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cc: 1811RP  
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HUNTERS POINT  
SSIC NO. 5090.3.A  
IN REPLY REFER TO



DEPARTMENT OF THE NAVY  
NAVAL FACILITIES ENGINEERING COMMAND  
200 STOVALL STREET  
ALEXANDRIA, VA 22332-2300

181/09CB3  
NOV 15 1991

From: Commander, Naval Facilities Engineering Command  
To: Chief of Naval Operations (OP-45)  
Subj: FEDERAL FACILITY AGREEMENT FOR NAVAL STATION TREASURE ISLAND - HUNTERS POINT ANNEX, CALIFORNIA  
Ref: (a) OPNAVINST 5090.1A, §13-5.10(f), dtd 2 Oct 90  
Encl: (1) FFA for NAVSTA Treasure Island (Hunters Point Annex), CA  
(2) Summary of Proposed Amendments to the FFA for NAVSTA Treasure Island (Hunters Point Annex), CA  
(3) CO NAVSTA Treasure Island ltr 5090 Ser 84/2402 dtd 28 Oct 91  
(4) COMWESTNAVFACENGCOM ltr dtd 5 Nov 91

1. In September 1990, the Navy, the Environmental Protection Agency (EPA) and the State of California, represented by the California Department of Health Services, Toxic Substances Control Division (now the California Environmental Protection Agency, Department of Toxic Substances Control) signed a Federal Facility Agreement (FFA) for the Naval Station (NAVSTA) Treasure Island - Hunters Point Annex. In accordance with its terms, the FFA was put out for public comment.

2. Enclosure (1) is the final draft of an amended FFA for NAVSTA Treasure Island - Hunters Point Annex. There are two major amendments. First, the California Regional Water Quality Control Board, San Francisco Region, has been added to the FFA as an additional representative of the State of California. This is consistent with the four other FFA's for the Navy and the Marine Corps which have been signed in California.

3. Second, EPA Region IX requested that Section 28 (Transfer of Real Property) be amended to reflect language to which the Department of the Navy and the Marine Corps recently agreed for the FFA for Marine Corps Air Station Yuma, Arizona (which is within the jurisdiction of EPA Region IX). Enclosure (2) describes these two amendments in greater detail.

4. Enclosures (3) and (4) are endorsements of the FFA, as amended, by the Commanding Officer, Naval Station Treasure Island, and the Commander, Naval Facilities Engineering Command, Western Division. Pursuant to reference (a), we concur in the endorsements and forward the amended FFA for review and forwarding to the Assistant Secretary of the Navy (Installations and Environment) for signature.

5. Although we endorse the amended FFA without reservation, let me point out an important issue relating to funding. The FFA has the standard Model Funding clause which provides as follows:

Funds authorized and appropriated annually by Congress under the "Environmental Restoration, Defense" appropriation in the Department of Defense Appropriation Act and allocated by the Deputy Assistant Secretary of Defense for Environment to the Navy will be the source of funds for activities required by this Agreement consistent with section 211 of CERCLA, 10 U.S.C. Chapter 160.

See, enclosure (1) at paragraph 15.5.

6. NAVSTA Treasure Island - Hunters Point Annex is scheduled to be closed pursuant to the Defense Base Closure and Realignment Act of 1990, P.L. 101-510 (Nov. 5, 1990), Section 2901 et seq. ("1990 Base Closure Act"). At present, there is no funding restriction for environmental restoration activities at bases that are scheduled to be closed under the 1990 Base Closure Act. See, Section 2905(a)(1)(C) of the 1990 Base Closure Act.

7. In contrast, Congress recently restricted funding for bases closed under the Defense Authorization Amendments and Base Closure and Realignment Act, P.L. 100-526 (Oct. 24, 1988) ("1988 Base Closure Act"). See, Section 2923(b) of the National Defense Authorization Act for Fiscal Year 1991, P.L. 101-510 (Nov. 5, 1990) amending, Section 207 of the 1988 Base Closure Act.

8. If Congress enacts a similar funding restriction for bases closed under the 1990 Base Closure Act, it will be very important that the Navy promptly request sufficient funding from the Department of Defense Base Closure Account 1990 in order to avoid any delays in implementing enclosure (1). Delays in meeting the schedules in an FFA can lead to the imposition of stipulated penalties against the Navy. In addition, additional guidance would be required regarding the necessity of amending the Model Funding clause in any FFA for a Navy installation which is scheduled for closure and which is on the National Priorities List.



SCOTT MARKERT

Deputy Assistant Commander for  
Environment, Safety and Health

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