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UNITED STATES MARINE CORPS

MARINE CORPS AIR BASES WESTERN AREA MIRAMAR
PO BOX 452001
SAN DIEGO CA 92145-2001

M60050.000105
MCAS EL TORO
SSIC #5090.3
C.T.C. IR

IN REPLY REFER TO

AQ2

5720

3 August 1999

From: Counsel to the Commander
Marine Corps Air Bases Western Area

To: Commander, Naval Facilities Engineering Command
Southwest Division, 1220 Pacific Highway, Room 250
San Diego, California 92132-5190
(Attn: Ms. Cathy V. Lewis, FOIA Coordinator)

Subj: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF KENNETH S.
MORRISON; DON FOIA FILE NO. 9900900

Ref: (a) SECNAVINST 5720.42F

Encl: (1) CNO ltr Ser N09B30P/9U513504 dtd 15Jul99
(2) Requestor's ltr dtd 24May99 (2 JUN 99)
(3) CNO ltr Ser N09B30P/9U513503 dtd 15Jul99

1. Enclosures (1) and (2) are readdressed and forwarded as a matter under your cognizance and direct response to the requestor within 20 working days as prescribed by reference (a). Enclosure (3) is provided for your information.

2. The enclosures were received by this Office on 22 July 1999. You may address questions concerning this correspondence to me at (858) 577-1928.


DAVID R. MUSGRAVE
Assistant Counsel



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5720
Ser N09B30P/9U513504
15 Jul 99

From: Chief of Naval Operations
To: Commander, Marine Corps Air Bases Western Area
(Attn: FOIA Coordinator)

Subj: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF KENNETH S.
MORRISON; DON FOIA FILE NO. 9900900

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Requester's ltr of 24 May 99
(2) CNO ltr Ser N09B30P/9U513503 of 15 Jul 99

1. Enclosure (1) is forwarded for action as a matter under your cognizance and direct response to the requester within 20 working days as prescribed by reference (a). Enclosure (2) is provided for your information.

2. Enclosure (1) was received by this Department on 8 Jun 99. Questions concerning this correspondence may be directed to Ms. Tracy Ross of my staff at (202) 685-6546.

Doris M. Lama

DORIS M. LAMA
By direction
(202) 685-6545

ENCLOSURE (1)

KENNETH S. MORRISON

1100 IRVINE BOULEVARD
SUITE 300
TUSTIN, CALIFORNIA 92780-3529

(714) 544 2063
TELEFAX
(714) 544 2055

OF COUNSEL
THOMAS M. DEVINE

~~JUN 15 1999~~ 9900 ⁹⁰⁰ June 2, 1999

19990117000556
7-06

Chief of Naval Operations
U.S. Department of the Navy
N09B30
2000 Navy Pentagon
Washington, DC 20350

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et. seq.*, and on behalf of the City of Irvine, to which I currently serve as special counsel, I hereby respectfully request copies of the following items, as well as any and all U.S. Department of Navy agency records and information relevant to and/or generated in connection to the following items:

1. (a) Facility description; (b) facility history; (c) discharge permit; (d) associated Notice of Violation(s); (e) influent and effluent ancillary flowlines (to include all gathering lines throughout the base facilities); (f) closure plan; and (g) closure report for the Marine Corps Air Station (MCAS) El Toro Industrial Wastewater Treatment/Sewage Treatment Plant. This facility was constructed in 1950 and demolished in 1973.

2. Any and all inter- and/or intra-service contractual documents and/or Memorandums of Understanding between any and all contractors and the U.S. Department of the Navy in connection with Ford Aeronutronics property identified on an MCAS El Toro "Station Map" dated February 27, 1973, as a 24 acre site located approximately 600 feet north of Irvine Boulevard and 1,350 feet west of Aqua Chinon Wash. The property is believed to have been a military contract research facility wherein aeronautical research (propulsion, avionics, etc.) was conducted on behalf of the U.S. military.

3. In connection with the site described in item 2, above, (a) a description of all historical activities; (b) all facility operating permits; and (c) any and all records in regard to the generation and/or disposal of waste materials.

For purposes of this request, "agency records" is intended to be broadly defined, including but not limited to all handwritten, typed, or printed material, notes, letters, memoranda, drafts, minutes, diaries, logs, calendars, tapes, transcripts, summaries, interview reports, procedures, instructions, analyses, files, graphs, charts, diagrams, maps, photographs, agreements, studies, data sheets, notebooks, books, telephone messages,

Chief of Naval Operations
June 2, 1999
Page 2

computations, interim and/or final reports, status reports, and newsclippings, whether maintained in manual or computerized form.

This request includes all records that are, or have ever been, in the custody or control of any local field, regional, area, or central office of the U.S. Department of Navy. This request includes all agency records responsive to this request that have ever been within your custody or control, whether they currently exist in agency "working," investigative, retired, or other files or have so existed at any other time.

If any records covered by this request have been destroyed and/or removed, and/or are destroyed and/or removed after receipt of this request, please provide all surrounding records, including but not limited to a list of all records that have been destroyed and/or removed, a description of the action(s) taken, relevant dates, and individual, office and/or agency-wide policies and/or justification(s) for the action(s).

