letter dated March 14, 1995, the following ARARs should be considered for the MCASET remediation project:

1. NPDES Permit No. 80000180, issued to the County of Orange, the Orange County Flood Control District and the City of Irvine, and the State General Permit for Stormwater Discharges Associated with Construction Activity, requires the implementation of structural and non-structural Best Management Practices (BMPs) to control erosion/siltation and contaminated run-off from construction sites.
2. Order No. 90-71 of NPDES Permit No. CA 8000180, page 4 item 10, states that entities discharging to the stormdrain systems or any surface water bodies may be required to have appropriate controls for the proper management of stormwater runoff and also, to work cooperatively with the County of Orange to manage urban stormwater runoff.
3. County of Orange Ordinance (OCC Sections 6-1-13, 6-1-122, 6-3-41 and 6-4-377) requires that a Public Property Encroachment Permit be obtained for any work conducted in the right-of-ways and facilities administered by the County's Environmental Management Agency.

Ms. Gimeno
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Thank you for the opportunity to comment on ARARs for the MCASET remediation project. Please direct any questions regarding this letter to Duc Nguyen at 567-6339.

Very truly yours,

A handwritten signature in black ink, appearing to read "CC", is written over the typed name "Chris Crompton".

Chris Crompton
Manager
Environmental Resources

DN: Pol\MCASETARAR