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NAS CECIL FIELD  
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LETTER AND COMMENTS FROM U S EPA REGION IV REGARDING RESOLUTION OF  
DISPUTE FEBRUARY 1993 NAS CECIL FIELD FL  
7/2/1993  
U S EPA REGION IV

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## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

JUL 2 1993

4WD-FFB

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Sid Allison  
Remedial Activities Branch  
Department of the Navy - Southern Division  
Naval Facilities Engineering Command  
2155 Eagle Drive, P.O. Box 10068  
Charleston, South Carolina 29411-0068

Mr. Jim Crane  
Florida Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

RE: Resolution of Dispute for Naval Air Station Cecil Field,  
Jacksonville, Florida

Gentlemen:

The U.S. Environmental Protection Agency (EPA), the Florida Department of Natural Resources (FDER), and the Department of the Navy are currently in the formal Resolution of Dispute process pursuant to Section XXVI of the Federal Facilities Agreement (FFA). The events which have led to this point are explicitly outlined in EPA's Position Summary on the Resolution of Dispute of February, 1993.

From March, 1993 to the present, EPA, FDER, and the Navy have met in group "partnering" sessions. These sessions were developed and intended to close gaps of understanding and to improve the working relationship between the FFA parties by using Total Quality Management techniques. By using these techniques with the other parties in the sessions, the Navy has clarified that internal contracting problems existed which were the root cause of the delays experienced in the remedial process.

While EPA turnover of Remedial Project Managers may have hindered us from recognizing the cause of certain problems and offering solutions, as lead agency, the Navy cannot (as it has agreed previously in meetings) hold regulators responsible for delays.

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The Navy has agreed to make a concerted effort to make the appropriate changes in management of its Installation Restoration Program (IRP) to overcome its constraints and problems in issues concerning contract management, site remediation schedules, funding priorities, internal management of funding, and the Navy's overall approach to programmatic problems.

Since the Navy has agreed to make appropriate changes and in the best interest of all Parties involved in the dispute at NAS Cecil Field, it is EPA's recommendation to resolve this dispute with a Statement of Resolution containing the following terms:

(1) The Navy shall retract its position summaries submitted to EPA. The Navy agrees that as lead agency, they cannot blame past delays on EPA or FDER.

(2) The Navy shall negotiate and finalize, with EPA and FDER, an acceptable SMP for the remainder of calendar year 1993 and calendar year 1994 by September 1, 1993. This SMP will include dates for submission for all remedial actions (e.g., Removals, Interim Records of Decision) and will include a more aggressive schedule for remediation at NAS Cecil Field.

(3) In conformance with EPA's continuing desire to accelerate clean-up efforts at NAS Cecil Field, as proven necessary by Base Realignment and Closure III (BRAC III), the Navy shall immediately fund, two (2) additional remediation projects identified by the project managers for Removals/Interim Records of Decision during fiscal year 1994.

(4) The Navy shall agree to provide continuous funding to FDER through the cooperative agreement under the Department of Defense/State Memorandum of Agreement for technical support on remediation at NAS Cecil Field.

\* (5) All Parties agree to re-open the FFA and address problems in the implementation of the FFA that all Parties have discussed during this Resolution of Dispute. There are many areas in the FFA requiring clarification as it presently reads, particularly the issue of funding. The Parties must agree to revisit the language of the present FFA so the problems that the Parties are experiencing now will not be revisited in the future.

*Include in discussion of FFA.*

(6) The Navy personnel shall emphasize the importance of "partnering" and shall end "competition" with EPA.

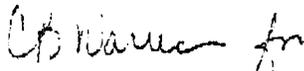
(7) If the items listed in Paragraphs 1 through 4 are accomplished by September 1, 1993, EPA will not proceed with assessment of stipulated penalties for non-submittal of both primary documents and an acceptable SMP.

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Within fourteen (14) days after receipt of this letter, the Navy and EDER will advise EPA whether or not the above - stated terms are acceptable. In accordance with Section XXVI of the FFA, if the Parties unanimously concur, EPA will submit a written decision that will be signed by all Parties. If either Party reject any of these terms, the affected committee member will schedule a meeting or conference call in order to resolve the disputed term(s).

If you have any questions or concerns regarding this matter, feel free to contact me at (404) 347-3016.

Sincerely,



Jon D. Johnston, Chief  
Federal Facilities Branch  
Waste Management Division

cc: Gordon Davidson, OFFE  
David Criswell, SOUTHDIVNAVFACENCOM