



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
COUNSEL FOR SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

M60050.000460
MCAS EL TORO
SSIC # 5090.3

El Toro
Barstow

HAND-DELIVERED

5090
Ser 09C4/5033
March 23, 1992

Karen Goldberg, Esquire
U.S. Environmental Protection Agency,
Region IX
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105

Orchid Kwei, Esquire
California Environmental Protection Agency
Department of Toxic Substances Control
Toxics Legal Office
400 P Street
Sacramento, CA 94234-7320

Frances McChesney, Esquire
California Environmental Protection Agency
State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100

Re: Written Statements of Dispute For Marine Corps Air Station
(MCAS) El Toro and Marine Corps Logistics Base (MCLB)
Barstow

Dear Karen, Orchid, and Frances:

Enclosed please find the final versions of the Written Statements of Dispute for MCAS El Toro and MCLB Barstow. It is the Department of the Navy's (DON's) understanding that this will trigger the twenty-one (21) day period for Dispute Resolution Committee (DRC) review designated in Federal Facility Agreement §12.5. Therefore, the DRC will have until April 13, 1992 to resolve this dispute.

Again, we hope that today's meeting will make DRC review unnecessary.

Sincerely,

PERRY H. SOBEL
Associate Counsel (Environmental)

Copy to:

WACO, Attn.: Capt Brennan
Counsel, MCAS El Toro
SJA, MCLB Barstow

Blind copy to:

CMC (CL & LFL)
NAVFACENGCOM (09C & 18)
OGC-ELO
00/09
09B
09C
18
181
1811
1812

WRITTEN STATEMENT OF DISPUTE FOR MARINE CORPS LOGISTICS BASE
(MCLB) BARSTOW

I. Nature Of The Dispute:

The Department of the Navy (DON) is disputing the placement of conditions (*i.e.*, requiring amendment of the FFA to include enforceable secondary documents/milestones and two other conditions) on the approval of its schedule extension request for MCLB Barstow, by the Environmental Protection Agency (EPA) and the State of California (as represented by the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Board, Lahontan Region (RWQCB)), despite agreement that sufficient justification exists for these extensions.

II. Issues And Positions With Respect To The Dispute:

A. Do EPA and the State have the authority to deny an extension request when the elements stated in FFA §9.1 have been satisfied?

Position: No. FFA §9.1 requires the extension of timetables, deadlines and schedules upon a timely request for which sufficient justification (*i.e.*, good cause) exists, where the party has described the extension's effect on related timetables, deadlines, and schedules. DON has satisfied these requirements. (See enclosures 1, 3, 7, 8, 12, 13, 14, & 15).

B. Did EPA and the State impose unauthorized conditions upon the approval of extension requests?

Position: Yes. Both EPA and the State conditioned their approval of DON's schedule extension request for MCLB Barstow. The conditions, among other things, require DON to amend the FFA to make interim deliverables (secondary documents/milestones) enforceable.

The FFA states no conditions for the granting of an extension, other than those listed in FFA §9.1. The ability to impose conditions on the granting of extensions, beyond those provided for in §9, would abrogate the protection against unreasonable denials that was negotiated into the model FFA by DOD and EPA headquarters. These model FFA provisions can be found in EPA's Office of Solid Waste and Emergency Response (OSWER) Directive No. 9992.4 ("Federal Facilities Hazardous Waste Compliance Manual, 01/09/90).

C. Does the FFA provide for enforceability of secondary documents/milestones?

Position: No. FFA §7.4 (b) provides that the Project Managers will establish target dates for the completion and transmission of secondary documents. FFA §7.3 (c) clearly provides that: "...target dates do not become enforceable by their inclusion in the primary documents and are not subject to Section 8 (Deadlines), Section 9 (Extensions) or Section 13 (Enforceability)." This is model language from which we are not authorized to deviate.

The subject conditions constitute an unauthorized attempt to force DON to modify the model language of the FFA. Amendment or modification of the FFA may be pursued only under FFA §29, which requires written consent of all parties. DON has already decided at the Secretariat level that it is not willing to amend the FFA to include enforceability of secondary documents/milestones.

III. Work Affected By The Dispute:

No work is currently affected by this dispute, except that the Operable Unit (OU) #7 Remedial Investigation/Feasibility Study (RI/FS) Workplan deadline has passed. The Draft RCRA Facility Assessment (RFA) Report and resulting RI/FS Workplan for OU#7 continue to be worked upon. Work for all other OUs continues.

IV. Discussion: Supporting Factual, Technical, & Legal Information

A. Factual Information

1. From December 1990 through the present, discussions have been ongoing among DON, EPA, and State personnel concerning revision of RI/FS workplans and/or amendments to the Sampling and Analysis Plans (SAPs) for OUs #1-#6 (which were part of the RI/FS Workplans). During this time period, DON also requested various extensions for submission of the RI/FS Workplans and/or SAP amendments. Because these documents directly affect field work, they have a bearing on the requested schedule extensions at issue. However, this issue is close to being settled.

2. On June 17, 1991, DON requested time extensions for the submission of the Draft Remedial Investigation

(RI) Reports, the Draft Feasibility Study (FS) Reports, Draft Proposed Plans, and Draft Records of Decision (RODs) for Operable Units (OUs) #1-#6. (See enclosure (1)). The DON letter advised that the proposed timetables for these extensions had been submitted to EPA on June 15, 1991. DON cited FFA §9.2 (d) and (g) as alternative bases for good cause. It explained that because the parties had a previous mutual agreement to extend the submission dates for Amendments to the Sampling and Analysis Plan (SAP), initiation of RI field work had necessarily been delayed. It also explained that DON had recently obtained new information which would allow it to better define hazardous waste site boundaries and hot spots within those boundaries. It requested the parties' mutual recognition of good cause in accordance with §9.2 (g) due to this discovery and the need to evaluate and incorporate the information into RI/FS Workplans.

3. On June 20, 1991, DON wrote a letter to EPA which confirmed a previous agreement between EPA and DON that DON would not invoke FFA §9.4 for a period of 90 days from the date of the June 20 letter. This would enable the parties to negotiate a project schedule which was the product of consensus to the maximum extent possible. (See enclosure (2)).

4. On August 27, 1991, DON submitted a draft Detailed Project Schedule for OUs #1-#7. The cover letter also explained that a narrative was enclosed, describing the assumptions used in developing the schedule. (See enclosure (3)).

5. On August 29, 1991, EPA sent DON a letter which reiterated conditions for extension of submittal dates for the OU #1-#6 SAPs. The letter placed various conditions upon the granting of a 75-day extension for the OU #5 & #6 Draft SAPs. One of these conditions was that DON would submit by September 30, 1991, a proposal for a schedule extension for the RI/FS investigation at MCLB Barstow, in full compliance with FFA §9.1. (See enclosure (4)).

6. On September 11, 1991, DON sent a letter to the U.S. Fish and Wildlife Service, Ventura Office (USFWS), with copies to the FFA parties, proposing mitigation measures for the desert tortoise, in the implementation of the FFA. (See enclosure (5)). It identified the rifle range and portions of Nebo Annex south of Interstate 8 as areas where desert tortoise might be affected. This letter is important because the proposal limited the sites in which DON's contractor could

drill; provided for the movement of drill sites if desert tortoise was discovered; limited drilling to winter time frames; and limited the speed and movement of construction vehicles in tortoise habitat area.

7. On September 13, 1991, DON sent a letter to EPA referring to its extension request of June 17, 1991 and the clarification of June 20, 1991. (See enclosure (6)). It noted that DON had submitted a Detailed Project Schedule for review, which will form the basis for further discussions concerning time extensions. DON reiterated its intent to develop extended project milestones which are the product of consensus to the maximum extent possible. DON agreed to refrain from invoking FFA §9.4 for a period of 120 days from the date of the September 13 letter.

8. On September 30, 1991, DON forwarded documentation in response to EPA's request of August 29, 1991. The documentation is important because it outlined the good cause justifying DON's previous extension request, in accordance with FFA §9.1. (See enclosure (7)).

9. On December 10, 1991, DON reiterated its earlier request for time extensions on behalf of MCLB Barstow for the FFA deliverables for OUs #1-#7. This was to include an extension of the target date for the Draft RCRA Facility Assessment (RFA) Report (sites from which fed into OU#7), which was due on December 15, 1991. (See enclosure (8) and its enclosures). The letter referred back to the Draft Detailed Project Schedule of August 30, 1991 as having defined the lengths of the requested extensions. It referred to the DON letters of September 30, 1991 and August 14, 1991 (covering proposed SAP amendments) in which good cause had been stated for the extensions.

The enclosures to the December 10, 1991 DON letter included the proposed revisions to the schedule contained in Appendix "A" to the FFA and other items which were the product of project manager consensus. With respect to the deadlines for OU #7, the Appendix stated: "FFA milestones and submittal dates for Operable Unit 7 will be established following approval of the RFA Report." This is important because there was project manager consensus that deadlines for the RI/FS Workplan and other OU #7 primary documents would be established at a later date, notwithstanding the approaching December 15, 1991 RI/FS Workplan deadline.

10. On December 17, 1991, the RWQCB responded to DON's December 10, 1991 letter. (See enclosure (9)). The

RWQCB granted a 45 day extension, to January 30, 1992, of the target date for the Draft RFA Report and the deadlines for OU #7's SAP and RI/FS Workplan. The RWQCB also stated its approval of the SAPs for OUs #1-#6. The RWQCB went on to deny the other extension requests stated in DON's December 10, 1991 letter. The reason stated was that EPA had proposed a change in the amount of sampling and the Quality Assurance/Quality Control (QA/QC) levels for sampling. Therefore, until a final plan could be agreed upon by all parties, a realistic schedule could not be determined and the other schedule extensions must be denied. However, the RWQCB did state its willingness to review a new schedule based on a finalized SAP approved by all parties.

11. On December 17, 1991, EPA responded to DON's December 10, 1991 letter. (See enclosure (10)). It stated that the Draft Detailed Project Schedule, submitted on August 30, 1991, met the criteria listed in FFA §9.1 (a), (b), and (d). However, it pointed out that the parties had not yet reached consensus that the requested extension request was warranted for good cause, as required by FFA §9.1 (c). EPA then stated that it was the consensus of EPA, DTSC and the RWQCB to grant a 45-day extension, to January 31, 1992, for submission of the OU #7 RI/FS Workplan, to allow additional time to negotiate a project schedule which was the consensus of the project managers. This period was also intended to give DON an opportunity to review EPA's proposed SAP changes.

12. On December 17, 1991, DTSC responded to DON's December 10, 1991 letter, stating that this formalized an extension request originally received on September 3, 1991. It is unclear if this refers to DON's August 27, 1991 transmittal of the Detailed Project Schedule or this is a typographical error, intending to refer to DON's September 30, 1991 letter which transmitted additional information in support of its extension request. (See enclosure (11)). This letter noted that the agencies had submitted a counterproposal, to DON's original extension request, with four elements. It stated that DON had satisfied three of the four elements, except a reduction of requested time lengths by six months. The letter then discussed EPA's proposed changes to the SAPs for all OUs and the Navy's counterproposals. It concluded that the proposal and counterproposal will result in fair schedule for DON. However, except for the extension request for the OU #7 Draft RI/FS Workplan, DTSC denied DON's extension request. This was due to DTSC's preference for having final, amended and approved SAPS prior to agreement on

schedule revisions. For the OU #7 RI/FS Workplan, DTSC granted an extension to January 30, 1992. This included the target date for the Draft RFA Report.

13. On January 15, 1992, DON issued a partial response to EPA's December 17, 1991 letter. (See enclosure (12)). DON accepted EPA's proposed SAP changes, based on further SAP changes proposed by DON in a January 13, 1992 conference call and the consensus arrived at during the call by the parties' project managers. The enclosure to the DON letter was developed as a result of the consensus reached. Comments on the enclosure were requested by January 24, 1992. DON stated its intent to discuss the schedule impact of these changes at a future project manager meeting.

14. On January 31, 1992, DON resubmitted to EPA its extension request for all OUs, with copies to DTSC and the RWQCB. (See enclosure (13)). The enclosures to this letter described how DON had met the criteria for a time extension, listed in FFA §9.1. A further proposed revision to the SAP was also enclosed. The letter noted that EPA, in its December 17, 1991 letter, had granted a forty-five day extension for submission of the OU #7 RI/FS workplan and to allow the project managers time to negotiate a schedule extension. DON stated its belief that the parties had arrived at a mutual agreement on the length of and justification for the requested extensions, as a result of project manager meetings held on November 20 and 21, 1991; December 5, 1991; January 13, 1992; January 22, 1992; and January 28, 1992. FFA §9.2 (g) was thereby satisfied. DON went on to state its belief that sufficient justification for an extension existed due to the increase in project scope, which was beyond the reasonable control of the parties and was of such magnitude that it constituted a miscellaneous force majeure, satisfying FFA §§9.2 (a) and 10.

The enclosures to the January 31, 1992 letter are significant because they supply: the proposed revisions to FFA Appendix "A" (timetables, deadlines, and schedules), which listed due dates for secondary documents/milestones as unenforceable target dates; details on the lengths of extensions; and detailed justification for the extensions.

15. On February 7, 1992, EPA responded to DON's January 31, 1992 letter. (See enclosure (14)). The EPA letter stated:

"We appreciate the effort your staff demonstrated in presenting comprehensive justification for the extension request. We agree that the project scope has increased significantly from original projections and that schedule extensions are justified. We believe your request meets the criteria listed in Section 9.1 of the FFA for granting an extension."

Despite its agreement with DON that good cause existed, EPA recognized that the enforceability of interim deadlines was not reflected in the January 31, 1992 DON letter. EPA then stated that they approved the extension request subject to the condition that DON amends the FFA to include the interim enforceable deadlines. EPA also requested commitments to identify appropriate interim removal actions and to look for opportunities to streamline the process.

16. On February 7, 1992, DTSC responded to DON's January 31, 1991 letter. (See enclosure (15)). The DTSC letter stated:

You have demonstrated to us the technical merits of accepting your January 31, 1992 request as a reasonable schedule."

The letter also noted that DON's January 31, 1992 letter included a change to the agreement that was reached in negotiations prior to the January 31 letter (i.e., the enforceability of secondary documents/milestones). DTSC then accepted the DON extension request on the condition that DON amend the FFA to make the additional interim deliverables enforceable as primary documents. Two other conditions were also required: that DON would commit to performance of appropriate pre-ROD removal actions and to make its best effort to identify schedule reduction opportunities.

17. On February 7, 1992, the RWQCB also responded to DON's January 31, 1992 letter. (See enclosure (16)). The RWQCB letter stated:

"The schedule extension was discussed on numerous occasions by the Remedial Project Managers, and it was mutually agreed to be a reason-

able schedule, due for the most part because of the great increase in the scope of work."

The letter noted that DON's January 31, 1992 letter proposed that interim milestone deadlines be made target dates only, and therefore not enforceable. The RWQCB then stated that it would recommend acceptance of the schedule extension on the condition that DON amend the FFA to include the additional interim deadlines as enforceable. The RWQCB also recommended that DON determine where interim removal actions should be conducted and where streamlining can occur to achieve earlier Records of Decision.

18. On February 14, 1992, DON responded to the EPA, DTSC, and RWQCB letters of February 7, 1992. (See enclosure (17)). This letter explained that DON could not agree to the enforceability of secondary documents/milestones; but did support the identification of appropriate removal actions. DON also proposed to meet with EPA and the State, at least annually, to discuss opportunities to reduce the schedule. DON notified the parties of its intent to take the issue to dispute resolution if they found DON's proposal unacceptable. However, it urged the parties to resolve the matter informally.

19. On February 23, 1992, DTSC responded to DON's February 14, 1992 letter, stating that it accepted DON's letter as notification for formal dispute resolution. (See enclosure (18)). It proposed to elevate the issue directly to the Senior Executive Committee (SEC).

20. On February 26, 1992, the RWQCB responded to DON's February 14, 1992 letter, stating that it construed DON's letter as formal invocation of the FFA's dispute resolution process. (See enclosure (19)). It further urged that the dispute be submitted to the Dispute Resolution Committee (DRC) without delay. It urged submission of the written statement of dispute as soon as possible, but no later than thirty days from the date of DON's February 14 letter.

21. On March 5, 1992, DON sent a letter to EPA, DTSC, and the RWQCB which briefly explained that DON could not agree to enforceability of secondary documents/milestones. (See enclosure (20)). The letter also suggested that the parties meet again to attempt informal dispute resolution and requested that the submis-

sion date for the written statement dispute be postponed to a date subsequent to the informal meeting.

22. On March 11, 1992, the DON sent a letter to EPA, DTSC, and the RWQCB which confirmed a previous agreement to extend the date for submission of the written statement of dispute to March 25, 1992 and to meet on March 23, 1992 to continue informal dispute resolution. (See enclosure (21)).

23. On March 12, 1992, EPA sent a letter to DON stating that the interim enforceable deadlines are essential and that they accept DON's rejection of the condition as notification for formal dispute resolution. EPA agreed to meet on March 23, 1992 to informally discuss the dispute. It also requested that DON suggest other viable alternatives. Additionally, EPA agreed to extend the date for submission of the written statement of dispute for both MCAS El Toro and MCLB Barstow to March 25, 1992. (See enclosure (22)).

B. Pertinent Technical Information

See enclosures (1), (3), (7), (8), & (12) for more detailed information regarding schedules, technical approach, and scope increases.

C. Pertinent Legal Information

EPA and DTSC have stated that the length of the project requires that interim enforceable deadlines be imposed to ensure adequate progress throughout the RI. The following discussion provides background supporting the contention that the law neither requires nor supports this viewpoint.

The "Defense Environmental Restoration Program" (DERP), 10 U.S.C. §2701, et seq. and §120 of the Comprehensive Environmental Response, Compensation, & Liability Act (CERCLA), 42 U.S.C. §9601, et seq. govern the investigation and cleanup of DON sites contaminated with hazardous substances, pollutants, and contaminants. With the enactment of DERP Congress evinced the intent to give special focus to DOD's Environmental Restoration Program. Paragraph (a)(2) of 10 U.S.C. §2701 reads as follows:

"(2) APPLICATION OF SECTION 120 OF CERCLA.--Activities of the program described in subsection (b)(1)

shall be carried out subject to,
and in a manner consistent with,
section 120 (relating to Federal
facilities) of...CERCLA...

DERP requires that DOD work in consultation with EPA.
10 U.S.C. §2701 (a)(3) states:

"(3) CONSULTATION WITH EPA.--The
program shall be carried out in
consultation with the Administrator
of the Environmental Protection
Agency."

10 U.S.C. §2705, entitled "Notice of environmental
restoration activities," requires that EPA and State
and local agencies be given prompt notice of releases
to the environment and the associated threat to public
health and the environment. It also requires that EPA
and State and local agencies be provided the opportunity
to review and comment on such notices and response
action proposals.

Similarly, CERCLA §120 (e)(1), 42 U.S.C. §9620 (e)(1)
requires that federal facilities on the National Prior-
ities List (NPL) commence RI/FS within six months of
listing, in consultation with the EPA Administrator and
appropriate State authorities. Paragraph (e)(4) of
§120 sets out the requirements for the interagency
agreement. It provides for joint review of alternative
remedial actions and joint selection by the federal
facility head and EPA. Only if agreement can't be
reached, on the selection of remedial action, does the
Administrator have the statutory authority to make an
overriding selection.

Paragraph (f) of §120 requires that EPA and relevant
State and local officials be given the opportunity to
participate in the planning and selection of remedial
action. State officials are to participate in accor-
dance with §121 (i.e., the ARARs process).

It is DON's position that the statutory language clear-
ly sets out a partnership, not an enforcement approach
between EPA, the State, and DOD in the investigation
and cleanup of DOD facilities -- especially for NPL
sites. Pursuant to this partnership approach, DOD and
EPA headquarters agreed to enter into FFAs earlier in
the process than is required by law. However, a criti-
cal aspect of the agreement to enter into FFAs was that
stipulated penalties could only be assessed for missing
primary document deadlines.

And while the law requires EPA and the State to publish timetables and deadlines for the expeditious completion of the RI/FS, there is no statutory time limit on the RI/FS. In fact, the next statutory deadline is not until 180 days after EPA has reviewed the RI/FS, when EPA and the federal facility are required to enter into an interagency agreement for expeditious completion of all necessary remedial action. CERCLA §120 (e)(2). However, DON is mindful of Congress' intent to have the RI/FS phase completed expeditiously. DON is trying to complete the RI/FS as quickly as possible, but it must be recognized that the complexity and/or length of the RI/FS will vary from facility to facility due to unforeseen site conditions, number of sites, and perhaps the need to change technical approach.

Therefore, the law does appear to allow the FFA parties the flexibility to change the timetables and deadlines without negative repercussions. The process contemplates trial and error in the development of better technical approaches and treatment technologies. Indeed, enclosures (1), (3), (7), (8), & (12) describe such changes in technical approach, as agreed among the project managers, which are responsible for the project's significant increase in scope.

Furthermore, EPA and DOD specifically recognized in the model FFA language that:

"...one possible basis for extension of the deadlines for completion of the Remedial Investigation and Feasibility Study Reports is the identification of significant new Site conditions during the performance of the remedial investigation."

See MCLB Barstow FFA §8.4. It is DON's position that the addition of new sites and changes in technical approach fall into the category of "new site conditions". With the expanded number of sites and changes in technical approach, a lengthy RI/FS should not be unexpected.

Finally, changes in technical direction and schedules are the natural result of entering into these agreements earlier than is required by law. The statutory requirement for an interagency agreement was based on completion of the RI/FS, where all unknowns had been addressed, site conditions had been assessed, and technical analysis of data and alternatives had been

completed. Such is not the case at MCLB Barstow.



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

5090
Ser 1811.LH/1246
June 17, 1991

Ms. Alexis Strauss
Chief, Enforcement Branch
Office of Superfund Programs
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Strauss:

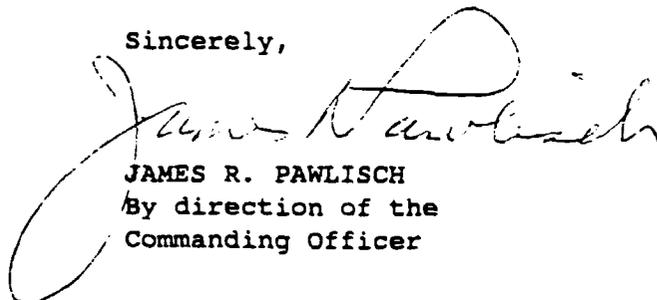
I am writing this letter to request time extensions for the submissions of the draft Remedial Investigation Reports, the draft Feasibility Study Reports, the draft Proposed Plans, and the draft Records of Decision for Operable Units 1, 2, 3, 4, 5, and 6 for the Marine Corps Logistics Base (MCLB), Barstow in accordance with the provisions of Section 9 of the Federal Facility Agreement (FFA) and in response to paragraph (d) of your letter dated May 15, 1991. The proposed timetables for these Operable Units were forwarded to your office on June 15, 1991 with the Amendments to the draft final Remedial Investigation/ Feasibility Study Sampling and Analysis Plan for Operable Units 1 and 2.

We are requesting these extensions based on the "good cause" provisions of Subsection 9.2 (d) and (g) of the FFA. Because the parties had mutually agreed to an extension for submission of Amendments to the Sampling and Analysis Plan (SAP), initiation of the Remedial Investigation field work has necessarily been delayed.

