

MG0050.000947



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JUN 30 1995

June 30, 1995

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

Dear Mr. Pawlisch:

I am writing in response to your letter dated June 23, 1995, received by telecopier on the same date, requesting extensions for the Operable Unit (OU)#1 submittals set forth in Appendix A of the Federal Facility Agreement (FFA) for Marine Corps Air Station (MCAS) El Toro. As stated in your letter, many discussions held between the Navy and the regulatory agencies over the past few years focused on the Orange County Water District's (OCWD) Irvine Desalter Project (IDP) as an integral element of the proposed remedy for OU #1.

Beginning in January 1995, the Navy held monthly meetings to update the regulators on the development of new alternatives, in addition to the IDP, for the OU #1 Interim Action Feasibility Study (IAFS). To clarify the summary provided in your letter, prior to the end of April 1995, the Navy had only notified the regulators of the delayed submittal of one FFA deliverable, the draft Proposed Plan. EPA expected the draft Interim Record of Decision (ROD) to be submitted according to the FFA schedule. A flowchart distributed at a 4/13/95 OU #1 meeting presented the draft Interim ROD submittal date as December 1995, the FFA submittal date.

EPA does not believe that the circumstances described in your June 23, 1995 extension request constitute a Force Majeure under Section 10.1 (k) of the FFA, as requested under #3 of your letter. We concur, however, that good cause exists under Section 9.2 (g) of the FFA, which stipulates that good cause exists for an extension when sought in regard to "any other event or series of events mutually agreed to by the [FFA] Parties." EPA initially believed it would be possible to revise the IAFS for OU #1 to include evaluation of additional alternatives without a delay in the Interim ROD deadline. However, as a result of the information presented in your letter, EPA agrees that such

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revision will not be possible without extension of the deadlines to the FFA. Therefore, we approve the OU #1 dates in Appendix A, submitted in Enclosure #4 to your June 23, 1995 letter.

This extension incorporates a five month delay in the submittal of the draft Interim ROD. However, as mentioned in your letter, EPA expects the Navy to expedite VOC source control at MCAS El Toro by elevating the priority of the pilot studies for Site 24 and expediting removal actions following the studies. Soil and groundwater treatment near the source of contamination (OU #2A-VOC Source Area) remains a top priority to EPA, and we are willing to work closely with you to review the data from the proposed pilot studies quickly to determine the technical feasibility of completing soil and/or groundwater removal actions. We would like to remain involved in the priority setting for the many proposed removal actions and expect the Navy to continue to seek funding for the OU #2A removal actions as well as the others already planned. If you would like to discuss this matter further, please call me at 415/744-2420.

Sincerely,



Julie Anderson, Director
Federal Facilities Cleanup Office

cc: John Scandura, DTSC
Mike Adackapara, RWQCB
MCAS El Toro BCT
Larry Vitale, RWQCB
Wayne Lee, MCAS El Toro