

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

November 17, 2005

Mr. Darren Newton  
BRAC Environmental Coordinator  
Base Realignment and Closure  
Marine Corps Air Station El Toro  
7040 Trabuco Road  
Irvine, CA 92618

Subject: Federal Facility Agreement (FFA) Schedule Extension Request for Installation  
Restoration Program (IRP) Sites 2, 3, and 5,  
Former Marine Corps Air Station (MCAS) El Toro, California

Mr. Newton:

The EPA has received the Department of the Navy's (DoN) updated MCAS El Toro FFA Appendix A Schedule for primary submittal documents and request for extensions for IRP Sites 2, 3, and 5 dated November 10, 2005. We have reviewed the extension request and find that the Navy has not provided good cause for these extensions as per Section 9.2 of the FFA and, therefore, EPA does not concur with the schedule extensions. Our rationale is provided below.

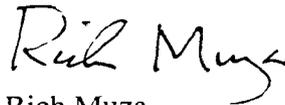
As presented in the November 10, 2005 letter, the DoN is requesting an extension based on additional potential ARARs identified by the Department of Health Services (DHS). The request states that identification of ARARs is an iterative process and results in good cause for delay. The iterative process for identification and determination of potential ARARs is defined in Section 7.6 of the FFA for the former MCAS El Toro. In this section the time periods described in the National Contingency Plan Section 300.515(h)(2) are invoked (ie., ARARs should be provided by the State within 30 days of the initial request by the DoN); further, the FFA states that "potential ARARs must be identified and discussed among the parties as early as possible". The requests for ARARs were made when the draft Feasibility Study Addendum was sent out for review on March 7, 2005 for IRP Sites 3 and 5 and on March 28, 2005 for IRP Site 2; further clarification of the ARARs request for all sites was provided to the State by the DoN on April 6, 2005. The additional potential ARARs cited in your extension request were received by the DoN on 31 October 2005. As per Section 7.7 of the FFA, all Parties are to request in writing an extension of the time period for review of primary documents when required; EPA has no record of any extension requests for reviews at IRP Site 2 or IRP Sites 3 and 5.

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Since discussions are on-going to resolve the issues at IRP Sites 3 and 5, EPA will work with the DoN to meet the schedules proposed in the prior extension request of September 20, 2005 for these sites. For IRP Site 2 the Draft Proposed Plan is past due at this time as this submission was scheduled for November 15, 2005. As per Section 9.6 of the FFA the DoN may invoke dispute resolution within seven days of receipt of this nonconcurrency.

Please feel free to contact me at 415-972-3349 to discuss these and any other issues at the former MCAS El Toro.

Sincerely,



Rich Muza  
Remedial Project Manager  
Federal Facility and Site Cleanup Branch

cc. Content Arnold, NFECSW SDIEGO  
Frank Cheng, DTSC  
John Broderick, RWQCB  
Randy Styner, OCEHCA  
Bob Woodings, RAB Co-Chair  
Marcia Rudolph, RAB Subcommittee Chair