



California Regional Water Quality Control Board

Santa Ana Region



Terry Tamminen
Secretary for
Environmental
Protection

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M60050.003136
MCAS EL TORO
SSIC NO. 5090.3

March 10, 2004

Base Realignment and Closure
Attn: Mr. F. Andrew Piszkin, P.E.
BRAC Environmental Coordinator
7040 Trabuco Road
Irvine, CA 92618

COMMENTS ON DRAFT TECHNICAL MEMORANDUM, PRE-DESIGN INVESTIGATION FOR SHALLOW GROUNDWATER UNIT REMEDY, IRP SITE 24, VOLATILE ORGANIC COMPOUND SOURCE AREA, FORMER MARINE CORPS AIR STATION, EL TORO

Dear Mr. Piszkin:

We have reviewed the above referenced document, dated January 2004, which we received on February 3, 2004. We have the following comments:

- **CONTINUOUS OPERATIONS OF CENTRAL TREATMENT SYSTEM**, Page 5-2, first paragraph: This section incorrectly states that the BRAC Cleanup Team (BCT) granted approval for the discharge of treated groundwater (now in progress) for on-site percolation. As the Remedial Project Manager for the Regional Board, and a member of the BCT, I do not have the authority to authorize, and did not, in fact, authorize a discharge that would be regulated under the Porter-Cologne Water Quality Control Act of 1998 and the Water Quality Control Plan (Basin Plan) for the Santa Ana Regional Board. Therefore, please correct this section to identify the Navy as unilaterally authorizing the on-site discharge of treated groundwater via percolation, not members of the BCT.

I am certain that the BCT discussed federal (U.S. EPA's National Pollutant Discharge Elimination System – NPDES) and State (Regional Board) permitting requirements for the discharge of treated groundwater. Based on our past discussions regarding similar discharges of treated groundwater, the Navy is familiar with the substantive requirements that can be identified and implemented in lieu of discharge permits, when appropriate. The Regional Board's Executive Officer and legal counsel must make the final determination regarding the need for a discharge permit at this site. The Navy has long held the position that it is exempt from obtaining waste discharge requirements (WDRs) and NPDES permits. In the past, however, the Navy has agreed that the substantive requirements contained in

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WDRs and NPDES permits are relevant, applicable or appropriate, and has agreed to comply with these substantive requirements, and we request that it comply with those requirements with respect to the subject discharge.

For any questions, please call me at (909) 782-4494, or send email to jbroderic@rb8.swrcb.ca.gov.

Sincerely,



John Broderick
SLIC/DoD Section

cc: Ms. Nicole Moutoux, US EPA, Region 9
Mr. Tayseer Mahmoud, DTSC, Office of Military Facilities
Mr. Karing Ohannessian, NAVFACENGCOM, Southwest Division

BRAC OFFICE

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