

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Region 4
145 West Broadway, Suite 425
Long Beach, CA 90802-4444

M60050.000941
MCAS EL TORO
SSIC # 5090.3



1995 JUN -7 PM 12:46

June 30, 1995

Mr. James R. Pawlisch
Director, Environmental Department
Southwest Division
Naval Facilities Engineering Command
1220 Pacific Highway, Room 18
San Diego, California 92132-5181

Dear Mr. Pawlisch:

Thank you for your letter dated June 23, 1995 requesting an extension of the deadlines for deliverables associated with Operable Unit (OU) #1 as set forth in Appendix A of the Federal Facility Agreement (FFA) for Marine Corps Air Station, El Toro.

While we are disappointed that the existing schedule for OU#1 will not be met, we understand that at this point it cannot be avoided, due to a change in the focus of the project. As you explained in your letter, an Interim Action Feasibility Study (IAFS) was performed in which the Orange County Water District's (OCWD) Irvine Desalter Project (IDP) was proposed as the remedy for groundwater contamination by volatile organic compounds (VOCs). Due to recent issues concerning the construction of the desalter, the IDP can no longer be considered a presumptive remedy for the project and the feasibility of other alternatives must now be evaluated.

The Department of Toxic Substances Control (DTSC) therefore concurs with the U.S. Environmental Protection Agency (EPA) that good cause exists for an extension of the FFA pursuant to Section 9.2 (g) of the FFA. However, we do not believe that a Force Majeure, as defined in section 10.1 (k) of the FFA, exists in this situation. Hence, DTSC does not base its concurrence with the extension request on the grounds cited in Section 9.2 (a) of the FFA.

We look forward to working with you to facilitate cleanup efforts at El Toro Marine Corps Air Station. If you have any questions, please contact me at (310) 590-4856.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Scandra".

John E. Scandra

Chief, Southern California Operations
Office of Military Facilities



Mr. James R. Pawlisch
June 30, 1995
Page 2

cc: Ms. Julie Anderson, Director
Federal Facilities Cleanup Office
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105-3901

Commanding General
Marine Corps Air Station, El Toro
P.O. Box 95001
Santa Ana, California 92709-5001

Mr. Joseph Joyce
BRAC Environmental Coordinator
Marine Corps Air Station, El Toro
P.O. Box 95001
Santa Ana, California 92709-5001

Mr. Lawrence Vitale
California Regional Water Quality Control Board
Santa Ana Region
2010 Iowa Avenue, Suite 100
Riverside, California 92507-2409

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