



Schlumberger Technology Corporation

February 20, 1990

VIA FEDERAL EXPRESS

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Re: Supplemental Comments on Proposed Naval Air
Station Moffett Field Federal Facility Agreement

Dear Ms. Stehle:

Fairchild Semiconductor Corporation ("Fairchild") submits this letter to supplement its comments regarding the proposed Federal Facility Agreement (the "Agreement") for the Naval Air Station Moffett Field ("Moffett Field") made in Fairchild's September 5, 1989 letter (the "Comment Letter"). Fairchild believes that this supplement is necessary because of the position taken by the U.S. Department of the Navy (the "Navy") in recent negotiations with Fairchild and other potentially responsible parties for the Middlefield-Ellis-Whisman Study Area (the "MEW PRPs"). Specifically, the Navy has recently indicated that it is unwilling to commit to the MEW PRPs to perform an agreed upon program of specific source investigation and control activities at Moffett Field. As discussed in the Comment Letter, such a program is necessary to permit the MEW PRPs to commence promptly the remediation of chemical concentrations in groundwater underlying Moffett Field without

1824

February 20, 1990
Page 2

spreading chemicals released into the environment by the Navy into presently unaffected areas.

The law obligates the Navy to clean up Moffett Field as promptly as possible. Section 120(e) of CERCLA requires the "expeditious completion" of a remedial investigation and "the expeditious completion . . . of all necessary remedial action" at all federal facilities. Moreover, President Bush recently committed the Navy to go beyond the letter of the law, promising that: "As President, I will insist that in the future, federal agencies should meet or exceed environmental standards: The government should live within the laws it imposes on others."

As described in the Comment Letter, the commitments made by the Navy in the Agreement fall far short of the Navy's statutory obligations, let alone the President's commitment. Despite the data collected from six years of investigations at Moffett Field, the Agreement fails to include any details regarding the Navy's obligation to investigate or clean up any of the more than two dozen specific problem sites at Moffett Field listed in the Navy's work plan or the EPA-approved 1987 MEW remedial investigation.

In addition, the Agreement does not require the Navy to coordinate its performance with the MEW PRPs, even though all parties, including EPA, believe such a coordinated effort is necessary before any clean up activities can begin by the Navy or the MEW PRPs at Moffett Field. Instead, Section 7.7 of the Agreement now vaguely provides that "certain releases of hazardous substances originating off [Moffett Field], including certain groundwater plumes commingled with plumes originating on [Moffett Field] may be addressed pursuant to a separate agreement entered into by the responsible parties and the regulatory agencies."

In the Comment Letter, Fairchild indicated that Section 7.7 should be expanded to obligate the Navy to work with the MEW PRPs to develop a detailed plan for a remedial investigation in those areas at Moffett Field that may also be affected by the MEW plume, to develop and implement a joint remedial design/remedial action to address these areas and to enter into a cost allocation and dispute resolution agreement with the MEW PRPs so that remediation of Moffett Field could proceed on a cooperative basis instead of being entangled in litigation over the relative obligations of the Navy and the MEW PRPs. Comment Letter, pp. 3-5.

February 20, 1990
Page 3

Fairchild and certain other MEW PRPs have been negotiating with the Navy and EPA to enter into an agreement to achieve just such a coordinated remediation. As part of these negotiations, the Navy and the MEW PRPs developed a detailed remedial investigation and action program for the areas in which commingled plumes may exist. In contrast to the poorly defined obligations contemplated by the Agreement, the program negotiated by the MEW PRPs and the Navy includes a list of specific activities to be completed by specified deadlines. These activities include new monitoring wells at specific locations, cone penetration testing in specified areas and specific source removal and control activities. A copy of this program is enclosed as Attachment A.

The Navy, however, has recently asserted that it will not enter into a binding agreement with the MEW PRPs to perform the activities described in Attachment A. Instead, the Navy has indicated that it will handle these issues in an amendment to the Agreement. The Navy has refused to allow Fairchild or the public to participate in the preparation of this amendment.