In addition, we have recently obtained new information which will allow us to better define hazardous waste site boundaries and hot spots within those boundaries. We believe that the discovery, evaluation, and incorporation of this information into the RI/FS plans constitutes good cause for our request for time extension. Accordingly, we request your recognition of this good cause in accordance with FFA Subsection 9.2 (g).

If there are policy questions concerning this correspondence, please contact me at (619) 532-2591.

Sincerely,



JAMES R. PAWLISCH
By direction of the
Commanding Officer

Copy to:
Commanding General
Marine Corps Logistics Base
Barstow, CA 92311

enclosure (1)

5090
Ser 1811.LH/1246

Copy to (continued):
Mr. John Broderick
California Department of Health Services
Toxic Substances Control Division
245 West Broadway, Suite 350
Long Beach, CA 90802

Ms. Ave Biggar
California Regional Water Quality Control Board
Lahontan Region
Victorville Branch Office
15428 Civic Drive, Suite 100
Victorville, CA 92392-2359



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

5090
Ser 1811.LH/1254
June 20, 1991

Ms. Alexis Strauss
Chief, Enforcement Branch
Office of Superfund Programs
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Strauss:

I am writing this letter to clarify our request for time extensions which was forwarded to your office in our letter dated June 17, 1991. According to Section 9.4 of the Federal Facility Agreement (FFA), a response is required within seven days of receipt of a request for time extension. Pursuant to the telephone conversation between Ms. Anderson and Ms. Hornecker on June 20, 1991, we agree to not invoke Section 9.4 of the FFA for a period of 90 days from the date of this letter. This will enable the Parties to negotiate a project schedule which is the product of consensus to the maximum extent possible.

If there are policy questions concerning this correspondence, please contact me at (619) 532-2591.

Sincerely,

A handwritten signature in cursive script, appearing to read "James R. Pawlisch".

JAMES R. PAWLISCH
By direction of the
Commanding Officer

Copy to:
Commanding General
Marine Corps Logistics Base
Barstow, CA 92311

Mr. John Broderick
California Department of Health Services
Toxic Substances Control Division
245 West Broadway, Suite 350
Long Beach, CA 90802

Ms. Ave Biggar
California Regional Water Quality Control Board
Lahontan Region
15428 Civic Drive, Suite 100
Victorville, CA 92392-2359

enclosure (2)



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

5090
Ser 1811.LH/1378
August 27, 1991

Mr. John Hamill
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Hamill:

I am submitting our draft Detailed Project Schedule for Operable Units 1, 2, 3, 4, 5, 6, and 7 at the Marine Corps Logistics Base (MCLB), Barstow in accordance with the submittal date specified in our letter of July 24, 1991. Also, I am submitting a narrative describing the assumptions which were used in developing the schedule. We look forward to discussing this schedule with the Project Managers during future conference calls and meetings.

If there are policy questions concerning this correspondence, please contact me at (619) 532-2589.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. E. Tower", is written above the typed name.

S. E. TOWER
Commander, CEC, U. S. Navy
Head, Facilities Management Department
By direction of the Commanding Officer

Encl:
(1) Detailed Project Schedule
Marine Corps Logistics Base, Barstow

Copy to:
Commanding General
Marine Corps Logistics Base
Barstow, CA 92311

DRAFT

**MARINE CORPS LOGISTIC BASE
BARSTOW, CALIFORNIA
DETAILED PROJECT SCHEDULE
FOR OPERABLE UNITS 1, 2, 3, 4, 5, 6 AND 7
30 AUGUST 1991**

PREPARED BY:

*Southwest Division Naval Facilities
Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190*

THROUGH:

*CONTRACT #N68711-89-D-9296
CTO #0165
DOCUMENT CONTROL NO:
CLE-J02-01F165-S2-0002*

WITH:

*Jacobs Engineering Group Inc.
3655 Nobel Drive, Suite 200
San Diego, California 92122*

In association with:

*International Technology Corporation
CH2M HILL
Grigsby/Graves*



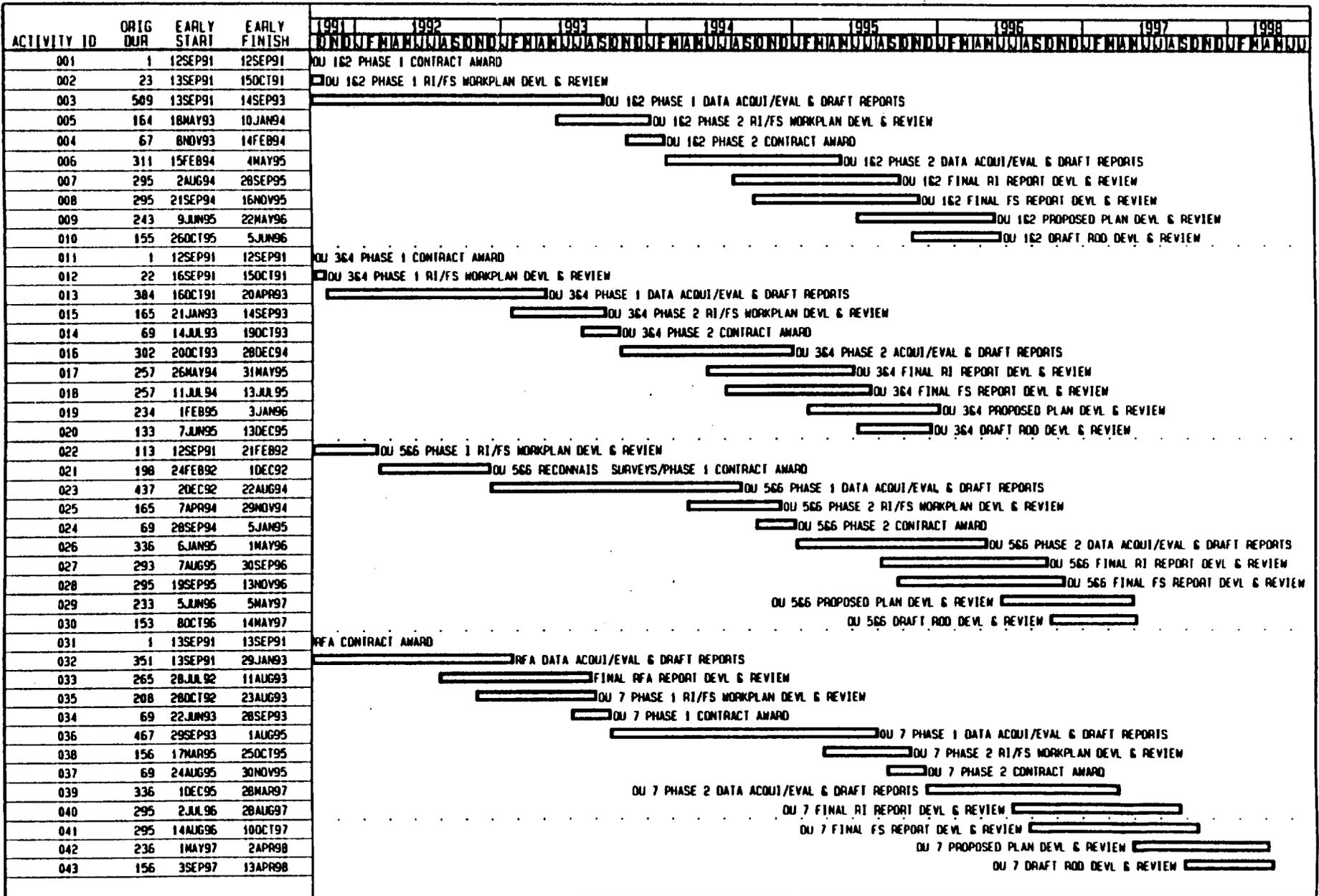
**Gregory A. Rufford, P.E.
Civil Engineer #C42867
CLEAN Project Manager
Jacobs Engineering Group, Inc.
Pasadena, California**



**Jorge R. Penalba, P.E.
Civil Engineer #C042770
CLEAN Project Manager
Jacobs Engineering Group, Inc.
Pasadena, California**

TABLE OF CONTENTS

	Page
OU 1-7 SUMMARY PROJECT SCHEDULE	1
OU 1 & 2 DETAILED PROJECT SCHEDULE	2
OU 3 & 4 DETAILED PROJECT SCHEDULE	4
OU 5 & 6 DETAILED PROJECT SCHEDULE	5
OU 7 & RFA DETAILED PROJECT SCHEDULE	7
ASSUMPTIONS	9



1

Primavera Systems, Inc 1986-1991

Planning Unit Day
 Project Start 12SEP91
 Project Finish 13APR98

MARINE CORPS LOGISTICS BASE, BARSTOW
RI/FS SUMMARY PROJECT SCHEDULE
OPERATIONAL UNITS 1-7 AND RFA

Sheet 1 of 1
 Data Date 12SEP91
 Plot Date 25SEP91

Jacob Engineering Group			
Date	Revision	Checked	Approved

ACTIVITY ID	ORIG DUR	EARLY START	EARLY FINISH	1991	1992	1993	1994	1995	1996	1997	1998		
0010	1	12SEP91	12SEP91	DU 162 PHASE 1 CP/CONTRACT NEG/ANARD									
0020	47	13SEP91	18NOV91	SITE PREPARATION/TEMP FACILITY CONSTRUCTION									
0030	47	13SEP91	18NOV91	DU 162 PHASE 1 PROCUREMENT									
0040	23	13SEP91	15OCT91	DU 162 DRAFT FINAL PHASE 1 RI/FS WORKPLAN									
0070	115	13SEP91	26FEB92	ECOLOGICAL/HEALTH RISK ASSESSMENT PLANS									
0080	120	19NOV91	8MAY92	DU 162 PHASE 1 STAGE A DRILLING/SAMPLING									
0090	178	26NOV91	7AUG92	DU 162 PHASE 1 STAGE A LAB ANAL/DATA VALIDATION									
0100	138	7MAY92	19NOV92	DU 162 PHASE 1 STAGE B DRILLING/SAMPLING									
0110	188	9JUN92	5MAR93	DU 162 PHASE 1 STAGE B LAB ANAL/DATA VALIDATION									
0120	364	3DEC91	7MAY93	DU 162 PHASE 1 DATA REDUCTION/EVALUATION									
0130	22	28FEB92	30MAR92	RISK ASSESSMENT PLANS NAVY REVIEW									
0140	22	1APR92	30APR92	RISK ASSESSMENT PLANS W/NAVY COMMENTS									
0145	44	4MAY92	6JUL92	RISK ASSESSMENT PLANS AGENCY REVIEW									
0147	44	8JUL92	8SEP92	RISK ASSESS PLANS W/AGENCY COMMENTS									
0150	224	10SEP92	28JUL93	DU 162 PHASE 1 BASELINE RISK ASSESSMENT									
0160	230	16SEP92	11AUG93	DU 162 PHASE 1 DRAFT RI REPORT (TECH MEMO)									
0170	240	5OCT92	14SEP93	DU 162 DRAFT PHASE 1 FEASIBL STUDY (TECH MEMO)									
0180	75	18MAY93	15EP93	DU 162 PHASE 2 RI/FS WKP WITH NAVY REVIEW									
0190	44	3SEP93	4NOV93	DU 162 PHASE 2 RI/FS WORKPLAN AGENCY REVIEW									
0200	44	8NOV93	10JAN94	DU 162 PHASE 2 RI/FS WORKPLAN W/AGENCY COMMENTS									
0210	22	8NOV93	8DEC93	DU 162 PHASE 2 COST PROPOSAL									
0215	44	10DEC93	10FEB94	NAVY PRE/POST NEGOTIATIONS CONTRACT REVIEW									
0217	1	14FEB94	14FEB94	DU 162 PHASE 2 CONTRACT ANARD									
0220	22	15FEB94	17MAR94	DU 162 PHASE 2 PROCUREMENT									
0230	68	21MAR94	23JUN94	DU 162 PHASE 2 DRILLING/SAMPLING									
0240	113	4APR94	12SEP94	DU 162 PHASE 2 LAB ANAL/DATA VALIDATION									
0250	168	15APR94	12DEC94	DU 162 PHASE 2 DATA REDUCTION/EVALUATION									
0260	175	28JUN94	7MAR95	PHASE 2 BASELINE RISK ASSESSMENT									
0270	158	2AUG94	16MAR95	DU 162 DRAFT RI REPORT									
0290	22	20MAR95	18APR95	DU 162 DRAFT RI REPORT NAVY REVIEW									
0300	22	20APR95	19MAY95	DU 162 DRAFT RI REPORT WITH NAVY COMMENTS									
0305	44	23MAY95	25JUL95	DU 162 DRAFT RI REPORT AGENCY REVIEW									
0306	44	27JUL95	27SEP95	DU 162 DRAFT RI REPORT W/AGENCY COMMENTS									
0310	1	28SEP95	28SEP95	ISSUE DU 162 FINAL RI REPORT									
0320	158	21SEP94	4MAY95	DU 162 DRAFT FS REPORT									
0330	22	8MAY95	7JUN95	DU 162 DRAFT FS REPORT NAVY REVIEW									
0340	22	9JUN95	11JUL95	DU 162 DRAFT FS REPORT W/NAVY COMMENTS									
0345	44	13JUL95	13SEP95	DU 162 DRAFT FS RPT AGENCY REVIEW									
0346	44	15SEP95	15NOV95	DU 162 DRAFT FS REPORT W/AGENCY COMMENTS									
0350	1	16NOV95	16NOV95	ISSUE DU 162 FINAL FS REPORT									
0360	75	9JUN95	25SEP95	DU 162 DRAFT PROPOSED PLAN									
0370	22	26SEP95	25OCT95	DU 162 DRAFT PROPOSED PLAN NAVY REVIEW									
0375	22	27OCT95	28NOV95	DU 162 PROPOSED PLAN WITH NAVY COMMENTS									
0376	44	30NOV95	1FEB96	DU 162 DRAFT PROPOSED PLAN AGENCY REVIEW									

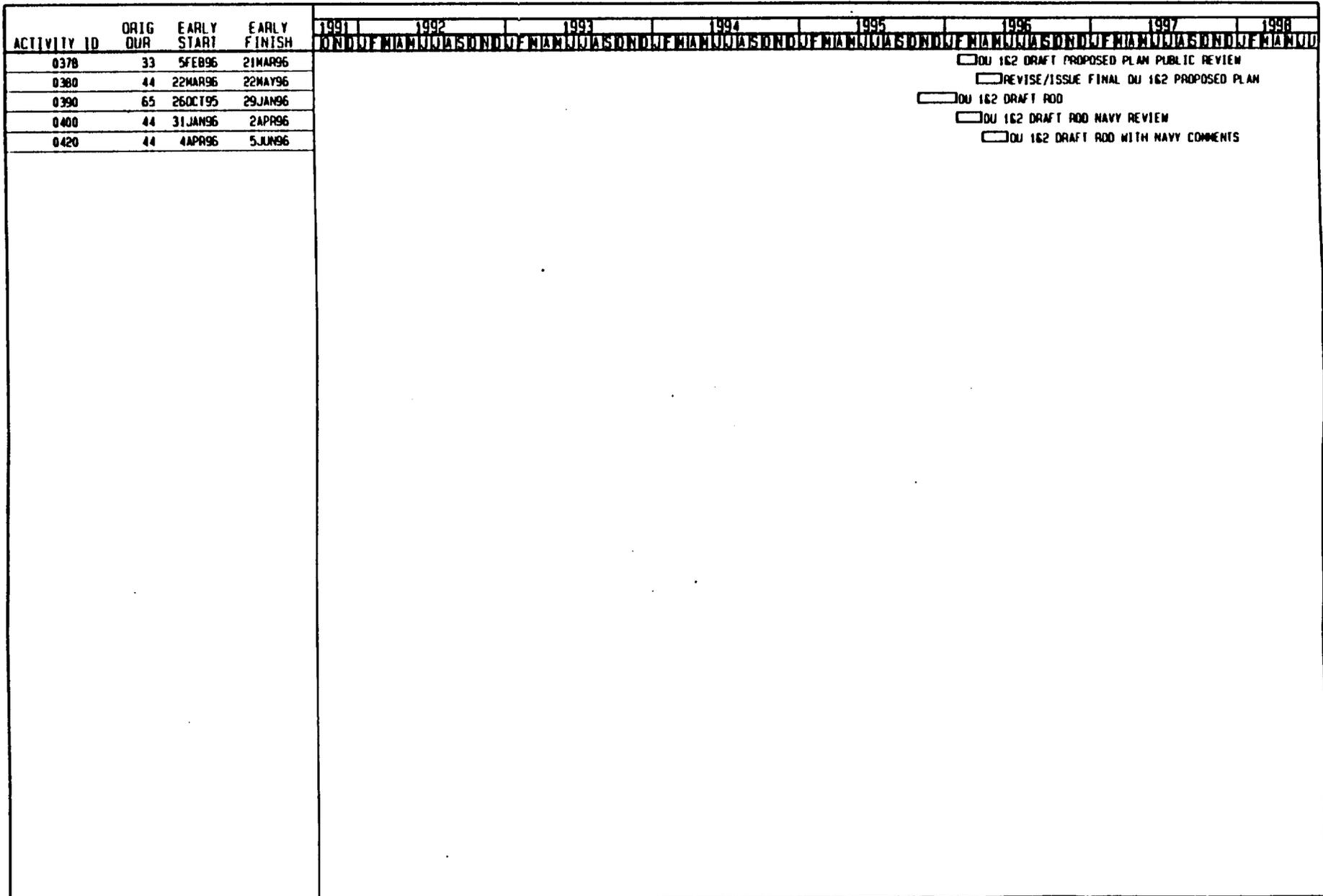
2

Activity Bar/Early Dates
 Critical Activity
 Progress Bar

Planning Unit Day MARINE CORPS LOGISTICS BASE, BARSTOW
 RI/FS DETAILED PROJECT SCHEDULE
 OPERATIONAL UNITS 162
 Project Start 12SEP91
 Project Finish 21JAN98

Sheet 1 of 2

Jacobs Engineering Group			
Date	Revision	Checked	Approved



3

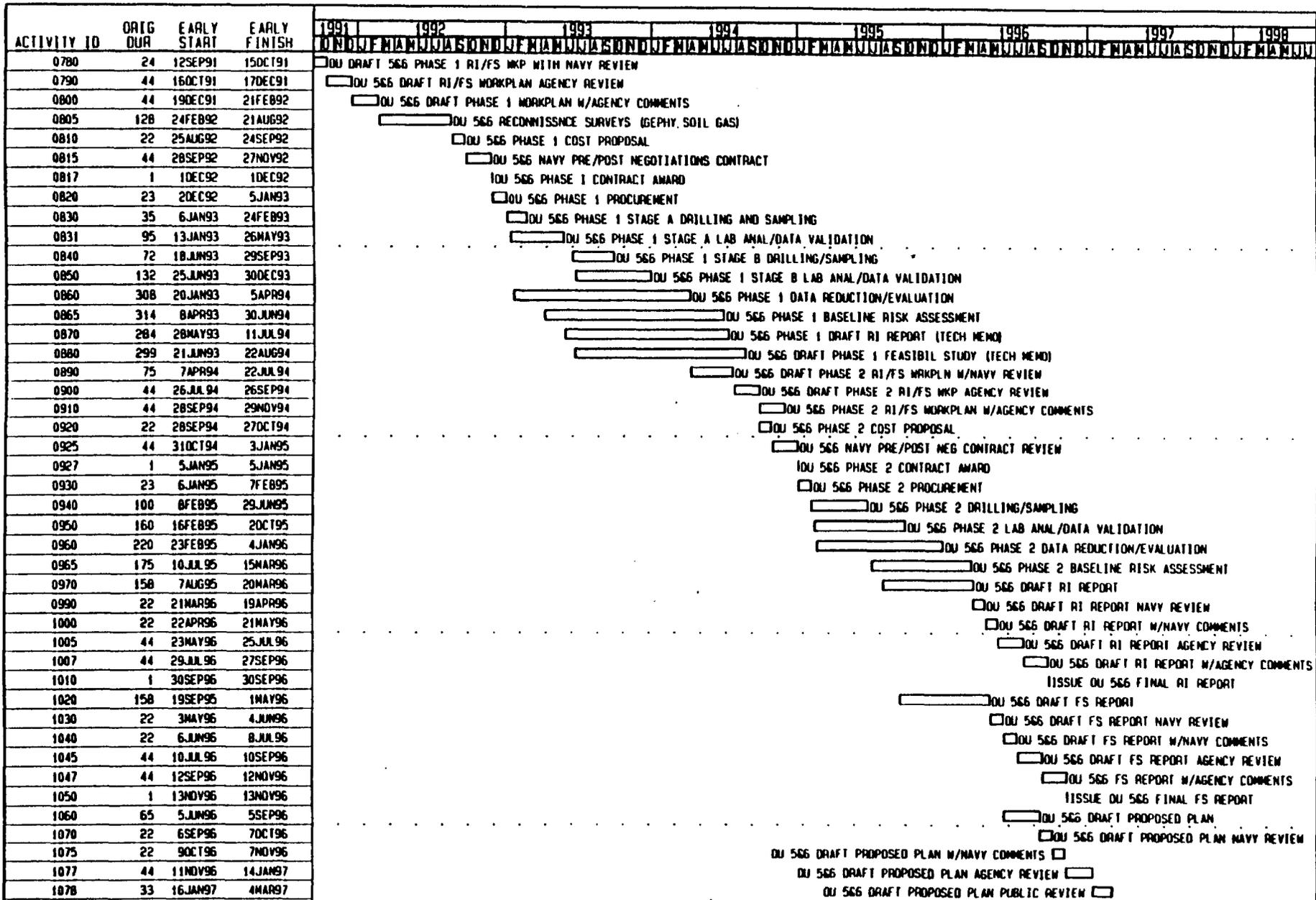
<input type="checkbox"/> Activity Bar/Early Dates <input type="checkbox"/> Critical Activity <input type="checkbox"/> Progress Bar	Planning Unit Day MARINE CORPS LOGISTICS BASE, BARSTOW RI/FS DETAILED PROJECT SCHEDULE OPERATIONAL UNITS 162	Sheet 2 of 2 Data Date 12SEP91 Plot Date 25EP91	Jacobs Engineering Group																						
	Primavera Systems, Inc. 1986-1991	Project Start 12SEP91 Project Finish 21JUL98		<table border="1"> <thead> <tr> <th>Date</th> <th>Revision</th> <th>Checked</th> <th>Approved</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Date	Revision	Checked	Approved																	
Date	Revision	Checked	Approved																						

