

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

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RIVERSIDE, CALIFORNIA 92507-2409
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file
El Toro*

December 31, 1991

Commander S. E. Tower, CEC, U. S. Navy
Head, Facilities Management Department
Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

SUBJECT: Response to Extension Request for Deliverables Schedule
Draft Remedial Investigation/Feasibility Study, OU #4
Marine Corps Air Station, El Toro

Dear Commander Tower:

The Regional Water Quality Control Board, Santa Ana Region has reviewed your December 13, 1991 request for extensions to the submittal schedule for the above-referenced document. With the submittal date for the Draft RI/FS Work Plan for Operable Unit #4 being December 15, 1991, the receipt of a facsimile copy of your request for extension after working hours on the afternoon of December 13, 1991 clearly violates the timeliness clause in Section 9.1 of the Federal Facilities Agreement.

It is our position that your request for an extension to the schedule for deliverable through the "good cause" aspects of Section 9.2 is incomplete. This is due to the lack of sufficient elaboration or documentation as to the grounds for Force Majeure under which the request is being made. As of this date, this office has not received any additional elaboration on this matter or the detailed Draft Project Schedule. Therefore, we cannot agree that either a Force Majeure situation or a scenario of "any event or series of events" which constitutes a "good cause" reason for delays, as mutually agreed to by the Parties of the Federal Facilities Agreement, exists at the present time.

Therefore, we cannot acknowledge your December 13, 1991 correspondence as an appropriate request for an extension to the present schedule for the submittal of primary documents for Operable Unit #4. Additionally, we are in agreement with and support the U. S. Environmental Protection Agency's position in regard to the applicability of stipulated penalties, as stated in their December 23, 1991 letter.

We await your submittal of additional documentation to support this request and the detailed Draft Project Schedule and the subsequent discussion of this matter. It is our goal to arrive at a mutually agreeable schedule for the submittal of primary documents for Operable Unit #4.

Commander S. E. Tower

December 31, 1991

If you have any questions regarding this matter, please contact me at (714) 782-4496.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth R. Williams".

Kenneth R. Williams
Associate Engineering Geologist
Special Projects Section

cc: A. Piszkin, SOUTHWESDIV
J. Hamill, US EPA
M. Alonzo, DTSC
LCDR. L. Serafini, MCAS El Toro