Fairchild is concerned by this position. As noted previously, the scope of the investigation to be conducted by the Navy and the Navy's obligation to coordinate with the MEW PRPs is simply not delineated in the current version of the Agreement. Moreover, instead of firm deadlines, the Navy makes only vague commitments to meet "target dates", which are subject to extension for numerous reasons. Fairchild fears that the purpose of the investigation and clean up efforts outlined in Attachment A will be frustrated by the same lack of commitment to take specific actions within meaningful deadlines that has been the case at Moffett Field for years now. Fairchild's concerns are increased by the refusal of the Navy to allow Fairchild to review and comment upon drafts of the proposed amendment to the Agreement.

Consequently, Fairchild requests that the investigations and interim remedial measures contemplated by Attachment A be incorporated into the Agreement. This incorporation should include the details set forth in Attachment A regarding well numbers and locations, as well as the deadlines for these activities. These deadlines should be enforceable by any member of the public under Section 310 of CERCLA.

In addition, the Agreement should be amended to require the Navy to coordinate its investigation and remedial actions with the MEW PRPs and to provide for an expedited dispute resolution procedure to work out problems in coordinating

February 20, 1990

Page 4

remedial programs. Otherwise, the clean up of Moffett Field may be delayed and entangled in litigation.

Finally, because any proposed amendment to the Agreement will involve significant changes, Fairchild assumes that the amendment will be circulated for public comment pursuant to Sections 117(a) and 120(e)(2) of CERCLA.

The Navy has been investigating environmental problems at Moffett Field for more than 6 years now. It has been cited by the agencies for schedule violations and criticized by the public and the press for failing to proceed expeditiously. The Navy's ongoing reluctance to make any enforceable commitments to remediate Moffett Field flies in the face of the President's commitment, as well as the Navy's statutory obligation to clean up this federal facility as quickly as possible. Fairchild urges the Navy and EPA to amend the Agreement to include specific and enforceable obligations to investigate and clean up Moffett Field.

Very truly yours,

C.R. Bostic

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cc: Steve Silverman
✓ Ray Goldstein
✓ Pat Burke
Joanne Asami
Glen Kistner

ATTACHMENT A

Investigation Activities

To support the timely development and design of interim remedial measures on Moffett Field and of the MEW Area regional ground water remediation program north of Highway 101, the Navy shall carry out the following activities:

I Navy's Phase II Work Plans

The Navy's current Phase II Work Plans shall be implemented with the addition of the study areas and activities listed below in Sections II and III.

II Additional Study Areas:

In addition to the areas currently scheduled by the Navy for investigation under existing Phase II Work Plans, dated April and May 1989, new or expanded investigations shall be performed in the following areas (see Figure 1):

A) New investigations shall be started in the areas of:

- Inferred Source 8
- Inferred Source 9
- Inferred Source 10
- Inferred Source 12
- Navy Site 10, in the area south of Inferred Source 10

The new investigations at each area listed above shall include a review of historic air photos and Navy records to determine past and current occupancy and use of areas near and upgradient of the areas listed above. Cone penetration testing (CPT), ground water sampling using a "Hydropunch", and chemical analysis of the Hydropunch ground water samples shall be performed at 20 to 32 locations in these areas. Sampling and chemical analysis of ground water from A and B1-aquifer wells in these areas shall be coordinated with the CPT and Hydropunch investigations.

B) Current investigations shall be expanded to further assess the actual local ground water gradient and the extent of chemicals in soil and in the A and B aquifers in the areas of:

- Navy Site 14 at tanks 19 and 20

This investigation shall be expanded to include the installation of 1 additional A-aquifer well upgradient and 4 additional A-aquifer wells

downgradient of the former location of the buried tanks. Two additional B1-aquifer wells shall be installed, one upgradient and one downgradient of the location of highest currently detected chemical concentrations near this site. All new and current wells at this site shall be sampled and the samples chemically analyzed. An interim remediation of A aquifer ground water at this site shall be implemented immediately following well sampling and chemical analysis

- Navy Site 12, Fire Fighting Training Area

The investigation at this site shall be expanded to include the installation of 2 additional A-aquifer wells within 50 feet downgradient of the burn pit. All new and current wells at this site shall be sampled and the samples chemically analyzed. If the site is determined to be a source, as defined below, then a B1-aquifer monitoring well shall be installed and sampled and the samples analyzed, as described below. Design of a potential interim remediation of the A-aquifer ground water near this site shall begin as soon as possible.