ACTIVITY ID	ORIG DUR	EARLY START	EARLY FINISH	1991 1992 1993 1994 1995 1996 1997 1998											
				DU 364 PHASE 1 CP/CONTRACT NEG/AWARD DU 364 PHASE 1 PROCUREMENT DU 364 DRAFT FINAL PHASE 1 RI/FS WORKPLAN DU 364 RECMSSNC SURVEYS/PH 1 STAGE A DRILL/SAMP DU 364 PHASE 1 STAGE A LAB ANAL/DATA VALIDATION DU 364 PHASE 1 STAGE A DATA REDUCTION/EVALUATION DU 364 PHASE 1 STAGE B DRILLING/SAMPLING DU 364 PHASE 1 STAGE B LAB ANAL/DATA VALIDATION DU 364 PHASE 1 STAGE B DATA REDUCTION/EVALUATION DU 364 PHASE 1 BASELINE RISK ASSESSMENT DU 364 DRAFT PHASE 1 RI REPORT (TECH MEMO) DU 364 PHASE 1 FEASIBILITY STUDY (TECH MEMO) DU 364 DRAFT PHASE 2 RI/FS WRKPLN W/NAVY REVIEW DU 364 DRAFT PHASE 2 RI/FS WRKPLN AGENCY REVIEW DU 364 DRAFT PHASE 2 RI/FS WKP W/AGENCY COMMENTS NAVY PRE/POST NEGOTIATIONS CONTRACT REVIEW DU 364 PHASE 2 CONTRACT AWARD DU 364 PHASE 2 PROCUREMENT DU 364 PHASE 2 DRILLING/SAMPLING DU 364 PHASE 2 LAB ANAL/DATA VALIDATION DU 364 PHASE 2 DATA REDUCTION/EVALUATION DU 364 PHASE 2 BASELINE RISK ASSESSMENT DU 364 DRAFT RI REPORT DU 364 DRAFT RI REPORT NAVY REVIEW DU 364 DRAFT RI REPORT W/NAVY COMMENTS DU 364 DRAFT RI REPORT AGENCY REVIEW DU 364 DRAFT RI REPORT WITH AGENCY COMMENTS ISSUE DU 364 FINAL RI REPORT DU 364 DRAFT FS REPORT DU 364 DRAFT FS REPORT NAVY REVIEW DU 364 DRAFT FS REPORT WITH NAVY COMMENTS DU 364 DRAFT FS REPORT AGENCY REVIEW DU 364 DRAFT FS REPORT WITH AGENCY COMMENTS ISSUE DU 364 FINAL FS REPORT DU 364 DRAFT PROPOSED PLAN DU 364 DRAFT PROPOSED PLAN NAVY REVIEW DU 364 DRAFT PROPOSED PLAN WITH NAVY COMMENTS DU 364 DRAFT PROPOSED PLAN AGENCY REVIEW DU 364 DRAFT PROPOSED PLAN PUBLIC REVIEW REVISE/ISSUE DU 364 PROPOSED PLAN DU 364 DRAFT ROD DU 364 DRAFT ROD NAVY REVIEW DU 364 DRAFT ROD WITH NAVY COMMENTS											
0430	1	13SEP91	13SEP91	DU 364 PHASE 1 CP/CONTRACT NEG/AWARD											
0440	46	16SEP91	18NOV91	DU 364 PHASE 1 PROCUREMENT											
0450	22	16SEP91	15OCT91	DU 364 DRAFT FINAL PHASE 1 RI/FS WORKPLAN											
0481	60	16OCT91	10JAN92	DU 364 RECMSSNC SURVEYS/PH 1 STAGE A DRILL/SAMP											
0482	120	27NOV91	18MAY92	DU 364 PHASE 1 STAGE A LAB ANAL/DATA VALIDATION											
0483	150	5OCT91	8JUL92	DU 364 PHASE 1 STAGE A DATA REDUCTION/EVALUATION											
0490	40	20MAY92	16JUL92	DU 364 PHASE 1 STAGE B DRILLING/SAMPLING											
0500	100	28MAY92	16OCT92	DU 364 PHASE 1 STAGE B LAB ANAL/DATA VALIDATION											
0510	160	3JUN92	19JAN93	DU 364 PHASE 1 STAGE B DATA REDUCTION/EVALUATION											
0515	84	3NOV92	4MAR93	DU 364 PHASE 1 BASELINE RISK ASSESSMENT											
0520	98	3NOV92	24MAR93	DU 364 DRAFT PHASE 1 RI REPORT (TECH MEMO)											
0530	88	15OCT92	20APR93	DU 364 PHASE 1 FEASIBILITY STUDY (TECH MEMO)											
0540	75	21JAN93	6MAY93	DU 364 DRAFT PHASE 2 RI/FS WRKPLN W/NAVY REVIEW											
0550	44	10MAY93	12JUL93	DU 364 DRAFT PHASE 2 RI/FS WRKPLN AGENCY REVIEW											
0560	44	14JUL93	14SEP93	DU 364 DRAFT PHASE 2 RI/FS WKP W/AGENCY COMMENTS											
0570	22	14JUL93	12AUG93	NAVY PRE/POST NEGOTIATIONS CONTRACT REVIEW											
0575	44	16AUG93	15OCT93	DU 364 PHASE 2 CONTRACT AWARD											
0577	1	19OCT93	19OCT93	DU 364 PHASE 2 PROCUREMENT											
0580	22	20OCT93	18NOV93	DU 364 PHASE 2 DRILLING/SAMPLING											
0590	50	22NOV93	1FEB94	DU 364 PHASE 2 LAB ANAL/DATA VALIDATION											
0600	110	30NOV93	4MAY94	DU 364 PHASE 2 DATA REDUCTION/EVALUATION											
0610	176	7DEC93	15AUG94	DU 364 PHASE 2 BASELINE RISK ASSESSMENT											
0615	120	26MAY94	14NOV94	DU 364 DRAFT RI REPORT											
0620	120	26MAY94	14NOV94	DU 364 DRAFT RI REPORT NAVY REVIEW											
0640	22	16NOV94	16DEC94	DU 364 DRAFT RI REPORT W/NAVY COMMENTS											
0650	22	20DEC94	20JAN95	DU 364 DRAFT RI REPORT AGENCY REVIEW											
0655	44	24JAN95	27MAR95	DU 364 DRAFT RI REPORT WITH AGENCY COMMENTS											
0657	44	29MAR95	30MAY95	ISSUE DU 364 FINAL RI REPORT											
0660	1	31MAY95	31MAY95	DU 364 DRAFT FS REPORT											
0670	120	11JUL94	28DEC94	DU 364 DRAFT FS REPORT NAVY REVIEW											
0680	22	30DEC94	31JAN95	DU 364 DRAFT FS REPORT WITH NAVY COMMENTS											
0690	22	2FEB95	6MAR95	DU 364 DRAFT FS REPORT AGENCY REVIEW											
0695	44	8MAR95	8MAY95	DU 364 DRAFT FS REPORT WITH AGENCY COMMENTS											
0697	44	10MAY95	12JUL95	ISSUE DU 364 FINAL FS REPORT											
0700	1	13JUL95	13JUL95	DU 364 DRAFT PROPOSED PLAN											
0710	65	1FEB95	3MAY95	DU 364 DRAFT PROPOSED PLAN NAVY REVIEW											
0720	22	4MAY95	5JUN95	DU 364 DRAFT PROPOSED PLAN WITH NAVY COMMENTS											
0725	22	7JUN95	7JUL95	DU 364 DRAFT PROPOSED PLAN AGENCY REVIEW											
0727	44	11JUL95	11SEP95	DU 364 DRAFT PROPOSED PLAN PUBLIC REVIEW											
0729	33	13SEP95	27OCT95	REVISE/ISSUE DU 364 PROPOSED PLAN											
0730	44	31OCT95	3JAN96	DU 364 DRAFT ROD											
0740	43	7JUN95	7AUG95	DU 364 DRAFT ROD NAVY REVIEW											
0750	44	9AUG95	10OCT95	DU 364 DRAFT ROD WITH NAVY COMMENTS											
0770	44	12OCT95	13OCT95												

Activity Bar/Early Dates
 Critical Activity
 Progress Bar
 Primavera Systems, Inc. 1986-1991

Planning Unit Day MARINE CORPS LOGISTICS BASE, BARSTON
 RI/FS DETAILED PROJECT SCHEDULE
 OPERATIONAL UNITS 364
 Project Start 12SEP91
 Project Finish 21JUL98
 Sheet 1 of 1
 Data Date 12SEP91
 Plot Date 2SEP91

Jacobs Engineering Group			
Date	Revision	Checked	Approved



5

Activity Bar/Early Dates
 Critical Activity
 Progress Bar

Primavera Systems, Inc. 1986-1991

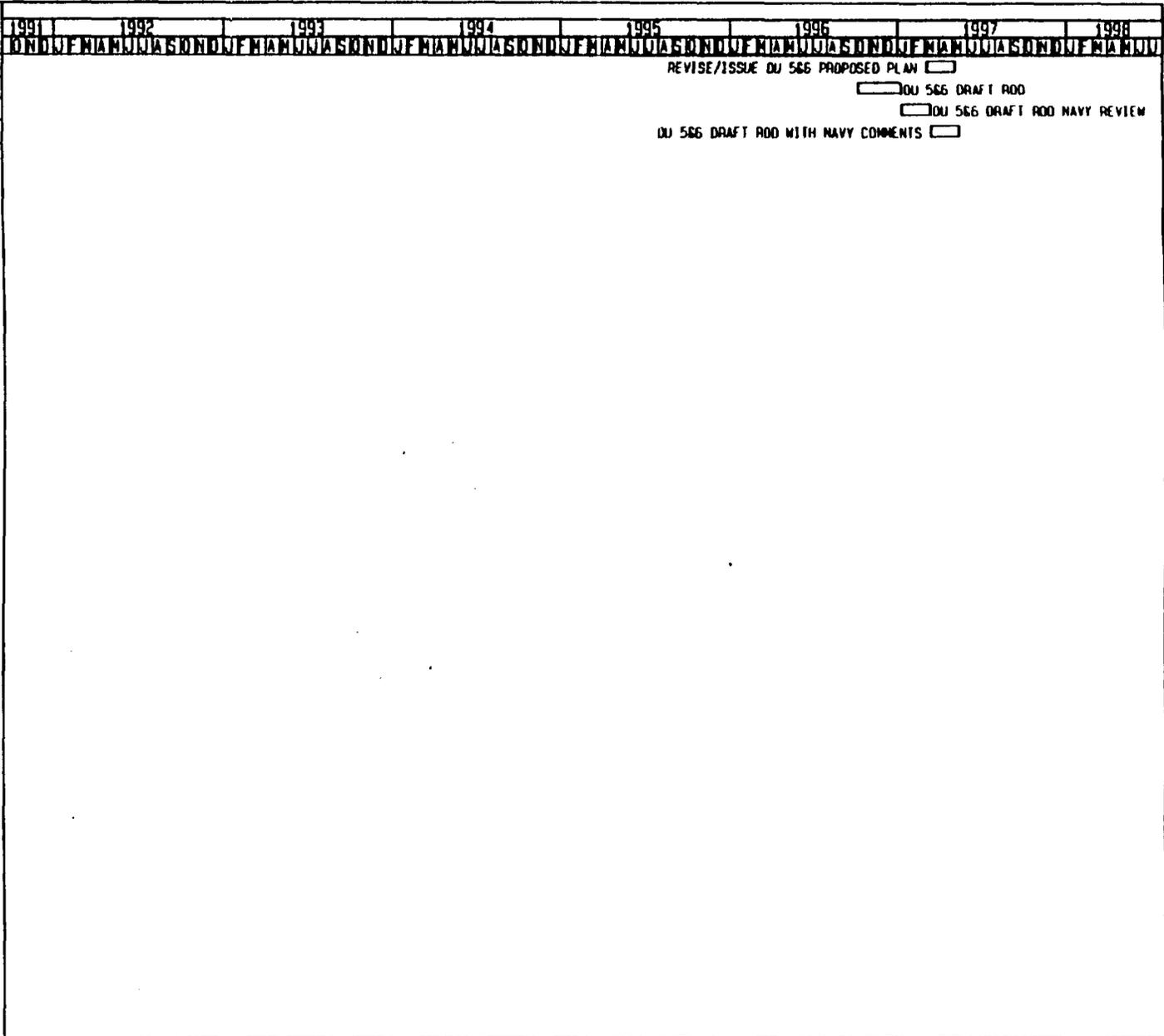
Planning Unit Day MARINE CORPS LOGISTICS BASE, BARSTOW
 RI/FS DETAILED PROJECT SCHEDULE
 OPERATIONAL UNITS 566

Project Start 12SEP91
 Project Finish 21JUL98

Sheet 1 of 2
 Date Date 12SEP91
 Plot Date 2SEP91

Jacobs Engineering Group			
Date	Revision	Checked	Approved

ACTIVITY ID	ORIG DUR	EARLY START	EARLY FINISH
1080	44	5MAR97	5MAY97
1090	65	8OCT96	9JAN97
1100	44	10JAN97	13MAR97
1120	44	14MAR97	14MAY97



9

Activity Bar/Early Dates
 Critical Activity
 Progress Bar
 Primavera Systems, Inc 1986-1991

Planning Unit Day MARINE CORPS LOGISTICS BASE, BARSTOW
 RI/FS DETAILED PROJECT SCHEDULE
 OPERATIONAL UNITS 566
 Project Start 12SEP91
 Project Finish 21JUL98
 Sheet 2 of 2
 Data Date 12SEP91
 Plot Date 2SEP91

Jacobs Engineering Group			
Date	Revision	Checked	Approved

ACTIVITY ID	ORIG DUR	EARLY START	EARLY FINISH	1991	1992	1993	1994	1995	1996	1997	1998
1130	1	13SEP91	13SEP91	RFA CP/CONTRACT NEG/AMARD							
1140	23	13SEP91	15OCT91	RFA PROCUREMENT							
1150	132	16OCT91	22APR92	RFA SAMPLING							
1160	190	23OCT91	22JUL92	RFA LAB ANALYSIS/DATA VALIDATION							
1170	250	30OCT91	22OCT92	RFA DATA REDUCTION/EVALUATION							
1180	218	27JAN92	20DEC92	OU 7 SITE SELECTION TECHNICAL MEMORANDUMS							
1190	130	28JAN92	29JAN93	RFA DRAFT REPORT							
1200	22	1FEB93	3MAR93	RFA DRAFT REPORT NAVY REVIEW							
1210	22	4MAR93	2APR93	RFA DRAFT REPORT WITH NAVY COMMENTS							
1215	44	6APR93	7JUN93	RFA DRAFT REPORT AGENCY REVIEW							
1217	44	9JUN93	10AUG93	RFA DRAFT REPORT WITH AGENCY COMMENTS							
1220	1	11AUG93	11AUG93	ISSUE FINAL RFA REPORT							
1250	118	28OCT92	15APR93	OU 7 DRAFT PHASE 1 RI/FS WORKPLAN W/NAVY REVIEW							
1255	44	19APR93	18JUN93	OU 7 DRAFT RI/FS PHASE 1 WORKPLAN AGENCY REVIEW							
1257	44	22JUN93	23AUG93	OU 7 RI/FS DRAFT WORKPLAN WITH AGENCY COMMENTS							
1260	22	22JUN93	22JUL93	OU 7 PHASE 1 COST PROPOSAL							
1265	44	26JUL93	24SEP93	NAVY PRE/POST NEGOTIATIONS CONTRACT REVIEW							
1267	1	28SEP93	28SEP93	OU 7 PHASE 2 CONTRACT AWARD							
1270	23	29SEP93	29OCT93	OU 7 PHASE 1 PROCUREMENT							
1280	33	1NOV93	16DEC93	OU 7 RECONNAISSANCE SAVYS (GEOPHY, SOIL GAS)							
1285	35	14DEC93	1FEB94	OU 7 PHASE 1 STAGE A DRILLING AND SAMPLING							
1287	95	21DEC93	4MAY94	OU 7 PHASE 1 STAGE A LAB ANAL/DATA VALIDATION							
1290	72	26MAY94	7SEP94	OU 7 PHASE 1 STAGE B DRILLING/SAMPLING							
1300	132	3JUN94	8DEC94	OU 7 PHASE 1 STAGE B LAB ANAL/DATA VALIDATION							
1310	308	28DEC93	15MAR95	OU 7 PHASE 1 DATA REDUCTION/EVALUATION							
1315	275	6MAY94	6JUN95	OU 7 PHASE 1 BASELINE RISK ASSESSMENT							
1320	284	6MAY94	19JUN95	OU 7 PHASE 1 DRAFT RI REPORT (TECH MEMO)							
1330	299	27MAY94	1AUG95	OU 7 PHASE 1 DRAFT FEASIBILITY STUDY (TECH MEMO)							
1340	66	17MAR95	19JUN95	OU 7 PHASE 2 DRAFT RI/FS WORKPLAN W/NAVY REVIEW							
1350	44	21JUN95	22AUG95	OU 7 PHASE 2 DRAFT RI/FS MRP AGENCY REVIEW							
1360	44	24AUG95	25OCT95	OU 7 PHASE 2 RI/FS MRP WITH AGENCY COMMENTS							
1370	22	24AUG95	25SEP95	OU 7 PHASE 2 COST PROPOSAL							
1375	44	27SEP95	28NOV95	OU 7 NAVY PRE/POST NEG CONTRACT REVIEW							
1377	1	30NOV95	30NOV95	OU 7 PHASE 2 CONTRACT AWARD							
1380	23	1DEC95	4JAN96	OU 7 PHASE 2 PROCUREMENT							
1390	100	5JAN96	24MAY96	OU 7 PHASE 2 DRILLING/SAMPLING							
1400	160	12JAN96	27AUG96	OU 7 PHASE 2 LAB ANAL/DATA VALIDATION							
1410	220	19JAN96	28NOV96	OU 7 PHASE 2 DATA REDUCTION/EVALUATION							
1415	175	4JUN96	10FEB97	OU 7 PHASE 2 BASELINE RISK ASSESSMENT							
1420	158	2JUL96	13FEB97	OU 7 DRAFT RI REPORT							
1440	22	18FEB97	19MAR97	OU 7 DRAFT RI REPORT NAVY REVIEW							
1450	22	21MAR97	21APR97	OU 7 DRAFT RI REPORT W/NAVY COMMENTS							
1455	44	23APR97	24JUN97	OU 7 DRAFT RI REPORT AGENCY REVIEW							
1457	44	26JUN97	27AUG97	OU 7 RI REPORT W/AGENCY COMMENTS							

7

Activity Bar/Early Dates
 Critical Activity
 Progress Bar
 Primavera Systems, Inc 1986-1991

Planning Unit Day **MARINE CORPS LOGISTICS BASE, BARSTON**
RI/FS DETAILED PROJECT SCHEDULE
OPERATIONAL UNIT 7 AND RFA
 Project Start 12SEP91
 Project Finish 13APR98
 Sheet 1 of 2
 Data Date 12SEP91
 Plot Date 2SEP91

Jacobs Engineering Group

Date	Revision	Checked	Approved

ACTIVITY ID	ORIG DUR	EARLY START	EARLY FINISH	1991 1992 1993 1994 1995 1996 1997 1998																			
				1991			1992			1993			1994			1995			1996			1997	
1460	1	28AUG97	28AUG97	ISSUE DU 7 FINAL RI REPORT I																			
1470	158	14AUG96	28MAR97	<input type="checkbox"/> DU 7 DRAFT FS REPORT																			
1480	22	1APR97	30APR97	DU 7 DRAFT FS REPORT NAVY REVIEW <input type="checkbox"/>																			
1490	22	2MAY97	3JUN97	DU 7 DRAFT FS REPORT W/NAVY COMMENTS <input type="checkbox"/>																			
1495	44	5JUN97	6AUG97	DU 7 DRAFT FS REPORT AGENCY REVIEW <input type="checkbox"/>																			
1497	44	8AUG97	9OCT97	DU 7 DRAFT FS REPORT W/AGENCY COMMENTS <input type="checkbox"/>																			
1500	1	10OCT97	10OCT97	ISSUE DU 7 FINAL FS REPORT I																			
1510	65	1MAY97	1AUG97	DU 7 DRAFT PROPOSED PLAN <input type="checkbox"/>																			
1520	22	4AUG97	2SEP97	DU 7 DRAFT PROPOSED PLAN NAVY REVIEW <input type="checkbox"/>																			
1525	22	4SEP97	6OCT97	DU 7 DRAFT PROPOSED PLAN W/NAVY COMMENTS <input type="checkbox"/>																			
1527	44	8OCT97	9DEC97	DU 7 DRAFT PROPOSED PLAN AGENCY REVIEW <input type="checkbox"/>																			
1528	33	11DEC97	28JAN98	DU 7 DRAFT PROPOSED PLAN PUBLIC REVIEW <input type="checkbox"/>																			
1530	44	30JAN98	2APR98	REVISE/ISSUE DU 7 PROPOSED PLAN <input type="checkbox"/>																			
1540	65	3SEP97	4DEC97	DU 7 DRAFT ROD <input type="checkbox"/>																			
1560	44	5DEC97	6FEB98	DU 7 DRAFT ROD NAVY REVIEW <input type="checkbox"/>																			
1580	44	10FEB98	13APR98	DU 7 DRAFT ROD WITH NAVY COMMENTS <input type="checkbox"/>																			

Activity Bar/Early Dates
 Critical Activity
 Progress Bar

Planning Unit Day **MARINE CORPS LOGISTICS BASE, BARSTOW** Sheet 2 of 2
RI/FS DETAILED PROJECT SCHEDULE
OPERATIONAL UNIT 7 AND RFA
 Project Start 12SEP91
 Project Finish 13APR98
 Data Date 12SEP91
 Plot Date 2SEP91

Jacobs Engineering Group			
Date	Revision	Checked	Issued

MCLB BARSTOW OU 1-7 MASTER SCHEDULE ASSUMPTIONS

The Draft Detailed RI/FS Project Schedule for Operable Units 1 thru 7 at the Marine Corps Logistics Base (MCLB) Barstow presented herein has been developed based on a new understanding of the magnitude of the problems being confronted at MCLB and the technical and procedural factors inherent to the CERCLA/Superfund RI/FS process. The following general and specific assumptions were used to develop the schedule.

General Assumptions

General assumptions were driven by reasonable and historical time and level of effort required to obtain project funding, and to prepare and complete all primary and secondary documents in the FFA schedule, including both Navy and Agency review. The following general assumptions were made:

- o 30 calendar days for preparation of cost proposals by JEG and submittal for Navy review
- o 60 calendar days for contract award/funding process by Navy based on experience from comparable CTOs
- o 30 to 60 calendar days are allowed for subcontractor procurement based on previous subcontracting experience
- o 60 calendar days for agency review of draft primary documents as required in FFA, including RI/FS Workplans, RI Reports, FS Reports, Proposed Plans and RODs
- o 60 calendar days for incorporation of agency comments to the above primary documents by JEG as required by FFA
- o 4 weeks turnaround time on laboratory analyses results to allow for any potential delays by the laboratories
- o 4 weeks from receipt of laboratory results for preparation of QA/QC data validation packages by laboratory
- o 4 weeks from receipt of QA/QC data validation packages for data validation by independent subcontractor
- o Data reduction and evaluation process starts with field activities and ends 3 months from receipt of last validated data to allow for data manipulation
- o Draft RI Report preparation starts with completion of first valid data evaluation and ends three months after completion of data evaluation to allow for data reporting
- o Risk assessment process starts with receipt of first validated data and is performed concurrently with RI Report
- o Draft FS Report preparation is performed concurrently with and ends 1 month after RI Report

- o Phase 2 workplans are prepared concurrently and submitted with Phase 1 RI Reports

Specific Assumptions

Specific assumptions are based on the estimated scope of field investigations associated with each of the OU 1 thru 7 phases, including number and depth of boreholes and monitoring wells, number of drilling and sampling rigs, and extent of reconnaissance surveys required to better guide the investigations.

Due to the significant scope and cost of these investigations, the approach used in the OU 1&2 workplan to break Phase 1 into Stage A and Stage B was also adopted for all the other OU (3,4,5,6 and 7) sites.

This approach is based on the fact that the majority of OU 3 to 7 sites have not gone through a preliminary assessment and not enough information is available to develop a well aimed sampling and analysis program. It is strongly believed that a great deal of efficiency and cost savings could be gained by confirming the value of data as it is collected and using this information to direct subsequent efforts, rather than collecting all data and evaluating it at the end of each Phase. Strategically located Stage B boreholes/wells based on data collected from stage A wells would result in less Phase 2 borehole/ wells, less amount, management and evaluation of data of questionable value, and therefore a shorter time to complete the investigation.

