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Raytheon

October 4, 1989

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Captain S.T. Quigley, Jr.
Commanding Officer
Naval Air Station
Moffett Field, CA 94035-5000

Re: Comments on Naval Air Station Moffett Field
Federal Facility Agreement

Gentlemen and Ms. Stehle:

I am writing to submit comments on behalf of Raytheon Company regarding the proposed Federal Facilities Agreement for Naval Air Station Moffett Field entered into on August 8, 1989 by the Department of the Navy, the U.S. Environmental Protection Agency, the California Department of Health Services and the California Regional Water Quality Control Board - San Francisco Bay Region.

Raytheon recognizes the efforts made by all parties to the Agreement to investigate the environmental problems on Moffett Field and subsequently to remediate chemicals in the soils and groundwater there. We are concerned, however, that without coordination with the remedial activities that are now underway in the Middlefield-Ellis-Whisman (MEW) Area south of U.S. Highway 101 and those that are anticipated to begin in the area north of U.S. Highway 101 in the area of the merged Moffett-MEW plume, the Navy's current schedules for investigation and remediation on Moffett Field may

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prevent the regional clean-up on Moffett from going forward in an environmentally sound manner and may instead risk the spreading of chemicals into clean and relatively low concentration areas within Moffett Field.

The Environmental Protection Agency has requested that Raytheon Company, Fairchild Semiconductor Corporation and Intel Corporation (the "Companies"), among others, begin remediation of the merged plume on Moffett Field as expeditiously as possible. Although Raytheon does not believe that the chemicals in the merged plume pose a serious or immediate threat to either human health or the environment, we are endeavoring to comply with EPA's request for an expeditious clean-up. To this end, Raytheon, in conjunction with the other Companies, is prepared to begin a regionwide remediation, including those chemical residues within the merged Moffett-MEW plume within a year. In order to accomplish efficient and effective remediation of the Moffett Field area, however, there must be substantial coordination between the Navy and the Companies. Such coordination must be based on acceleration of the Navy's current schedule for investigation and control of Navy sources of chemical residues in the area of the merged plume.

Under the proposed Federal Facilities Agreement, the Navy is not scheduled to begin remediation on Moffett Field until July 1995, nearly five years after the Companies plan to begin remediation. Such a lag is neither technically nor practically desirable. At this time, there is very little data regarding the sources of chemicals in the area of Moffett Field where the plumes have merged. If area-wide pumping and treatment on Moffett Field were to begin without further information regarding the Navy sources, such attempts at remediation would cause chemicals to migrate within and possibly between the shallow aquifer zones across the Moffett area from areas of relatively high chemical concentrations to clean areas or areas of relatively low chemical concentrations. Such a "spreading" of chemical residues will create a much larger area of contamination and will increase the time, difficulty, and expense of overall remediation. In addition, regional remediation before identification and control of Navy sources will make it more difficult for the Navy to later identify its own sources of chemical residues and to implement appropriate source controls.

Therefore, before any area wide remediation is to begin on Moffett Field, the Navy must identify and control Navy sources of chemical residues on a schedule coordinated with regional MEW remedial activities. To accomplish this end, Raytheon proposes an amendment to section 7.7 of the proposed Federal Facilities Agreement. Section 7.7, in its present form, recognizes that chemical plumes originating in the MEW area south of U.S. Highway 101 have merged with chemical releases resulting from Navy operations and indicates that these releases "may be addressed" by a separate agreement between the regulatory agencies and the potentially responsible parties in the MEW Area (the "MEW PRPs"), a group that includes Raytheon. Section 7 should be amended to provide that the Navy "shall" enter into an agreement with the regulatory agencies and the MEW PRPs to accomplish remediation of the merged plume on a coordinated basis.

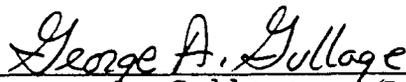
Both the existing and the proposed versions of the National Contingency Plan require federal agencies to coordinate response actions with private parties. 40 CFR § 300.22(b) (existing NCP); § 300.105(a)(3) (proposed NCP). The Federal Facilities Agreement should, therefore, be modified to include provisions that require (1) coordination of the Navy's remedial investigation with remedial activities undertaken by the MEW PRPs, (2) joint remedial design/remedial action by the Navy and the MEW PRPs to address merged plumes, (3) cost allocation and dispute resolution between the Navy and the MEW PRPs, (4) access by the MEW PRPs to Moffett Field, (5) determination of ARARs, remediation technologies and remediation goals that are consistent with EPA's Record of Decision for the MEW Area, and (6) coordination of termination rights and obligations. In addition, Section 34.2 of the Agreement, which addresses judicial review of actions taken under the Agreement, should be modified to clarify that it does not apply to the exercise of the rights of the MEW PRPs to seek judicial review under any consent decree for the MEW Area if an issue arises under that decree (assuming one is executed) that relates to actions taken by EPA or the Navy under the Agreement.

Finally, a provision should be added to section 25 (covenant not to sue) clarifying that nothing in the Agreement affects the rights of any third party to bring an action against the Navy seeking reimbursement for response

costs incurred by such third party with respect to releases originating at Moffett Field.

In addition to the objections previously expressed regarding the lack of coordination between the Navy's investigative and remedial activities and those of the private PRPs, Raytheon is concerned that the scheduled deadlines and anticipated extensions established for submission of the Navy RI/FS, commencement of remedial actions, dispute resolution and document review and revision time may extend the initiation of remedial measures, and contribute to further delays regarding implementation of remediation on a regional scale. To the extent that these deadlines and extensions cause or contribute to such delay, they should be shortened appropriately to provide for a coordinated remedial effort.

Sincerely,


George A. Gullage (gca)
Raytheon Company

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