From: Lansdale, Lawrence L CIV OASN (EI&E), BRAC PMO West
To: Macchiarella, Thomas L CIV OASN (EI&E), BRAC PMO West
Subject: RE: HPS Draft CRUP for Parcel B ** COMMENTS DUE 15 NOV **
Date: Wednesday, November 10, 2010 3:55:42 PM

Thomas
Let me know when you want to discuss. Conceptually I don't have an issue with the EPA third party beneficiary but would like to discuss the ramifications.
Regards
Lawrence

-----Original Message-----
From: Macchiarella, Thomas L CIV OASN (EI&E), BRAC PMO West
Sent: Tuesday, November 02, 2010 16:46
To: Lansdale, Lawrence L CIV OASN (EI&E), BRAC PMO West
Subject: FW: HPS Draft CRUP for Parcel B ** COMMENTS DUE 15 NOV **

LL, here is a bit of background on the issue and the draft CRUP as requested.
Pages 3 and 14 include the EPA issue.

-----Original Message-----
From: Callaway, Rex CIV NAVFAC SW
Sent: Monday, November 01, 2010 15:57
To: Macchiarella, Thomas L CIV OASN (EI&E), BRAC PMO West
Cc: Gilkey, Douglas E CIV OASN (EI&E), BRAC PMO West; Forman, Keith S CIV OASN (EI&E), BRAC PMO West; Kito, Melanie R CIV NAVFAC SW; Larson, Elizabeth A CIV OASN (EI&E), BRAC PMO West; Cummins, John M CIV NAVFAC SW; Carsillo, William R CIV OASN (EI&E), BRAC PMO West
Subject: RE: HPS Draft CRUP for Parcel B ** COMMENTS DUE 15 NOV **

Thomas:

I think we had a good discussion of these issues. To summarize, the "EPA third party beneficiary" issue has come up several times over the years at Alameda and HPS. Bob Carr requested special language to be added to LUC RDs and CRUPs and, after coordination within PMO among BECs and counsel, we have agreed that it is legally "doable". We have agreed to include language in the CRUPS via the HPS LUC RDs. I'm not sure about the latest for Alameda.

I agree that CRUPs should ideally incorporate restrictions developed elsewhere, e.g., general language in RODs, more specific language in LUC RDs. However, we have a special circumstance at HPS in that we have not fully developed the ICs relating to VOC vapor controls as originally planned in the RODs. Hence, my proposal to include more specific VOC vapor control IC/EC language in the CRUP. Ideally, we should make similar adjustments in the RD documents if there is still time and opportunity to do so.

-Rex

-----Original Message-----
From: Macchiarella, Thomas L CIV OASN (EI&E), BRAC PMO West
Sent: Monday, November 01, 2010 13:10
To: Callaway, Rex CIV NAVFAC SW
Cc: Gilkey, Douglas E CIV OASN (EI&E), BRAC PMO West; Forman, Keith S CIV OASN (EI&E), BRAC PMO West; Kito, Melanie R CIV NAVFAC SW; Larson, Elizabeth A CIV OASN (EI&E), BRAC PMO West; Cummins, John M CIV NAVFAC SW; Carsillo, William R CIV OASN (EI&E), BRAC PMO West

Subject: RE: HPS Draft CRUP for Parcel B ** COMMENTS DUE 15 NOV **

Thanks Rex.

One question: When you say we agreed, who is we? BRAC PMO, El Toro Team, HP Team, someone back East?

One comment: I believe you'll agree that the CRUP is driven by other things, and not a vehicle to create new covenants/restrictions. Therefore, we should the CRUP, as necessary, based on other vehicles that can and do create covenants/restrictions.

--Thomas.