The following specific assumptions were made based on the above approach:

- o Phase 2 drilling for all OUs equal to 50% of Phase 1 (75% if a Stage approach for Phase 1 is not used)
- o 30% contingency in estimated drilling time to allow for unforeseen delays
- o OU 1&2 Phase 1 Stage A Drilling/Sampling
 - 3 Rigs for 50 days
 - 34 Well boreholes (soil samples)
 - 2-4 hour (mini) pump tests for each well
 - 26 Piezometers
 - 10 Exploratory boreholes
 - 2 groundwater well sampling events involving 34 Stage A wells
 - Site clearance (geophysical survey)
- o OU 1&2 Phase 1 Stage B Drilling/Sampling
 - 4 Rigs for 70 days
 - 86 Well boreholes (soil samples)
 - 2-4 hour (mini) pump tests for each well
 - 2 groundwater well sampling events involving 120 Stage A and B wells
 - Drill site clearance (geophysical)

- **OU 1&2 Phase 2
Drilling/Sampling**
 - 50% of Phase 1 wells
 - Soil sampling of wells
 - 2 groundwater sampling events per well occurring concurrently
- **OU 3&4 Phase 1 Stage A
Drilling/Sampling**
 - 1 rig for 30 days
 - 45 shallow boreholes(45',soil samples at every 5 feet)
 - Geophysical and soil gas surveys at 9 sites (30 days)
 - Drill site clearance
- **OU 3&4 Phase 1 Stage B
Drilling/Sampling**
 - 3 rigs for 40 days
 - 70 deeper boreholes (60',soil samples at every 5 feet)
- **OU 3&4 Phase 2
Drilling/Sampling**
 - 50% of Phase 1 boreholes
 - 2 Rigs for 50 days
 - 60 boreholes (soil samples)
 - Deeper boreholes (60'–90')
- **OU 5&6 Reconnaissance Surveys**
 - Geophysical and soil gas surveys at 26 sites
- **OU 5&6 Phase 1, Stage A
Drilling/Sampling**
 - 4 rigs for 35 days
 - 150 shallow boreholes(45', soil samples)
 - Drill site clearance
- **OU 5&6 Phase 1, Stage B
Drilling/Sampling**
 - 4 rigs for 72 days
 - 300 boreholes (soil samples)
 - Deeper boreholes (60')
- **OU 5&6 Phase 2
Drilling/Sampling**
 - 50% of Phase 1 Boreholes
 - 4 Rigs or 100 days
 - 225 boreholes (soil samples)
 - Deeper boreholes (60'–90')
- **RFA Sampling**
 - 170+ SWMUs and USTs sites
 - Tech Memos for OU 7 site selection concurrent with sampling effort
- **OU 7 Reconnaissance Surveys**
 - Geophysical and soil gas surveys at 25 potential OU 7 sites
- **OU 7 Phase 1, Stage A
Drilling/Sampling**
 - 4 Rigs for 35 days
 - 150 shallow boreholes (45',soil samples)
 - Drill site clearance
- **OU 7 Phase 1, Stage B
Drilling/Sampling**
 - 4 Rigs for 72 days
 - 300 boreholes (soil sampling)
 - Deeper boreholes (60')

- o **OU 7 Phase 2
Drilling/Sampling**
 - 50% of Phase 1 boreholes
 - 4 Rigs for 100 days
 - 225 boreholes (soil sampling)
 - Deeper boreholes (60' - 90')



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105

August 29, 1991

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

Re: Request for Time Extension for the RI/FS Sampling and
Analysis Plan for OUs 5&6 at MCLB Barstow

Dear Commander Tower:

On May 15, 1991, EPA issued to the Navy a letter stating the conditions under which EPA would extend the deadline for submission of Sampling and Analysis Plans for Operable Units 1-6 at the Marine Corps Logistics Base, Barstow. One condition of this May 15, 1991 letter required that the final date for submittal for the Sampling and Analysis Plans for OUs 5 and 6 was to be July 31, 1991.

We are in receipt of the July 24, 1991 request from your office for an additional 75-day time extension, to October 15, for the submission of the Sampling and Analysis Plans (SAPs) for OUs 5 and 6 at the Marine Corps Logistics Base, Barstow. At our request, your office also submitted, on August 14, 1991, additional information on the above extension request.

In considering this request we reviewed the Navy's compliance with the last extension granted by the agencies on May 15, 1991. Based on our review of the Navy's submittal of the draft SAP amendments for OUs 1,2,3, and 4, and the information in the two letters your office has submitted on the extension request, EPA has determined that the Navy failed to comply with of the conditions of the EPA letter of May 15, 1991, specifically with condition (b), in that the SAPs submitted have not:

- a. contained all the substantive elements of the work to be performed;
- b. addressed comments previously submitted by the agencies;
- c. included maps showing planned well installation locations and depths, soil borings and surface samples;

- d. shown any changes in these locations from previous drafts;
- e. provided an explanation of the rationale for choosing the layouts for this phase;
- f. clearly indicated which portions of the previous drafts have been altered;
- g. identified where in the interim final SAPs our previous comments are addressed;
- h. met the deadline for OUs 5&6 by July 31, 1991; or
- i. submitted with the interim SAPs a schedule for transmittal of the final SAPs.

However, the Navy has stated to EPA that it has made good faith efforts to comply with the conditions in the May 15, 1991 letter but was unable to meet all the conditions of the approved extension because:

- a. the Navy found it necessary to put in place a new consulting team that is more responsive to the regulators' concerns;
- b. the new team will correct the unresolved concerns, but needs time to acquaint itself with issues at MCLB Barstow; and
- c. insufficient time was available for the preparation of adequately scoped and comprehensive SAPs for OUs 5&6.

The Navy's failure to meet all the conditions of the approved extension constitutes a failure to comply with Section 7.7(f) of the FFA. Section 14 of the FFA for Barstow allows EPA to assess a stipulated penalty against the Marine Corps for failure to comply with a term or condition of the FFA. Please note that under Section 2.3 of the FFA, contractor failure is neither a force majeure event nor good cause for extensions, unless the Parties so agree.

However, it is the consensus of EPA, the Lahontan Regional Water Quality Control Board, and the California Department of Toxic Substances Control that we grant the 75-day extension for submittal of the draft SAPs for OUs 5 and 6. We believe that, given the amount of time we have granted in previous extensions for the submittal of these documents, this current extension request is not justified. Nevertheless, given the good-faith efforts of the Navy as stated above, we are prepared to grant by consensus the extension, which we believe is adequate to complete the necessary work, subject to the following terms:

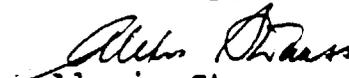
- (A) Submit by September 30, 1991, a proposal for a schedule extension for the RI/FS investigation at MCLB Barstow. If this schedule anticipates extensions to existing primary document deadlines, the request must be in full compliance with Section 9.1 of the FFA; and

- (B) Submit by September 30, 1991, a proposal of how the Navy intends to comply with Condition (b) of the May 15, 1991 letter for the SAPs for OUs 1,2,3, and 4 which have already been submitted; and
- (C) Submit by October 15, 1991, the draft SAPs for OUs 5 and 6. This submittal must be in full compliance of all applicable elements of Condition (b) of the May 15, 1991 letter as stated above; and
- (D) The Navy will confirm its willingness to comply with these terms in a letter to EPA by September 16, 1991.

If the Navy agrees to the terms of this letter and complies with them, the above referenced-extensions will be granted. If the Navy does not comply, EPA will assess stipulated penalties pursuant to the FFA or take other permissible action.

We look forward to an early response to these comments and to a continued cooperative working relationship. If you have any questions concerning these issues, please contact Julie Anderson at (415) 744-2381.

Sincerely,



Alexis Strauss
Chief, Enforcement Branch
Office of Superfund Programs

cc: A. Biggar, RWQCB
J. Broderick, DTSC
D. DeMars, MCLBB
L. Hornacker, USN



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

11015
Ser 231/11036

11 SEP 1991

Mr. Steven Chambers
U.S. Fish and Wildlife Service
Ventura Office
2140 Eastman, Suite 100
Ventura, CA 93003-7786

Dear Mr. Chambers:

On August 22, 1991, we proposed mitigation measures for desert tortoise during the upcoming Installation Restoration Program (IR) for Marine Corps Logistic Base (MCLB), Barstow, California. This project was discussed at a meeting between Mr. Ray Bransfield, California Fish and Game, and staff from this command at Chino, California.

Phase I, Remedial Investigation for future IR work should begin in October or November of 1991 on the Nebo and Yermo Annexes at MCLB Barstow. This project involves developing groundwater monitoring wells, installation of piezometers, and test borings (see enclosure). This work will require drilling of numerous holes to various depths. Each site will require a working area of about 30 square meters and an access road less than 10 meters wide. Drilling at each site should take one to five days dependent on drilling conditions and depth requirement for each hole. Drilling will be accomplished by simultaneous driving of inner and outer cores and removing sediment with high pressure air. The on-site selection and marking of the proposed test borings and groundwater monitoring wells (see enclosure) should begin in September 1991. The sites illustrated on the enclosed maps are flexible and can be located within the general areas described.

The areas of disturbance that may affect the endemic population of desert tortoise (Gopherus agassizii) are on the rifle range and portions of the Nebo Annex south of Interstate 8. Pre-surveys conducted by our office indicate that tortoise are present in these areas. Other areas on the Nebo and Yermo Annexes were surveyed, and there is no indication of the presence of tortoise.

The following is a list of mitigation measures that were proposed at the above referenced meeting:

- a. The contractor, Jacobs Engineering Group Inc., or subcontractor, will mark and flag all proposed drill sites prior to actual drilling. A biologist from either this command or the contractor will inspect each site for tortoise presence. If burrows or animals are found at the flagged sites the site will be moved to another location.
- b. The sites within areas known to support tortoise will be cleared by a biologist at a maximum of 24 hours prior to commencement of drilling operations.
- c. Drilling sites will be located in previously disturbed areas to the maximum extent practicable.
- d. Existing roads will be utilized whenever possible for access to the drilling sites.

Enclosure (5)

11015
Ser 231/11036

11 SEP 1991

e. Actual drilling in areas where tortoise may exist can be scheduled for the winter time frame when tortoise activity will be minimal. Should drilling operations not occur during the winter months, temporary installation of a snow fence around the drill site perimeters will be accomplished.

f. The contractor will provide a biologist on the project site to oversee mitigation measures.

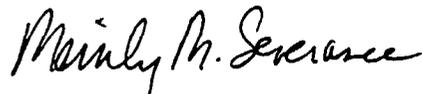
g. Construction vehicles will observe speed limits not to exceed 25 MPH in areas of known tortoise habitat. Areas around and under vehicles will be inspected for tortoise prior to any movement of vehicles or equipment.

h. The Navy/Marine Corps and contractors will implement a worker/user education program concerning desert tortoise and the stated mitigation measures.

We believe that by incorporating these measures, impacts to the tortoise will be avoided and request that you concur by letter as soon as possible.

If you have any questions, please contact Mr. William Fisher, Wildlife Biologist (619) 532-1488.

Sincerely,



MERRILY M. SEVERANCE
Manager, Natural Resources Branch
By direction of
the Commanding Officer

Encl:

(1) Overview of Phase I Remedial
Investigation Field Activities

Copy to:

Commanding General
Marine Corps Logistics Base
Barstow, CA 92311-5013

Ms. Kimberly McKee
California Department of
Fish and Game
Long Beach, CA 90802



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

5090
Ser 1811.LH/ 1382
13 Sep 91

Mr. John Hamill
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Hamill:

Thank you for your August 29, 1991 letter agreeing to the extension for the submittal date for the Amendment to the Sampling and Analysis Plan for Operable Units 5 and 6 at the Marine Corps Logistics Base, Barstow, conditioned upon the terms stated in paragraphs (A), (B), (C), and (D) of that letter. In accordance with the requirement of paragraph (D), I am writing to confirm the Navy's willingness to comply with these terms.

I am also writing to amend our request for time extensions which was submitted to your office in a letter dated June 17, 1991 with clarification dated June 20, 1991. The letter dated June 17, 1991 requested time extensions in accordance with Section 9 of the Federal Facility Agreement and the letter dated June 20, 1991 amended the request by specifying that the Navy would not invoke Section 9.4 of the FFA for a period of 90 days from the date of the June 17, 1991 letter. The Navy submitted a Detailed Project Schedule for your review on September 1, 1991 which will form the basis for further discussions concerning time extensions. The Navy intends to develop extended project milestones which are the product of consensus to the maximum possible in accordance with Section 9 of the FFA, and the Navy will not invoke Section 9.4 of the FFA for a period of 120 days from the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "T. C. Crane".

T. C. CRANE

Captain, CEC, U.S. Navy

Copy to:
Mr. John Broderick
California Department of Health Services
Toxic Substances Control Division
245 West Broadway, Suite 350
Long Beach, CA 90802

5090
Ser 1811.LH/1382

Copy to (continued):

Ms. Ave Biggar
California Regional Water Quality Control Board
Lahontan Region
15428 Civic Drive, Suite 100
Victorville, CA 92392-2359

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

Commanding General
Marine Corps Logistics Base
Barstow, CA 92311

Western Area Counsel Office
Marine Corps Base
Camp Pendleton, CA 92055-5001



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

5090
Ser 1811.LH/1432
30 Sep 91

Mr. John Hamill
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Mr. Hamill:

I am forwarding documentation in response to the requests in your letter dated August 29, 1991. The enclosures address the proposal for a schedule extension and the proposal for compliance with condition (b) of your letter dated May 15, 1991 for the amendments for Operable Units 1, 2, 3, and 4 at the Marine Corps Logistics Base, Barstow..

If there are policy questions concerning this correspondence, please contact me at (619) 532-3825.

Sincerely,


S. E. TOWER
Commander, CEC, U.S. Navy
Head, Facilities Management Department
By direction of the Commanding Officer

Encl:

- (1) Proposal for schedule extension
- (2) Proposal for compliance with
condition (b) of May 15, 1991 letter

Copy to:

Mr. John Broderick
California Department of Health Services
Toxic Substances Control Division
245 West Broadway, Suite 350
Long Beach, CA 90802

enclosure (7)

5090
Ser 1811.LH/1432
30 Sep 91

Copy to (continued):

Ms. Ave Biggar
California Regional Water Quality Control Board
Lahontan Region
15428 Civic Drive, Suite 100
Victorville, CA 92392-2359

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

Commanding General
Marine Corps Logistics Base
Barstow, CA 92311

Western Area Counsel Office
Marine Corps Base
Camp Pendleton, CA 92055-5001

PROPOSAL FOR SCHEDULE EXTENSION

Marine Corps Logistics Base, Barstow

The information presented in this proposal describes some of the causes for our request for extension to the Federal Facility Agreement (FFA) schedule for the Marine Corps Logistics Base (MCLB), Barstow. The information presented in this proposal supplements the Draft Detailed Project Schedule dated 30 August 1991 which was sent under separate cover. A formal request for schedule extension, which complies with Section 9.1 of the FFA, will be submitted at the time that the Parties to the FFA develop a schedule which is the product of consensus to the maximum extent practicable. The Navy plans to discuss the proposal for schedule extension at future Project Managers' meetings.

The Navy submitted the Draft Remedial Investigation/Feasibility Study (RI/FS) project plans on 30 September 1990. Following that submittal, review comments were received and incorporated which significantly changed the content of the project plans and the magnitude of the investigation. Also, new information which was collected during the Resource Conservation and Recovery Act (RCRA) Facility Assessment (RFA) resulted in similar changes.

The following paragraphs describe some of the reasons delays have been experienced in the development and implementation of the project plans.

Federal Facility Agreement (FFA) schedules were based upon information presented in the Initial Assessment Study (Brown and Caldwell, 1983), the Confirmation Studies (Burke, 1985-1986), and the Sampling and Analysis Report for Public/Private Drinking Water Wells, Yermo Area (Jacobs Engineering Group, 1990). The FFA schedules were negotiated with the assumption that the information and conclusions presented in these reports were valid. These reports did not indicate the level of uncertainty associated with the locations of site boundaries or hot spots within those boundaries or with the site-specific potential contaminants and chemicals of concern. The Sampling and Analysis Report for Public/Private Drinking Water Wells, Yermo Area (Jacobs Engineering Group, 1990) concluded that contamination had not migrated from the Base, and consequently, the FFA schedules were developed with the assumption that minimal additional offsite studies were required.

ENCLOSURE (1)

The RI/FS project plans were substantially based upon information presented in the IAS (1983), Burke (1985-1986), and Jacobs (1990) reports. For the majority of sites, there was no SI information. The Navy did not perform an extensive record/aerial photograph search during the development of these plans. Consequently, the RI/FS project plans were developed with incomplete data and without a clear definition of potential contaminants and chemicals of concern, site and hot spot locations, and site boundaries.

Subsequently, the Navy collected much data during the RFA records search, including engineering and as-built facility drawings, records of repair, Defense Reutilization and Marketing Office records, Material Safety Data Sheets, interviews with Base personnel, and historic aerial photographs. Additionally, the Navy has recently performed aerial photographic and infrared photographic surveys of the Base. This recently obtained data has allowed the Navy to identify potential chemicals of concern, to more accurately define site boundaries and hot spots within those boundaries or adjacent to those boundaries at existing IR Sites, and to identify new sites for future study under Operable Unit 7. Where new hot spots have been identified within or near existing IR sites, the RI/FS sampling plans are being revised to provide for appropriate sampling at each hot spot within or adjacent to the site. These revisions are requiring additional time and the implementation of the field sampling plans will require additional time.

In November 1989, MCLB Barstow was proposed for listing on the NPL. During October and November 1989 the Navy initiated scoping for the RI/FS project plans. At that time, EPA and the State agencies did not have RPMs assigned to MCLB Barstow and were not involved in the scoping of the RI/FS plans. The draft RI/FS plans were finalized during negotiation of the FFA and were essentially developed without guidance from or technical discussions with the agency representatives. The FFA was signed in October 1990 and the schedules were negotiated without the benefit of full agency input and review of the RI/FS project plans. The FFA schedule specified that the draft RI/FS project plans were due 30 September 1990 and the plans were submitted on that date. Because of the lack of sufficient scoping for the draft documents, additional time has been required to virtually rescope and redraft the project plans.

Currently, the Navy is seeking agency input through meetings and conference calls. The participation in meetings and conference calls with agency representatives has resulted in a valuable exchange of information and the Navy is using this information to improve the quality and completeness of the Amendments to the project plans. The participation in meetings and conference calls and the incorporation of the information has resulted in significant changes to the project plans and the magnitude of the field investigation. These changes require additional time.

During FFA negotiations, the Navy recommended including SI-level work with the RI/FS. The agencies agreed, although, no provision for additional time to complete the SI was made in the FFA schedule and no provision was made for commencing with SI field work without the approvals required for RI/FS documents. Agency approval of work plans prior to beginning field work has been emphasized throughout the development of the plans, and the Navy has not begun RI field work because approval has not been granted. If the Navy had gone ahead with some SI-level field work, site characterization data could have been collected for most of the sites. The draft project plans were submitted on 30 September 1990; development and approval of Amendments still continues. Approximately one year has lapsed in the review/approval process.

At the time the FFA was negotiated, the Navy was unaware of the requirement to develop Data Management and Waste Disposal Management Plans. The development, review and approval of these plans requires additional time.

At the time the FFA was negotiated, the Navy did not have Region 9 guidance concerning Data Quality Objectives (DQO), Sampling and Analysis Plans, and Risk Assessments. Recently, a clarification of DQO guidance has been presented for MCAS Yuma which will provide for site-specific DQOs. The Navy would like to implement a similar approach to DQOs at MCLB Barstow. Also, the Navy was not aware of DTSC guidance concerning Dioxins until after the draft plans were completed. Compliance with this guidance is requiring additional time.

At the time the FFA was negotiated, there was a lack of experience in negotiating three-party agreements for NPL sites for all parties to the agreement. The cluster FFA's for MCLB Barstow, MCB Camp Pendleton, and MCAS El Toro were the first such agreements for the Naval Facilities Engineering Command.

The Navy's original approach was to divide the RI into phases. The first phase would provide for the collection of SI-level data at each site, and then a subsequent RI phase would be developed based upon this data. The Navy did not describe the decision framework for investigations subsequent to the collection of SI-level data. In response to regulatory comments, the Navy is developing Amendments to the project plans which address the interpretation of SI-level data and provide a framework for subsequent investigations including the decision points associated with the RI. This process requires additional time.

At the time the FFA was negotiated, the Navy anticipated that only occasional soil sampling would be performed during monitoring well installation, that only 2 phases were required, that the previously gathered data was of RI/FS quality, and that minimal offbase sampling would be required at Yermo only. The Navy made significant changes to the original assumptions and original approach based upon review comments on the draft RI/FS project plans and substantial new information collected during the RFA. The Navy revised the project plans in response to agency comments to include extensive soil sampling during well installation, to increase the number of stages or phases of field work, to provide for sampling of public/private drinking water wells in both the Yermo and Daggett areas, and to possibly install groundwater monitoring wells in the Yermo and Daggett areas as part of later phases of the RI for Operable Units 1 and 2. The development, review and approval of more complex sampling plans requires additional time. The implementation of multi-phased field work and the evaluation of the data from each phase requires additional time.

ENCLOSURE (1)

JACOBS ENGINEERING GROUP INC.

PROJECT NOTE NO. 18 PROJECT NO. 01F165-YB
 Doc Control #CLEJ02-01F165-11-0006

CONFIRMATION OF: CONFERENCE X DATE HELD 27 September 1991
 TELECOM X DATE ISSUED 30 September 1991
 OTHER RECORDED BY Nestor Acedera
 PLACE Pasadena, CA

SUBJECT Proposed Response to Item (b) of EPA's 15 May 1991 Letter Regarding MCLB - Barstow

PARTICIPANTS: (*DENOTES PART-TIME ATTENDANCE)

JEG NAVY
 G. Rumford L. Homecker
 N. Acedera

ACTION REQ'D. BY	ITEM
------------------	------

This project note is written to confirm telephone conversation between the Navy and JEG regarding the proposed response to item (b) of EPA's 15 May 1991 letter regarding the project plans for MCLB - Barstow's RI/FS program.

JEG proposes the following response:

*Interim final Sampling and Analysis Plans (SAPs) for MCLB - Barstow will be submitted in accordance with the following schedule:

- OU 5 and OU 6 15 October 1991
- OU 1 and OU 2 1 November 1991
- OU 3 and OU 4 30 November 1991

Responses to comments from the regulatory agencies will be submitted in a separate bound deliverable. An index will be provided indicating how each comment's response is incorporated into the interim final documents, and in what section(s) the modification(s) is located.

The interim final SAPs will include maps showing proposed locations of groundwater monitoring wells and their corresponding depths. The maps will also show proposed soil boring locations and surface sampling points.

In order to clearly demonstrate modifications in proposed sampling locations to those originally proposed in the previous SAP, site specific figures will illustrate the following:

- The SAP's original site boundaries and proposed sampling locations;
- The old and revised site boundaries; and
- The sites with their new boundaries and proposed sampling locations illustrating the proposed final plan.

A detailed rationale for the general approach to the investigation will be provided in Chapter 4 of the interim final document. Site specific rationale will be provided in each site's write up which will be presented in Chapters 9 and 10 of the document.

JACOBS ENGINEERING GROUP INC.

