



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco CA 94105-3901

M60050.001783
MCAS EL TORO
SSIC # 5090.3

Handwritten notes:
18
file orig
El Toro

MAR 10 1994

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

Dear Mr. Pawlisch:

This letter is a follow up to my 16 February letter to you in response to your request of January 14, 1994. This letter states our understanding of the conditions under which your request to initiate an innovative contractual arrangement for MCAS El Toro is acceptable to both the Navy and EPA. The arrangement would allow the Navy and EPA to share one contractor for the joint development of the Remedial Investigation/Feasibility Study (RI/FS) work currently performed by the Navy's CLEAN I contractor, and for QA/QC type functions that are presently performed by EPA's ARCS contractor.

The MCAS El Toro project has benefited from the outstanding contribution made by EPA's ARCS contractor who has provided much of the innovation and technical direction for the project. To ensure the continuity of such technical advice within the framework of your proposal, the Navy must establish a comparable QA/QC type organization within the CLEAN II contract to which EPA would have direct access and which would be responsive to EPA's obligations under CERCLA. This QA/QC group needs to be administratively separate from other MCAS EL Toro Contract Task Orders (CTOs) under the Navy's CLEAN II Contract, and preferably located in San Francisco.

While Bechtel is establishing this CLEAN II QA/QC group, to preserve the project's current momentum and minimize transition delays, the Bechtel personnel currently working on the project under ARCS must be allowed to continue to support the project. To preclude the need for EPA to secure a COI waiver to allow them to continue to perform under ARCS, the Navy should task Bechtel under CLEAN II with not only the establishment of the long-term QA/QC group, but also with the short-term provision of technical assistance by the personnel currently working under ARCS. These

Handwritten notes on left margin:
2/23/94
John...
at...
...
...
...
...

critical that this proposal cause no additional delays. Our mutual goal is a thorough investigation and cleanup which allows for the most timely return of this closing base to the community for reuse. We agree with you that in order for this process to be effective, the transition period should not take more than three months.

Please contact me (415/744-2420) or Jane Diamond (415/744-2384) as soon as possible to discuss any anticipated adverse consequences to the FFA schedule that may result from this change. It is critical that we resolve any schedule issues before we can proceed further along this path.

Sincerely,



Julie Anderson, Director
Federal Facilities Cleanup Office

Enclosure

MCAS EL TORO PROGRAM EXECUTION ISSUE PAPER

ISSUE: What is the most appropriate contracting strategy for executing MCAS El Toro's base closure environmental program?

BACKGROUND: MCAS El Toro cost-plus work is performed under the CLEAN I contract by Jacobs Engineering Group. The remaining capacity of \$50 million on the CLEAN I contract is not enough to complete all of El Toro's base closure requirements, and all the remaining NPL installations currently on CLEAN I which are governed under federal facility agreements (FFA).

The CLEAN II contractor is Bechtel Corporation. All of the SOUTHESTNAVFACENCOM (SWDIV) closing bases under BRAC I, II, and III are on CLEAN II except MCAS El Toro.

RECOMMENDATION: Negotiate and pursue Option #4 as addressed below without delay. Waivers for conflict of interest must be obtained.

SUMMARY OF EVALUATIONS:

Option 4. (Recommended)

Transition new El Toro work on to CLEAN II (Bechtel). EPA cancels their ARCs with Bechtel. EPA performs their own oversight along with the CAL\EPA resources. The EPA, CAL\EPA, and Navy use the CLEAN II contractor (different Bechtel staff) under the FFA language as the BCT's technical consultant. CLEAN I will finish OU-1 to ROD, the BCP, EBS/CERFA, and perform the soil gas survey at newly identified sites 24 a& 25. CLEAN II will develop the final Phase II Work Plan documents using both agency and Navy comments on the 11/9/93 draft. CLEAN II will complete the RI/FS to ROD for OUs 2 & 3, and perform all new BRAC requirements beyond the initial BCP.

Pros- Continuity among all SWDIV closing bases. Less contracting overhead with one consultant for both the agencies and the DoD. Focused team structure should help group dynamics.

Cons- Increased oversight responsibility on EPA personnel. Potential conflict of interest (COI) using one consultant for both EPA and DoD views. Transition delay for El Toro's FFA and cleanup progress.

Comments- Preferred approach. Follows the intent of a BRAC Cleanup Team (BCT) directing an installation's environmental closure. Not business as usual. Certain standard SWDIV business practices will have to be either waived or closely managed. Waivers for COI issues are in the best interest of the Government. Both the EPA and NAVFAC must approve COI waivers.

1) The Navy will request the BCT be closely involved in defining statements of work and technical assumptions for the CLEAN II contractor. In doing so, resources and priorities will be hammered out up front instead of after contractual boundaries and funding limitations have been set.

2) Provide CLEAN II an initial statement of work for a revised Phase II Work Plan based on Navy and agency comments on the CLEAN

I draft of 11/09/93. Include "Miscellaneous Support" (standard task 14) in this initial CLEAN II statement of work for the research, evaluation, and submittal of site specific presumptive remedies and SACM (Superfund Accelerated Cleanup Model) possibilities for the El Toro BRAC program.

3) There will be a transition period of approximately three months where Bechtel will be working for both the EPA and the Navy. A personnel COI waiver will be required for this transition period. One Bechtel staff will be providing technical oversight on El Toro for the EPA under the existing ARC. Another separate Bechtel staff will be revising the Phase II Work Plan under a new El Toro Contract Task Order (CTO) governed by the Navy's CLEAN II contract.

4) The CLEAN II contractor will have input into all CLEAN I submittals by participating in the normal document review process. This will allow CLEAN II to coordinate existing work being conducted at El Toro with future closure related strategies. This will be critical in maintaining continuity between the OU-1 groundwater Record of Decision and those for OUs 2 & 3.

5) Waive SWDIV draft SOP (*CLEAN Contracts Deliverable Review Process*) on the Navy's requirement to do an internal review on every document prior to being submitted to the agencies. The Navy will give guidance and review documents continuously during development by the CLEAN II contractor.

6) In reference to SOP 3.20 (*Navy CLEAN Contractor/Regulatory Agency Communication Rules dated 01 Dec 93*), the RPM will send the BCT members a letter allowing them to talk to the contractor without a Navy representative present as long as the topic of discussion is within statements of work and technical assumptions previously defined by the contracting officer.

END OF ISSUE PAPER