- Navy Site 8, Waste Oil Transfer Area

The investigation at this site shall proceed as described in the Navy's current Phase II Work Plan, dated May 1989, with the additional provisions that 1) placement of new sample locations and wells shall be based, to the extent possible, on site specific determinations of ground water gradient and 2) a B1-aquifer well shall be installed if the site is determined to be a source, as defined below. Design of a potential interim remediation of the A-aquifer ground water near this site shall begin as soon as possible.

- Navy Site 9 (as expanded by the Navy to include sites 17 and 18, the Old Navy Exchange, and other potential source areas west of Hanger 1)
The investigation in this area shall proceed as described in the Navy's current Phase II Work Plan, dated April 1989, with the additional provisions described below.

In the area of the Dry Cleaning shop (Site 18), the investigation shall be expanded to include the installation of one additional B1-aquifer well near the southwestern corner of Hanger 1, and the chemical analysis of samples from that well. An interim remediation of the A-aquifer ground water near this site shall begin as soon as possible after Sump 66 is removed.

In the area of the Public Works Paint Shop, three of the currently proposed Phase II A-aquifer monitoring wells shall be moved to locations near the southeastern and southwestern corners of the shop and to a location near the northern side of the proposed Sump 61 excavation. Any ground water encountered during excavation of Sump 61 shall be sampled and analyzed. If the site is determined to be a source, as defined below, then a B1-aquifer monitoring well shall be installed and sampled and the samples analyzed as defined below. Design of a potential interim remediation of the A-aquifer ground water near this site shall begin as soon as possible.

In the area of the old Navy Exchange (Old NEX), the investigation shall be expanded to include the installation of four additional A-aquifer wells upgradient of the Old NEX and one additional B1-aquifer well, near well W9-13B1. These wells shall be sampled and the samples chemically analyzed. Design of a potential interim remediation of the A-aquifer ground water near this site shall begin as soon as possible.

-B1-aquifer wells near sources

B1-aquifer monitoring wells shall be installed as close as possible and within 100 feet of any area that meets the following definition of source. Such B1-aquifer monitoring wells shall be installed directly down gradient of the area of highest expected chemical concentration in the A-aquifer, where the gradient is based on the most local gradient determination for the B1-aquifer. For purposes of determining whether a B1-aquifer monitoring well shall be installed near a site, the term "source" shall be defined as any localized area where the concentration of a chemical in A-aquifer ground water is increased by a factor of 4 above the concentration detected upgradient of the area, or, if the chemical is not detected upgradient of the area, it is detected at a concentration 4 times higher than the detection limit.

III Investigation Methods

To assess the study areas identified above, methods of investigation shall include, but not be limited to, the following:

- Chemical analyses of all samples from a study area shall include all chemicals known or suspected to have been used in the study area or detected in ground water in each study area
- Soil and ground water samples shall be collected and analyzed from all potential sources, including ground water under or immediately adjacent to all below-grade tanks, sumps, and piping systems
- Sufficient piezometers or monitoring wells shall be installed to establish local ground water gradient at each potential source
- Monitoring wells shall be located at each potential source based on a source-specific determination of local ground water gradient based on all available data
- A method shall be established to expedite the availability of data to all involved technical personnel.

IV **Schedule**

A) By July 1990 the Navy shall:

