



DEPARTMENT OF THE NAVY  
SOUTHWEST DIVISION  
NAVAL FACILITIES ENGINEERING COMMAND  
ENVIRONMENTAL DIVISION  
1220 PACIFIC HIGHWAY, RM 18  
SAN DIEGO, CALIFORNIA 92132-5181

M60050.001882  
M60050.001882  
MCAS EL TORO  
SSIC # 5090.3

5090  
Ser 183/652  
July 25, 1996

Mr. Paul Brady, Jr.  
City Manager, City of Irvine  
One Civic Center Plaza  
P.O. Box 19575  
Irvine, CA 92713

Dear Mr. Brady:

The Department of Navy (DON) has received your March 12, 1996, request for reimbursement for past expenditures by the City of Irvine to construct and operate the wellhead treatment component of the facility at the corner of Irvine Center Drive and Jeffrey Road commonly referred to as Well ET-1 (Enclosure 1). DON does not agree that the Well ET-1 treatment facilities are reasonable and necessary components of a CERCLA-quality removal action nor is it consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

We have reviewed your request in light of the requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9601, et seq., and the NCP, 40 CFR Part 300. In our review, we have evaluated documents relating to the approval of Well ET-1 under applicable state and local laws and regulations and relating to the reimbursement agreement under which the City of Irvine reimbursed Orange County Water District (OCWD) for the cost of adding a roto-stripper and an ultraviolet destruction unit (wellhead treatment) to Well ET-1. We find that your request for reimbursement is not eligible for payment for the reasons set forth below.

In your March 12, 1996, letter you cite examples of groundwater treatment presented by DON in the two preferred alternatives, 2A (DON stand-alone) and 6A (DON/OCWD joint project), in the draft Interim Action Feasibility Study (IAFS) report, dated October 15, 1995. However, we note that the discharge of groundwater from Well ET-1 is not similar to the groundwater discharge options evaluated in alternatives 2A or 6A. None of the interim action alternatives retained for detailed analysis in the draft IAFS report include discharge of groundwater to water reclamation or irrigation systems. Alternatives 2A and 6A in the draft IAFS report incorporate injection of treated groundwater into the aquifer, and conveyance of treated groundwater to the OCWD Irvine Desalter Project, respectively. Treatment requirements for groundwater discharged to water reclamation and irrigation systems differ from those for interim actions considered in the draft IAFS report. Groundwater treatment was required for those alternatives in order to comply with water quality discharge requirements.

5090  
Ser 183/652  
July 25, 1996

In addition, Volatile Organic Compound (VOC) treatment for reclaim water from ET-1 to be used for irrigation was not required under any applicable laws or regulations. Enclosure (1) is a May 17, 1989, letter to OCWD from Mr. Gerard J. Thibeault of the California Regional Water Quality Control Board, Santa Ana Region, regarding Well ET-1 proposed Negative Declaration. The Water Board states that "it is our understanding the inclusion of the TCE [trichloroethylene] contaminated groundwater in Irvine Ranch Water District's (IRWD) reclaimed water will not result in violations of IRWD's existing water reclamation requirements." Therefore, there were no waste discharge requirements necessitating treatment of VOCs. In addition, there were no air emission requirements for irrigation.

On May 31, 1989, OCWD adapted Resolution No. 89-5-104 approving the mitigated Negative Declaration for the ET-1 project without VOC treatment and authorizing filing of Notice of Determination for ET-1. In that resolution, OCWD found that "...based upon that Initial Study and Public Health Risk Assessment such project will not have a significant effect on the environment," (Enclosure 2).

The NCP identifies acceptable exposure levels for known or suspected carcinogens as the incremental cancer risk range of  $10^{-4}$  to  $10^{-6}$ . See 40 CFR Sections 300.430 (e)(2)(i)(A)(2), 300.430 (e)(9)(iii)(A) and 300.430(f)(l)(i)(A) and the NCP preamble at 55 Fed. Reg. 8716 and 8793, March 8, 1990. A Public Health Risk Assessment prepared by MED-TOX Associates, Inc. for the OCWD/IRWD Proposed Trichloroethylene Containment Program, was finalized in June 1989 (Enclosure 3). The assessment concluded that "the project-related incremental concentration of trichloroethylene release is de minimus in comparison to background trichloroethylene exposure levels found in the south coast air basin." In the two conservative exposure scenarios developed in the Public Health Risk Assessment, potential cancer risks from project related emissions range from  $6 \times 10^{-15}$  to  $1 \times 10^{-13}$  for both nearby community and on-site workers.

The installation, operation, and maintenance costs incurred with a rotary air stripper and ultraviolet light off-gas volatile organic compound (VOC) destruction unit at Well ET-1, where the risk range was significantly lower than  $10^{-6}$ , was not "consistent with the National Contingency Plan (NCP)" as per 42 U.S.C. Section 9607(a)(4)(B) and 40 CFR Section 300.700(c)(2), and therefore not eligible for reimbursement.

5090  
Ser 183/652  
July 25, 1996

If you have any questions or comments, please contact Mr. Rex Callaway, our Environmental Counsel, at (619) 532-1662, or Mr. Andrew Piszkin, our Remedial Project Manager, at (619) 532-2635.

Sincerely,



DANA SAKAMOTO  
Director, BRAC Environmental Division  
By direction of the Commander

Encl:

- (1) Orange County Water District letter dated May 17, 1989
- (2) Motion letter dated May 31, 1989
- (3) Public Health Risk Assessment for the OCWD/IRWD Proposed Program
- (4) City of Irvine letter dated May 15, 1989

Copy to:

Commanding General  
Assistant Chief of Staff, Environment and Safety  
Marine Corps Air Station, El Toro  
Santa Ana, CA 92709-5001

Ms. Bonnie Arthur  
U. S. Environmental Protection Agency  
Region IX  
Code H-9-2  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Mr. Lawrence Vitale  
California Regional Water Quality Control Board  
Santa Ana Region  
3737 Main Street, Suite 500  
Riverside, CA 92501-3339

Mr. Tayseer Mahmoud  
Department of Toxic Substances Control  
Region 4  
245 West Broadway, Suite 350  
Long Beach, CA 90802-4444

5090  
Ser 183/652  
July 25, 1996

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

Mr. Bernie Schafer  
Assistant General Counsel  
Office of Assistant General Counsel  
(Installations & Environment)  
1000 Navy Pentagon (Rm 4D 434)  
Washington, DC 20360-5110

LtCol David Mercier  
Commandant of the Marine Corps  
Headquarters, U. S. Marine Corps (CL)  
Washington, DC 20380-0001

Ms. Kelly Dreyer  
Commandant of the Marine Corps  
Headquarters, U. S. Marine Corps (LFL)  
Washington, DC 20380-0001

Maj Pat Uetz  
Western Bases  
Western Area Counsel Office  
Bldg 1254  
Box 555231  
Camp Pendleton, CA 92055-5231

**ENCLOSURES (1) THRU (4)  
ARE UNAVAILABLE AT THIS TIME**