

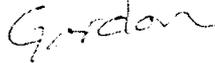
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

October 27, 2005

Mr. Gordon E. Hart
Paul, Hastings, Janofsky & Walker.LLP
1127 11th Street, Suite 905
Sacramento, CA 95814

Subject: National Priority List (NPL) Boundary Clarification and Partial Deletion
Former Marine Corps Air Station (MCAS) El Toro, California

Mr. Hart:



This letter is a follow-up to the meeting we had on August 9, 2005 between the U.S. Environmental Protection Agency (EPA), the Department of the Navy (DON), representatives from the City of Irvine and yourself and colleagues representing the Lennar Corporation to discuss the potential partial deletion of specific areas of the Former MCAS El Toro from the National Priority List (NPL). You indicated that your client is seeking: 1) a specific clarification regarding areas within the transfer parcels that are not considered part of the NPL and 2) a partial deletion for areas on the NPL. Our ability to provide the NPL boundary clarification and partial deletion is discussed below.

NPL Boundary Clarification

We have determined that hazardous substances did not come to be located in several areas of the former base. Therefore, it is appropriate to characterize these areas, totaling approximately 934 acres, as not part of the NPL. We have delineated these areas by parcel and sub-parcel designations provided in the Heritage Fields Entitlement Overlay Plan as follows:

- Parcel 1, Sub-parcels 1, 5, & 6 (358 acres)
- Parcel 2, Sub-parcel 2 excluding Anomaly Area 3 & Tank Farm 555 (approximately 246 acres)
- Parcel 3, Sub-parcels 22-3, 27, 28, 29, & 32 (128 acres)
- Parcel 4 (202 acres)

Partial Deletion

In addition to seeking the NPL clarification you also informally requested that certain

portions of the Site be considered for partial deletion from the NPL. In order to delete parcels EPA must determine that all appropriate and required response actions have been implemented and no further cleanup by responsible parties is appropriate. In addition, we must assess whether the areas where cleanup has been completed are contiguous or if they lie within larger areas that still require cleanup.

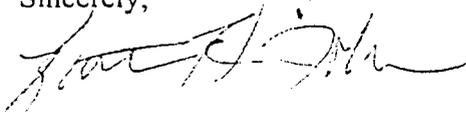
The specific areas we discussed during the meeting that you are seeking for partial deletion are widely dispersed throughout the former base. Although significant cleanup has taken place within the transferred parcel areas, there are still significant areas at the former base that require cleanup (ie., locations of concern and associated buffer zones carve-outs). Deleting these discreet areas in such a "swiss-cheese" approach, is not only resource intensive for the agency, but not particularly meaningful to outside stakeholders. Therefore we have determined that the request for deletion is premature.

At other NPL BRAC facilities where partial deletions have occurred, the portion deleted from the NPL site was a contiguous area of reasonable extent. For example, at the Former Hunters Point Naval Shipyard here in Region 9, EPA completed a partial deletion for Parcel A, the 88-acre former military housing portion of the base where little contamination was detected, after a no further action Record of Decision was approved by EPA. At the Former Rocky Mountain Arsenal in Region 8, a 5053-acre portion of the perimeter area was deleted from the NPL site after EPA approved completion of all remedial actions for this area of the site. In both of the cited cases, a contiguous area was deleted after all environmental actions had been completed and approved by EPA.

EPA recommends that the DON and the Heritage Fields, LLC hold discussions to analyze the on-going efforts by the DON to complete field investigations and remedial/corrective actions within the carve-out areas in order to complete the cleanup in areas deemed as a priority for redevelopment efforts. We are available to discuss the cleanup status of the former El Toro with third parties that may play a role in the future development of the site.

If you have any new information that you wish EPA to consider, please contact my staff: Sheryl Lauth, Section Chief, at 415-972-3015; Rich Muza, Remedial Project Manager, at 415-972-3349; or Thelma Estrada, Office of Regional Counsel, at 415-972-4866.

Sincerely,



Kathleen H. Johnson
Chief, Federal Facility and Site Cleanup Branch
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