



DEPARTMENT OF THE NAVY
 NAVAL FACILITIES ENGINEERING COMMAND
 200 STOVALL STREET
 ALEXANDRIA, VA 22332-2300

N60258.000749
 NSY LONG BEACH
 SSIC #5090.3

IN REPLY REFER TO

5090
 181/920247
 MAR 12 1992

From: Commander, Naval Facilities Engineering Command
 To: Chief of Naval Operations (OP-45)

Subj: EXPEDITED ENVIRONMENTAL CLEANUP PROGRAM

Encl: (1) CNO ltr 5090 Ser 453/2U601626 of 28 Jan 92

1. This letter outlines our thoughts and plans for expediting the Installation Restoration (IR) process. Enclosure (1) forwarded for action the Senate appropriation language that directs an expedited cleanup program at five locations. The report also provides five principles for the pilot program. Naval Facilities Engineering Command (NAVFACENGCOM) concurs that the IR process can be improved to cut waste, quicken the schedule, and reduce the total cost of the program. We are continuing to take steps to improve the process throughout the Navy with varying degrees of success. We can report on five projects as the Navy's nominees for the Pilot Expedited Environmental Cleanup Program and devote extra effort to these locations as discussed below.

2. The report language outlines five principles that include:

- o "Full compliance with all environmental laws". We believe that this means that we will fully comply with remedial process required by Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Superfund Amendments and Reauthorization Act (SARA), including regulatory agency involvement and public participation throughout the entire process through Technical Review committees and a proactive community relations program. We also assume that this means that we must select response action contractors through Brooks Act procedures per CERCLA section 119 (f).

- o "Use of existing authorities when appropriate for substantial cleanups". This implies that we will use the existing environmental and contractual authorities for the pilot program, such as using removal actions for cleanup prior to Record of Decision (ROD) as allowed by the National Contingency Plan.

- o "Use of turnkey contracts to cover more than one phase of any cleanup". The CERCLA process includes the preliminary assessment (PA), site inspection (SI), remedial investigation feasibility study (RI/FS), remedial design (RD) and remedial action (RA). NAVFACENGCOM's contract strategy is based on

Code	Init.	Date
100		
01	NA	3/23
10	NA	3/23
121	NA	3/23
N4	NA	

REPRODUCED AT GOVERNMENT EXPENSE

REPRODUCED AT GOVERNMENT EXPENSE

Subj: EXPEDITED ENVIRONMENTAL CLEANUP PROGRAM

Comprehensive Long-Term Environmental Action Navy (CLEAN) contracts that cover all phases except remedial action. We cannot include the actual cleanup action in the CLEAN contract, since the Federal Acquisition Regulations require that such work be procured using "price" as well as "technical" criteria.

- o "Establishment of special expedited procedures for any required approval of DOD actions by other Federal, State, and local agencies". This is one area where we see the potential for process improvement. We will be relying on the cooperation and good will of the agencies at locations selected for the Pilot Expedited Environmental Cleanup Program, since we do not control the approval process.

- o "Use of competition in contract solicitation and contractor competency and cost in contract awards". Again, all of our contracts are competitive procurements, with CLEAN contracts awarded to the best qualified and cleanup contracts considering the costs as well as the contractor's ability to perform.

3. The committee report continued with two paragraphs suggesting how to speed up the process. The first suggests a turnkey approach, combining all tasks into one contract. However, we do not see this as an option since CERCLA 119 requires us to select "response action contractors" in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (Brooks Act). The Competition in Contracting Act (CICA) requires us to select cleanup contractors on the basis of cost. Our interpretation is that these two laws take precedence over the report language. The next paragraph recommends greater use of interim remedial action and fixed price contracts for the entire project or fixed unit price to provide more incentives to the contractors. We are already stressing greater use of interim actions, and several regulatory agencies have embraced the approach. However, we do not agree with the greater use of fixed price contracts for the entire CERCLA process. At present, there are too many unknowns for a fixed price contract prior to RA. We have deliberately chosen our cost-plus contract strategy for the CLEAN contracts based on our past experience, the experiences of other Federal agencies, and discussions with the contract industry. Fixed unit price contracts could be used for actual remediations, and we have used some of these contracts in the past. However, we do not want to rule out cost-plus contracts for remedial action.

4. We see the need to improve the IR process through better teaming with regulatory agencies, training our people, and using

REPRODUCED AT GOVERNMENT EXPENSE

REPRODUCED AT GOVERNMENT EXPENSE

Subj: EXPEDITED ENVIRONMENTAL CLEANUP PROGRAM

our contractors as an integral part of the team. Our goal is to improve the process at all locations and not to simply add more people and more money. Obviously there is a critical mass of management and funding needed, but more of the same approach is not the answer.

5. After discussing the Pilot Expedited Environmental Cleanup Program with your staff and our Engineering Field Division (EFD), we propose the following installations:

- o CBC Davisville, RI
- o NAS Chase Field, TX
- o MCLB Camp LeJeune, NC
- o MCAGCC 29 Palms, CA
- o NAVSTA Long Beach, CA

6. Our plans for expediting the cleanup projects include:

- o Creative use of the CERCLA process, such as emphasis on removal actions to accomplish cleanup concurrently with RI/FS.
- o Variations of the CERCLA process, such as the use of the "Observational" approach and the "Data Quality Objective" approach.
- o Expedited document reviews, such as is happening at MCLB Albany, GA after Congressman Ray intervened.
- o Greater interaction with regulatory agencies.

7. Our goal is to accelerate cleanups throughout the Navy and not limit the expedited approach to the five locations listed above. We will aggressively manage the installation program to accomplish this.

