



UNITED STATES MARINE CORPS

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MCAS EL TORO
SSIC # 5090.3

IN REPLY REFER TO:
MAY 05 1995

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1AU, 2AS

From: Commanding General, Marine Corps Air Station El Toro
Commanding Officer, Marine Corps Air Station Tustin

To: Commandant of the Marine Corps (LFL-6), 2 Navy Annex, Washington, D. C.
20380-1775 (Attn: Kelly Dreyer)

Subj: Review of "Interim Final Fast Track to FOST" Guide

Encl: (1) Review Comments from USEPA, Ms. Bonnie Arthur
(2) Review Comments from MCAS Tustin BEC, Ms. Desire Chandler

MAY 05 1995 11:12:32

- Overall, we find the Interim Final Fast Track to FOST (Finding of Suitability to Transfer) guidance booklet (Guide) is a useful summary of the requirements to achieve a FOST. Thank you for providing the opportunity to comment, and representing MCAS El Toro and Tustin in the revision of this important guidance document.
- The MCAS El Toro BEC forwarded the Guide to the USEPA and California EPA (Cal-EPA) BCT members. Mr. Joseph Joyce received comments from Ms. Bonnie Arthur and they are included as Enclosure 1. The USEPA commentor is Mr. Ramon Mendoza, the reuse specialist for Region 9. Mr. Ron Okuda, Environmental Assessment and Reuse Specialist for Cal-EPA, responded with "No comments at this time." Cal-EPA comments were incorporated during previous drafts and revisions of this document. Comments provided by the regulatory agencies in response to Mr. Joyce's request are considered input for both the MCAS El Toro and Tustin BRAC Cleanup Teams.
- In coordinating this request with MCAS Tustin, comments were provided by Ms. Desire Chandler, and they are included as Enclosure 2.
- If you would like to discuss the comments, please feel free to contact Mr. Joseph Joyce at DSN 997-3470 or Ms. Desire Chandler at DSN 997-5836.

JOSEPH JOYCE
BRAC Environmental Coordinator
MCAS El Toro,
by direction of
the Commanding General

DESIRE L. CHANDLER
BRAC Environmental Coordinator
MCAS Tustin,
by direction of
the Commanding Officer

Copy to w / enclosures:
Col. W. L. Hammerle, CO, MCAS Tustin
LCDR Cliff Maurer, NAVFAC Headquarters
Mr. Wayne Lee, AC/S, Environment and Safety, COMCABSWEST
Mr. Dana Sakamoto, Division Director, BRAC Environmental, SWDIV



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105-3901

May 3, 1995

Mr. Joseph Joyce
 BRAC Environmental Coordinator
 Environment and Safety (Code 1AU)
 MCAS El Toro
 P.O. Box 95001
 Santa Ana, CA 92709-5001

Dear Mr. Joyce:

EPA has reviewed the "Fast Track to FOST," Interim Final, dated February 1995. EPA comments are enclosed in Enclosure A. If you have any questions, I can be reached at (415) 744-2389.

Sincerely,

Bonnie Arthur
 Remedial Project Manager
 Federal Facilities Cleanup Office

Enclosure

cc: Mr. Juan Jimenez, DTSC
 Mr. Larry Vitale, RWQCB
 Mr. Wayne Lee, MCAS El Toro

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages **3**

| | |
|---------------------------|------------------------------|
| To <i>Joseph Joyce</i> | From <i>Bonnie Arthur</i> |
| Dept./Agency | Phone # |
| Fax # | Fax # |

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GENERAL SERVICES ADMINISTRATION

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ENCLOSURE 1/31 /



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, Ca. 94105-3901

4/13/95

To: Bonnie Arthur, Project Manager, H-9-2
From: Ramon Mendoza, Base Closure, H-9-*AM*
RE: Review of Interim Final "Fast Track To FOST" Document

EPA region 9 has previously reviewed the "Fast Track To FOST" document on two occasions. Comments were sent out through our Headquarters on previous drafts of the document on 8/30/94 and 10/17/94. If you have any questions, please call me at (415) 744-2407.

Based on our most recent review, the following previous comments have not been adequately addressed:

- 1) It would be more useful if the guide was not limited to FOSTs, but also addressed FOSLs. In our view, it should be relatively easy to revise this document to address FOSLs. EPA Region 9, the State of California, and the Navy have developed procedures for consultation of FOSTs and FOSLs. Additionally, the Air Force has developed, with our input, a similar process that covers both FOSTs and FOSLs. Given that there is currently more property eligible for FOSLs and FOSTs, by limiting this guidance to FOSTs the majority of the base conversion work is being disregarded.
- 2) Page 2, Step 1 - A new first step on schedule coordination should be inserted ahead of Step 1. The procedures we've worked out with the Navy in California call for each closing base to compile a schedule of upcoming FOSTs and FOSLs. These schedules are then to be shared with regulatory agencies and Restoration Advisory Boards so that all concerned parties can plan to meet their responsibilities in upcoming transfers and leases.
- 3) Page 2, Step 1 - This step should be revised to include another concept we have worked out with the Navy, which calls for a scoping meeting at the initiation of each specific FOST/FOSL. The BCT and appropriate project team members should meet at this initial stage so that a clear understanding can be reached on the boundaries of the property to be transferred and so the BCT's understanding of the environmental conditions of the property are known up front.