PAGE 2 OF 2

PROJECT NOTE NO. 18

PROJECT NO. 01F165-Y8

Doc Control #CLE-J02-01F165-II-0008

As much as practicable, new text in the interim final SAP will be italicized. Old text which have been replaced will still be carried in the document but will be scored out. Once final comments are received, the proposed final documents will be reproduced following incorporation of comments, without the unnecessary text, tables and figures. Resubmittal of the final documents will be within 60 days from receipt of comments.*



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

5090
Ser 1811.LH/1615
10 DEC 1991

Ms. Julie Anderson
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Anderson:

I am requesting schedule extensions for Federal Facility Agreement (FFA) deliverables for the Marine Corps Logistics Base (MCLB), Barstow in accordance with Section 9.1 of the FFA. The Draft Detailed Project Schedule dated August 30, 1991, which was sent under separate cover, defines the lengths of the extensions for each project deliverable. The Draft Detailed Project Schedule was discussed during project managers' meetings and conference calls during November and December 1991. Enclosures (1) and (2) list the conditions and milestones which have been agreed upon during these meetings and conference calls. We described the good cause for the request for schedule extensions in accordance with Section 9.2 (g) of the FFA in our letters to Mr. Hamill dated September 30, 1991 and August 14, 1991. We believe that we have developed a project schedule which is the product of consensus of the project managers.

If there are questions concerning this correspondence, please contact me at (619) 532-3825.


S. E. TOWER
Commander, CEC, U.S. Navy
Head, Facilities Management Department
By direction of the Commanding Officer

Enclosures

- (1) Revised FFA Appendix A dated 6 December 1991
- (2) Revised Proposal dated 6 December 1991 for the FFA Schedule Extension described in the Draft Detailed Project Schedule dated 30 August 1991

Copy to:
Mr. John Hamill
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Enclosure (8)

5090
Ser 1811.LH/1651
10 DEC 1991

Mr. John Broderick
California Department of
Toxic Substances Control
Region 4
245 West Broadway, Suite 350
Long Beach, CA 90802

Ms. Ave Biggar
California Regional Water Quality Control Board
Lahontan Region
15428 Civic Drive, Suite 100
Victorville, CA 92392-2359

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

Commanding General
Marine Corps Logistics Base
Barstow, CA 92311

Mr. Dave DeMars
Marine Corps Logistics Base, Barstow
Code 8520
Barstow, CA 92311

Western Area Counsel Office
Marine Corps Base
Camp Pendleton, CA 92055-5001

Revised 6 December 1991

PROPOSED REVISED APPENDIX A

DELIVERABLE OR MILESTONE	ORIGINAL COMPLETION DATE	EXTENDED COMPLETION DATE*
<u>Operable Units 1 and 2</u>		
Draft RI/FS Work Plan	30 Sep 90	30 Sep 90
Completion of Phase I Field Work	N/A	19 Nov 92
Completion of Phase I Data Validation	N/A	5 Mar 93
Draft Phase II Technical Memo	N/A	4 Nov 93
Draft Technical Memo/Evaluation of the Appropriateness of a Removal Action	N/A	4 Nov 93
Completion of Phase II Field Work	N/A	23 Jun 94
Draft RI Report	15 Jun 92	25 Jul 95
Draft FS Report	15 Aug 92	13 Sep 95
Draft Proposed Plan	15 Nov 92	1 Feb 96
Draft Record of Decision	15 Apr 93	5 Jun 96
<u>Operable Units 3 and 4</u>		
Draft RI/FS Work Plan	30 Sep 90	30 Sep 90
Completion of Phase I Field Work	N/A	16 Jul 92
Completion of Phase I Data Validation	N/A	16 Oct 92
Draft Phase II Technical Memo	N/A	12 Jul 93
Completion of Phase II Field Work	N/A	1 Feb 94
Draft RI Report	15 Jun 92	27 Mar 95
Draft FS Report	15 Aug 92	8 May 95
Draft Proposed Plan	15 Nov 92	11 Sep 95
Draft Record of Decision	15 Apr 93	13 Dec 95
<u>Operable Units 5 and 6</u>		
Draft RI/FS Work Plan	30 Sep 90	30 Sep 90
Completion of Phase I Field Work	N/A	24 Feb 93
Completion of Phase I Data Validation	N/A	26 May 93
Draft Phase II Technical Memo	N/A	26 Sep 94
Completion of Phase II Field Work	N/A	29 Jun 95
Draft RI Report	15 Dec 92	25 Jul 96
Draft FS Report	15 Feb 93	10 Sep 96
Draft Proposed Plan	15 May 93	14 Jan 97
Draft Record of Decision	15 Oct 93	14 May 97

Revised 6 December 1991

PROPOSED REVISED APPENDIX A

DELIVERABLE OR MILESTONE	ORIGINAL COMPLETION DATE	EXTENDED COMPLETION DATE*
<u>RFA</u>		
Draft Report on Records Search	15 Mar 91	15 Mar 91
Draft VSI Report	29 Jul 91	29 Jul 91
Draft Sampling Visit Work Plan	29 Jul 91	29 Jul 91
Draft RFA Report	15 Dec 91	7 Jun 93

Operable Unit 7

FFA milestones and submittal dates for Operable Unit 7 will be established following approval of the RFA Report.

* The extended completion dates are enforceable.

Revised 6 December 1991

REVISED PROPOSAL FOR SCHEDULE EXTENSION

Marine Corps Logistics Base, Barstow

References

- (a) Meeting Notes dated 3 December 1991 from Project Managers' Meeting at MCLB Barstow on 20 and 21 November 1991
- (b) Project Managers' Conference Call EPA Mr. Hamill/EPA (SAIC) Mr. Tindall/DTSC Mr. Broderick/Lahontan Regional Water Quality Control Board Ms. Biggar/MCLB Barstow Mr. DeMars/Navy (JEG) Mr. Rumford/Navy Ms. Hornecker of 5 Dec 91

During reference (a), the conditions for the approval of the Navy's request for schedule extension were discussed. These conditions are summarized in the following paragraphs:

- (1) The Navy must establish interim deadlines, for the time period from 1992 through 1994, for RI/FS documents (such as Work Plan Amendments or Technical Memoranda for Phase II field investigations) and/or RI/FS milestones (such as the completion of Phase I field work or the completion of Phase I analytical data validation).

The Navy has proposed four interim milestones for Operable Units 1, 2, 3, 4, 5, and 6 which are listed on the revised Attachment A. These interim milestones were discussed and agreed upon by the project managers during reference (b).

- (2) The Navy must agree to implement a groundwater removal action, if a plume of contaminated groundwater is detected during the RI, prior to the signing of the ROD.

The Navy has proposed to present an evaluation of the appropriateness of a groundwater removal action in a technical memorandum following the completion of the Phase I Remedial Investigation for Operable Units 1 and 2. This technical memorandum was discussed and agreed upon by the project managers during reference (b).

Revised 6 December 1991

- (3) The Navy should reduce the time period to complete the draft ROD by six months for all operable units.

The Navy has reviewed the detailed project schedule and has determined that a six-month reduction in the ROD schedule is not practicable. The Navy has proposed a significantly larger field effort for the Remedial Investigation of the thirty-six soil sites during the development of the RI/FS Work Plan Amendments than was originally planned for in the Draft Final RI/FS Sampling and Analysis Plan of April 1991. The detailed schedule was developed prior to the completion of the Amendment for Operable Units 5 and 6 and approximately twice as many soil borings are proposed in this Amendment than were proposed in the Draft Final Sampling and Analysis Plan of April 1991. The Navy's schedule provides for the completion of the additional borings within the proposed extended schedule. During reference (b), the project managers agreed that the proposed schedule was reasonable.

- (4) The Navy must complete a comprehensive scoping effort for all RCRA Facility Assessment (RFA) sites (including the identification of chemicals of concern for the purpose of preparing a toxicological screening assessment for each site. Each RFA site should be classified as "high" risk, "low" risk, or no risk; "high" risk sites would become Operable Unit 7 sites and surface sampling would be completed at "low" risk sites. Comprehensive scoping will not be required for sites within Operable Units 1, 2, 3, 4, 5, and 6.

The Navy agrees to perform a comprehensive scoping effort for all sites identified during the RCRA Facility Assessment to include the preparation of a toxicological screening assessment for each site. Each site will be classified according to the results of the toxicological screening assessment.

The Draft RFA Report will include the classification of all RFA sites and recommendations for Operable Unit 7 sites. Following the approval of the RFA Report, an enforceable project schedule for Operable Unit 7 will be developed and incorporated into the Federal Facility Agreement.

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

VICTORVILLE BRANCH OFFICE
28 CIVIC DRIVE, SUITE 100
VICTORVILLE, CA 92392-2359
(619) 241-6583
FAX No. (619) 241-7308



December 17, 1991

S. E. Tower
Commander, CEC, U.S. Navy
Head, Facilities Management Department
1220 Pacific Highway
San Diego, CA 92132-5190

Dear Commander Tower:

SCHEDULE EXTENSION REQUEST, MARINE CORP LOGISTICS BASE, BARSTOW, SAN BERNARDINO COUNTY

This is in response to your letter dated December 10, 1991, in which you request schedule extensions for the Marine Corps Logistics Base (MCLB), Barstow. This letter was received by FAX by our office on December 12, 1991 and by mail December 13, 1991. We are responding according to section 9.4 of the Federal Facilities Agreement (FFA) for the MCLB.

At this time, we will grant a 45 day extensions for the Draft RCRA Facilities Assessment (RFA) Report and the Sampling and Analysis Plan (SAP), Remedial Investigation/Feasibility Study (RI/FS) for Operable Unit 7 (OU-7). This extends the schedule deliverable date for these two documents until January 30, 1992.

We have received and approved the SAPs for OUs 1 through 6. We understand that the Environmental Protection Agency, Region IX (EPA) has proposed a change in the amount and QA/QC level of sampling proposed in these documents. Until a final plan has been agreed upon by all parties, we do not feel that a realistic schedule can be determined. For this reason, we must deny the other schedule extensions sought by the Navy.

At such time as the SAPs are formally approved by all parties, we would like to receive and review a schedule based upon the finalized SAP. If you have any questions, please contact Cindi Mitton or me at our Victorville office.

Sincerely,


Averil Biggar
Water Resources Control Engineer

cc: attached mailing list

ab/mcsch

MARINE CORPS MAILING LIST

JOHN HAMILL
U S ENVIRONMENTAL PROTECTION AGENCY REGION 9
HAZARDOUS WASTE MGMT DIVISION H-7-5
75 HAWTHORNE STREET
SAN FRANCISCO CA 94105

JOHN BRODERICK
CALIFORNIA DEPARTMENT OF HEALTH SERVICES
TOXIC SUBSTANCES CONTROL DIVISION
245 WEST BROADWAY SUITE 350
LONG BEACH CA 90802

LYNN HORNECKER
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO CA 92132-5190

ATTN: LT COL M M SCHNELL
COMMANDING GENERAL (B-500)
MARINE CORPS LOGISTICS BASE
BARSTOW CA 92311-5013

ATTN: DAVE DEMARS
COMMANDING GENERAL (B-500)
MARINE CORPS LOGISTICS BASE
BARSTOW CA 92311-5013

JOHN ADAMS
STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER PROGRAMS

ATTN COLONEL DAVIS
COMMANDING GENERAL (B-500)
MARINE CORPS LOGISTICS BASE
BARSTOW CA 92311-5013

filename: mcml



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

17 December 1991

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

Re: Schedule Extension Request for
Marine Corps Logistics Base, Barstow

Dear Commander Tower:

This letter is in response to your 10 December 1991 facsimile requesting schedule extensions for Federal Facility Agreement (FFA) deliverables for the Marine Corps Logistics Base (MCLB), Barstow.

Section 9.1 of the FFA states that "timetables, deadlines and schedules shall be extended upon receipt of a timely request for extension and when good cause exists for the requested extension." On August 30, 1991, you submitted a draft Detailed Project Schedule for Operable Units (OUs) 1,2,3,4,5,6, and 7. This meets the criteria listed in Section 9.1 (a), (b), and (d) of the FFA. However, the Parties to the FFA have not reached consensus that the requested extension is warranted.

The regulating agencies responded to the Navy's August 30, 1991 schedule extension request with four proposals. The Navy has accepted three of the four proposals except for the reduction of the schedule by six months. Therefore, we must deny, at this time, your proposed schedule extension request.

In addition, Section 9.1 (c) of the FFA requires identification of the good causes as described in Section 9.2 of the FFA. Your request references your letters dated August 14, 1991 and September 30, 1991 as stating the good cause for the extension request in accordance with Section 9.2 (g) of the FFA. Section 9.2 (g) of the FFA states that good cause exists when sought in regard to "any other event or series of events mutually agreed to by the Parties as constituting good cause." We have no information which leads us to believe that the Parties have mutually agreed that any event or series of events have constituted "good cause" for the MCLB Barstow extension request.

Furthermore, our review of these two letters conclude neither provides "good cause" justification under Section 9.2 of the FFA. The August 14, 1991 letter is a request for a 75-day time extension for the submittal of MCLB Barstow Workplan Amendment Operable Units 5 and 6. The conditions under which EPA approved the August 14, 1991 request are stated in our letter to you of August 29, 1991. The August 14 request pertains only to the extension request to October 15, 1991, for the Workplans for OUs 5 and 6, and not to the schedule extensions for FFA deliverables as requested in your 10 December 1991 facsimile.

The Navy's September 30, 1991 Proposal for Schedule Extension describes some of the causes for the extension request. Our review of this Proposal does not provide evidence for "good cause" as required in Section 9.2 (g) of the FFA or any other part of Section 9.2 of the FFA. A detailed review of your September 30, 1991 submittal is enclosed.

The Navy's failure to submit by December 15, 1991, with good cause, the Draft RI/FS Workplan for OU 7 constitutes a failure to comply with Sections 7.3, 8.1, and 9.1 of the FFA. Section 14 of the FFA for Barstow allows EPA to assess stipulated penalty against the Marine Corps for failure to comply with a term or condition of the FFA.

However, it is the consensus of EPA, the Lahontan Regional Water Quality Control Board, and the California Department of Toxic Substances Control that we grant a 45-day extension, to January 31, 1992, for the submittal of the Draft RI/FS Workplan for OU 7. The reason for this extension is to allow additional time to negotiate a project schedule which is the product of consensus of the project managers.

In order to reduce the length of time and cost the Remedial Investigation, EPA has proposed to the Navy changes in the sampling and analysis plans (SAPs). The extension to January 31, 1992, is to provide time to the Navy to propose to the Agencies a new schedule that reflects the reduction in field and laboratory time.

We believe that the Agencies will reach an agreement on the SAPs and agree to a revised project schedule by January 31, 1992. We look forward to a continued cooperative working relationship with you. If you have any questions concerning these issues, please contact John Hamill of my staff at (415) 744-2391.

Sincerely,

John Hamill for

Julie Anderson
Acting Chief
Federal Facility Enforcement
Branch

Enclosure

cc: A. Biggar, RWQCB
J. Broderick, DTSC
Commanding Officer, MCLBB
D. DeMars, MCLBB
L. Hornecker, Navy

TECHNICAL REVIEW
OF THE
PROPOSAL FOR SCHEDULE EXTENSION, RI/FS
MARINE CORPS LOGISTICS BASE - BARSTOW, CALIFORNIA

The memo approaches schedule delays from a general sense of "cause and effect" at the site. The relationship between cause and effect is not explored, nor is the responsibility for the cause and effect explored. A few examples are:

Cause	Effect
Belief that existing data was RI/FS quality.	Delays to schedule when data is found to be of limited use.
Belief that sites were accurately located and surveyed.	Delays when sites have to be relocated and resurveyed.

The problem with this format is that it largely presents the "Effect" as a blameless quantity. It is certain that assuming the data was RI/FS quality was a mistake that resulted in a substantial delay to the project. But why was this assumption made in the first place (the link between cause and effect)? And who should bear the responsibility for this delay? Extending the schedule whenever the project is delayed makes the public responsible for faulty assumptions, and shifts the responsibility for correcting the error away from the accountable party(s).

The following is a summary listing of the cause and effect given by the Navy, and a brief comment by us on the appropriateness of granting a schedule extension.

1. CAUSE: FFA schedule was originally negotiated assuming IAS, CS, and SAR for Public/Private Drinking Water Wells, Yermo Area, data was valid.

EFFECT: Site boundaries were inaccurate, hot spot investigations were neglected, chemicals of concern list was deficient, and potential contaminant migration off-site was not listed as a data need.

COMMENT: The schedule was wrong from the start in that it did not incorporate time to collect "SI" type information to establish a realistic estimate of project duration. EPA cannot take responsibility for the Navy's lack of prenegotiation study of its own facility. The Navy was not forced to use this information, but chose to of its own accord without building time into the schedule to thoroughly examine data validity.

Furthermore, the statement cited above in CAUSE is not true. In several meetings prior to the signing of the FFA, EPA informed the Navy that all data from previous studies had not been validated and would not be used to make major decisions (e.g., no further action at any RI site/AOC). In fact, the representative from NAVFACENGCOM, stated on several occasions that the Confirmation Study by A.L. Burke, which served as the SI report, was suspect and that the NAVY was not going to use any of the data contained therein to make decisions regarding the site. RE: Risk Assessment Training Workshop, NAVFACENGCOM, San Diego, CA., April 5 and 6, 1990; RI/FS Project Plans Briefing, NAVFACENGCOM, San Diego, CA., September 26, 1990.

2. CAUSE: RI/FS Project Plans were based on IAS, Burke (1985, 1986), and Jacobs (1990). For the majority of sites, there was no SI data.

EFFECT: Project Plans were developed with incomplete data and without clear definition of potential contaminants, site boundaries, or hot spot locations.

COMMENT: RI/FS plans were the cause of double schedule delays. First, through time lost developing flawed plans based on inaccurate data. Second, through time lost in the review process for the flawed Project Plans. EPA reviewed these documents without the benefit of additional SI data and arrived at the conclusion that the data was insufficient to support a CERCLA RI/FS study. The Navy spent considerably more time reviewing this same data, and should have arrived at similar

conclusions earlier in the process. EPA supported its conclusions that the data was insufficient, and can not be held responsible for the delays incurred by the Navy in not arriving at this conclusion.

3. CAUSE: RFA records search has yielded much new, pertinent site data.

EFFECT: Existing Project Plans must be rescoped to reflect site specific information.

COMMENT: The original data was not sufficient to adequately characterize the site. From the beginning, there was a high expectation that new information would substantively change the site conceptual model. The Navy should have been able to reach these conclusions, and should have adopted a robust approach from the start for site characterization. EPA can not agree to delays incurred by the Navy when new information is acquired unless the data changes the site conceptual model in an way which could not be anticipated.

4. CAUSE: EPA and State agencies did not have RPMs involved in the original RI/FS Project Plan scoping. The draft RI/FS plans were finalized during negotiation of the FFA and were essentially developed without guidance from or technical discussion with the agency representatives.

EFFECT: Because of the lack of sufficient scoping for the draft documents, additional time has been required to virtually rescope and redraft the project plans.

COMMENT: If the Navy went ahead and developed planning documents prior to signing the FFA, then it takes full responsibility for the quality of those documents.

5. CAUSE: Currently, the Navy is seeking agency input through meetings and conference calls.

EFFECT: The participation in meetings and conference calls and the incorporation of the information has resulted in significant changes

to the project plans and the magnitude of the field investigation. These changes require additional time.

COMMENT: The Navy implies here that input from the EPA radically changed what had to be done at this site. This may have been the case, but if so, it points to a lack of proper resource utilization by the Navy. EPA's comments have not been based on "personal opinion" of the RPM, but rather on the compliance of deliverables with the FFA and published EPA guidance. If the Navy did not properly prepare and execute a work plan, then it is either their fault or the fault of their contractor for not reading and being familiar with EPA guidance.

Schedule extensions for updating planning documents to reflect EPA guidance should only be made when either the guidance is new or unavailable to nonagency parties.

6. CAUSE: During FFA negotiations, the Navy recommended including SI-level work with the RI/FS. The agencies agreed, although no provision for additional time to complete the SI was made in the FFA schedule and no provision was made for commencing with SI field work without the approvals required for RI/FS documents.

EFFECT: If the Navy had gone ahead with some SI-level field work, site characterization data could have been collected for most of the sites.

COMMENT: Since the SI-level work was not incorporated into the FFA, it really can not be cited as a reason for delaying the FFA. If the Navy wants to reopen the FFA to include this type of investigation, then it would make sense to consider it as a valid reason to extend the schedule. We do not recommend reopening the FFA.

Also, the first statements in CAUSE are incorrect. No such recommendation was made nor did EPA agree. In fact, EPA has continuously stated in all Project Managers meetings and in all reviews of the RI/FS Project Plans that the scoping done for the RI/FS was deficient, as was the previous field work. Thus adequate site characterization would not be possible. EPA strongly urged that a comprehensive scoping effort be undertaken. Also suggested was a preliminary investigation consisting of limited field work

such as geophysical and chemical studies, the purpose of which would be to reduce uncertainty by better defining site boundaries and providing data on variability and distribution prior to the Phase I/II portions of the RI/FS.

In addition, EPA doesn't restrict anyone from collecting additional site data, SI-level or any other level. What EPA restricts is the collection of unnecessary data that will delay the schedule and the use of such data in the CERCLA RI/FS process unless it can be demonstrated that the quality of the data is acceptable. Resource limitations at EPA make it possible for EPA to provide timely review only on a limited number of documents. In order to conserve these resources for the review of deliverables predetermined by the FFA as being critical, and to avoid not being able to use data because of its lack of review, EPA strongly recommends that all information be collected within the FFA.

7. CAUSE: The draft project plans were submitted on 30 September 1990; development and approval of Amendments still continues.

EFFECT: More than one year has lapsed in the review/approval process.

COMMENT: EPA responded to the original planning documents in early November, 1990. Several meetings were held in December and January to discuss the issues raised by the original comments, the result which EPA believed was a consensus on the approach to the RI/FS. Although EPA received a written response, the documents themselves were to be revised and resubmitted for approval. In March and April, 1991, revised Project Plans were submitted to EPA. The planning documents were still not acceptable as original EPA comments still had not been addressed and new concerns arose. However, the Draft Final Project Plans were conditionally approved by EPA on April 30, 1991. Those conditions were listed in a letter to the Navy in May, 1991. To date, those conditions remain unmet. In fact, the Navy arbitrarily scrapped the conditionally approved Field Sampling Plan. In its place, to date, revised Field Sampling Plans have been submitted for Operable Units (OUs) 1 and 2 (June, 1991), OUs 3 and 4 (July, 1991 and again in December, 1991), and OUs 5 and 6 (October, 1991). EPA feels that it has provided significant review to the baseline planning documents for

this site. EPA does not consider the review process to have lapsed, but rather considers the response process to have lapsed.

8. CAUSE: At the time the FFA was negotiated, the Navy was unaware of the requirement to develop Data Management and Waste Disposal Management Plans.

EFFECT: The development, review and approval of these plans requires additional time.

COMMENT: There are no formal requirements for Data Management and Waste Disposal Management Plans under the FFA. What is required (and by RI/FS guidance, not the FFA) is that data and investigation derived waste be managed during execution of the RI/FS. EPA made comments pertaining to the need for information within the RI/FS Work Plan describing how these important subjects would be dealt with. The Navy, through its contractor, decided to provide this information in subsequent planning documents. The content of these planning documents, Data Management Plan and Waste Management Plan, are not new requirements and should not involve an increase in work over the original FFA intentions.

9. CAUSE: At the time the FFA was negotiated, the Navy did not have Region 9 guidance concerning DQOs, SAPs, RAs, and DTSC guidance concerning dioxins.

