

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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October 26, 1993

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Mr. Wayne Lee, Director
Environmental & Safety Department
Marine Corps Air Station El Toro
P.O. Box 95001
Santa Ana, California 92709-5001

DESIGNATED CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
REPRESENTATIVE FOR CALIFORNIA MILITARY BASE CLEANUPS

Dear Mr. Lee:

This letter is to inform you of several important changes to the California Environmental Protection Agency's (Cal/EPA) Base Closure Team on a statewide basis and at individual military facilities.

In the enclosed Cal/EPA memorandum, dated August 25, 1993, Secretary Strock designated me to be the single Cal/EPA point of contact for all issues related to closure and reuse of military bases. Because of this new responsibility, I will be spending more time participating in state and federal committees on reuse and cleanup of closing bases in California. I will remain the lead on base specific reuse issues and on the overall administration of the Defense and State Memorandum of Agreement (DSMOA) Grant.

To assure that individual closing bases get the proper management attention, Mr. Anthony J. Landis has been assigned the overall responsibilities for the Department of Toxic Substances Control (DTSC) project management of closing bases. He is also responsible for signing Federal Facility Agreements and Record of Decisions and resolving disputes elevated to closing base dispute resolution committees. He will take the lead on coordinating the State's role on site specific Base Realignment and Closure (BRAC) Cleanup Teams (BCT) and BRAC Cleanup Plans (BCP). Mr. Landis, a Branch Chief from DTSC, Region 1 Office, has extensive experience in project management of hazardous substance cleanups and I am confident that he will be a valuable asset to the challenge before us - expediting cleanups and timely conversions. His complete title and address is:

Mr. Anthony J. Landis, P.E.
DSMOA Technical Program Manager
Site Mitigation Program
Department of Toxic Substances Control
10151 Croydon Way, Suite 3
Sacramento, CA 95827-2106



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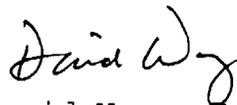
Cal/EPA, in the enclosed memorandum dated September 20, 1993, designated DTSC to be the lead agency and single "voice" on all California Military Cleanups. Transition of these responsibilities is to be completed by December 31, 1993 on all closing base cleanups and by June 30, 1994 on all open base cleanups. Next years DSMOA Grant is to be administered solely by DTSC who will subcontract to other California regulatory support agencies for Applicable or Relevant and Appropriate Requirements (ARARs) and technical support on individual bases. Mr. Landis will be responsible for the Cal/EPA lead agency transition with the Regional Water Boards and other state and local agencies.

Enclosed is the "Interim Lead Transition Implementation Plan" for DTSC and the Regional Water Quality Control Board (RWQCB). This plan details the transition of a single "voice" for DTSC and RWQCB communication to individual military bases. Please note that all documents should still be transmitted directly to the RWQCBs, who will continue to be directly involved in ARARs development and water quality technical support. A final implementation plan and other joint policies and procedures will be provided to you as they become available.

Finally, the existing DTSC project manager will serve as the Interim BCT Member (IBCTM) at closing bases until a permanent BCT member can be appointed. Please work with the IBCTM to identify and resolve administrative and technical needs of the BCT. The IBCTM will continue to report to the regional senior engineer and Mr. Landis at the current level of delegation authority.

Both Mr. Landis and I are looking forward to working with you on these critical cleanup and reuse issues. If you have any questions, please contact Mr. Landis at (916) 255-3565.

Sincerely,



David Wang, P.E., Chief
Base Closure and Conversion

Enclosures

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control • Integrated Waste Management Board
Office of Environmental Health Hazard Assessment • State Water Resources Control Board • Regional Water Quality Control Boards

Pete Wilson
Governor

MEMORANDUM

James M. Strock
Secretary for Environmental Protection



TO: Executive Officers/Department Directors

FROM: James M. Strock *James M. Strock*
Secretary for Environmental Protection

DATE: August 25, 1993

SUBJECT: SINGLE POINT OF CONTACT FOR BASE CLOSURES

The California Environmental Protection Agency (Cal/EPA) recognizes the myriad of issues facing those involved in the remediation and reuse of closing bases. By consolidating communication on these important issues, we intend to avoid confusion and ensure that our resources are utilized to the utmost. To accomplish these goals, I am implementing the following:

1. Effective immediately, David Wang, Chief of the Base Closure Branch, Department of Toxic Substances Control (DTSC), will be the single point of contact for Cal/EPA for all issues involving military base closures.
2. Remedial project management teams assigned to the cleanup of closing bases, namely United States Environmental Protection Agency, DTSC, and the Regional Water Quality Control Board, will remain the contact people for remediation issues.
3. For issues relating to reuse and related environmental issues, DTSC has assigned individual Environmental Assessment and Reuse Specialists to each base who can provide assistance as appropriate. DTSC's staff work closely with local reuse entities and the Department of Defense (DOD) Transition Coordinators to facilitate expeditious resolution of environmental issues. The Environmental Assessment and Reuse Specialists also identify issues for quick referral to the appropriate agency(s) for action. It is important to note that the staff's function is to be proactive and provide an important communication link with affected communities planning reuse. These assignments in no way impede specific statutory authority granted to each regulatory agency.

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All Cal/EPA boards and departments should maintain close coordination and provide assistance as necessary to DTSC's Base Closure Branch. Please inform all appropriate staff that all inquiries from local, state and federal officials should be coordinated through David Wang's office. In addition, any staff who have ongoing interaction with public officials should inform David Wang, (916) 355-2009, of the status of those interactions.

cc: Bob Borselleri
Special Assistant
Cal/EPA ;

David Wang
Chief, Base Closure Branch
DTSC

Office of the Secretary Staff

California Environmental Protection Agency

*Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control • Integrated Waste Management Board
Office of Environmental Health Hazard Assessment • State Water Resources Control Board • Regional Water Quality Control Boards*

Wilson
Governor



James M. Strock
Secretary for Environmental Protection

MEMORANDUM

TO: Executive Officers / Department Directors

FROM: James M. Strock
Secretary for Environmental Protection

DATE: SEP 20 1993

SUBJECT: THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL LEAD
DESIGNATION FOR CALIFORNIA MILITARY BASE CLEANUP

Governor Pete Wilson places a high priority on the expedited cleanup of all military bases, especially those that are slated for closure and subsequent economically stimulating reuse. The California Environmental Protection Agency (Cal/EPA) is committed to finding ways to streamline and centralize coordination and decision-making for California environmental regulatory agencies.

I recently designated David Wang, Chief of the Base Closure Branch in the Department of Toxic Substances Control's Site Mitigation Program (Department), to be the single Cal/EPA point of contact for all issues involving closure of military bases.

To further streamline and consolidate Cal/EPA regulatory efforts, I am designating the Department to be California's multimedia regulatory lead at all closing military bases. The Department will provide full service regulatory oversight including remedial project management, public participation, environmental assessment and reuse, risk assessment, and all other coordination activities. This will ensure consistent application of California environmental statutes and regulations and provide a single, unified voice for all Cal/EPA regulatory departments and boards. The Department's lead role function will be similar to the way the Superfund Program works within the U. S. Environmental Protection Agency.

The Department shall be the sole administrator for the federal Defense/State Memorandum of Agreement (DSMOA) monies provided for California regulators' oversight at contaminated military installations. Efforts expended by other state and local environmental agencies to identify laws and regulations critical to the military installation cleanup can be reimbursed by these federal DSMOA funds.



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The following new regulatory streamlining process will assure that the statutes and regulations of all Cal/EPA regulatory departments and boards are applied in the cleanup of California military installations:

1. The Department will request that all state and local California regulatory agencies provide site specific applications of their individual statutes and regulations at the beginning of, and at critical decision points in the cleanup process.
2. The Department will ensure that these statutes and regulations are addressed in the decision-making process for site specific remedial actions.
3. All site specific correspondence will be sent to the Department by an agreed upon deadline for timely incorporation into a single Cal/EPA communication to the individual military installation. No separate comments or position statements will be made by any other Cal/EPA department or board to any military installation.
4. California regulatory departments and boards will receive DSMOA funding for their site specific regulatory efforts through interagency agreements with the Department. The funding allocations will be jointly determined by the Base Cleanup Team based on statutory requirements and the availability of federal DSMOA funding.
5. If an individual Cal/EPA department's or board's regulatory requirements cannot be integrated into the site specific remedial action to that department's or boards' satisfaction, an expedited internal dispute resolution process will be triggered at the earliest possible point in the process. The appropriate second level supervisors of the Department and the disputing party should resolve disputes within one week after the dispute resolution process is invoked. If the dispute cannot be resolved at the second level supervisors' level, the Department's Director shall meet with the Director or Executive Officer of the disputing department or board within one week. If agreement cannot be reached within two weeks after the dispute is raised to the Director's level, the Secretary of Cal/EPA will make the final decision on the issue.