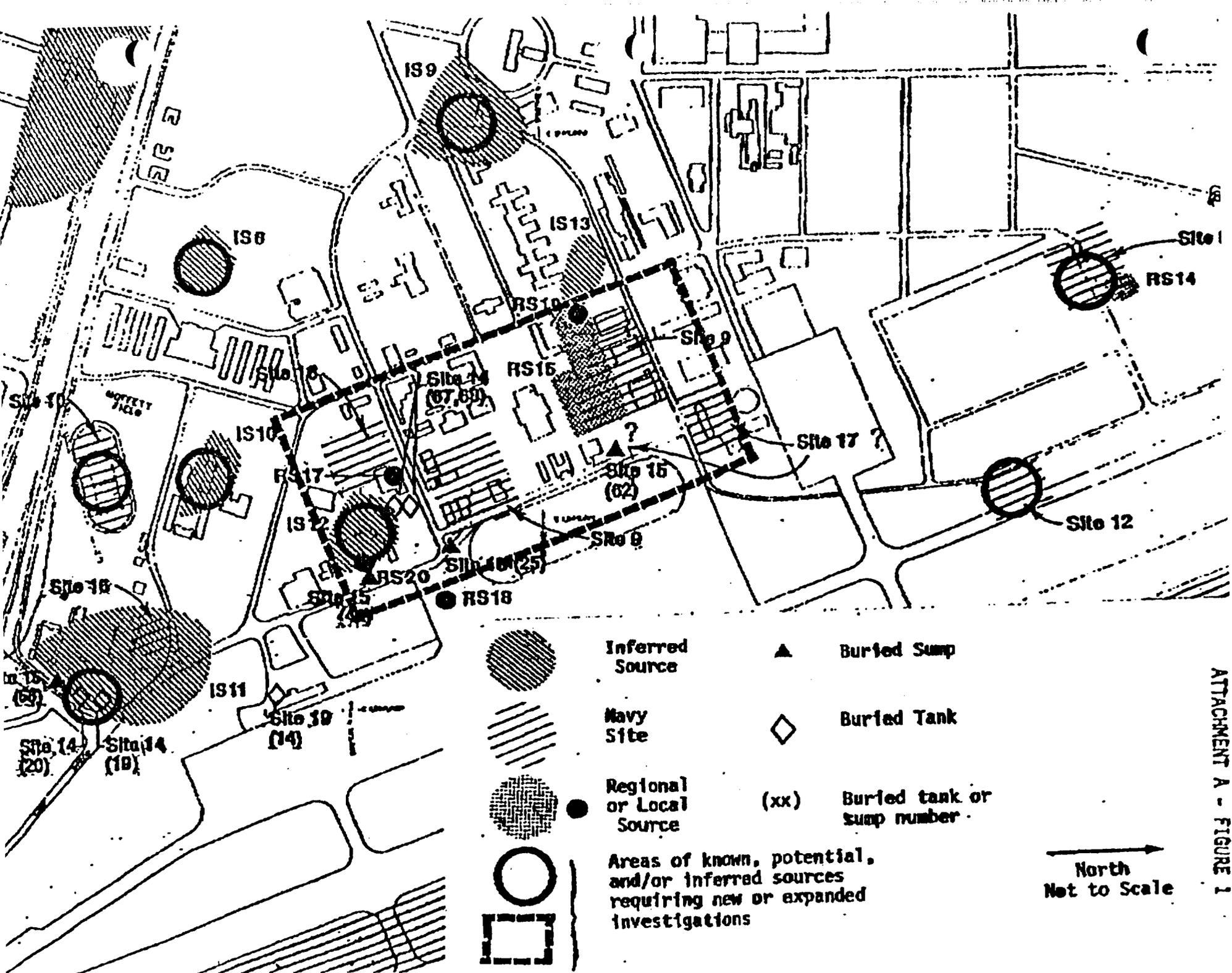
- 1) complete the potential source investigations described above
- 2) provide the Companies with investigation data from the first round of Phase II sampling
- 3) begin operation of Interim Remedial Measures (IRMs) at sites 9 (Dry Cleaner's Shop Area) and 14 (at tanks 19 and 20)
- 4) complete removal of all sumps and tanks scheduled for removal during Phase II
- 5) determine whether to implement IRMs at Sites 8,9 (Public Works Paint Shop and Old NEX Areas) and 12
- 6) complete currently scheduled sealing of abandoned wells located west of the runways
- 7) confer with the Companies and coordinate its investigative and interim remedial work with the design of the Regional Groundwater Remediation Program on Moffett Field

B) By January 1991 the Navy shall:

- 1) begin operation of identified IRMs at sites 8, 9 (Public Works Paint Shop and Old NEX Areas), and 12.
- 2) confer with the Companies and coordinate its investigative and interim remedial work with the construction of the Regional Groundwater Remediation Program facilities on Moffett Field

C) By July 1991 the Navy shall:

- 1) confer with the Companies and coordinate its investigative and interim remedial work with commencement of the operation of the Regional Groundwater Remediation Program on Moffett Field



ATTACHMENT A - FIGURE 1