EFFECT: Compliance with this guidance is requiring additional time.

COMMENT: As stated earlier, schedule extensions for updating planning documents to reflect EPA guidance should only be made when either the guidance is new or unavailable to nonagency parties. Guidance documents were available at the time of FFA negotiations.

However, the Navy has hired an experienced contractor who should be very familiar with Region IX guidance. To some extent, the Navy and their contractor should be held accountable for keeping up to date with regional guidance.

10. CAUSE: At the time the FFA was negotiated, there was a lack of experience in negotiating three-party agreements for NPL sites for all parties to the agreement.

EFFECT: The Navy's original approach was to divide the RI into phases. In response to regulatory comments, the Navy is developing Amendments to the project plans which address the interpretation of SI-level data and provide a framework for subsequent investigations including the decision points associated with the RI. This requires more time.

COMMENT: Although lack of experience is a very real problem in performing work at CERCLA sites, it is not a valid reason for approving an extension to existing schedules. If the lack of experience led to the development of an unrealistic schedule, then this should be stated and information provided to support that the same conditions do not exist for the currently proposed schedule.

As previously stated, it is not clear what the current Amendments are a response to. It is not felt that they respond to comments generated by the EPA on the September 1990 Work Plan/SAP except in a very general sense. This work can almost be considered to be outside of the approved scope, and therefore not able to affect changes in the FFA schedule at all.

To summarize, the reasons that have been supplied for why the schedule should be extended concentrate on causes for delays, and do not discuss who is responsible for the delay. The reasons are not adequate to justify the magnitude of delay between the original schedule and the currently proposed schedule.

It must be added that the currently proposed schedule does reflect an accurate assessment of the time necessary to complete the proposed technical work. It is just that the reasoning supplied in this memo does not support large extensions, nor does it support radical departures from the original technical approach. The reasoning provided in this memo seems to state that the Navy determined that changes were necessary.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4

245 West Broadway, Suite 350

Long Beach, CA 90802-4444



December 17, 1991

Commander S. E. Tower (Code 09B)
Head, Facilities Management Department
Southwest Division Naval Facilities
Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

Dear Sir:

SCHEDULE EXTENSION REQUEST FOR FEDERAL FACILITY AGREEMENT (FFA)
DELIVERABLES FOR THE MARINE CORPS LOGISTICS BASE (MCLB), BARSTOW

The Department received the subject request on September 3, 1991 which was well in advance of your facsimile formal extension request received December 10, 1991. We appreciate the extra time afforded us and the other agencies to fairly evaluate a complete revision to Appendix A of the FFA and the cooperation represented by the early submittal.

The agencies countered this request with a proposal which would make the schedule extension more acceptable for them. The Marine Corps/Navy have incorporated in the extension request three of the four elements in the counter proposal except reduction of the extension request time length by six months. Because the revised schedule has not been agreed upon, the December 15, 1991 FFA deadline for the Draft RFA Report and Draft RI/FS Work Plan has forced the Marine Corps/Navy to make formal the proposed schedule request.

The Environmental Protection Agency (EPA), has requested an evaluation of the phase 1 of the planned remedial investigation (RI) because of the cost and length of time to complete the work. As a result of their evaluation, EPA has proposed changes to phase 1 of the RI which would reduce the number of soil samples to be taken. Your remedial project manager, Ms. Lynn Hornecker has verbally indicated that the Marine Corps/Navy would like to counter propose EPA's initial change proposal. We feel this activity will result in simple changes to the sampling and analysis plans (SAPs) for all operable units (OUs). Additionally, the changes are expected to reduce field activity time and cost impacting the schedule.

As a result of EPA's proposal and your expected counter, we believe negotiations will ultimately result in a fair schedule for you. We prefer to have the work plans (SAPs) finally amended and approved prior to agreeing to revision of the schedule.



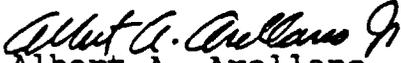
Commander S.E. Tower
December 17, 1991
Page 2

Therefore, we must deny, at this time, your extension request except for the two deadlines of December 15, 1991. We grant extension of the Draft RFA Report and Draft RI/FS Work Plan for OU 7 for submittal by January 30, 1992.

We believe the remedial project managers can work out minor changes in the SAPs and set a revised schedule agreeable to all parties by the end of January 1992.

Thank you for consideration of these issues, please call John Broderick or me at (310) 590-4993 for any questions.

Sincerely,


Albert A. Arellano, Jr. P.E.
Unit Chief
Site Mitigation Branch

cc: Commanding Officer
Marine Corps Logistics Base
Barstow, California 92311

Mr. John Hamill (code H-7-5)
United States Environmental Protection
Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

Ms. Averil Biggar
Lahonton Regional Water Quality Control
Board
15428 Civic Drive, Suite 100
Victorville, California 92392-2359

Ms. Lynn Hornecker (code 1811.LH)
Southwest Division Naval Facilities
Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

Mr. David DeMars
Facilities and Service Division
Marine Corps Logistics Base
Barstow, California 92311

Commander S.E. Tower
December 17, 1991
Page 3

Mr. Gregory A. Rumford, P.E.
Jacobs Engineering Group, Incorporated
251 South Lake Avenue
Pasadena, California 91101



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

WESTERN AREA
COUNSEL OFFICE

92 JAN 21 PM 2:19

MCB, CAMP PENDLETON, CA

5090

Ser 1811.LH/1694

January 15, 1992

Ms. Julie Anderson
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Anderson:

This letter is in partial response to your letter of December 17, 1991. In that letter, EPA referred to proposed changes to the Amendments to the RI/FS Sampling and Analysis Plan (SAP) which could result in a reduction in field and laboratory time and project cost. We received the EPA proposal concerning these changes dated December 12, 1991 and we are accepting this proposal with the changes described in Enclosure (1). The changes to the EPA proposal were discussed with the Agency project managers in a conference call on January 13, 1992 and Enclosure (1) was developed as the product of consensus of the managers to the maximum extent possible. We are preparing to begin field work on the Stage A wells of Operable Units 1 and 2 and the soil borings for Operable Unit 4 in late January 1992, and we would appreciate your prompt review of Enclosure (1). Please provide comments on Enclosure (1) by January 24, 1992. Following concurrence on the proposed changes to the Amendments to the RI/FS SAP, we propose to discuss the impact of these changes on the proposed project schedule during project managers' meetings and conference calls.

If there are questions concerning this correspondence, please contact me at (619) 532-3825.

S. E. TOWER

Commander, CEC, U.S. Navy
Head, Facilities Management Department
By direction of the Commanding Officer

Encl:

- (1) Preliminary Draft dated 14 January 1992
Navy Proposal for Model for Minimum Sampling
Requirements and Alternative Field Techniques

enclosure (12)

5090
Ser 1811.LH/1694
January 15, 1992

Copy to:
Mr. John Hamill
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Mr. John Broderick
California Department of Toxic
Substances Control
Region 4
245 West Broadway, Suite 350
Long Beach, CA 90802

Ms. Ave Biggar
California Regional Water Quality
Control Board, Lahontan Region
15428 Civic Drive, Suite 100
Victorville, CA 92392-2359

Commandant of the Marine Corps
Headquarters, U.S. Marine Corps (LFL)
Washington, D.C. 20380-0001

Commanding Officer
Marine Corps Logistics Base
Barstow, CA 92311

Mr. Dave DeMars
Marine Corps Logistics Base
Code 8520
Barstow, CA 92311

Western Area Counsel Office
Marine Corps Base
Camp Pendleton, CA 92055-5001

**PRELIMINARY DRAFT DATED 14 JANUARY 1992
NAVY PROPOSAL FOR MODEL FOR MINIMUM SAMPLING REQUIREMENTS
AND ALTERNATIVE FIELD TECHNIQUES**

PROPOSED MODEL FOR MINIMUM SAMPLING REQUIREMENTS FOR PHASE I RI/FS

Soil Borings (Operable Units 3, 4, 5, and 6)

Soil samples would be collected from each shallow soil boring at the following depths:

0 - 6"
18-24"
5' or 10'
20'

The Navy may choose to collect more soil samples than the number specified in the proposed model for minimum sampling requirements. The Navy would publish an amended summary table as a technical memorandum to describe the actual sampling plan for each of the sites which do not follow the model for minimum soil sampling requirements.

Assumptions: The reduction in the number of soil samples per soil boring will not alter the statistical validity of the RI/FS sampling program for Phase I and the proposed number of samples satisfies the risk assessment requirements (EPA proposal dated 12 December 1991 and JEG Project Note CLE-J02-01F165-13-0002 dated 10 January 1992).

Soil Sampling Associated with Groundwater Monitoring Wells (Operable Units 1 and 2)

No soil samples would be collected during installation of the Stage A groundwater monitoring wells. However, the Navy may choose to collect soil samples during Stage A well installations at certain sites and the actual sampling locations would be published in a technical memorandum. Following the completion of the Stage A wells, the Navy will evaluate the need for soil sampling during Stage B well installation. If the Navy's evaluation indicates that soil sampling during Stage B well installation is required, the Navy will issue a technical memorandum describing the soil sampling program.

Quality Control Levels

The Navy proposes to maintain CLP Level 4 Quality Control data with 10% data validation for the soil and groundwater samples collected during the Phase I investigation for Operable Unit 4 sites and for the first round of groundwater sampling for the Stage A wells. Following the completion of the analytical work associated with the Phase I investigation for Operable Unit 4 and the first round of groundwater sampling for the Stage A wells, the Navy will evaluate the quality control requirements and following this evaluation, the Navy will propose changes, as necessary, to the specified quality control levels and quality control documentation for future analytical work in a technical memorandum.

ALTERNATIVE FIELD TECHNIQUES

Operable Units 5 and 6

The Navy will evaluate the use of hand-augers and hydropunch techniques for the Phase I investigation of Operable Unit 5 and 6 sites. If the Navy's evaluation indicates that these methods are viable and cost-effective, then the Navy may propose the use of these methods in a technical memorandum.

**PRELIMINARY EVALUATION OF NUMBERS OF SOIL SAMPLES FOR RIFS PHASE I
For Discussion Only**

Existing Plan Per SAP Amendments					Jan 92 Prop. Model for Min. Reqts.			
SITE NUMBER	BORINGS OR WELLS	SOIL SAMPLES	METHODS PER SAMPLE	TOTAL METHODS	APPROX. COST (\$M)	REVISED SOIL SAMPLES	REVISED TOTAL METHODS	REVISED APPROX. COST (\$M)
OU 6								
1	22	44	4-8	216		44	216	
3	13	75	6	375		46	225	
4	8	47	8	236		23	115	
6	20	99	4	396		71	284	
7	29	223	2-8	1564		135	780	
8	5	39	6	234		21	128	
10	3	24	4	96		16	80	
12	37	74	2	148		74	148	
13	3	25	5	125		13	65	
14	42	322	6	1932		175	1050	
33	8	43	5	215		22	110	
OU 5								
15/17	30	270	6-8	1675		110	660	
16	62	321	4-7	1487		178	945	
19	5	35	4-5	181		20	82	
22	7	51	5-7	261		23	121	
24	10	80	4	320		42	168	
25	5	45	4	180		22	88	
26	18	155	4-7	815		81	435	
27	17	164	5	845		78	390	
28	36	332	6	1930		160	960	
29	5	45	1	45		22	22	
30	10	90	8	720		44	352	
31	5	45	5	225		22	110	
32	13	111	4-6	524		58	266	
35	9	103	7	721		40	260	
36	5	45	6	270		22	132	
OU 3								
18	18	278	6	1668		78	458	
20	9	141	7	987		39	273	
21	16	148	6	888		68	408	
23	30	312	6	1872		123	738	
34	8	67	6	402		38	216	
OU 4								
2	19	181	7-8	1166		83	602	
5	47	150	4-7	828		116	590	
9	5	39	6	354		21	126	
11	5	68	5	340		21	105	
SUBTOTAL	598 BORINGS	4291		24220	12.11	2130	11639	5.8196
OU 1/2								
37/38	120 WELLS	600	4	2400	1.2	0	0	0
TOTALS								
	718	4991		26620	13.31	2130	11639	5.8196

Note: Rough order of magnitude cost is based upon a unit cost of \$500 per analytical method.



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

5090
Ser 1811.LH/1720
January 31, 1992

Ms. Julie Anderson
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Ms. Anderson:

We are requesting a schedule extension to the Federal Facility Agreement (FFA) milestones for the Marine Corps Logistics Base, Barstow in accordance with Section 9 of the FFA.

We have specified the timetable, deadline or schedule that is sought to be extended in Enclosure (1) in accordance with the requirement of Section 9.1 (a) of the FFA. We have also specified the lengths of the extensions sought in Enclosure (2) in accordance with the requirements of Section 9.1 (b) of the FFA. We have described the good cause (s) for the extension in Enclosure (2) in accordance with the requirements of Section 9.1 (c) of the FFA. We have specified the extent to which any related timetable and deadline or schedule would be affected if the extension were granted in Enclosure (1) in accordance with the requirements of Section 9.1 (d) of the FFA.

The revised draft proposal for changes to the Remedial Investigation/Feasibility Study (RI/FS) Sampling and Analysis Plan is described in Enclosure (3).

In your letter of December 17, 1991 you denied the Navy's request for a schedule extension to the FFA milestones. However, your letter states that it is the consensus of the project managers from the Environmental Protection Agency (EPA), the California Department of Toxic Substances Control (DTSC), and the Lahontan Regional Water Quality Control Board (LRWQCB) to grant the Navy a forty-five day extension for the submittal of the Draft Remedial Investigation/Feasibility Study (RI/FS) Work Plan for Operable Unit 7 and that a revised project schedule for all Operable Units can be negotiated within this forty-five day period.

We have participated in project managers' conference calls with representatives from EPA, DTSC, and LRWQCB on December 5, 1991, January 13, 1992, and January 28, 1992 and project managers' meetings on November 20 and 21, 1991 and January 22, 1992, to discuss and negotiate the justification for the schedule extension and the length of the schedule extension.

enclosure (13)

5090
Ser 1811.LH/1720
January 31, 1992

We believe that the increase in project scope was beyond the reasonable control of the Parties and was of such magnitude, as described in the enclosures, as to constitute good cause as a miscellaneous "force majeure" in accordance with FFA Section 9.2 (a) and Section 10. In the alternative, we believe that the Parties mutually agreed that the increase in project scope justifies extensions as described in the enclosures in accordance with Section 9.2 (g) of the FFA.

If there are questions concerning this correspondence, please contact me at (619) 532-3825.



S. E. TOWER
Commander, CEC, U.S. Navy
Head, Facilities Management Department
By direction of the Commanding Officer

Encl:

- (1) Proposed Revised Appendix A
- (2) Justification for Request for FFA Schedule Extension
- (3) Revised Draft Navy Proposal for RI/FS Phase I Field Investigation dated 29 January 1992

Copy to:
Mr. John Hamill
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Mr. John Broderick
California Department of Toxic
Substances Control
Region 4
245 West Broadway, Suite 350
Long Beach, CA 90802

5090
Ser 1811.LH/1720
January 31, 1992

Copy to: (continued)

Ms. Ave Biggar
California Regional Water Quality
Control Board, Lahontan Region
15428 Civic Drive, Suite 100
Victorville, CA 92392-2359

Commandant of the Marine Corps
Headquarters, U.S. Marine Corps (LFL)
Washington, D.C. 20380-0001

Commanding Officer
Marine Corps Logistics Base
Barstow, CA 92311

Mr. Dave DeMars
Marine Corps Logistics Base
Code B520
Barstow, CA 92311

Western Area Counsel Office
Marine Corps Base
Camp Pendleton, CA 92055-5001

Mr. Greg Rumford
Jacobs Engineering Group
251 South Lake Avenue
Pasadena, CA 91101-3063

Federal Facility Agreement
 PROPOSED REVISED APPENDX A

DELIVERABLE OR MILESTONE	ORIGINAL COMPLETION DATE	REVISED COMPLETION DATE
Operable Units 1 and 2		
Draft RI/FS Work Plan	30 September 1990	30 September 1990
Draft Technical Memorandum/Evaluation of the Appropriateness of Conducting a Groundwater Removal Action *	N/A	15 December 1992
Completion of Phase I Field Work *	N/A	15 December 1992
Completion of Phase I Data Validation *	N/A	5 March 1993
Draft Phase II Technical Memorandum *	N/A	15 October 1993
Completion of Phase II Field Work *	N/A	23 April 1994
Draft RI Report	15 June 1992	15 June 1995
Draft FS Report	15 August 1992	15 August 1995
Draft Proposed Plan	15 November 1992	15 November 1995
Draft Record of Decision	15 April 1993	15 April 1996
Operable Units 3 and 4		
Draft RI/FS Work Plan	30 September 1990	30 September 1990
Completion of Phase I Field Work *	N/A	16 August 1992
Completion of Phase I Data Validation *	N/A	16 November 1992
Draft Phase II Technical Memorandum *	N/A	15 May 1993
Completion of Phase II Field Work *	N/A	1 January 1994
Draft RI Report	15 June 1992	15 December 1994
Draft FS Report	15 August 1992	15 March 1995
Draft Proposed Plan	15 November 1992	15 May 1995
Draft Record of Decision	15 April 1993	13 October 1995
Operable Units 5 and 6		
Draft RI/FS Work Plan	30 September 1990	30 September 1990
Completion of Phase I Field Work *	N/A	29 September 1993
Completion of Phase I Data Validation *	N/A	30 December 1993
Draft Phase II Technical Memorandum *	N/A	26 September 1994
Completion of Phase II Field Work *	N/A	29 April 1995
Draft RI Report	15 December 1992	25 April 1996
Draft FS Report	15 February 1993	15 July 1996
Draft Proposed Plan	15 May 1993	15 October 1996
Draft Record of Decision	15 October 1993	15 March 1997

ENCLOSURE (1)

Federal Facility Agreement
PROPOSED REVISED APPENDIX A

DELIVERABLE OR MILESTONE	ORIGINAL COMPLETION DATE	REVISED COMPLETION DATE
RFA		
Draft Report on Records Search **	15 March 1991	15 March 1991
Draft Visual Site Inspection (VSI) Report **	29 July 1991	29 July 1991
Draft Sampling Visit Work Plan **	29 July 1991	29 July 1991
Draft RFA Report **	15 December 1991	7 June 1993

Operable Unit 7

FFA Milestones and submittal dates for Operable Unit 7 will be established following approval of the RFA Report.

-
- * Target Data (Not Enforceable)
 - ** Secondary Document (Not Enforceable)

ENCLOSURE (1)

**NAVY PROPOSAL
 JUSTIFICATION FOR FEDERAL FACILITY AGREEMENT (FFA) SCHEDULE EXTENSION**

**LENGTHS OF PROPOSED SCHEDULE EXTENSIONS
 Federal Facility Agreement Submittal Dates**

DELIVERABLE OR MILESTONE	ORIGINAL COMPLETION DATE	REVISED COMPLETION DATE	LENGTH OF EXTENSION
Operable Units 1 and 2			
Draft RI Report	15 June 1992	15 June 1995	1095 Days
Draft FS Report	15 August 1992	15 August 1995	1095 Days
Draft Proposed Plan	15 November 1992	15 November 1995	1095 Days
Draft Record of Decision	15 April 1993	15 April 1996	1096 Days
Operable Units 3 and 4			
Draft RI Report	15 June 1992	15 December 1994	913 Days
Draft FS Report	15 August 1992	15 March 1995	942 Days
Draft Proposed Plan	15 November 1992	15 May 1995	911 Days
Draft Record of Decision	15 April 1993	13 October 1995	911 Days
Operable Units 5 and 6			
Draft RI Report	15 December 1992	25 April 1996	1227 Days
Draft FS Report	15 February 1993	15 July 1996	1246 Days
Draft Proposed Plan	15 May 1993	15 October 1996	1249 Days
Draft Record of Decision	15 October 1993	15 March 1997	1247 Days
RFA			
Draft RFA Report **	15 December 1991	7 June 1993	540 Days
Operable Unit 7			
FFA Milestones and submittal dates for Operable Unit 7 will be established following approval of the RFA Report.			

** Secondary Document

ENCLOSURE (2)

NAVY PROPOSAL JUSTIFICATION FOR FEDERAL FACILITY AGREEMENT (FFA) SCHEDULE EXTENSION

Time extensions have been requested because the project team required more time to be fully responsive to Agency comments concerning the RI/FS Project Plans and to implement the Amendments to the Project Plans. The justification which is described in this enclosure was developed as the product of consensus of the project managers to the maximum extent possible. The justification was discussed during project managers' conference calls on 5 December 1991, 13 January 1992, and 28 January 1992, and during project managers' meetings on 20 and 21 November 1991 and 22 January 1992.

Scoping Efforts (Operable Units 1, 2, 3, 4, 5, 6, and 7)

The Navy performed additional scoping efforts during the development of the RI/FS Project Plans and Amendments by collecting and reviewing records, interviewing Base personnel, and conducting preliminary Base-wide reconnaissance surveys.

Approximately six months were required to perform a comprehensive record search, review, and evaluation. Facility as-built drawings, historical aerial photographs, hazardous waste facility records, procurement records, MCLB and Navy correspondence, engineering reports and studies, and records of repair and maintenance were obtained and reviewed, and interviews with Base personnel were conducted.

The number of potential chemicals of concern was increased during the scoping efforts from the 62 chemicals listed in the April 1991 Draft Final RI/FS Project Plans to the 233 chemicals listed in the Draft Amendments to the Sampling and Analysis Plan (SAP) of October 1991. The increase in the number of chemicals of concern resulted in significant revisions to the Quality Assurance Project Plan and the Field Sampling Plan in order to provide for the analysis of these chemicals.

Preliminary surveys were performed and evaluated during the July through September 1991 time period. These surveys included a Base-wide aerial thermal infrared survey and a seismic reflection/refraction survey. The information from these surveys was used to identify additional sources within known IR sites and to refine the locations of groundwater monitoring wells and piezometers in the Amendments to the SAP.

These scoping efforts resulted in the identification of additional sources within the IR Sites and the development of a more extensive and cost-effective Remedial Investigation.

ENCLOSURE (2)

**NAVY PROPOSAL
JUSTIFICATION FOR FEDERAL FACILITY AGREEMENT (FFA) SCHEDULE EXTENSION**

RCRA Facility Assessment (RFA) (Operable Unit 7)

We believe that we have a consensus of the project managers that the scope of the RFA has grown far beyond the number of sites contemplated when the FFA was negotiated. The Navy has agreed to perform comprehensive scoping for the RFA sites to include the preparation of a toxicological screening assessment for all RFA sites. The toxicological screening assessment will provide the basis for classification of the sites. The Draft RI/FS Work Plan for Operable Unit 7 will be derived from the Draft RFA Report. We discussed and agreed upon the requirements of the RFA during the project managers' meeting at Barstow on 20 and 21 November 1991. We believe that we have a consensus of the project managers that the Operable Unit 7 FFA Milestones will be negotiated following the approval of the RFA Report.

Field Activities (Operable Units 1, 2, 3, 4, 5, and 6)

The proposed extended project schedule provides for the field investigations planned for the Phase I (including Stage A and Stage B for Operable Units 1 and 2) and Phase II Remedial Investigation/Feasibility Study. The field investigations include site-specific reconnaissance surveys, site-specific subsurface soil investigations, and site-specific and regional groundwater investigations.

Comparisons of the numbers of soil borings, groundwater monitoring wells, soil samples, preliminary surveys, and drilling requirements associated with the Draft Final SAP of April 1991, the SAP Amendments of 1991, and the Proposal for Revisions to the SAP of January 1992 are presented in Tables 1, 2, and 3 of this enclosure.

