

DEPARTMENT OF TOXIC SUBSTANCES CONTROLRegion 4
245 West Broadway, Suite 350
San Diego Beach, CA 90802-4444

February 21, 1992

Captain T. C. Crane, CEC
Commanding Officer
Southwest Division Naval Facilities
Engineering Command
1220 Pacific Highway
San Diego, California 92132-5190

Dear Captain Crane:

**SCHEDULE EXTENSION REQUEST TO THE FEDERAL FACILITY AGREEMENT
(FFA) FOR MARINE CORPS AIR STATION EL TORO**

The Department of Toxic Substances Control received on February 14, 1992, a facsimile of your letter to Ms. Julie Anderson requesting a schedule extension to the FFA deliverables in accordance with Section 9. We appreciate the hard work, spirit of cooperation, and patience you and your staff have demonstrated in this process of negotiation for a schedule extension.

The request referenced above, is the result of an on-going process which has centered on a two year and eight month extension to many of the deliverable dates in the FFA since our receipt of your 1991 Detailed Project Schedule. You have demonstrated to us the technical merits of accepting your February 14, 1992 request as a reasonable schedule.

However, your latest proposal has a change which we did not expect and cannot agree to. You are requesting that the interim deliverables be secondary documents, which are not enforceable. It was our understanding that the additional interim deliverables would be enforceable as primary documents as was agreed to previously by yourself and by the remedial project managers for the FFA signatory agencies. We cannot agree to extend the schedule by almost three years without enforceable milestone dates within the next three years.

The Department will grant your request if the Navy/Marine Corps is willing to agree to the following conditions:

1. The interim deliverable documents will be primary enforceable documents, and are subject to the deadlines set forth in your proposal dated February 14, 1992. These documents include the deliverables marked with an asterisk in Enclosure 1 of said proposal.

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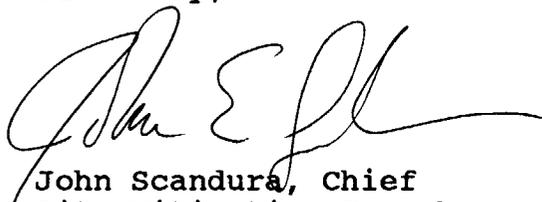
2. The Navy/Marine Corps will commit to performing appropriate removal actions within the next three years and make said actions prior to the Record of Decision.
3. The Navy/Marine Corps will commit to making its best effort to identify where the schedule can be reduced whenever such an opportunity occurs.

If the Navy/Marine Corps accepts in writing the three conditions listed above within seven calendar days of this letter, and a signed amended FFA schedule with the additional interim deadlines as enforceable is received no later than April 13, 1992, the FFA schedule extension request is granted by the Department. If the Navy/Marine Corps fails to submit a signed amended FFA schedule by April 13, 1992, the Department will consider the Navy in continued violation of the FFA and will recommend to USEPA the assessment of accrued penalties.

If the Navy/Marine Corps does not accept the three conditions listed above within seven calendar days of this letter and commits to sign an amended FFA schedule with the additional enforceable dates, the FFA schedule extension request is respectfully denied. If the Navy/Marine Corps chain of command concern over changes to the FFA precludes agreement on this issue, as expressed in your letter of February 14, 1992, the Department is determined to settle it through dispute resolution.

Thank you for consideration of these issues, please call Manny Alonzo or me at (310) 590-4856 for any questions.

Sincerely,



John Scandura, Chief
Site Mitigation Branch

cc: Commanding Officer
Marine Corps Air Station
El Toro, California 92709

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cc: Mr. John Hamill (code H-7-5)
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