



DEPARTMENT OF THE NAVY
SOUTHWEST DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
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Mr. Jerry Clifford
Deputy Director for Superfund
Hazardous Waste Management Division
U.S. Environmental Protection Agency
Region 9 (H-7-5)
1235 Mission Street
San Francisco, CA 94103

Dear Mr. Clifford:

On behalf of Marine Corps Base, Camp Pendleton; Marine Corps Air Station, El Toro; and Marine Corps Logistics Base, Barstow, this letter serves to notify you that the Marine Corps is willing, in compliance with section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), to negotiate a Federal Facility Agreement (FFA) for each named installation with the Environmental Protection Agency (EPA) and the State of California.

We would like to confirm that consolidated FFA negotiations for all Marine Corps installations will open in San Francisco during the period June 13-15, 1990. As requested, the combined Marine Corps negotiating team will consist of four members, named as follows:

Perry H. Sobel
LtCol Paul R. Smith, USMC
Dana Sakamoto
Walter Sandza

In addition, we believe that a maximum of eight observers will be sufficient to cover base and organizational interests. Since the Marine Corps negotiating team will be representing the interests of three separate federal installations, the interests of these installations would be best served by allowing observers from each installation to attend the negotiation sessions. These observers will include the three remedial program managers from Southwest Division, Naval Facilities Engineering Command (SOUTHWESTNAVFAC-ENGCOM), and one or more representatives of the installation commanding general/commanders. The eight will also include a scribe. We anticipate the composition of the Marine Corps negotiating team to change during technical discussions, with greater involvement of each installation.

As a preliminary matter, we would like to leave open for discussion the role of the Regional Water Quality Control Boards (RWQCBs) in the FFA negotiations. While recognizing the importance of the RWQCBs with respect to the technical aspects of the investigation and remedial action stages of site cleanup, the Marine Corps envisions one lead agency responsible for representation of the State of California. A single state representative would eliminate potential confusion as to which party legally represents state interests and binds the state to uphold the terms of the FFA. These concerns are particularly evident in the dispute resolution process and in state participation under CERCLA section 121(f). Thus, the Marine Corps would welcome the participation of the RWQCBs in the FFA negotiation process, but their role should be limited to that of formal observers and advisors.

This command expects to forward, by facsimile transmission, a list of issues and citations to specific EPA draft text, which we anticipate will be subjects for discussion. In the interim, we would ask that EPA review the Marine Corps draft FFA that was forwarded to you by letter of transmittal dated March 20, 1990. This draft will form the basis for the Marine Corps position in the opening FFA negotiations.

Points of contact for all legal matters concerning the FFA are:

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We look forward to meeting with EPA and the state next week.

Sincerely,


F. D. SCHLESINGER
Captain, CEC, U.S. Navy
Commanding Officer

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