8. We will hold a special session at the 1992 IR Conference with the applicable EFDs to determine the approaches to use. Following that meeting, we will advise you of the regulatory agencies that we may want the Assistant Secretary of the Navy (Installations and Environment) to approach. Our point of contact is Mr. Ted Zagrobelny, NAVFACENGCOM 181, at (703) 325-8176.



A. W. KATZ
Assistant Commander for
Environment, Safety and Health

Subj: EXPEDITED ENVIRONMENTAL CLEANUP PROGRAM

Distribution:

ASN(I&E)

CMC (LFL)

CINCPACFLT

COMLANTNAVFACENGCOM (18)

COMPACNAVFACENGCOM (114)

COMWESTNAVFACENGCOM (18)

CO CHESNAVFACENGCOM (114)

CO NORTHNAVFACENGCOM (18)

CO SOUTHNAVFACENGCOM (18)

CO SOUTHWESTNAVFACENGCOM (18)

ENGFLDACT NW SILVERDALE (09E)

CNET

CO CBC DAVISVILLE

CO NAS CHASE FIELD

CO MCGACC 29 PALMS

CO NAVSTA LONG BEACH

CMC MCLB CAMP LEJEUNE



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

5090
Ser 453/2U601626
28 Jan 92

From: Chief of Naval Operations
To: Commander, Naval Facilities Engineering Command
Subj: EXPEDITED ENVIRONMENTAL CLEANUP PROGRAM
Ref: (a) Senate Appropriations Bill 102-154 (p. 82-83)
Encl: (1) Information sheet on subject program

1. Reference (a) directed the Department of Defense to commence a pilot Expedited Environmental Cleanup Program for at least five major cleanup projects selected by each military department (see enclosure (1)). This letter requests that you nominate five installations to participate in this new program.

2. The installations nominated for the program should be activities which require expedited efforts such as base closures or National Priority List sites with Federal Facility Agreements. The efforts should concentrate on both management/process changes that the Navy would like to see and on initiation of removals, interim remedial actions, or remedial actions. You will be required to give priority attention to these installations in terms of manpower and funding. The Navy will be required to report back to Congress in the Fiscal Year 1992 Defense Environmental Restoration Program Annual Report.

3. Request that you provide this office a list of the proposed installations and a short description of what types of expedited cleanup actions you envision accomplishing. Please let us know if you want this office or the Assistant Secretary of the Navy (Installations and Environment) office to approach the regulators soliciting their support with the pilot program. My point of contact on this effort is Mr. Dave Olson, OP-453, at 602-2571, or Ms. Patricia Ferrebee, OP-453D, at 602-3031. Your response is requested by 7 February 1992.

F. R. CLEMENTS
By direction

Copy to:
DASN(E&S)
CMC(LFL)

REPRODUCED AT GOVERNMENT EXPENSE

ENCLOSURE (1)

REPORT TITLE: DERP Annual Report Expedited Environmental Restoration

REPORT FREQUENCY: Incorporated in DERP Annual Report

REQUIRING SOURCE: 102-154 (p. 82-83)

DUE DATE: Potentially delayed until submission of the FY92 DERP Annual Report (i.e., early FY93)

DIVISION CHIEF/
ACTION OFFICER: K. Doxey

STATUS:

REMARKS: DoD directed to commence a pilot expedited Environmental Cleanup Program to include at least five major cleanup projects selected by each of the Military Departments. The committee mandated immediate establishment of expedited procedures for obtaining required approvals, agreements, and actions within the Federal Government and requested each military Department to report actions as part of the DERP Annual Report military Departments directed to select projects identified in the IRP for expedited cleanup.

REPORT SUMMARY: DoD is to report on the initiatives taken, the results obtained and suggested improvements on future expedited cleanup requirements as part of the DERP annual report.

ACTUAL REPORT LANGUAGE:

102-154 (p.82-83)
Senate Appropriations
DoD Appropriations Bill

DOD estimates the total cost of the Installation Restoration Program to be over \$14,000,000,000.

The Committee believes that DOD should take steps now to accelerate actual environmental cleanup, to reduce cleanup costs, and to get delivery of actual cleanup services from competent contractors. For this purpose, the Committee directs the Department of Defense to commence a pilot Expedited Environmental Cleanup Program for at least five major cleanup projects to be selected in each military department.

This program is based on the following principles: (1) Full compliance with all environmental laws; (2) use of existing authorities when appropriate for substantial cleanups; (3) use of turnkey contracts to cover more than one phase of any cleanup; (4) establishment of special expedited procedures for any required approval of DOD actions by other Federal, State, and local agencies; and (5) use of competition in contract solicitation and contractor competency and cost in contract awards. The Committee directs the secretaries of the military departments to select projects identified in the Installation Restoration Program within 30 days for expedited cleanup. The Committee also mandates immediate establishment of expedited procedures for obtaining required approvals, agreements, and actions within the Federal Government.

The Committee recommends that the secretaries of the military departments use this pilot program to develop new methods of expediting environmental cleanup at military bases. For example, the turnkey contract approach could be used to perform all tasks needed to remediate the site from further investigation, to remedial design, to final remediation and restoration.

Greater use of existing authority for substantial cleanup such as the CERCLA interim remedial action could allow major progress on site cleanup to go forward while a final ultimate solution is developed. Greater use of fixed price contracting either for the entire project or for a fixed unit price for the volume of waste materials processed could lead to improved contractor incentives to produce the level of cleanup agreed upon rather than performing unnecessary tasks.

The Committee expects each military department to report on the initiatives taken, the results obtained, and suggestions for further improvement on expedited cleanup in the report referred to in 10 U.S.C. 2706.

ENCL (1)