

DEPARTMENT OF TOXIC SUBSTANCES CONTROLM60050-000969
MCAS EL TORO
SSIC # 5090.3Region 4
145 West Broadway, Suite 425
Orange Beach, CA 90802-4444
(310) 590-4856

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July 24, 1995

Mr. William R. Mills, Jr.
General Manager
Orange County Water District
P. O. Box 8300
Fountain Valley, California 92728-8300

Dear Mr. Mills:

TDS REQUIREMENTS FOR REINJECTION AT MARINE CORPS AIR STATION, EL TORO

Thank you for your letter to Mr. Juan Manuel Jimenez of this office dated May 26, 1995 regarding TDS requirements for reinjection at Marine Corps Air Station, El Toro. In your letter you expressed the view that applicable and appropriate or relevant requirements (ARARs) for treated reinjection water should be modified to water quality objectives of 720 mg/l for TDS and 6 or 8 mg/l for nitrates.

Upon receipt of your letter, the Department of Toxic Substances Control (DTSC) asked the Regional Water Quality Control Board, Santa Ana Region to clarify its position regarding TDS, nitrates and reinjection. Please find enclosed their response to your concerns.

We look forward to working with you on these and other issues concerning remediation at Marine Corps Air Station, El Toro. If you have any questions, please feel free to contact me at (310) 590-4856 or the Regional Water Quality Control Board at (909) 782-4998.

Sincerely,



John E. Scandura
Chief, Southern California Operations
Office of Military Facilities

Enclosure

cc: See next page.



Mr. William R. Mills, Jr.

July 24, 1995

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Ms. Bonnie Arthur
U. S. Environmental Protection Agency
Region IX
Hazardous Waste Management Division, H-9-2
75 Hawthorne Street
San Francisco, California 94105-3901

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

Mr. Jason Ashman
Department of the Navy
Naval Facilities Engineering Command
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1220 Pacific Highway, Room 18
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Mr. David Cowser
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401 W. "A" Street, Suite 1000
San Diego, California 92101-7905

Mr. Vish Parprianni
Environmental and Safety
Marine Corps Air Station-El Toro
P. O. Box 95001
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STATE OF CALIFORNIA - CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

PETE WILSON Governor

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**1000 JWA AVENUE, SUITE 100
RIVERSIDE, CA 92507-2409
PHONE: (909) 782-4130
FAX: (909) 781-6288

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

July 21, 1995

Re: Requirements for Reinjection of Treated Groundwater at Marine Corps Air Station, El Toro

Dear Mr. Jimenez:

This is in response to the May 26, 1995 letter from Orange County Water District (OCWD) regarding the cleanup of total dissolved solids (TDS) and nitrates in the groundwater and the discharge of treated water at the site.

The Navy is evaluating remedial alternatives including pumping groundwater that is contaminated with volatile organics, treating the water to remove those organics, and reinjecting the treated water into the same aquifer at about the same location from which it was extracted. The groundwater in the area has TDS and nitrate levels that are above the Basin Plan objectives for these constituents. The high TDS and nitrate levels at the site cannot, based on existing evidence, be attributed to past operations at the Air Station. On March 22, 1995, we responded to the Navy's request for additional ARARs for this project. Our March 22nd letter indicated that requiring cleanup of the TDS and nitrates beyond background levels should not be required so long as the water was returned to the same aquifer from which it was extracted. In the May 26, 1995 letter, OCWD asserts that California law and the policies and precedents of the State Water Resources Control Board require a cleanup of the TDS and nitrates to Basin Plan objectives before the Navy can reinject the treated water at the site.

OCWD has incorrectly stated existing law and policy. The State Water Resources Control Board has interpreted the Porter-Cologne Water Quality Control Act to require property owners to clean up all sources of waste on their property, if beneficial uses of the water are threatened, to Basin Plan objectives only when they were responsible for the creation of the problem or allowed someone else to create the situation. Subsequent purchasers have been held to account only after those who created or allowed the creation of the problem have first been ordered to remedy the situation. Neighboring landowners, while theoretically responsible for plumes that migrate under their property, have been required to do nothing more than cooperate with cleanup activities by allowing access to their property. There are no instances in which a property owner has been held responsible for the cleanup of historic and widespread pollution that happens to be under his or her property.

Juan Jimenez, DTSC

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The policies and precedents cited by OCWD all deal with situations in which water is brought from one place for discharge at another. In that case, the State Water Resources Control Board has held that the discharge must meet Basin Plan objectives unless there is assimilative capacity in the basin and then the discharge may take place only after an anti-degradation analysis has taken place pursuant to policy 68-16.

If the Navy proposed to reinject the treated water into a different aquifer or into another portion of the same aquifer that has markedly different background levels of TDS or nitrates, we would apply the analysis suggested by OCWD. So long as the water goes directly back where it came from, we do not regard that as a discharge of waste for purposes of Porter-Cologne.

If you have any questions regarding this, please contact me at 909-782-3238 or Larry Vitale at 909-782-4998. Our legal counsel, Ted Cobb, can be reached at 916-657-0406.

Sincerely,



Michael J. Adackapara
Program Manager

cc: State Water Resources Control Board - Ted Cobb, Office of the
Chief Counsel

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