



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

February 7, 1996

Mark Evans, Remedial Project Manager
U.S. Department of the Navy
Naval Facilities Engineering Command
Northern Division
10 Industrial Highway
Code 1823, Mail Stop 82
Lester, PA 19113-2090

Re: Federal Facilities Agreement Schedule Adjustments for the Naval Submarine Base
("NSB") in Groton, CT

Dear Mr. Evans:

Thank you for your letter dated January 25, 1996 requesting EPA to extend several Federal Facilities Agreement ("FFA") deadlines. While your rationale for such extensions is reasonable and meets the FFA criteria, several issues raised in your letter should be discussed further.

I understand that the Navy did not receive the funding it requested for the Pier 33 and Berth 16/Former Incinerator sites. I also recognize that the scope for the remedial investigation ("RI") has increased substantially since it will incorporate all sites in the lower base area. Accordingly, I agree that we should remove the reference in Appendix IV of the FFA to "Pier 33 and Berth 16/Former Incinerator" and replace it with "Lower Base." Moreover, I agree that an extension of the deadline for RI transmittal to November 7, 1997 is justified in accordance with the terms of Section XV of the FFA. This deadline allows for preparation of the work plan, regulatory work plan approval, field data collection, and drafting of the RI report.

Your letter also requests EPA to consider eliminating the Area A Downstream/OBDA site from the schedule in Appendix IV of the FFA. I must take issue with this proposal for several reasons. EPA must insist upon enforceable schedules so that we can ensure expeditious site cleanups. Also, as you know, the Phase II RI encompasses thirteen sites. Each of the thirteen sites is on a different schedule for its cleanup. It is therefore my proposal to keep the Area A Downstream/OBDA entry and replace the existing Phase II RI entry with the schedules for the remaining twelve sites when we develop our site management plan ("SMP") schedule, as discussed below. However, I recognize that the schedule for the Area A Downstream/OBDA site needs to be extended now, and therefore propose to extend the existing deadlines by one year. Consequently, we should plan for a feasibility study ("FS") by November 1, 1996; a Proposed Plan by August 1, 1997; and a record of decision ("ROD") by December 1, 1997. Because I believe that the two extensions discussed above will not significantly affect the authority or obligations of the parties under the FFA, the Navy should publish these schedule modifications in



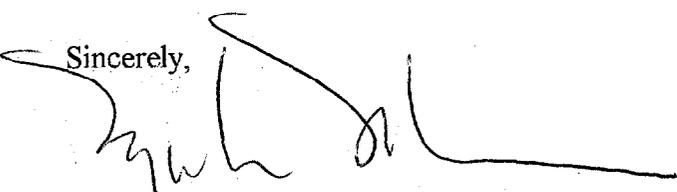
accordance with Section XXVIII of the FFA, but need not put the schedule out for public comment at this time.

EPA believes that it is crucial to have an enforceable schedule in the FFA. As we have discussed, however, it is also crucial that such a schedule is clear to all involved parties. After EPA, the Navy, and the Connecticut Department of Environmental Protection ("CTDEP") complete the SMP this Spring, we should jointly prepare a clear schedule for all sites, including enforceable dates for transmittals of site investigations, RIs, FSSs, proposed plans, RODs, and remedial design documents. This schedule should be signed by each remedial project manager and include the date that the schedule was last updated so that we can discern whether we are looking at the most recent schedule. The schedule developed as part of the SMP can then be used to replace Appendix IV in the FFA as described above. Such a complete change of the schedule, which I believe will significantly affect the parties' obligations under the FFA, must be published in two major local newspapers and the public must be given an opportunity to comment (*see* Section XXVIII of the FFA). This schedule may need to be revised and periodically updated upon concurrence among EPA, the Navy, and the CTDEP.

EPA understands that the Defense Environmental Restoration Account is facing reduced funding levels in upcoming years. EPA must maintain, however, that availability of funding must not direct site cleanup schedules. We should develop site cleanup schedules based upon site risks and *then* request funding to complete the necessary studies. If sufficient funding is not allocated and deadlines are missed, the Navy may assert a claim of Force Majeure as provided in Section XVI of the FFA. Although EPA supports the use of SMPs to establish site cleanup priorities, it is unclear to us what is meant by "... the SMP...will be used in conjunction with the FFA..." EPA is not willing to renegotiate fully executed FFAs to incorporate the SMP approach that the Navy has proposed at other facilities. Moreover, the FFA - not the SMP - must contain the enforceable schedule.

I look forward to working with you and the CTDEP toward protecting the environment at the NSB. Please do not hesitate to contact me at (617) 573-5777 to arrange a meeting.

Sincerely,



Kymberlee Keckler, Remedial Project Manager
Federal Facilities Superfund Section

cc: Mark Lewis, CTDEP, Hartford, CT
Andy Stackpole, NSBNL, Groton, CT
Joan Miles, USEPA, Boston, MA
Mary Sanderson, USEPA, Boston, MA