4) Page 3, Figure 2 -

a) Category 2 should not be broken up into areas where storage has occurred less than, or more than, one year. Since 120(h)(1) and 120(h)(4) both refer to storage greater than year, there is no impact when storage less than one year occurs. To correct this, it is suggested that category 1's description be re-written as, "Areas where no storage for one year or more...".

b) The distinction between different types of category 2 property should be based on the quantity stored. If the quantity stored is above the threshold defined under 40 CFR 373.2, then the covenant requirements and notice requirements apply. However, if the quantity stored for one year or more is less than this threshold, the 120(h) notification and covenant requirements do not apply, and it cannot be identified under 120(h)(4)(A).

5) Page 8, Step 5 - This step needs to be expanded to include details on consultation on the incorporation of regulatory agency comments prior to the signature of the FOST/FOSL. Both the Navy and the Air Force have agreed to a version of the FOST/FOSL ready for signature will be provided to regulatory agencies a minimum of three working days prior to document signature. During this final consultation, regulatory agencies will review the document to ensure that comments have been incorporated and that any unincorporated comments have been properly attached. If there is uncertainty over how to word unincorporated comments, regulatory agencies may prepare text to be attached as unincorporated comments. In practice, we have found that this step is a very useful final check for FOST/FOSL's, which has not delayed leasing or transfer.

cc: Kemmerer, Chief, EPA H-9-A

Document Review: Fast Track to FOST (Guide)
February 1995

Comments:

1. The Guide provides a general summary of the major steps in the process leading to a FOST. The Guide states that the intended reader / user is the BCT and BEC. Based on the level of detail presented, the Guide is more appropriate for the public / RAB or a brand new BCT, rather than a knowledgeable team (BRAC I, II and III).

2. The Guide does not provide any specific guidance for actual fast tracking "tips", i.e., innovative ways to truly shorten the process or save costs during the course of the FOST preparation. It actually reiterates "business as usual" approach by emphasizing sequential steps.

3. The Guide is intended to support "determining whether a property is environmentally suitable" but fails to provide the "tips" to assess and minimize DoD liability (after determination of contamination and completion of remediation).

4. As outlined in the BCP Guidebook, the BCT formation is the true example of Fast Track and Bottoms-Up process supporting the BRAC. However, the Guide does not appear to build or reinforce this point. In the spirit of fast track, agency concurrence should be a given / understood at the end of Step 3, since the BCT members should be empowered to represent their respective agencies. The Guide fails to encourage and outline a way for the BCT to resolve differences at the Team level in order to avoid comments after the FOST is generated.

5. The Guide falls short by not emphasizing the importance of involving the public / RAB early in the process. Instead, the RAB is brought into the process as an after-thought, in Step 4.

6. The Guide is silent on the need to interact and possibly negotiate with the LRA / Reuse Committee in order to meet the reuse objectives in a timely and cost effective manner. The Guide should address early communications and the establishment of liaisons with the RAB and LRA. They are critical players in all fast-track efforts that are to result in property transfer.

(continued on page 2)

ENCLOSURE 2

7. The worksheets duplicate the information / process already completed in the BCP e.g. site list, condition of the sites, environmental condition of the property / sites.

8. The bulk of the time as presented in this four step process is Step 2 (BCT satisfaction that sufficient data have been collected) and Step 3 (appropriate decision documents approval by BCT representing DoD and regulatory agencies). This process can be expedited by reinforcing the BCT empowerment, by compromising with LRA, and by communicating with the public / RAB.

9. For non-NPL sites, the fact that the state is the lead and that the USEPA must approve a remedy, presents dual responsibilities that can result (if the BCT empowerment is lacking) in a likely potential for conflicting policies and directions (see page 6, middle of second column). It would have been more helpful to include suggestions or "tips" on how to avoid this likely conflict. Otherwise the result is a delay in the transfer and an erosion of the BCT's effectiveness.

10. In the first paragraph of page 1, the it is made clear that the Guide "highlights the administrative procedures..." With that as the purpose, this booklet would be more appropriately titled, "FOST Fact Sheet." What would be considered more useful is an online way to see other FOST's and FOSL's, both at a local and nationwide level.

11. In summary, I recognize that the above comments raise issues and do not address solutions. However, in order to meet the timeline I am submitting these comments for consideration.