The Navy has initiated extensive geophysical and soil vapor surveys at most of the IR sites of Operable Units 3 through 6 and at several of the RFA sites. This information will be used to refine Phase I soil borings and groundwater monitoring well locations, as appropriate. The Draft Final SAP of April 1991 provided for geophysical surveys at 10 of the 36 soil sites and provided for no soil vapor surveys. The Draft Amendments to the SAP of October 1991 provide for geophysical surveys at 29 of the 36 soil sites and for soil vapor surveys at 33 of the 36 soil sites. The performance of these surveys was not initially planned for and requires additional time.

During the scoping efforts, the number of sources associated with Operable Units 3, 4, 5, and 6 increased from approximately 70 in the Draft Final SAP to 119 in the SAP Amendments and January 1992 Proposal, which resulted in an increased number of soil borings and soil samples. The completion of the investigation of the additional sources requires additional time. The Draft Final SAP of April 1991 provided for approximately 597 soil borings and 2600 soil samples. The Amendments to the SAP of October and December 1991 provide for approximately 598 soil borings and 4291 soil samples. The January 1992 Proposal provides for 598 soil borings and 2130 soil samples.

ENCLOSURE (2)

FFABAP4.DOC

**NAVY PROPOSAL
JUSTIFICATION FOR FEDERAL FACILITY AGREEMENT (FFA) SCHEDULE EXTENSION**

January 1992 Proposal for Changes to the RI/FS SAP (Operable Units 1, 2, 3, 4, 5, and 6)

The project managers have developed a revised sampling strategy for the Phase I Remedial Investigation, the January 1992 Proposal, which is described in Enclosure (3). The proposal provides for a reduction in the numbers of soil samples per boring and changes to the depths of the Phase I soil borings.

The January 1992 Proposal provides for the same number of soil borings as are specified in the Amendments to the SAP of October 1991 (Operable Units 5 and 6) and December 1991 (Operable Units 3 and 4) with a reduction in the numbers of soil samples from each boring. The January 1992 Proposal also provides for a reduction in the number of soil samples collected during the installation of the Stage A groundwater monitoring wells. The proposed changes reduce the total number of method-specific soil samples from Operable Units 1, 2, 3, 4, 5, and 6 from approximately 26,620 as specified in the SAP Amendment dated October 1991 to approximately 12,159. The implementation of the revised Phase I sampling program will result in an estimated savings in analytical costs of approximately \$7,000,000.

The drilling requirement for Operable Units 1, 2, 3, 4, 5, and 6 from the Draft Final SAP of April 1991 and the SAP Amendments of 1991 are approximately 12,000 feet and 22,000 feet, respectively. The January 1992 Proposal provides for approximately 10,000 feet of drilling for Operable Units 1, 2, 3, 4, 5, and 6. The approximate cost savings due to the reduction of approximately 12,000 in drilling footage is \$1,200,000 based upon a rough order of magnitude drilling cost of \$100 per linear foot.

The Navy has proposed FFA milestones which will provide for the expeditious completion of the drilling activities. The Navy believes that the August 1991 detailed schedule would not have provided sufficient time for the drilling program specified in the Amendments. The August 1991 detailed schedule was published prior to the development of the Amendments for Operable Units 5 and 6, and the drilling footage was increased by approximately 100% from the Draft Final SAP to the Amendments.

The Navy has evaluated the impact of the reductions in the number of soil samples and in the drilling requirements and has developed revised FFA milestones which incorporate a schedule reduction of approximately two months which incorporates the reductions in drilling time and in the amount of office time required to evaluate the analytical data packages for the soil samples.

Additional FFA Milestones (Operable Units 1, 2, 3, 4, 5, and 6)

The Navy has provided for additional FFA milestones (Completion of Phase I Field Work, Completion of Phase I Data Validation, Completion of a Phase II Technical Memorandum, and Completion of Phase II Field Work) for each Operable Unit, as shown on Enclosure (1). These milestones were developed as a product of consensus of the project managers during the project managers' conference call of 5 December 1991. Additionally, the Navy had provided for the submission of a Draft Technical Memorandum/Evaluation of the Appropriateness of a Groundwater Removal Action following the completion of the Stage A groundwater investigation.

ENCLOSURE (2)

**NAVY PROPOSAL
JUSTIFICATION FOR FEDERAL FACILITY AGREEMENT (FFA) SCHEDULE EXTENSION**

Revised Detailed Project Schedule (All Operable Units)

The extended FFA milestones which the Navy is proposing provide for an expeditious schedule for planning activities, contract procurement activities, field investigations, report writing, preparation of the Draft Proposed Plan, preparation of the Draft Record of Decision, and Agency and public comment periods.

The proposed schedule provides for a three-month contract procurement period. The Navy has experienced a contract procurement period of seven to eight months on similar projects. The three-month period which we have provided for the MCLB Barstow project is based upon the assumption of optimum procurements with work phased into tasks of less than \$5 million each with no delays during the process. If tasks exceed the \$5 million level, then additional Federal contract procurement requirements will extend the period by 2 to 4 months.

The Navy will provide the project managers with revised detailed project schedule which incorporates the negotiated FFA Milestones following the approval of the schedule extension.

ENCLOSURE (2)

Table 1. PRELIMINARY EVALUATION OF NUMBERS OF SOIL SAMPLES FOR RIFS PHASE I

SITE NUMBER	DRAFT FINAL SAP (APRIL 1991)			SAP AMENDMENTS (1991)			JAN 82 PROPOSAL		
	SOURCES	BOFINGS OR WELLS	TOTAL METHODS	SOURCES	BOFINGS OR WELLS	SOIL SAMPLES	TOTAL METHODS	REVISED SOIL SAMPLES	REVISED TOTAL METHODS
OU 6									
1	4	15	136	3	22	44	218	44	218
3	3	10	348	3	13	75	373	45	225
4	2	53	184	3	5	47	235	23	115
6	3	10	432	3	20	98	398	71	284
7	5	39	945	4	29	223	1584	135	780
8	2	5	168	1	5	38	234	21	128
10	1	3	108	1	3	24	98	15	80
12	1	18	28	1	37	74	148	74	148
13	1	5	188	1	3	25	125	13	65
14	3	0	240	14	42	322	1832	175	1050
33	1	18	220	1	5	43	215	22	110
OU 5									
15/17	5	25	1065	6	30	270	1875	110	680
16	1	5	138	13	82	321	1487	178	945
119	1	21	214	2	5	35	161	20	92
22	1	3	172	3	7	51	261	23	121
24	2	10	520	2	10	80	320	42	188
25	1	5	218	1	5	45	180	22	88
26	3	10	372	6	18	155	815	61	435
27	1	18	175	5	17	164	845	78	390
28	3	30	685	8	35	332	1930	180	960
29	1	14	200	1	5	45	45	22	22
30	1	18	140	3	10	90	720	44	352
31	1	5	320	1	5	45	225	22	110
32	1	3	120	4	13	111	524	56	266
35	1	0	312	1	9	103	721	40	280
36	1	39	95	1	5	45	270	22	132
OU 3									
18	3	10	388	4	18	278	1668	76	456
20	2	8	424	3	9	141	987	39	273
21	2	52	520	4	16	148	888	68	408
23	3	15	672	4	30	312	1872	123	738
34	1	5	256	2	8	67	402	36	216
OU 4									
2	5	23	540	4	19	161	1166	83	602
5	2	38	425	3	47	150	828	118	590
9	1	15	175	1	5	59	354	21	126
11	1	39	200	1	5	65	340	21	105
SUBTOTAL	70	597	11339	119	598	4291	24220	2130	11639
OU 1/2									
37/38		180 WELLS	772		120 WELLS & 29 PIEZO-METERS	600	2400	100	400
TOTALS									
		757	12111		718	4981	28620	2160	12159
APPROX. COST OF LAB ANALYSIS							\$13.31 M	\$5.88 M	

(BASED UPON ROUGH ORDER OF MAGNITUDE ESTIMATE OF \$500 PER METHOD)

ENCLOSURE (2)

Table 2. COMPARISON OF RECONNAISSANCE SURVEYS FOR RIFS PHASE I

DRAFT FINAL SAP (APRIL 1991)

SAP AMENDMENTS (1991) AND JANUARY 1992 PROPOSAL

SITE NUMBER	GEOPHYSICAL SURVEY	SOIL VAPOR, THERMAL INFRARED, AND SEISMIC SURVEYS	THERMAL INFRARED SURVEY	SEISMIC SURVEY	GEOPHYSICAL SURVEY	SOIL VAPOR SURVEY
OU 6						
1	X				X	X
3					X	X
4					X	X
6	X				X	X
7	X				X	X
8						X
10	X				X	X
12	X				X	X
13						X
14						
33					X	X
OU 5						
15/17						
18					X	
19	X				X	X
22					X	X
24					X	X
25					X	X
26					X	X
27	X				X	X
28					X	X
29					X	X
30					X	X
31					X	X
32					X	X
35	X				X	X
36						X
OU 3						
18					X	X
20	X				X	X
21					X	X
23					X	X
34						X
OU 4						
2					X	X
5					X	X
9						X
11					X	X
OU 1/2						
W/REGIONAL SURVEYS						
37/38			X	X		
TOTALS	10 SITES	0 SITES	BASEWIDE SURVEY	BASEWIDE SURVEY	29 SITES	33 SITES

ENCLOSURE (2)

**Table 3. COMPARISON OF R/V/S PHASE I DRILLING REQUIREMENTS
 OPERABLE UNITS 3, 4, 5, AND 6**

SITE NUMBER	DRAFT FINAL SAP OF APRIL 1991	1991 SAP AMENDMENTS	JAN 1992 PROPOSAL FOR SAP REVISION
OPERABLE UNIT 6			
Site 1		44	44
Site 3		200	200
Site 4		180	100
Site 6		545	200
Site 7		1030	330
Site 8		185	100
Site 10		180	180
Site 12		74	74
Site 13		135	80
Site 14		1295	840
Site 33		200	100
OPERABLE UNIT 5			
Site 15/17		1380	600
Site 16		2070	1300
Site 19		125	100
Site 22		310	80
Site 24		355	200
Site 25		230	100
Site 26		810	360
Site 27		1050	340
Site 28		1740	720
Site 29		230	100
Site 30		480	200
Site 31		180	100
Site 32		585	260
Site 35		845	180
Site 36		230	100
OPERABLE UNIT 3			
Site 18		1920	380
Site 20		990	180
Site 21		820	320
Site 23		1700	1300
Site 34		395	100
OPERABLE UNIT 4			
Site 2		720	380
Site 5		394	274
Site 9		340	100
Site 11		450	100
TOTAL FOOTAGE	VERY ROUGH ORDER OF MAGNITUDE ESTIMATE 12125 FEET	APPROXIMATE ESTIMATE 22247 FEET	APPROXIMATE ESTIMATE 10162 FEET

ENCLOSURE (2)

**REVISED DRAFT DATED 29 JANUARY 1992
NAVY PROPOSAL FOR RI/FS PHASE I FIELD INVESTIGATION**

REMEDIAL INVESTIGATION/FEASIBILITY STUDY OBJECTIVES

Phase I:

The objective of the Phase I Remedial Investigation is to determine the nature of contamination. The investigation will consist primarily of shallow (20-foot deep) soil borings and the analysis of soil samples for the potential chemicals of concern. Upon completion of the Phase I investigation, the fingerprint of the wastes at each IR Site will be known and a site-specific list of chemicals of concern will be determined. The site-specific list of chemicals will be used to establish a list of analytical methods to be used for the Phase II investigation.

Phase II:

The objective of the Phase II Remedial Investigation is to determine the extent of contamination. The Navy plans to use field screening methods to the maximum extent possible during this phase.

PROPOSED MODEL FOR MINIMUM SAMPLING REQUIREMENTS FOR PHASE I RI/FS

The following proposed model for minimum sampling requirements was developed as a product of consensus of the project managers. The model is designed to satisfy the objectives of the Phase I Remedial Investigation. The proposal was discussed and refined during project managers' conference calls on 13 January 1992 and 28 January 1992 and during a project managers' meeting on 22 January 1992.

Soil Borings (Operable Units 3, 4, 5, and 6)

Soil samples will be collected from each shallow soil boring at the following depths:

0 - 6"
18-24"
5' or 10'
20'

The Navy may choose to collect more soil samples than the number specified in the proposed model for minimum sampling requirements. The Navy will publish a technical memorandum describing the rationale for the site-specific sampling plans and including the revised site-specific summary tables for each Operable Unit.

The Navy will collect soil samples for analysis for hexavalent chromium during the Phase I Remedial Investigation only at those IR Sites where operations utilizing compounds containing hexavalent chromium were performed.

Assumptions: The reduction in the number of soil samples per soil boring will not alter the statistical validity of the RI/FS sampling program for Phase I and the proposed sampling depth strategy satisfies the risk assessment requirements (EPA proposal dated 12 December 1991 and JEG Project Note CLE-J02-01F165-13-0002 dated 10 January 1992).

ENCLOSURE (3)

Waste Management and Soil Sampling Associated with Groundwater Monitoring Wells (Operable Units 1 and 2)

The Navy will not collect soil samples during the installation of Stage A groundwater monitoring wells and piezometers, except for those wells designated for soil sampling to establish background for the risk assessment. The Navy will collect one grab sample from the first drum of soil cuttings from each Stage A groundwater monitoring well and piezometer for hazardous waste identification according to California and EPA requirements. The Navy may choose to collect soil samples during Stage A well installations at certain sites and the actual sampling locations would be published in a technical memorandum; the collection of such samples would preclude the requirement for analysis of soil cuttings. Following the completion of the Stage A wells, the Navy will evaluate the need for soil sampling during Stage B well installation and the sampling requirements for waste management. If the Navy's evaluation indicates that soil sampling during Stage B well installation is required, the Navy will issue a technical memorandum describing the soil sampling program. The Navy will identify on a project map all trenches used for the burial of investigation-derived wastes in amendments to the Waste Management Plan.

Quality Control Levels

The Navy proposes to maintain CLP Level 4 Quality Control data with 100% data validation for the soil and groundwater samples collected during the Phase I Remedial Investigation. Following the completion of the analytical work associated with Phase I, the Navy will evaluate the quality control requirements and following this evaluation, the Navy will propose changes, as necessary, to the specified quality control levels and quality control documentation for future analytical work in a technical memorandum.

Alternative Field Techniques

The Navy will evaluate the use of hand-augers and hydropunch techniques for the Phase I investigation. If the Navy's evaluation indicates that these methods are viable and cost-effective, then the Navy may propose the use of these methods in a technical memorandum.

ENCLOSURE (3)

**Table 1. SOIL SAMPLING FOR SOURCE CHARACTERIZATION
 RI/FS PHASE I, OPERABLE UNIT 4 AND STAGE A OF OPERABLE UNITS 1 AND 2
 MARINE CORPS LOGISTICS BASE, BARSTOW**

SOIL SAMPLE ALLOCATION BY DEPTH

SITE NUMBER	SOURCE ID	DESCRIPTION	# OF SOIL BORINGS	0' - 6'	18' - 24'	5'	10'	15'	20'	TOTAL
2	1	CONC. PADS	6	6	6	0	6	0	6	24
	2	WBT	3	3	3	0	3	0	3	12
	3	YARD	5	5	5	5	0	0	5	20
	4	FLOW-PATHS	5	5	5	5	0	0	5	20
SUBTOTAL										76
5	1	NORTHERN HALF	37	37	37	0	0	0	0	74
	2	N. LOT 2B2	5	5	5	5	0	0	5	20
	3	S. LOT 2B2	5	5	5	5	0	0	5	20
SUBTOTAL										114
9	1	ENTIRE SITE	5	5	5	0	5	0	5	20
SUBTOTAL										20
11	1	ENTIRE SITE	5	5	5	0	5	0	5	20
SUBTOTAL										20
TOTAL OU 4 SITES			76							230
SITES 37/38	STAGE A	34 WELLS 29 PIEZO-METERS	0	0	0	0	0	0	0	100*

* Rough order of magnitude estimate based upon the collection of soil samples during Stage A well installation for determining background for the risk assessment and for hazardous waste identification.

ENCLOSURE (3)

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4
245 West Broadway, Suite 350
Long Beach, CA 90802-4444



February 7, 1992

S. E. Tower, Commander, CEC (Code 09B)
Head, Facilities Management Department
Southwest Division Naval Facilities
Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

Dear Commander Tower:

SCHEDULE EXTENSION REQUEST TO THE FEDERAL FACILITY AGREEMENT
(FFA) FOR MARINE CORPS LOGISTICS BASE (MCLB), BARSTOW

The Department of Toxic Substances Control received on January 31, 1992, a facsimile of your letter to Ms. Julie Anderson requesting a schedule extension to the FFA deliverables in accordance with Section 9. We appreciate the hard work, spirit of cooperation, and patience you and your staff have demonstrated in this process of negotiation for a schedule extension.

The request referenced above, is the result of an on-going process which has centered on a three year extension to many of the deliverable dates in the FFA since our receipt of your August 30, 1991 Detailed Project Schedule. You have demonstrated to us the technical merits of accepting your January 31, 1992 request as a reasonable schedule.

However, your latest proposal has a change which we did not expect and cannot agree to. You are requesting that the interim deliverables be secondary documents, which are not enforceable. It was our understanding that the additional interim deliverables would be enforceable as primary documents as was agreed previously by yourself and by the remedial project managers for the FFA signatory agencies. We cannot agree to extend the schedule by three years without enforceable milestone dates within the next three years.

The Department will grant your request if the Navy/Marine Corps is willing to agree to the following conditions:

1. The interim deliverable document will be primary enforceable documents, and are subject to the deadlines set forth in your proposal dated January 31, 1992. These documents include the deliverables marked with a star in Enclosure 1 of said proposal.

enclosure (14)



S. E. Tower, Commander, CEC
February 7, 1992
Page 2

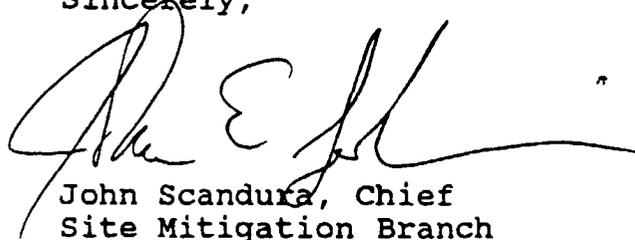
2. The Navy/Marine Corps will commit to identifying and performing appropriate removal actions within the next three years and make said actions prior to the Record of Decision.
3. The Navy/Marine Corps will commit to making its best effort to identify where the schedule can be reduced whenever such an opportunity occurs.

If the Navy/Marine Corps accepts in writing the three conditions listed above within seven calendar days of this letter, the FFA schedule extension request is granted by the Department.

If the Navy/Marine Corps does not accept the three conditions listed above within seven calendar days of this letter, the FFA schedule extension request is respectfully denied.

Thank you for consideration of these issues, please call John Broderick or me at (310) 590-4856 for any questions.

Sincerely,



John Scandura, Chief
Site Mitigation Branch

cc: Commanding Officer
Marine Corps Logistics Base
Barstow, California 92311

Mr. John Hamill (code H-7-5)
United States Environmental Protection
Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

Ms. Averil Biggar
Lahonton Regional Water Quality Control
Board
15428 Civic Drive, Suite 100
Victorville, California 92392-2359

S. E. Tower, Commander, CEC
February 7, 1992
Page 3

cc: Ms. Lynn Hornecker (code 1811.LH) ✓
Southwest Division Naval Facilities
Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

Mr. David DeMars
Facilities and Service Division
Marine Corps Logistics Base
Barstow, California 92311

Mr. Gregory A. Rumford, P.E.
Jacobs Engineering Group, Incorporated
251 South Lake Avenue
Pasadena, California 91101



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

7 February 1992

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

Re: Schedule Extension Request for
Marine Corps Logistics Base, Barstow

Dear Commander Tower:

This letter is in response to your 31 January 1992 facsimile requesting schedule extensions for Federal Facility Agreement (FFA) deliverables for the Marine Corps Logistics Base (MCLB), Barstow.

As you know, all Parties to the FFA have met and expended significant effort to negotiate an extended schedule in the spirit of cooperative teamwork. We appreciate the effort your staff demonstrated in presenting a comprehensive justification for the extension request. We agree that the project scope has increased significantly from original projections and that schedule extensions are justified. We believe your request meets the criteria listed in Section 9.1 of the FFA for granting an extension. However, the agreement reached by the Parties to the FFA in our negotiations was not fully reflected in your extension request.

One condition for accepting your extension request was that the Navy agree to establish interim enforceable deadlines for the period prior to the submittal of the Draft RI. We feel this is critical because your proposed new schedule significantly (up to 3 1/2 years) extends the period for conducting the RI. Under your proposed schedule, the next enforceable deadlines would be two to three years from now. While technically such an expanded schedule for the RI may be justified, the length of the project requires that we have some interim enforceable deadlines to ensure that adequate progress is maintained throughout the RI. Interim enforceable deliverables were discussed and agreed to at Project Manager's Meetings of November 20 and 21, 1991, and January 22, 1992, and at the conference call of December 5, 1991, and even formally submitted by the Navy in your December 10, 1991 extension request to EPA. Your current submittal identifies these additional deadlines as target dates which are not enforceable.

Printed on Recycled Paper

enclosure (15)

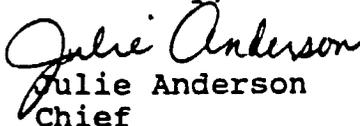
On 17 December 1991, EPA granted the Navy an extension of the December 15, 1991 submission of the Draft RI/FS Workplan to January 31, 1991. The reason for the extension was to allow additional time to negotiate a project schedule which is the product of consensus of the project managers. The Navy has not complied with the FFA by not submitting, by January 31, 1992, the Draft RI/FS Workplan for OU 7, or a project schedule which was the consensus of the project managers.

However, per our conversation on February 6, 1992 in Phoenix, Arizona, you informed me that the Navy is willing to accept the interim deadlines as enforceable, pending the formal amendment of the FFA schedule. EPA agrees with this proposal and will approve the proposed schedule if it receives from the Navy by April 6, 1992, a signed amended FFA schedule with the additional interim deadlines as enforceable. If the Navy does not submit a signed amended FFA By April 6, 1992, EPA will consider the Navy to be in continued violation of the FFA and consider other courses of action.

In closing, we must restate our general concern for the length of this RI. While we are confident that agreement can be reached to confirm the new schedule, we wish to express our continued commitment to work with the Navy to seek methods to streamline this schedule and more quickly achieve our mutual goal of cleaning up the Barstow site. Specifically, if field work determines locations where interim removal actions can and should be conducted, we will recommend that the Navy take such actions. In addition, where procedural streamlining to achieve earlier RODs is appropriate, we will suggest such change. We look forward to your commitment to also identify appropriate interim removal actions and to look for opportunities to streamline the process to achieve a faster remediation of the Barstow site.

We look forward to a continued cooperative working relationship with you. If you have any questions concerning these issues, please contact John Hamill of my staff at (415) 744-2391.

