

Silicon Valley Toxics Coalition

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MOFFETT FIELD
SSIC NO. 5090.3

September 16, 1989

Public Affairs Office
Building 23
Naval Air Station
Moffett Field, Ca 94035

Attention: Michael Cain,
Environmental Division Director

Dear Mr. Cain:

I am sending these comments pursuant to the public comment period related to the August 8, 1989 "Superfund" interagency agreement between the Department of the Navy, EPA and the State of California. My comments cover several topic areas:

1. The Timetables described in the agreement are glacially slow and imprecise and will guarantee further unnecessary degradation of the aquifers;

2. The promises not to sue provide too much immunity to the Navy in return for too little benefit;

3. The failure of the Navy to implement the proposed Technical Advisory Committee makes a travesty of public participation and in fact violates Section 211 of SARA.

4. The failure to coordinate with the other surrounding Superfund Responsible Parties (Fairchild, Intel and Raytheon) will needlessly complicate and further delay cleanup.

1. The Timetable

For more than 40 years, millions of gallons of toxic chemicals have been dumped, spilled and otherwise leaked onto the land and into the groundwater under the Naval Air Station at Moffett Field. The chemicals involved read like a witches brew, and include PCB's, TCE, PCE, TCA, MEK, etc. The contamination was first reported to the Regional Water Quality Control Board in 1982 and the Remedial Investigation was commenced in 1983.

In spite of all this, the chemicals today are continuing to spread unchecked by any containment or cleanup system, and in fact many of the point sources have still not even been removed. Most of the 19 identified "toxic hot spots" have not even been clearly defined.

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In light of this history and extent of the problem, including the long history of delays and postponements, it seems completely indefensible to set a target date of 1995 for the commencement of cleanup. It is highly ironic that the adjacent private Superfund companies are now complaining of the slow pace of the Navy's response, since they have estimated to EPA that their own cleanup may take as long as 300 years!

While I very much appreciate the concerns expressed by the companies involved, I am particularly apprehensive that they not use the Navy's inactivity as an excuse for their own delays. The timetables involved must be more precise and must require much quicker action on behalf of the Navy.

2. The Promise not to Sue

The Navy seems to have received the better bargain in the form of immunity from suit than the EPA has received in guarantees of prompt, enforceable goals and timetables. The greatest power held by EPA is the threat of triple damages and joint and several liability. Giving this away without more stringent and enforceable cleanup goals and timetables violates the letter as well as the spirit of SARA, and must be tightened up.

3. The Technical Advisory Committee

Section 211 of SARA requires the establishment of a Technical Review Committee (TRC) for Department of Defense sites. This fact was acknowledged in the May 8, 1989 letter from C.T. Moyer III in which he invited us to participate on the TRC: "The Silicon Valley Toxics Coalition is considered by the Navy to reflect public interests of the community involved and we invite you to nominate a person to represent your organization on our TRC." We accepted this offer on May 26, 1989.

To date the TRC has never met and no meetings are currently scheduled. I have never even been informed who the other members are. My requests for technical documentation about the site have gone unanswered. At the open house at the base on July 24, 1989 I made a specific request of Michael Cain that I be sent a complete set of documents relating to the remedial investigation and clean up activities. I had made the same request during an earlier visit to the base. To date I have received no documents from the Navy. I also explained that it made a mockery of the TRC to prepare and sign an Interagency Agreement without any input whatsoever from the TRC and that this process was a clear circumvention of the requirements of Section 211 of SARA. I formally reiterate that position at this time.

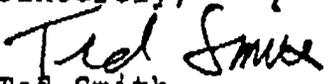
4. The Failure to Coordinate

We share the concerns expressed by the MEW PRPs, as set forth in the September 5, 1989 letter from C.R. Bostic regarding the failure

to coordinate cleanup efforts. The technical and liability issues are already so complicated that a concerted effort must be made by all responsible parties work together to solve these problems without further delay. EPA should use its powers to insist on such coordination and build it into all of the appropriate agreements. Close cooperation with affected community representatives must also take place in order to assure that coordination efforts do not become yet another excuse to delay cleanup.

I appreciate the opportunity to comment on the proposed Federal Facilities Agreement and trust that these comments will receive due consideration.

Sincerely,


Ted Smith,
Executive director

cc: Congressman Tom Campbell
Audubon Society
Citizens for a Better Environment
Peninsula Conservation Center
Sierra Club, Loma Prieta Chapter