

08.01-02/02/89-0212

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115287A

2 FEB 1989

From: Commander, Atlantic Division, Naval Facilities Engineering Command
To: Commanding General, Marine Corps Base, Camp Lejeune
Subj: FEDERAL FACILITY AGREEMENTS (FFA) IN THE INSTALLATION RESTORATION (IR)
PROGRAM

Ref: (a) MCB Camp Lejeune ltr 6280/9 FAC of 8 Nov 88
(b) PROCOM MCB Camp Lejeune (S. Alexander)/LANTNAVFACERCOM
(S. Ashton) of 8 Dec 88
(c) CMC ltr 6280 LFL-U-20 of 6 Jan 89

Encl: (1) COMNAVFACERCOM: Navgram 09082/88375 of 18 Oct 88

1. We have reviewed U.S. Environmental Protection Agency (EPA) Region IV's RCRA/CERCLA Enforcement Action Strategy as provided by reference (a) and, as discussed in reference (b), feel that a clarification of roles is necessary at this time. Reference (c) and enclosure (1) outline the responsibility delegated to COMNAVFACERCOM and the Engineering Field Divisions with respect to the subject agreements and as directed, we will be developing a draft FFA for Camp Lejeune. This FFA between EPA, North Carolina and the Marine Corps (MCB Camp Lejeune) will be available for review at the next Technical Review Committee meeting. We would like to emphasize that the responsibility for developing the FFA lies with the EFD Office of General Counsel (OGC) staff. This is essential to maintaining continuity between FFAs for all Navy and Marine Corps activities.

2. Close coordination will be required between our environmental and legal staffs during the entire FFA process. Reference (c) provides for your information the model agreement negotiated between the Department of Defense and EPA. This document will serve as the basis of the FFA for your activity.

3. Our technical point of contact for the IR Program at MCB Camp Lejeune is Ms. Sheila Ashton, Code 1152, who may be reached at (804) 443-1314 or AUTOWON 565-1814 for further information. For information concerning the legal aspects of the FFA model provisions and the administrative processing procedures, please contact Mr. Steve Anderson, Code 0908, at (804) 444-9507 or AUTOWON 564-9507.

P. A. RAKONSKI
By direction

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- COMNAVFACENGCOM ALEXANDRIA VA
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- PACNAVFACENGCOM PEARL HARBOR HI
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- NAVAIRENGCEN LAKEHURST NJ

SUBASE BANGOR WA

UNCLAS //NO4330//

SUBJ: NAVY POLICY ON NATIONAL PRIORITIES LIST SITE AGREEMENTS

A. CNO LTR SER 453/8U586094 OF 19 SEP 88

1. REFERENCE A DIRECTED COMNAVFACENGCOM TO TAKE THE LEAD IN NEGOTIATING SUBJECT AGREEMENTS WITH REGULATORY AGENCIES.

CONSISTENT WITH STANDARD OPERATING PROCEDURES, ENGINEERING FIELD DIVISIONS (EFD) ARE HEREBY DELEGATED AUTHORITY AND RESPONSIBILITY

18A/18/098/09C/00(2)/01/06/09A/09B/09M/09P/LOG

RALPH LOMBARDO, 09C92, 325-8552

NAVGRAM

C. M. Maskell - NAVGRAM

OSER:09CB2/88375

CAPT C. M. MASKELL 09BA 325-8541

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- TO TAKE THE LEAD IN NEGOTIATING THESE AGREEMENTS.
2. REF A REQUIRES CLOSE COORDINATION WITH THE COMMANDING OFFICERS OF THE ACTIVITIES INVOLVED. EFDS TAKE THIS FOR ACTION AS PART OF THIS DELEGATION.
3. THE NAVFAC ASSISTANT COMMANDER FOR ENVIRONMENTAL, SAFETY AND HEALTH EXERCISES COMMAND RESPONSIBILITY FOR ALL ASPECTS OF OVERSIGHT RELATIVE TO DEVELOPMENT OF IAG'S. REF A REQUIRES COORDINATION WITH ASN(S&L) AND THE ASSISTANT GENERAL COUNSEL (ADMINISTRATIVE AND ENVIRONMENTAL LAW) PRIOR TO TRANSMITTAL OF ANY AGREEMENTS TO REGULATORY AGENCIES. FAC D9C HAS BEEN TASKED TO ACCOMPLISH THIS REQUIRED COORDINATION. THEREFORE, EFD COORDINATION WITH FAC D9C IS REQUIRED PRIOR TO SUBMISSION OF PROPOSED AGREEMENTS TO REGULATORY AGENCIES.
4. THERE IS LITTLE DOUBT THAT MANY OF THESE AGREEMENTS WILL BE SUBJECT TO INTENSE LEGAL SCRUTINY AND PROBABLE COURT CHALLENGES FROM SOURCES OUTSIDE THE NAVY. THEREFORE, COUNSEL SHOULD HAVE SIGNIFICANT INVOLVEMENT IN NEGOTIATING, DEVELOPING, WRITING, AND REVIEW OF THESE AGREEMENTS. EFD COUNSEL REVIEW IS REQUIRED PRIOR TO FORWARDING OF DRAFT AGREEMENT TO NAVFAC FOR COORDINATION.

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