For any documents or portions of documents that you deny due to specific FOIA exemption(s), please provide an index itemizing and describing the documents or portion of documents withheld. The index should provide a detailed justification for your grounds for claiming such an exemption, explaining why each exemption is relevant to the document or portion of document withheld.

It is requested that any fees be waived because finding the information can be considered as primarily benefiting the general public. Disclosure of the above-requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government. In addition, disclosure of the above-requested information is in no way connected with any commercial interest of the requester. I am special counsel to the City of Irvine, a municipal corporation. Since the information obtained will be broadly disseminated to the public, I respectfully ask that all copying and search fees be waived.

I look forward to a response within ten working days of the receipt of this letter. Please call me if I may be helpful to you during your processing of this request.

Sincerely,



Kenneth S. Morrison

KSM:fs

Chief of Naval Operations
June 2, 1999
Page 3

cc: Commandante of the Marine Corps
HQ USMC
Code ARAD
2 Navy Annex, Room 1107
Washington, DC 20380-1775

Commander
Southwest Division
Naval Facilities Engineering Command
Code 09C
1220 Pacific Highway
San Diego, CA 92132-5190

Mr. Wayne D. Lee
Assistant Chief of Staff
Base Realignment and Closure Office
Marine Corps Air Station El Toro
P.O. Box 95001
Santa Ana, CA 92709



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5720
Ser N09B30P/9U513503
July 15, 1999

Mr. Kenneth S. Morrison
Attorney at Law
1100 Irvine Boulevard, Suite 300
Tustin, CA 92780-3529

Dear Mr. Morrison:

This refers to your Freedom of Information Act (FOIA) request of June 2, 1999, in which you seek copies of the following documents pertaining to the base closure of Marine Corps Air Station (MCAS) El Toro, CA:

(1) Facility description, facility history, discharge permit, associated Notice of Violation(s), influent and effluent ancillary flowlines; closure plan, and closure report for the MCAS El Toro Industrial Wastewater Treatment/Sewage Treatment Plant;

(2) Contractual documents and/or Memorandums of Understanding between the Department of the Navy and any contractor in connection with Ford Aeronutronics property identified on a 1973 MCAS El Toro station map as a 24-acre site located approximately 600 feet north of Irvine Boulevard and 1,350 feet west of Aqua Chinon Wash; and

(3) Description of all historical activities, facility operating permits, and generation/disposal of waste materials records for Department of the Navy activities conducted at the Ford Aeronutronics property.

Your request was received by this Department on June 8, 1999, and assigned case number 9900900.

In an effort to assist you, I have referred your request to the Commander, Marine Corps Air Bases Western Area, MCAS El Toro, P.O. Box 95001, Santa Ana, CA 92709-5001, for action and direct response to you.

Should you require additional assistance, please contact Ms. Tracy Ross of my staff at (202) 685-6546.

Sincerely,

A handwritten signature in cursive script that reads "Doris M. Lama".

DORIS M. LAMA
Head, DON PA/FOIA Policy Branch
By direction of the
Chief of Naval Operations
(202) 685-6545

ENCLOSURE (3)



UNITED STATES MARINE CORPS

MARINE CORPS AIR BASES WESTERN AREA MIRAMAR
PO BOX 452001
SAN DIEGO CA 92145-2001

IN REPLY REFER TO

AQ2

5720

3 August 1999

Mr. Kenneth S. Morrison
Attorney at Law
1100 Irvine Boulevard
Suite 300
Tustin, CA 92780-3529

Dear Mr. Morrison:

This refers to your Freedom of Information Act (FOIA) request of 24 May 1999, in which you seek copies of the following documents pertaining to the base closure of Marine Corps Air Station (MCAS) El Toro, CA:

(1) Facility description, facility history, discharge permit, associated Notice of Violation(s), influent and effluent ancillary flowlines; closure plan, and closure report for the MCAS El Toro Industrial Wastewater Treatment/Sewage Treatment Plant;

(2) Contractual documents and/or Memorandums of Understanding between the Department of the Navy and any contractor in connection with Ford Aeronutronics property identified on a 1973 MCAS El Toro station map as a 24-acre site located approximately 600 feet north of Irvine Boulevard and 1,350 feet west of Aqua Chinon Wash; and

(3) Description of all historical activities, facility operating permits, and generation/disposal of waste materials records for Department of the Navy activities conducted at the Ford Aeronutronics property.

Your request was received in this office on 22 July 1999, and has been readdressed and forwarded to the office with cognizance over the request: Commander, Naval Facilities Engineering Command, Southwest Division, (Attn: Ms. Cathy V. Lewis, FOIA Coordinator), 1220 Pacific Highway, Room 250, San Diego, California 92132-5190. Should you have any questions concerning this correspondence, you may address them to me at the above address. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Musgrave".

DAVID R. MUSGRAVE
Assistant Counsel

Blind copy to:

Commander, Naval Facilities Engineering Command
Southwest Division, 1220 Pacific Highway, Room 250
San Diego, California 92132-5190
(Attn: Ms. Cathy V. Lewis, FOIA Coordinator)

AC/S, BRAC