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6. The Department will provide a monthly report to the Office of the Secretary of Cal/EPA on the implementation of these streamlining procedures, including an accounting of any delays.
7. The Department will provide a single, unified voice for statewide military cleanup issues in the areas of State and federal legislation and coordination with other federal agencies and national associations.
8. Each California regulatory agency responsible for site specific statutes and regulations applicable to military base cleanup will enter into or update a memorandum of understanding and/or an interagency agreement with the Department to detail how the above procedures will be implemented and how payment for services will be made.

To be consistent with President Clinton's Five Point Plan to expedite cleanup and reuse of closing bases, this lead designation and centralized coordination will begin immediately for California's closing bases. For Moffett Field Naval Air Station, Hamilton Army Air Field and San Diego Naval Training Center, the Department shall closely coordinate with the State Water Resources Control Board and the Regional Water Quality Control Boards to transition the overall lead to the Department. Please take the necessary action to ensure that this process shall be fully implemented by December 31, 1993.

To provide a uniform and consistent approach, Cal/EPA's lead designation to the Department shall be extended to all DSMOA California military installations. Please ensure that this transition is completed by June 30, 1994.

Full cooperation from all Cal/EPA regulatory departments and boards is of the utmost importance, so that this regulatory streamlining process can expedite the cleanup and reuse of military bases in California.

If you have any questions, please contact Michael Kahoe, Assistant Secretary, at (916) 322-5844.

**DTSC AND STATE WATER BOARD
INTERIM LEAD TRANSITION IMPLEMENTATION PLAN
"ONE VOICE COMMUNICATION"**

Applies to all closing bases, but implementation should be under consideration for all bases

Applies to IRP and all cleanup related activities affecting water quality (RWQCB communications for non-cleanup activities, e.g., wastewater treatment plant, should be copied to DTSC)

A. Goal/Performance Standard

1. The military and the EPA will receive one, coordinated set of technical and administrative requirements from Cal/EPA agencies.
2. "Management" and Remedial Project Managers from all Cal/EPA agencies will be expected to maximize coordination and minimize disputes.

B. Implementation Schedule for "One Voice Communication"

1. Implementation Plan will be carried out immediately on all DSMOA Closing Bases with DTSC currently in the lead.
2. Implementation Plan will be carried out on lead transition sites when transition is agreed upon by the DTSC and RWQCB, but no later than December 31, 1993 for closing bases with current RWQCB lead and no later than June 30, 1994 for non-closing bases with current RWQCB lead.

C. Informal Communication

1. RPM comments will be shared by telephone and telefax on an informal basis early in the review process.
2. Every effort will be made to resolve conflicts by the respective Unit Chiefs on an informal basis.

D. Formal Comments

1. The military and the EPA will continue sending documents and correspondence to both the DTSC and RWQCB.
2. DTSC and RWQCB will exchange draft comments and draft transmittal memoranda/letters summarizing critical points five working days before comments are due - to work out any differences.
3. Final RWQCB comments will be sent to DTSC for DTSC to transmit to the military; RWQCB should transmit final comments with a transmittal memorandum summarizing critical points; DTSC will use RWQCB critical points for insertion into DTSC transmittal letter to the military; DTSC will copy RWQCB on DTSC transmittal letter (and transmit to RWQCB by telefax).
4. This implementation plan should be followed unless logistics/circumstances require a direct written communication to the military by the RWQCB or DTSC; any direct communications should be agreed upon by both RPMs and agreement/coordination should be acknowledged in the transmittal letter to the military.
5. "Significant" phone calls between DTSC and the military or RWQCB and the military must be documented and documentation sent to each RPM (significant phone calls should probably include both RPMs in a conference call).
6. Teamwork is critical and innovation is encouraged to streamline communication and convey one state position; Communications by FAX and modem and working meetings with all the "team" will speed up the process.

E. Meeting Dynamics

1. If there are RWQCB and DTSC differences before a meeting with the military or the EPA, defer meeting and work out differences or if the meeting is to proceed, defer States's position on the particular matter. Both RPMs must work as a "team."
2. Open discussion at meetings is essential; however, if RWQCB and DTSC differences emerge in meetings, caucus to get agreement or defer discussion/decision. Delays must be avoided, but one-voice, one position must be conveyed to the military; no formal decisions/approvals conveyed without consensus.