



Department of Toxic Substances Control

Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA

8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

November 8, 2005

Ms. Kathleen Johnson
Federal Facilities Branch
United States Environmental Protection Agency
Region IX
75 Hawthorne Avenue
San Francisco, California 94122

Mr. Lawrence Lansdale
BRAC Program Management Office West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

FEDERAL FACILITY AGREEMENT, ALAMEDA NAVAL AIR STATION

Dear Ms. Johnson and Mr. Lansdale:

The Department of Toxic Substances Control (DTSC) signed the Alameda Federal Facilities Agreement (FFA) on October 28, 2005. Attached is the original executed signature copy.

The FFA was signed by the United States Navy (Navy) and the United States Environmental Protection Agency (U.S. EPA) in July, 2001. At that time, DTSC and the Regional Water Quality Control Board (RWQCB) did not choose to sign the FFA.

Earlier this year, DTSC, the Navy, and the U.S. EPA resumed discussions on the FFA. The Navy and U.S. EPA discussed each of DTSC's concern and proposed language change, but expressed significant reservations about reopening negotiation and subsequent widespread review and comment on all existing language of this FFA. The Navy, U.S. EPA, and DTSC concluded those discussions with DTSC agreeing to sign the document as written, and document our clarifications of various clauses in a letter to accompany the signed document.

The RWQCB was invited to participate in the discussions, and provided some proposed changes to the original language. They have not, to date, decided whether to sign this

Ms. Kathleen Johnson
Mr. Lawrence Landsdale
November 8, 2005
Page 2

FFA as written, to pursue revisions to the document, or to use other means to memorialize the RWQCB regulatory requirements for the cleanup at Alameda Naval Air Station.

DTSC makes the following interpretations of the language in the FFA:

1. The term "State" used throughout the agreement shall mean "DTSC", unless the RWQCB signs the FFA; at which time "State" will mean "DTSC and the RWQCB."
2. DTSC actions related to this agreement do not limit the rights of any other department, office, board, agency, entity, or organization of the State of California.
3. The termination clause of section 42.3 is not subject to the dispute resolution process.

We are looking forward to continuing the successful state and federal team approach to the remediation of the former Alameda Naval Air Station.

If you have any questions, please contact me at (916) 255- 3732, or Mr. Daniel Murphy, of my staff, at (510) 540-3772.

Sincerely,



Anthony J. Landis, P.E.
Chief
Northern California Operations
Office of Military Facilities

Attachment

cc: See next page.

Ms. Kathleen Johnson
Mr. Lawrence Landsdale
November 8, 2005
Page 3

cc: Mr. Thomas Macchiarella
BRAC Program Management Office West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

Mr. Douglas Gilkey
BRAC Program Management Office West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

Mr. John Chesnutt
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Ms. Anna-Marie Cook
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Mr. Curtis T. Scott
Chief, Groundwater Protection and Waste Containment Division
San Francisco Regional Water Quality Control Board
Region 2
1515 Clay Street, Suite 1400
Oakland, California 94521

Mr. Bruce Wolfe
San Francisco Regional Water Quality Control Board
Region 2
1515 Clay Street, Suite 1400
Oakland, California 94521

Mr. John Kaiser
San Francisco Regional Water Quality Control Board
Region 2
1515 Clay Street, Suite 1400
Oakland, California 94521

Ms. Kathleen Johnson
Mr. Lawrence Landsdale
November 8, 2005
Page 4

cc: Ms. Judy Huang
San Francisco Regional Water Quality Control Board
Region 2
1515 Clay Street, Suite 1400
Oakland, California 94521

Mr. Rick Moss
Office of Military Facilities
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826

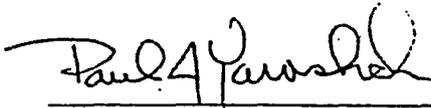
Ms. Isabella Alasti
Office of Legal Counsel and Investigation
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630-4732

AUTHORIZED SIGNATURES

Each of the undersigned representatives of the Parties certifies that he or she is fully authorized to enter into the terms and conditions of this Agreement and to legally bind such Party to this Agreement.

IT IS SO AGREED:

By

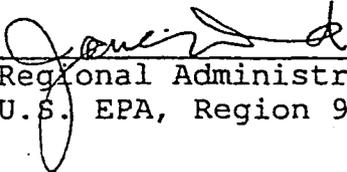


Paul J. Yaroschak
Director, Environmental Compliance
& Restoration Policy

7/2/01

Date

By

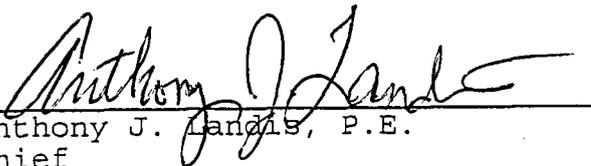


Regional Administrator
U.S. EPA, Region 9

7/5/2001

Date

By



Anthony J. Landis, P.E.
Chief
Northern California Operations
Office of Military Facilities
Department of Toxic Substances Control

10-28-05

Date