

DEPARTMENT OF FISH AND GAME

416 NINTH STREET
P.O. BOX 944209
SACRAMENTO, CA 94244-2090



November 30, 1994

Mr. Thomas P. Lanphar
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710

Dear Mr. Lanphar:

**APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS (ARARs)
FOR NAVAL AIR STATION, ALAMEDA**

This is in response to your letter of November 18, 1994 to Dr. Michael Martin, of the Department of Fish and Game, Monterey, regarding the subject facility.

The Department of Fish and Game appreciates your request for providing State laws and regulations to guide the environmental investigation and cleanup at the subject facility.

As the lead State agency for toxic cleanup, you are making an inquiry to the California Department of Fish and Game for purposes of coordination and definition of appropriate State cleanup requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as a portion of the remediation investigation/feasibility studies (RI/FS). This letter will also serve to advise you of the Department of Fish and Game's interest in coordinating any natural resource damage assessment investigations as one of the designated State natural resource trustees, which may be necessary should the release(s) of any hazardous materials at the subject site cause injuries to State natural resources pursuant to CERCLA § 104 and 122.

In our judgment, the following State laws and statutes apply to any RI/FS actions at the subject site for the protection of fish and wildlife resources and their habitats in relation to an alternative of disposal of treated waste stream to storm waters be considered as a further alternative:

- Designation of the Department of Fish and Game as trustee for State fish and wildlife resources: Fish and Game Code § 711.7;

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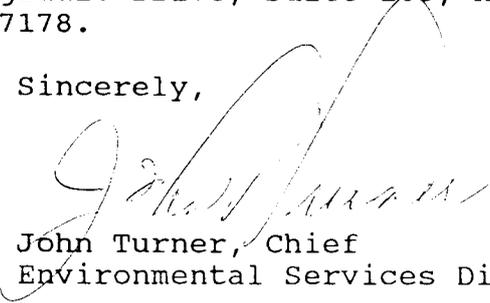
- Possession permits for scientific purposes, etc.: Fish and Game Code § 1002;
- Requirements for releasing substances deleterious to fish and wildlife: Fish and Game Code § 5650 (a) (b), (f); 5651; and 12016;
- Illegal take of birds and mammals: Fish and Game Code § 3003;
- Relevant policies for the general protection and conservation of fish and wildlife resources: Fish and Game Code § 1600; 1700; 1750; 1801; and 2014; Water Code § 1243;
- Requirements for endangered or rare species: Fish and Game Code § 1900 et seq.; 2050 et seq. to 2068; 2070; 2080; 2090 et seq. to 2096;

Other Laws and Treaties:

- Federal Endangered Species Act of 1973;
- California Endangered Species Act (Fish and Game Code § 2050; 2065).

I have enclosed copies of these laws and regulations for your information. If you have any questions regarding this letter and the enclosure, please contact me at the Department of Fish and Game, 1416 Ninth Street, Sacramento, California, (916) 653-7560, or Dr. Michael Martin, Staff Toxicologist, Department of Fish and Game, 20 Lower Ragsdale Drive, Suite 100, Monterey California, 93940, (408) 649-7178.

Sincerely,


John Turner, Chief
Environmental Services Division

Enclosure

cc: See attached list

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cc: Department of Fish and Game

Dr. Michael Martin
Monterey

Mr. Joe Milton
Sacramento

Mr. James Nusrala
Regional Water Quality Control Board
Oakland

Lt. Mike Petouhof
Base Environmental Coordinator
Alameda

Mr. Gary Munekawa
Naval Facilities Engineering Command
San Bruno

Mr. James Ricks
U.S. Environmental Protection Agency
San Francisco

Ms. Denise Klimas
U.S. Environmental Protection Agency
San Francisco

Mr. Jim Haas
U.S. Fish and Wildlife Service
Sacramento

**ENCLOSURE 1 - COPIES OF STATE LAWS AND
REGULATIONS**

**RESPONSE TO REQUEST FOR APPLICABLE OR
RELEVANT AND APPROPRIATE REQUIREMENTS**

**THE ABOVE IDENTIFIED ENCLOSURE IS NOT
AVAILABLE.**

**EXTENSIVE RESEARCH WAS PERFORMED BY
SOUTHWEST DIVISION TO LOCATE THIS
ENCLOSURE. THIS PAGE HAS BEEN INSERTED
AS A PLACEHOLDER AND WILL BE REPLACED
SHOULD THE MISSING ITEM BE LOCATED.**

QUESTIONS MAY BE DIRECTED TO:

**DIANE C. SILVA
RECORDS MANAGEMENT SPECIALIST
NAVAL FACILITIES ENGINEERING COMMAND
SOUTHWEST
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132**

TELEPHONE: (619) 532-3676