

5090
Ser 4EN/02
February 1, 1999

Mr. John Scandura
Office of Military Facilities
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, CA 90630

Dear Mr. Scandura:

I am writing to you in response to recent Department of Toxic Substances Control (DTSC) statements about DTSC work slowdown at our bases (Marine Corps Air Station (MCAS) Tustin, Long Beach Naval Complex, MCAS El Toro, and others), and in order to propose a joint forum for issue resolution. As we have previously discussed, with the reductions in both our resources we need to more effectively communicate and resolve the technical and program issues that arise between our agencies.

We need DTSC's assistance and teamwork more than ever before to meet our goals and ensure that cleanup schedules are met. Entering Federal Facility Site Remediation Agreements for some of our bases should help pave the way for future progress, but we feel there is a need for a regular quarterly meeting (or monthly, if needed) during which Navy and DTSC management, with input from our staffs, can discuss and resolve any pending technical or program issues at all of our bases. The U.S. Environmental Protection Agency (EPA), Region IX, would of course be invited to sessions involving our National Priorities List and Base Realignment and Closure bases, and other state agencies would also be invited as needed.

Engineering Field Activity (EFA), West has a communication/issue resolution process with DTSC and EPA for northern California that we could use as a model for developing a similar process in southern California. I see these meetings as a method to streamline the effort to resolve technical issues and ensure efficient oversight of our cleanup program. Enclosed is a list of various issues that have arisen that we would like to discuss in our first issue resolution forum. We will certainly add any further issues DTSC may have to this list. EFA, West holds issues resolution meetings on a regular basis and we may want to both attend an upcoming session as observers. Or, if you prefer, we can jointly establish our own methodology for these sessions. I will be contacting you in the near future to discuss this further and hopefully schedule our first session. I look forward to our continued partnership.

Sincerely,

WALTER F. SANDZA
Leader
Environmental Specialist Support
Technical Team

Enclosure: 1. Navy's Base-Specific Issues

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NAVY'S BASE-SPECIFIC ISSUES

NCBC Port Hueneme Detachment Site 5 - When the new Region IX PRGs (98 PRG's) were issued, Site 5 was found to be below the residential criteria for PCBs in soil. A letter was sent to DTSC requesting site closure. DTSC responded with a letter stating that the State's Office of Environmental Health and Human Assessment (OEHHA) has not changed their cancer slope factor for PCB to match the Region IX cancer slope factor. DTSC will continue to apply the OEHHA PRG until otherwise redirected. They have requested that DTSC's Human and Ecological Risk Division (HERD) consult with OEHHA and they will provide us with a decision in January. This is contrary to the direction given to the Tustin team. DTSC requested Tustin review their OU-3 FS against the 98 PRG's to determine the impacts of the changes. This is an example of how DTSC Project Managers "make" policy for their bases that on a whole is inconsistent. It appears no one person is in charge of making policy. This is a hindrance for the program moving forward in a consistent manner.

Chocolate Mountains Aerial Gunnery Range Site 4 – DTSC does not agree with the Navy's NFA determination at Site 4. DTSC will require additional sampling before concurrence is granted, however, the Navy disagrees with DTSC due to the following reasons:

- a. DTSC was involved with the Work Plan development, directed the Navy as to where to collect samples, and agreed that number of samples to be collected was adequate. There was agreement that if the sample results were below residential PRGs or regional background the site would be NFAed.
- b. DTSC and RWQCB were both present at the site during sample collection and agreed with the sample locations.
- c. There were no detections of any analytes above residential PRGs or regional background levels.
- d. RWQCB agrees with the Navy's NFA determination.

DTSC has had a turnover of three RPM's on this project, which caused constant restarting of the project. The Navy incurs an unnecessary expense as a result of DTSC not providing continuity with project managers and commitments previously made by the agency.

NAS North Island Sites 2 and 9 – To help expedite CEQA for the Sites 2 and 9 removals, the Navy prepared the CEQA Initial Study (IS) with the concurrence of DTSC. It took the Navy approximately two weeks to prepare and submit the IS report. It took DTSC over two months to provide editorial comments and approval.

DTSC made a commitment to provide comments approximately two weeks after submittal of the IS report. DTSC's delay resulted in additional time and expense to the Navy.

NAS North Island DTSC Project Manager (PM) Split – The workload at this base is split between two PMs. SWDIV RPMs have difficulty coordinating team meetings with two PMs. One PM has been rescheduling, canceling, etc. team meetings citing schedule conflicts with their other base. Now they are using the excuse of lack of DSMOA as a reason not to attend team meetings. This continues to result in schedule delays and increased expense to the Navy.

MCB Camp Pendleton OU3 (24 No Further Action Sites and 6 Remedial Action Sites) – In 1995-1996, the FFA team (EPA, DTSC, RWQCB, and DON) developed an agreed upon method for evaluating the impacts to groundwater due to potential leaching of metals from CERCLA waste. The method was implemented for the Sites 3 and 6 removal actions. In December 1997, DON issued the RI/FS for OU3 that uses the previously developed leaching evaluation procedure in the alternatives and the DTSC project manager was changed. From January 1998 to early July 1998, there were several FFA meetings where regulatory comments were discussed. The focus of the comments was refining the extent of the remedial action sites. DON agreed to do additional characterization. Of the three FFA meetings held, DTSC did not attend two in addition to the public meeting for the OU3 Proposed Plan.

In early July 1998, DON received letter from DTSC stating they cannot approve the ROD until TCLP sampling is done. At two FFA meetings, the team attempted to explain why the existing leaching methodology is technically correct vice the DTSC request. No resolution was reached. At the Informal Dispute Resolution meeting, it was decided that DON needed to support its contention that a leaching environment is not present at Site 7 thus rendering the previously used methodology as acceptable. DON issued a technical memorandum supporting our contentions with concurrence from U.S. EPA. DTSC accepted DON position and issued letter accepting OU3 ROD.

Here again, DTSC Project Manager turnover resulted in delays and increased Navy expense. DTSC should ensure when a Project Manager is changed they have reviewed the site and project history and past agreements reached by the FFA parties.

MCAS Tustin NFA Proposed Plan – DTSC's previous PM and technical support staff as well as U.S. EPA and RWQCB PMs agreed with the DON's NFA recommendations which were placed in the draft Proposed Plan. However, the DTSC PM stated he disagreed with the decisions of his own agency, his technical support staff, as well as U.S. EPA and their technical staff. DTSC refused to consider concurrence on the Proposed Plan until an additional investigation was conducted at Miscellaneous Disposal Area 2. SWDIV subsequently awarded \$290K to the CLEAN contractor to conduct this work in 1999. The schedule delay due to this is estimated to be at least six months.

NAVSTA/NSY Long Beach Sites 3-6A - It took DTSC 69 days to provide comments that were limited to the writing style of the ROD for Sites 3-6A. None of the comments were technical or legal in nature. The type and timeliness of the comments received for projects on this base are not helping to move the program forward in a timely and cost-effective manner.

MCAS El Toro – DTSC has sent a letter stating that they are unable to expedite the review of any documents due to DSMOA cuts.