

Edman Piszkin
El Toro

M60050_003669
MCAS EL TORO
SSIC NO. 5090.3.C



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

December 11, 2003

Mr. F. Andrew Piszkin
BRAC Environmental Coordinator
Base Realignment and Closure
Marine Corps Air Station, El Toro
7040 Trabuco Road
Irvine, CA 92618

RE: Finding of Suitability to Lease, MCAS El Toro

Dear Mr. Piszkin:

The purpose of this letter is to document EPA's understanding of the restrictions in the Finding of Suitability to Lease (FOSL) for MCAS El Toro. As discussed on December 3, 2003, the Navy, EPA and DTSC agreed that in order for a future lessee to conduct any disturbance of the surface within a carve-out, they must at a minimum receive approval from the Navy. EPA's understanding of the underlying premise of a carve-out, is that there are sites within the carve-out that may be restricted from any digging or disturbance due to the fact that they may contain hazardous substances or because they haven't been investigated yet, and that there are properties around these sites that are uncontaminated. These areas that are uncontaminated may be available to the lessee to conduct excavation or other changes.

Our discussion last week centered around the necessity of providing legal descriptions to the lessee for each of these uninvestigated or other-wise unavailable sites. EPA agreed that if the entire carve-out is restricted in the sense that the lessee must at a minimum come to the Navy for approval to do most anything, the legal descriptions seem unnecessary. However, this concept does not seem to be clearly articulated in the FOSL. We recommend making some revisions to Section 5, Notifications and Restrictions, to make this more clear.

In addition, we also agreed that it may not be necessary for the entire BCT to sign off on each and every Lease Restriction Revision Form, particularly for those areas that are clearly separated from potentially contaminated sites, however that it would be necessary for the BCT to sign the form for areas that are adjacent to potentially contaminated sites. The process for determining whether the entire BCT signs the form or just the Navy should be worked out by the BCT prior to finalizing the FOSL and FOST.

If you have questions or to discuss this further, please call me at (415) 972-3012.

received
12/21/03

Sincerely,



Nicole Moutoux
Project Manager
Federal Facilities Cleanup Branch

cc: Kyle Olewnik, SWDIV
John Broderick, RWQCB
Rafat Abbasi, DTSC
Content Arnold, SWDIV
Thelma Estrada, EPA
Bob Woodings, RAB Community Co-Chair
Marcia Rudolph, RAB Subcommittee Co-chair
Daniel Jung, City of Irvine
Dean Gould, Base Closure Manager, El Toro and Tustin

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
75 HAWTHORNE STREET
SAN FRANCISCO, CALIFORNIA 94105-3901

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

STP-8-1



PENALTY FOR PRIVATE USE \$300
00.60
H 4545

*Mailed
12/12/03
Rec'd 12/21/03*

Andrew Piszkin
Base Realignment and Closure
Marine Corps Air Station, El Toro
7040 Trabuco Road
Irvine, CA 92618