



UNITED STATES ENVIRONMENTAL PROTECT
REGION IV
345 COURTLAND STREET. N.E.
ATLANTA. GEORGIA 30365

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NAS PENSACOLA
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Feb 12 1993
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Commanding Officer
Ms. Linda Martin - Code 1851
SOUTHNAVFACENCOM
P.O. Box 190010
North Charleston, South Carolina 29419-9010

Re: M 9 3 Site Management Plan Dispute Resolution;
NAS Pensacola, Florida
EPA Site ID No.: FL 9170024567

Dear Ms. Martin:

On February 1, 1993, the United States Environmental Protection Agency (EPA) provided the Navy with written notification that in accordance with Section XXIII (Deadlines) of the Federal Facilities Agreement, the Parties were in dispute regarding the FY93 Site Management Plan. The Agency's correspondence further stated that the Parties would have 30 days from the Navy's receipt of this February 1, 1993 letter to resolve informally the disputed issues prior to the meeting of the Dispute Resolution Committee. Accordingly, on February 3-4, 1993, the Parties held an informal meeting in an effort to resolve these issues. Significant progress towards reolution of the dispute was made at the meeting. Specifically, the following issues were tentatively resolved with the caveat that each Party needed upper management approval on the resolutions:

- (i) EPA agreed to submit language on the following two issues to the Parties for final review and approval:
 - a. Language regarding the submittal of **primary** and **secondary** documents associated with the risk **assessment process**, as the documents were inadvertently misnamed in the FFA. This ministerial error can be corrected by a minor modification to the Agreement (see enclosure) which corrects the names of the documents so that such documents are consistent with EPA guidance and the National Contingency Plan.
 - b. Ministerial changes to assure consistent **usage** of the term "day" (i.e. calendar vs. business) throughout the FFA. The proposed changes will be submitted to the Parties within 14 days, or by March 22, 1993.
- (ii) The Navy agreed to submit language on the following two issues to the Parties for final review and approval:

- a. Recommended streamlined procedures for conducting the investigation of "pre-RI/FS" screening sites and officially altering their status to either NFA or RI/FS. Final decisions regarding site status shall be through the concurrence of all three Parties. If accepted, this language will be inserted into the annual update of the SMP.

- b. Recommended strategy for the investigation of Site 36, including justification for (i) the subdivision of this site into several smaller portions, and (ii) the simultaneous investigation of some of these portions with co-located PSCs where contamination was detected during Phase I field work

Enclosed are the corrected pages to be inserted in the FFA upon final resolution of issue (i).a.. It is EPA's understanding that the Navy plans to submit the items referenced in (ii) in the near future. Therefore, given the progress towards dispute resolution which the Parties have made, and are continuing to make, EPA proposes to extend the period of informal dispute by an additional 45 days. This should provide the Parties with adequate time to review the agreed-to Submittals and to determine whether or not the issues under dispute have been acceptably resolved.

Should you have any comments or concerns regarding this proposal, please contact me at 404/347-3016. Otherwise, the period of informal dispute shall be considered effectively extended.

Sincerely yours,



Allison W. Drew, RPM
Department of Defense Remedial Section
Federal Facilities Branch

Enclosure

cc: Ron Joyner, NAS, Pensacola
Eric Nuzie, FDER
David Abdulla, OFFE - Region IV Coord.
James Malone, SOUTHNAVFACENGCOM

2. "Secondary documents" include those reports, plans and studies that are discrete portions of the primary documents and are typically input or feeder documents. Secondary documents are issued by the Navy in draft subject to review and comment by U.S. EPA and FDER. Although the Navy will respond to comments received, the draft secondary documents may be finalized in the context of the corresponding primary documents. A secondary document may be disputed at the time the corresponding draft final primary document is issued.

C. Primary Documents:

1. The Navy shall complete and transmit draft documents of the following primary documents, if such documents are required under the Site Management Plan, to U.S. EPA and FDER for review and comment in accordance with the provisions of this Section. Unless otherwise specified, the documents shall be for a specific operable unit(s).

- a. Site Management Plan
- b. Site Community Relations Plan (CRP)
- c. Remedial Investigation or Feasibility Study (RI/FS) Work Plans
- d. Baseline Risk Assessment Reports
- e. Remedial Investigation (RI) Reports
- f. Feasibility Study (FS) Reports
(including Detailed Analysis of Alternatives)
- g. Proposed Remedial Action Plans (PRAP)
- h. Records of Decision (RODs)

- i. Remedial Desicm (RD) Reports
Jincludina Design Plans and
Specifications)
- j. Remedial Action (RA) Work Plans
- k. Final Remediation Reports (including
Notices of Intent to Delete)
- l. Five Year Review Reports
- m. NPL Close-Out Report

2. Only the draft final primary documents identified above shall be subject to dispute resolution. The Navy shall complete and transmit draft primary documents in accordance with the timetable and deadlines established in Section XXIII (Deadlines) of this Agreement.

D. Secondary Documents:

1. The Navy shall complete and transmit draft documents of the following secondary documents, if such documents are required under the Site Management Plan, to U.S. EPA and FDER for review and comment in accordance with the provisions of this Section. Unless otherwise specified, the documents shall be for specific operable unit(s). Secondary documents include:

- a. Preliminary Characterization Summary
Reports
- b. Site Health and Safety Plan
- c. Preliminary Risk Assessments
- d. Site Sampling and Analysis Plan
(including Quality Assurance Project