

Subject: Fwd: Status of Disputes
From: Donn Diebert
Date: Fri, 17 Jun 2005 09:30:00
cc: "Landis , Tony" <TLandis@dtsc.ca.gov>
cc: "DelGreco, Vincent" <Vincent.DelGreco@spd02.usace.army.mil>
To: "Vincent, Jerry" <Gerald.E.Vincent@usace.army.mil>

Jerry, I called at 9:00 am to confirm whether the call was on or off and apparently you are away. I am available Monday (June 20) and Tuesday (June 21) of next week to discuss, if not I will move them up as noted below. Hope to talk with you soon.

>>> Donn Diebert 06/14/2005 5:50:30 PM >>>

Jerry, hope things are going well for you..... We need to close out the informal dispute issues at our level over the next week and raise to upper management those disputes we can not agree upon. Are you available Friday June 17, at around 9:00 am to discuss the disputes? Please confirm?

Below is a recap of where we are at on a number of issues.

For Benicia Arsenal - The MEC dispute paper was sent from me to you on April 28, 2005. On May 6, 2005, I called to have our conference call as pre-arranged from our previous call on April 22, 2005 and you were not available and have provided no followup update for a conference call. On May 24, I provided an update where I thought things were on a number of sites Benicia Arsenal included (copy of email - FUDS Status attached). I requested an update on your perspective and have heard nothing. It has now been approximately 45 days. I have provided the dispute paper again as an attachment in case there was problems in transmission (Copy Attached - Benicia Arsenal Dispute). Does the paper capture what is needed or does it need to be modified? As we discussed on April 22, there is not a whole lot we can do so I would like to move the MEC dispute up the chain since resolution is above both of us. Please provide an update on where you are on the review of the dispute so we can move this up. If nothing is heard within 5 days I will assume it is ok to move up the chain to Tony and Vince.

As far as Hamilton NAF is concerned again the dispute has been elevated to our level from staff on April 28, 2005. We have not talked about this one since staff were working the issues and there could have been a wide range of issues. On May 6, 2005, I called to have our conference call as pre-arranged from our previous call on April 22, 2005 and you were not available. On May 24, I provided an update where I thought things were on a number of sites Hamilton NAF included. Again we need to discuss the remaining issues for Hamilton NAF (Copy Attached - Hamilton NAF Dispute Summary). Please provide an update on where you are on the review of the dispute so we can move to resolve

or move them up. If nothing is heard within 5 days I will assume it is ok to move up the chain to Tony and Vince with modifications I believe would clarify some of the remaining issues.

As far as staff meetings to discuss the actual site specific Management Action Plans for an approach for these sites cradle to grave some have occurred (Camp Beale , Hamilton NAF , partial Benicia Arsenal). Except for Camp Beale which you provided back at our last meeting as an example, none of the Corp staff have provided the FUDSMIS site specific action plans.

For Camp Beale I understand the overall approach, but how to get there is money driven. The Website time line is not very accurate so cleanup as identified is not possible (Timeline is out of date and under FAQ the length of time is ten years to complete). For Hamilton NAF dispute is pending no MAP provided schedule is unclear. Most remediation work is being pushed to HWRP but there is no agreement in principle that this will work. USACE FUDS and USACE wetlands need to present some sort of agreement for achieving the remediation. For Benicia Arsenal I understand no MAP has been provided, the MEC dispute is pending and the Building 50 Series is now officially in PRP land. Little to no information is being provided about this area. Staff still need to discuss site status in the other areas for chemical and MEC.

Granite Canyon - DTSC is trying to get the Declaration, some change pages and Land Use Covenant out for review and finalization by all parties. No MAP Meeting has occurred but this should be closed out except for O&M hopefully shortly.

Fort McDowell - DTSC is still waiting for a response to comments for the proposed work. No MAP Meeting has occurred.

Eagle Field - Still waiting for word from the Corps on USEPA involvement, USACE to complete the work, etc.

Antioch Bombing Range - Navy to handle FUDS water ranges?

Status of SI work at ordnance sites . Has it started?

It sounds like the SMAPs is ready to move forward. I should be discussing soon with your staff the SMAPs approach to get this rolling. I will be contacting Mike M. soon to arrange.

We can discuss other sites and issues when we talk.....

Donn Diebert, Chief
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