

### Navy fast-tracks soil jobs

The Navy is skipping the studies to speed up fuel-contaminated soil cleanups at the El Toro and Tustin Marine Corps air stations in California.

The short-cutting reportedly will reduce cost from \$9 million to \$4.5 million at El Toro, where a base-closure team is calling the shots to get ready for the new owners. While several groups debate El Toro's future, work is being scheduled to start on 17 sites over 15 acres with 3,000 cubic yards of soils this December and run through mid-1996.

The team representing the Navy, EPA and the state is relying on a preliminary assessment to establish boundaries for the estimated 3,000 cubic yards of contaminated soil.

OHM Remediation Services, the NAVFAC Southwest Div. remedial action contractor, will use immunoassay kits to sample for petroleum, waste oil and polychlorinated biphenyl contamination at the sites, which were used for aircraft maintenance and repair.

The soils likely will be thermally desorbed, although bioremediation also is being mullied.

Thermal treatment definitely will be the remedy at Tustin for as much as 80,000 tons of fuel-contaminated soils.

Southwest Div. calculated that bioremediation would have required lower capital but larger O&M costs. Data was used from a previous investigation and was followed up with a limited site verification under state LUFT (leaking underground fuel tanks) guidelines.

On a \$10.3 million contract, OHM Remediation Services, San Diego, already has started excavating the soils for the thermal desorption facility. The project takes in a 10-acre JP5 fuel farm and 30 sites that once held underground storage tanks for diesel and gasoline.

OHM subcontractor Environmental Chemical Corp. has mobilized its desorption facility on site and will be able to treat about 1,000 tons per week. The treated soil will be backfilled at the excavated sites. The cleanup project is scheduled for completion by the end of 1996.

Lynn Hornecker, Southwest Div. project manager for Tustin, and Jason Ashman, project manager for El Toro, can be reached through Southwest Div. public affairs, 916-532-3100.

### Correction

The Internet address for Naval Facilities Engineering Command's Southwest Div. was incorrectly described in the July 14 issue. The correct address is as follows: "http://ivory.nosc.mil/~saundel/default.html". For more information, contact Lee Saunders, environmental public affairs office, 619-532-3100.

### Johnston measure draws fire... (from page 1)

ments under DOE's cleanup program. If Congress doesn't meet that request, DOE must submit another list identifying activities which cannot be met due to budget shortfalls. If approved, the amendment would premissing th

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In February, The Grumbly, assistant secretary of energy for environmental management, told state attorneys general that DOE would not support changes to the FFCA in any form. However, Grumbly has since pleaded with congressional committees to change the FFCA to grant officials immunity.

A DOE spokesperson said the department is preparing a response to Johnston's amendment, but there is no word on when the response will be ready.

Environmentalists are attacking the amendment, saying that changing the FFCA would scale back DOE's duty to comply with its legal obligations.

Drew Caputo, an attorney with Natural Resources Defense Council, said a dramatic change to the FFCA needs to involve commitments from the environmental community and the states.

"It is simply unreasonable to expect the environmental community or the states to swallow such a dramatic legal change without the [DOE] first showing that there is a problem now," Caputo said in an Aug. 24 letter to O'Leary.

States have long opted to renegotiate compliance agreements instead of seeking civil and criminal penalties when budget considerations are evident, Caputo said.

Even if states did choose to criminally prosecute DOE personnel, Caputo said there are a series of good legal defenses that could be used, including: official immunity, criminal intent, separation of powers and federalism.

Caputo also calls the amendment "overbroad and unreasonable." The amendment would "immunize the department and its officials from both civil and criminal liability," leaving states no options for making DOE comply with milestones.

Further, the amendment would not give states and communities an opportunity to affect the final list of cleanup projects on the so-called "immunity list" and attaches immunity simply upon DOE's creation of the list, not on congressional approval, Caputo said.

The Senate is scheduled to take up debate on its version of the defense authorization bill on Sept. 5 after voting on the defense appropriations bill.

*Encl: (2)*