Sincerely,


Julie Anderson

Chief
Federal Facility Enforcement
Branch

cc: A. Biggar, RWQCB
J. Broderick, DTSC
Commanding Officer, MCLBB
D. DeMars, MCLBB
L. Hornecker, Navy

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

STORVILLE BRANCH OFFICE
1428 CIVIC DRIVE, SUITE 100
STORVILLE, CA 92392-2359
TELEPHONE (619) 241-6583
FAX No. (619) 241-7308

February 7, 1992

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

Dear Commander Tower:

SCHEDULE EXTENSION REQUEST, MARINE CORPS LOGISTICS BASE, BARSTOW (MCLB)

This is in response to your letter of January 31, 1992, formally requesting a schedule extension for the MCLB, Barstow. The schedule extension was discussed on numerous occasions by the Remedial Project Managers, and it was mutually agreed to be a reasonable schedule, due for the most part because of the great increase in the scope of work. One of the provisions to accepting the schedule was that the Navy include some interim enforceable deadlines that were not included in the original schedule. The purpose of these additional milestone deadlines were to ensure that the Navy was progressing at a satisfactory pace, and that all the parties were kept adequately informed.

Under legal advice, the Navy proposed in your letter of January 31, 1992, that the milestone deadlines be made target dates only, and therefore not enforceable. This was not acceptable to the Environmental Protection Agency (EPA), the California EPA-Department of Toxic Substances Control (DTSC), or the Lahontan Regional Water Quality Control Board (RWQCB) staff.

On February 6, 1992, Ms. Ave Biggar of the RWQCB was informed by Mr. John Hamill of the EPA that the Navy had proposed to EPA that the parties formally amend the schedule which is a part of the Federal Facilities Agreement (FFA) for the MCLB to reflect the changes in the original schedule, including the addition of the agreed upon milestone deadlines as enforceable dates.

If the Navy formally amends the schedule in the FFA, and has a signed copy to each of the parties by April 6, 1992, including the additional deadlines as enforceable deadlines, RWQCB staff will recommend acceptance of the schedule extension.

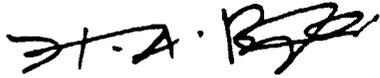
Although we have conditionally agreed to the schedule extension, we are still concerned with the length of the schedule. If field work determines locations where interim removal actions should be conducted, we will recommend that the Navy take such actions, provided that the removal actions meet standards that ensure the protection of water quality. In addition, where procedural streamlining to achieve earlier Records Of Decisions (RODs) is appropriate, we will agree with any such change.

enclosure (16)

Tower
February 7, 1992
Page 2

These schedule negotiations have been lengthy. We appreciate the hard work and effort taken by the Navy staff to work with us. If you have any questions, please call Ave Biggar or me at our Victorville office.

Sincerely,



Hisam A. Baqai
Supervising Engineer

cc: Attached Mailing List

ab/mcext

MARINE CORPS MAILING LIST

JOHN HAMILL
U S ENVIRONMENTAL PROTECTION AGENCY REGION 9
HAZARDOUS WASTE MGMT DIVISION H-7-5
75 HAWTHORNE STREET
SAN FRANCISCO CA 94105

JOHN BRODERICK
CALIFORNIA DEPARTMENT OF HEALTH SERVICES
TOXIC SUBSTANCES CONTROL DIVISION
245 WEST BROADWAY SUITE 350
LONG BEACH CA 90802

LYNN HORNECKER
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO CA 92132-5190

ATTN: LT COL M M SCHNELL
COMMANDING GENERAL (B-500)
MARINE CORPS LOGISTICS BASE
BARSTOW CA 92311-5013

ATTN: DAVE DEMARS
COMMANDING GENERAL (B-500)
MARINE CORPS LOGISTICS BASE
BARSTOW CA 92311-5013

JOHN ADAMS
STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER PROGRAMS

ATTN COLONEL DAVIS
COMMANDING GENERAL (B-500)
MARINE CORPS LOGISTICS BASE
BARSTOW CA 92311-5013

filename: mcml



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

5090
Ser 09C4/5029
February 14, 1992

FACSIMILE TRANSMISSION

Ms. Julie Anderson
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Mr. John Scandura
Chief, Site Mitigation Branch
Department of Toxic Substance Control
245 West Broadway, Suite 350
Long Beach, CA 90802-4444

Ms. Averil Biggar
California Regional Water Quality Control Board,
Lahontan Region
15428 Civic Drive, Suite 100
Victorville, CA 92392-2359

Subject: SCHEDULE EXTENSION REQUEST PURSUANT TO FEDERAL FACILITY .
AGREEMENT (FFA) FOR MARINE CORPS LOGISTICS BASE,
BARSTOW

Dear Ladies and Sir:

This letter responds to your letters of February 7, 1992. In those letters, our proposal to extend the Remedial Investigation and Feasibility (RI/FS) study reporting deadlines was accepted, conditioned upon the Department of the Navy's (DON) acceptance of deadlines for secondary documents and other interim milestones as enforceable. In addition, the EPA and RWQCB letters recommended and the DTSC letter further conditioned acceptance upon receiving Navy/Marine Corps commitments to appropriate removal actions and streamlining the schedule.

The DON continues to be committed to the identification and performance of appropriate removal actions. We agree that where possible and appropriate, schedules should be streamlined. We propose to meet with you at least annually to discuss opportunities to reduce the schedule.

I have supported interim enforceable deadlines up the chain of command, but their concern over changes to the model FFA negotiated between EPA and DOD headquarters precludes agreement on this issue. Region IX will be contacted by a DON official on this subject.

enclosure (17)

Subject: SCHEDULE EXTENSION REQUEST PURSUANT TO FEDERAL FACILITY AGREEMENT (FFA) FOR MARINE CORPS LOGISTICS BASE, BARSTOW

If you find this proposal unacceptable, then in order to preserve DON's rights under the FFA, please accept this letter as notification of our intent to take this issue to dispute resolution. I remain confident that formal dispute resolution will be unnecessary. I continue to be deeply committed to cleaning up this base as fast as possible and to work together doing so.

I look forward to discussing this matter with you at your earliest convenience.

Sincerely,

for 

T. C. CRANE
Captain, CEC, USN
Commanding Officer

Copy to:
CO MCLB Barstow

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4

245 West Broadway, Suite 350
Beach, CA 90802-4444

February 21, 1992

Captain T. C. Crane, CEC
Commanding Officer
Southwest Division Naval Facilities
Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

Dear Captain Crane:

DISPUTE CONCERNING SCHEDULE EXTENSION REQUEST TO THE FEDERAL FACILITY AGREEMENT (FFA) FOR MARINE CORPS LOGISTICS BASE (MCLB), BARSTOW

The Department of Toxic Substances Control (Department) received on February 14, 1992, a facsimile responding to our letter of February 7, 1992 granting your extension request with conditions. In that letter you stated that the Department of the Navy (DON) can not accept interim enforceable deliverable deadlines, but you agree to the other conditions. As it is the position of the Department that the interim enforceable deadlines are essential to enable the remediation to proceed according to the new schedule, the rejection of this condition by DON is not acceptable to the Department. Therefore, the Department accepts your letter as notification for formal dispute resolution per Section 12 of the FFA.

Because informal dispute resolution among the Remedial Project Managers (RPM) has already been attempted, and you indicate your support of interim enforceable deadlines, we propose to expedite dispute resolution by elevating the issue to the Senior Executive Committee (SEC). This is because the person(s) objecting to the interim enforceable deadlines may be senior to members of the Dispute Resolution Committee (DRC) and the RPM.

Thank you for your support and consideration of this matter, we look forward to working together with you and the FFA

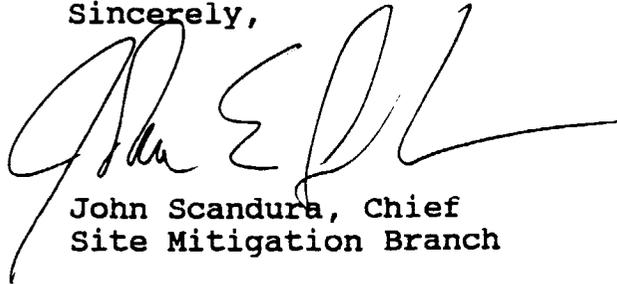
enclosure (18)



Captain T. C. Crane, CEC
February 21, 1992
Page 2

signatory agencies to resolve this sensitive matter. For any questions on this matter, please contact me or Mr. John Broderick of my staff at (310) 590-4856.

Sincerely,



John Scandura, Chief
Site Mitigation Branch

cc: Commanding Officer
Marine Corps Logistics Base
Barstow, California 92311

Mr. John Hamill (code H-9-2)
United States Environmental Protection
Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105

Ms. Averil Biggar
Lahonton Regional Water Quality Control
Board
15428 Civic Drive, Suite 100
Victorville, California 92392-2359

Ms. Lynn Hornecker (code 1811.LH)
Southwest Division Naval Facilities
Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

Mr. David DeMars
Facilities and Service Division
Marine Corps Logistics Base
Barstow, California 92311

Mr. Gregory A. Rumford, P.E.
Jacobs Engineering Group, Incorporated
251 South Lake Avenue
Pasadena, California 91101

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

VICTORVILLE BRANCH OFFICE
28 CIVIC DRIVE, SUITE 100
VICTORVILLE, CA 92392-2359
Phone: (619) 241-6583
Fax: (619) 241-7308

February 26, 1992

T. C. Crane
Captain, CEC, USN
Commanding Officer S/W Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, CA 92132-5190

Dear Captain Crane:

**SCHEDULE EXTENSION REQUEST FOR THE MARINE CORPS LOGISTICS BASE,
BARSTOW (MCLB)**

This is in response to your letter dated February 14, 1992, in which the Navy states the position that it cannot agree to interim enforceable deadlines. We construe this letter to be a formal invocation of dispute under Section 12.2 of the Federal Facilities Agreement (FFA), initiated by the Navy.

We have concerns that it appears that the Navy has not committed to negotiate in good faith. The subject of interim enforceable dates was discussed on numerous occasions with your staff. They were agreed to at the Project Manager's Meetings of November 20 and 21, 1991, and January 22, 1992. In the Navy's December 10, 1991 schedule extension request, they were also agreed to in writing. In addition, they were included in a transmittal dated January 18, 1992 as part of "Proposed Revised Appendix A."

Section 12.3 of the FFA states: "Prior to any Party's issuance of a written statement of a dispute, the disputing Party shall engage the other Party in informal dispute resolution among the Project Managers and/or their immediate supervisors. During this informal dispute resolution period the Parties shall meet as many times as are necessary to discuss and attempt resolution of the dispute."

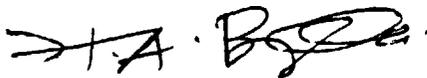
It appears that the Department of the Navy has already elevated the dispute up their Chain of Command without the benefit of the informal dispute resolution process as provided for under the FFA. Because the interim enforceable dates were agreed to by all Parties at both the Remedial Project Manager's (RPM) level and their immediate supervisors, we feel that informal dispute resolution can have no acceptable outcome or effect. If indeed this is the case, we respectfully request that the dispute be submitted to the Dispute Resolution Committee (DRC) without delay.

enclosure (19)

Further, Section 12.2 of the FFA states, in part, "Within thirty (30) days after: . . . (b) any action which leads to or generates a dispute, the disputing Party shall submit to the Dispute Resolution Committee (DRC) a written statement of dispute setting forth the nature of the dispute, the work affected by the dispute, the disputing Party's position with respect to the dispute, and the technical, legal or factual information the disputing Party is relying upon to support its position." Your submittal of the above written statement as soon as possible, but no later than 30 days from the date of your letter, would be appreciated.

Until the DRC is officially involved, any response, questions, or comments should be directed to Ave Biggar or Cindi Mitton at this office.

Sincerely,



Hisam A. Baqai
Supervising Engineer

rp6/crane

cc: Attached Mailing List

MARINE CORPS MAILING LIST

JOHN HAMILL
U S ENVIRONMENTAL PROTECTION AGENCY REGION 9
HAZARDOUS WASTE MGMT DIVISION H-7-5
75 HAWTHORNE STREET
SAN FRANCISCO CA 94105

JOHN BRODERICK
CALIFORNIA DEPARTMENT OF HEALTH SERVICES
TOXIC SUBSTANCES CONTROL DIVISION
245 WEST BROADWAY SUITE 350
LONG BEACH CA 90802

LYNN HORNECKER
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO CA 92132-5190

ATTN: LT COL M M SCHNELL
COMMANDING GENERAL (B-500)
MARINE CORPS LOGISTICS BASE
BARSTOW CA 92311-5013

ATTN: DAVE DEMARS
COMMANDING GENERAL (B-500)
MARINE CORPS LOGISTICS BASE
BARSTOW CA 92311-5013

JOHN ADAMS
STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER PROGRAMS

ATTN COLONEL DAVIS
COMMANDING GENERAL (B-500)
MARINE CORPS LOGISTICS BASE
BARSTOW CA 92311-5013

COMMANDER S TOWER
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO CA 92132-5190

filename: mcm1



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
COUNSEL FOR SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

5090
Ser 09C4/5030
March 5, 1992

Karen Goldberg, Esquire
U.S. Environmental Protection Agency,
Region IX
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105

Orchid Kwei, Esquire
California Environmental Protection Agency
Department of Toxic Substances Control
Toxics Legal Office
400 P Street
Sacramento, CA 94234-7320

Frances McChesney, Esquire
California Environmental Protection Agency
State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100

Subject: COMMENCEMENT OF FORMAL DISPUTE RESOLUTION UNDER THE
FEDERAL FACILITY AGREEMENTS (FFAs) FOR MARINE CORPS AIR
STATION (MCAS), EL TORO AND MARINE CORPS LOGISTICS BASE
(MCLB), BARSTOW

Dear Karen, Orchid, & Frances:

Pursuant to my telephone conversation with Karen the other day, I am writing to explain why I think that one more attempt at informal dispute resolution is a worthwhile endeavor.

First, I understand that your agencies may be somewhat confused by what is perceived to be the Department of the Navy's (DON's) change in position on the issue of enforceability of secondary documents or milestones. Perhaps I can briefly explain.

On a majority of issues, Southwest Division, in coordination with the installation, has the flexibility and authority to make commitments to the regulators on behalf of DON. A few issues exist, however, which are matters of nationwide DON policy or are deemed vital to the preservation of DON's legal rights. The enforceability of secondary documents/milestones is such an issue.

enclosure (20)

Subject: COMMENCEMENT OF FORMAL DISPUTE RESOLUTION UNDER THE
FEDERAL FACILITY AGREEMENTS (FFAs) FOR MARINE CORPS AIR
STATION (MCAS), EL TORO AND MARINE CORPS LOGISTICS BASE
(MCLB), BARSTOW

We can assure you that Southwest Division personnel were acting with the best of intentions in this matter and apologize for any confusion caused.

Next, although I will save the details for future discussions, I would like to list some of the reasons which are preventing DON from agreement to enforceable secondary documents/milestones:

- a. The DTSC letter of February 21, 1992 and the EPA letter of February 23, 1992 (regarding MCAS El Toro), and the EPA, DTSC, and RWQCB letters of February 7, 1992 (regarding MCLB Barstow) recognize the projects' significant scope increases and the technical merit in our proposed schedule extensions, in effect agreeing with DON that good cause existed for the extensions we recently requested for these bases. FFA §9.1 requires that extensions be granted if "good cause" is demonstrated by DON. There is no provision for placing conditions on the granting of an extension warranted for "good cause".
- b. CERCLA §120 (e) clearly states that the DON/EPA working relationship in the investigation and cleanup of our NPL facilities is a "consultation", not an enforcement action. The state is given an opportunity to participate in accordance with CERCLA §120 (f) and 121.
- c. CERCLA §120 (e) only requires a post-Record of Decision interagency agreement. Department of Defense and EPA headquarters agreed to enter into agreements earlier than is required by law. They have negotiated a set of model provisions that expressly provide a limited set of documents/milestones (i.e., primary documents), the deadlines for which penalties can be assessed.
- d. Although CERCLA §120 (e) specifies commencement dates for the Remedial Investigation/Feasibility Study (RI/FS) and Remedial Action (RA) and requires expeditious completion of the RI/FS, it is important to recognize that the law does not specify a time limit for RI/FS completion.
- e. The regulators' stated concern has been the need to keep DON motivated. In the context of these agreements and our business relationship, I believe that our project managers have demonstrated the utmost motivation to adhere to deadlines. While other circumstances have contributed to delays, lack of DON motivation is not one of them. In addition, the FFAs continue to provide for project manager

Subject: COMMENCEMENT OF FORMAL DISPUTE RESOLUTION UNDER THE FEDERAL FACILITY AGREEMENTS (FFAs) FOR MARINE CORPS AIR STATION (MCAS), EL TORO AND MARINE CORPS LOGISTICS BASE (MCLB), BARSTOW

meetings every 90 days and progress reports. See FFA §§7.6 and 18.3. Surely, these means are sufficient to ensure regulator input and to keep the regulators apprised of DON progress.

While our respective clients have engaged in informal dispute resolution to arrive at agreement on the existence of "good cause" and mutually acceptable schedules for MCLB Barstow and MCAS El Toro, they have not discussed most of the above-listed issues. To the extent that the only dispute which remains is the enforceability of secondary documents/milestones, I believe we are talking about legal or quasi-legal issues.

For this reason, we suggest that at least one more round of informal face-to-face discussions be held. We believe that each FFA party should be represented by supervisory technical personnel and counsel. I recommend that technical personnel be below the Dispute Resolution Committee (DRC) level. This will enable the DRC to take a fresh look at the issues, if we are unsuccessful. Of course, each party can also have observers (e.g., project managers, base personnel) at the discussions. If you and your clients agree to this approach, DON's negotiation team will consist of Dana Sakamoto, Captain Brennan of the Marine Corps' Western Area Counsel Office, and myself.

Finally, the matter remains of identifying the due dates for transmission of the written statements of dispute to the DRC, in accordance with FFA §12.2. Internally, we have calculated several possible due dates for the MCLB Barstow and MCAS El Toro matters. If all parties agree to one more attempt at informal dispute resolution, then we would like to postpone the deadline to a date subsequent to our informal resolution period. If the parties do not wish to proceed informally, then we need to arrive at a common reading of the due dates. For MCLB Barstow, we propose March 16 -- 30 days from Southwest Division's February 13, 1992 letter which stated our intent to go to dispute resolution. For MCAS El Toro, we propose March 13 -- 21 days from DTSC's February 21, 1992 response to our latest proposal.

Please contact me at your earliest convenience so that we can arrive at a mutual understanding of the deadlines for the written statements of dispute. Likewise, we are willing to meet with you as early as next week to continue informal discussions.

Sincerely,


PERRY H. SOBEL
Associate Counsel (Environmental)

Subject: COMMENCEMENT OF FORMAL DISPUTE RESOLUTION UNDER THE
FEDERAL FACILITY AGREEMENTS (FFAs) FOR MARINE CORPS AIR
STATION (MCAS), EL TORO AND MARINE CORPS LOGISTICS BASE
(MCLB), BARSTOW

Copy to:
Counsel, Western Bases, USMC
Counsel, MCAS El Toro
SJA, MCLB Barstow



DEPARTMENT OF THE NAVY
OFFICE OF THE GENERAL COUNSEL
COUNSEL FOR SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
1220 PACIFIC HIGHWAY
SAN DIEGO, CALIFORNIA 92132-5190

11 March 1992

Karen Goldberg, Esquire
U.S. Environmental Protection Agency,
Region IX
Office of Regional Counsel
75 Hawthorne Street
San Francisco, CA 94105

Orchid Kwei, Esquire
California Environmental Protection Agency
Department of Toxic Substances Control
Toxics Legal Office
400 P Street
Sacramento, CA 94234-7320

Frances McChesney, Esquire
California Environmental Protection Agency
State Water Resources Control Board
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100

Re: Extension of Deadline For Submission of Written Statements
of Dispute For Marine Corps Air Station (MCAS) El Toro and
Marine Corps Logistics Base (MCLB) Barstow

Dear Karen, Orchid, and Frances:

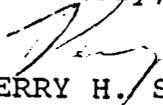
This will confirm our clients' agreement to extend to 25 March 1992 the submission deadlines for the MCLB Barstow and MCAS El Toro written statements of dispute.

This will enable the parties to continue informal dispute resolution in the afternoon of 23 March, without cutting into the Dispute Resolution Committee's 21 day resolution period. Our understanding is that EPA would like the meeting to start at 1:00 PM.

Perhaps we can agree on an agenda for the meeting to help ensure progress.

Thank you for your cooperation. We look forward to meeting with you and your clients.

Sincerely,


PERRY H. SOBEL
Associate Counsel (Environmental)

Copy to:

Western Area Counsel Office, Capt Brennan
Counsel, MCAS El Toro
SJA, MCLB Barstow



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, Ca. 94105-3901

12 March 1992

T.C. Crane
Captain, CEC, U.S. Navy
Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

Re: Commencement of Formal Dispute Resolution
Under the Federal Facility Agreements (FFAs)
for Marine Corps Air Station (MCAS), El Toro and
Marine Corps Logistics Base (MCLB), Barstow

Dear Captain Crane:

This letter is in response to your 14 February 1992 letter in which you notified us that the Department of the Navy (DON) cannot accept deadlines for secondary documents and other interim milestones as enforceable. This was a condition for EPA's approval of the schedule extension requests for both MCAS El Toro and MCLB Barstow. EPA concurs with the February 21, 1992, letter sent to you by the Department of Toxic Substances Control and the February 26, 1992, letter from the Lahontan Regional Water Quality Control, in which they state the position that the interim enforceable deadlines are essential, and that the rejection of this condition is not acceptable. Therefore, EPA accepts your letter as notification for formal dispute resolution per Section 12 of the FFA.

Because the interim enforceable dates were agreed to by all Parties at both the Remedial Project Manager's level and immediate and mid-level supervisors, we feel that the Navy needs to clearly articulate the reasons for the reversal in position and suggest other viable alternatives. Per your request, we are willing to meet informally at 1:30 p.m. on March 23, 1992, at your office to discuss the dispute. Please inform us and the other Parties if this date is acceptable, and submit to us an agenda for this meeting.

Section 12.2 of the FFA states, in part, "Within thirty (30) days after: ... (b) any action which leads to or generates a dispute, the disputing Party shall submit to the Dispute Resolution Committee (DRC) a written statement of dispute setting forth the nature of the dispute, the work affected by the dispute, the disputing Party's position with respect to the dispute, and the

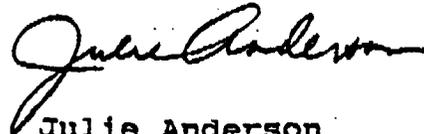
enclosure (22)

technical, legal or factual information the disputing Party is relying upon to support its position." Pursuant to this position, your submittal of the above written statement would be due by no later than 30 days from the date of your letter.

However, as indicated by a letter dated March 11, 1992 from your Counsel, Perry Sobel to Karen Goldberg, EPA's Counsel, we agree to extend the due date for the submittal of the written statements of dispute to the DRC for MCLB Barstow and MCAS El Toro until March 25, 1992, so that the submittal can reflect the results of the meeting of March 23, 1992. We agree to this extension in order to allow the Parties one final informal dispute resolution meeting.

We look forward to a continued cooperative working relationship with you. If you have any questions concerning these issues, please contact John Hamill of my staff at (415) 744-2391 or me at 744-2420.

Sincerely,



Julie Anderson
Chief
Federal Facility Enforcement
Branch

cc: M. Alonzo, DTSC
K. Williams, RWQCB, Santa Ana
Commanding General, USMCAS, El Toro
Commandant of the Marine Corps, USMC Headquarters
W. Lee, USMCAS, El Toro
A. Piszkin, Navy
L. Hornecker, Navy
D. DeMars, MCLB, Barstow
Commanding Officer, MCLB, Barstow
J. Broderick, DTSC
A. Biggar, RWQCB, Lahontan