

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4
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February 28, 1996

William R. Mills, P.E.
General Manager
Orange County Water District
10500 Ellis Ave
Fountain Valley, California 92708

Dear Mr. Mills:

Thank you for your letter dated January 12, 1996, which was received in this office on January 19, 1996, regarding the principal aquifer cleanup objectives for the Marine Corps Air Station (MCAS) El Toro. In your letter, you requested the Department of Toxic Substances Control (DTSC) and Santa Ana Regional Water Quality Control Board (RWQCB) positions on issues related to the cleanup. For DTSC, I will respond to your questions in the order specified in your letter.

You asked whether the United States Environmental Protection Agency (USEPA) comments regarding a possible no-action or passive alternative for the principal aquifer are in compliance with state applicable or relevant and appropriate requirements (ARARs). By letter dated January 22, 1996, USEPA stated that since the principal aquifer is part of the Irvine Subbasin, for which the "*Water Quality Control Plan, Santa Ana River Basin (1995)*" cites drinking water as a beneficial use, the Remedial Action Objectives should remain the Maximum Contaminant Levels (MCLs). The decision to initiate active or passive remediation of the aquifer will be based on the risk levels, MCLs and MCL Goals may be used to determine if remediation is warranted.

USEPA also stated that some type of remedial action is warranted in both the shallow and principal aquifers at MCAS El Toro to achieve the MCLs. This action could include a passive remediation alternative for the principal aquifer consisting of some combination of institutional controls, wellhead treatment, containment, source control, volatilization, dilution and biological degradation. Any and all actions proposed under such a scenario must protect beneficial use of the principal aquifer as a drinking water source and meet state ARARs before DTSC can approve a Record of Decision (ROD) in this regard.

You asked whether the Porter-Cologne Water Quality Act and the State Water Resources Control Board Resolution 68-16 apply to the remediation of the aquifers. I defer a response to the Santa Ana RWQCB, which enforces these laws. However, DTSC takes the position that such requirements are generically state ARARs for the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the State Superfund remedial responses.



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Lastly, you asked whether the Department of Navy (DON) is legally required to meet both federal and state ARARs when determining remedial action objectives. CERCLA requires that remedial actions comply with state ARARs, any such Remedial Action Objectives should entail this compliance. DTSC has taken the position that the DON is responsible for the volatile organic carbon contamination in the principal aquifer and that the remediation of the groundwater must meet the Remedial Action Objectives, which in this case is the MCL of 5 parts per billion for trichloroethylene.

I hope our meeting on February 1, 1996 clarified our understanding about the remediation of the shallow and principal aquifers at the MCAS El Toro. The regulatory agencies agree that Alternative 6A specified in the Draft Operable Unit 1 Interim Action/Feasibility Report (IA/FS) is acceptable but are concerned about the cost effectiveness of Alternative 2A as a contingency alternative. DON has stated that it will provide additional alternatives addressing the comments of the regulatory agencies on the IA/FS. To maintain the goal of groundwater remediation at MCAS El Toro, DON and the regulatory agencies will continue to examine contingency alternatives in the event that the Irvine Desalter Project (IDP) specified under Alternative 6A does not materialize. The regulatory agencies will ensure Orange County Water District (OCWD) participation in these ground water remediation discussions. Finally, we encourage the OCWD and DON to successfully conclude negotiations on the IDP so that the preferred alternative can be implemented.

Thank you for your letter. If you have additional questions, please contact me or Mr. Roy Yeaman at (310) 590-4856.

Sincerely,



John Scandura, Chief
Southern California Operations
Office of Military Facilities

cc: Gerard Thibeault, Executive Office
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