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Subject: EPA Comments on ET Schedule
Date: Thursday, December 30, 2010 7:46:51 AM

Here are EPA's comments, based on the 11/4 version of the schedule

General

Shifting the start of the FOSET public comment period to April has created both a challenge and an opportunity. The opportunity is an expanded period to work out any issues we may have with HQ and DoJ staff; but the challenge is to use that time effectively to reach timely resolutions or elevate a number of key issues.

EPA will have a new version of the AOC ready by 1/7 but it will be dependant on ongoing negotiations regarding a number of definitions and will have placeholders for several key provisions including a) resolving disputes among Regulators, the Navy and Respondents under the AOC/ETCA/FFA; b)describing the process for addressing Unknowns; c)defining EPA Response Costs (limit to oversight) and d)limiting Respondents' CNS to protect CERCLA rights.

We also need to discuss the schedule for the review and comment on the FOSET (including comments from the public on the posted draft) and decide how far we want to move the RMP process forward prior to FOSET public comment period.

RAD RACRs
Line 58 EPA does not on Parcel G SUPR Current date 11/17 EPA is currently reviewing the RACR and will have comments out early next week.
Line 65 Why is DTSC concurrence scheduled before CDPH concurrence?

ETCA
Line 76 What is goal for this milestone? Is it the same as DoJ informal review of AOC?
Line 80 Why is City action not scheduled until 6/21?
Line 81 Why does this review follow City authorization? Navy should be prepared to sign with City effective date can be deferred to CDR approval.

AOC section (Lines 112-129) needs to be modified
Line 120 AOC (ready for signature) will be attached to public comment version of the FOSET Current date is 4/2/11
Line 123 AOC is signed by Respondents, then by EPA/DTSC/WB before it goes to DoJ for formal review Current 6/22 date for DoJ review needs to shift
Line 124/5 DoJ review: time shown does not include time for FR publication after DoJ signiture
Line 127 Drop this line
Line 128 AOC to CDR package 8/28-9-2 assumes no public comments
Add a line for EPA's declaration that AOC is effective following CDR concurrence by Gov

To account for agency signatures on the AOC and FR publication of public notice, seven to ten days needs to be added to the schedule
Not sure how to factor in time to consider public comments, may be able to absorb in the week currently shown as 9/2/-9/8

FFA Amendment

Need to restructure schedule to eliminate BCT actions following HQ/DoD approval Do we need to have DoD approval prior to FOSET public comment period?
Line 146 Should this correspond to AOC Review period? What DoJ review is required for FFA Amendment?

CDR
Line 186 EPA RA does not sign concurrence letter on CDR

Deed
How many steps can be completed before CDR concurrence? How many days are required following EPA/Gov concur? Present schedule has City executing deed first, but how can City accept property before Navy quit claims it?

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