-----Original Message-----
From: Callaway, Rex CIV NAVFAC SW
Sent: Monday, November 01, 2010 7:14
To: Macchiarella, Thomas L CIV OASN (EI&E), BRAC PMO West
Cc: Gilkey, Douglas E CIV OASN (EI&E), BRAC PMO West; Forman, Keith S CIV OASN (EI&E), BRAC PMO West; Kito, Melanie R CIV NAVFAC SW; Larson, Elizabeth A CIV OASN (EI&E), BRAC PMO West; Cummins, John M CIV NAVFAC SW; Carsillo, William R CIV OASN (EI&E), BRAC PMO West
Subject: FW: HPS Draft CRUP for Parcel B ** COMMENTS DUE 15 NOV **

Thomas:

Note that I've added some language from Bob Carr about EPA as third party beneficiary that we have agreed to include in our CRUPs. I also emphasize the importance of fleshing out our vapor barrier ICs to provide for both pre-construction plan approval as well as post-construction approval prior to occupancy. Our other CERCLA documents have not specified this level of detail in anticipation of doing so in the CRUP and deeds. If we don't include language addressing these issues, the ICs will not be protective.

-Rex

-----Original Message-----
From: Macchiarella, Thomas L CIV OASN (EI&E), BRAC PMO West
Sent: Thursday, October 21, 2010 16:13
To: Gilkey, Douglas E CIV OASN (EI&E), BRAC PMO West; Callaway, Rex CIV NAVFAC SW; Forman, Keith S CIV OASN (EI&E), BRAC PMO West; Kito, Melanie R CIV NAVFAC SW; Larson, Elizabeth A CIV OASN (EI&E), BRAC PMO West; Cummins, John M CIV NAVFAC SW; Carsillo, William R CIV OASN (EI&E), BRAC PMO West
Subject: RE: HPS Draft CRUP for Parcel B ** COMMENTS DUE 15 NOV **

Folks,

Please review the attached CRUP. I made my comments on top of Rex's notes.
Keith, please fill in the yellow highlights (except for the future dates of course).

Submit your comments/edits to me by November 15th. I will setup for the week of Nov 15 in case we need to discuss a few issues. Though I don't think it's going to be a big deal to get this thing out the door right after Thanksgiving to make our Dec 1st due date to the other parties.

--Thomas.

-----Original Message-----
From: Callaway, Rex CIV NAVFAC SW
Sent: Monday, October 18, 2010 10:36
To: Macchiarella, Thomas L CIV OASN (EI&E), BRAC PMO West

Cc: Gilkey, Douglas E CIV OASN (EI&E), BRAC PMO West; Forman, Keith S CIV OASN (EI&E), BRAC PMO West; Kito, Melanie R CIV NAVFAC SW; Larson, Elizabeth A CIV OASN (EI&E), BRAC PMO West; Cummins, John M CIV NAVFAC SW
Subject: HPS Draft CRUP for Parcel B
Importance: High

Thomas:

John Cummins and I have agreed that I will be counsel lead for coordinating our draft HPS CRUPs and negotiating with EPA, DTSC, SFRA, etc. John will be the counsel lead for coordinating and negotiating the deeds. Of course, John and I will review and comment on each other's work so we are consistent.

I understand from Doug that you will be the team's "CRUP shepherd" so I am sending our first draft CRUP for Parcel B to you with copies to the rest of the team. After we get this document into shape, we can easily make another one for Parcel G.

I've patterned the draft HPS Parcel B CRUP on language used in recent MCAS El Toro and Tustin CRUPs that I am working on with Bob Elliott so that should help us get on the same page as DTSC. Also, Gordon Hart has reviewed our most recent El Toro CRUPs and Barry Steinberg has reviewed our most recent Tustin CRUPs.

One of the big issues we need to resolve in drafting the CRUP is whether or not the CRUP will incorporate/attach the RMPs that the SFRA has been working on. Because we have not objected to them, I have assumed that we plan to incorporate them into the CRUP so you will see some draft language to that effect. If this is not the case, please let me know. Also, note that I have added some more detail to the VOC restrictions to clarify the review and approval process for installing appropriate engineering controls for enclosed structures within the "final" VOC ARIC (after we "shrink" it based upon the VOC soil vapor study).

I'll leave it to you to develop a schedule for developing and finalizing this document. I hope you will find this draft to be helpful in getting the ball rolling for another HPS early transfer document!

-Rex