



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

December 17, 1993

Mr. Stephen Chao
Naval Facilities Engineering Command
Western Division
900 Commodore Way, Bldg. 101
San Bruno, CA. 94066

Re: NASMF Federal Facilities Agreement (FFA) Amendment of December 17, 1993

Dear Mr. Chao,

The U.S. Environmental Protection Agency (EPA) today, December 17, 1993, signed the Moffett Field FFA amendment. It is now effective, as all parties to the FFA (Navy, DTSC, RWQCB and EPA) have now signed it. As stated in the amendment, it becomes effective on the date when the EPA Regional Administrator signs. A copy is included for your files. Call me at 415-744-2383 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Michael D. Gill".

Michael D. Gill
Remedial Project Manager
Federal Facilities Cleanup Office

cc (w/ copy): Elizabeth Adams (RWQCB)
C. Joseph Chou (DTSC)
Ken Eichstaedt (URS)
Cliff Kirchof (Schlumberger)
A. Eric Madera (Raytheon)
Josh Marvil (PRC) (Fax)
Sandy Olliges (NASA)
Peter Strauss (MHB)

2035

AMENDMENT OF THE FEDERAL FACILITY AGREEMENT
NAS MOFFETT FIELD
Page 1 of 6

In accordance with Section 24 of the Naval Air Station Moffett Field ("NASMF") August 1990 Federal Facility Agreement ("FFA") between the U.S. Environmental Protection Agency ("EPA"), the U.S. Department of the Navy ("Navy"), the California Department of Health Services (now and hereinafter referred to as the Department of Toxic Substances Control or "DTSC"), and the California Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB"), the Parties agree to amend the FFA as follows:

1. Remediation of Navy Sources within the MEW ROD Regional Study Area

On page 5, add the following paragraph to Section 1 (Definitions):

1.23 "MEW ROD" shall mean the Record of Decision signed by the EPA Regional Administrator of Region IX on June 9, 1989, which describes the remedial action to be conducted at the MEW Site, as clarified by the Explanation of Significant Differences signed by the EPA Regional Administrator on September 21, 1990.

On page 10, add the following paragraph to Section 5 (Purpose):

5.2.10 remediate the source control removal areas of Attachments 4 and 5 in accordance with the MEW ROD. The purpose of such remedial activities is to eliminate any impediment to the effective implementation of the MEW Regional Groundwater Remediation Program North of Highway 101 and to maintain a consistent and coordinated approach to remediation within the MEW ROD Regional Study Area.

On page 17, add the following paragraphs to Section 7 (Scope of the Agreement):

7.8 Remediation of Navy Sources within the MEW ROD Regional Study Area.

7.8.1 To eliminate any impediment to the effective implementation of the MEW Regional Groundwater Remediation Program North of Highway 101 and to maintain a consistent and coordinated approach to remediation within the MEW ROD Regional Study Area, the Navy agrees to adopt the MEW ROD and to remediate the source control removal areas of Attachments 4 and 5 in accordance with the MEW ROD for contamination attributable to Navy sources.

AMENDMENT OF THE FEDERAL FACILITY AGREEMENT
NAS MOFFETT FIELD
Page 2 of 6

7.8.2 The Navy shall implement such remedial actions in accordance with approved time schedules and shall conduct operation and maintenance to maintain the effectiveness of such response actions at the Site.

7.8.3 To address source areas of contamination located within the MEW ROD Regional Study Area and identified following the effective date of Subsection 7.8 of this Agreement, the Navy agrees to adopt the MEW ROD and to remediate, in accordance with the MEW ROD, all such source control removal areas that the Parties agree are the responsibility of the Navy.

7.8.4 Any dispute among the Parties as to the responsibility of the Navy to remediate a source area of contamination located within the MEW ROD Regional Study Area shall be resolved pursuant to Section 10 of this Agreement (Resolution of Disputes).

2. Petroleum Cleanup

On page 6, add the following paragraphs to Section 2 (Jurisdiction):

2.6 EPA, Region IX, enters into those portions of this Agreement that relate to corrective action(s) for petroleum cleanup pursuant to Sections 6001, 7003, and 9007 of RCRA.

2.7 The Navy enters into those portions of this Agreement that relate to corrective action(s) for petroleum cleanup pursuant to Sections 6001, 7003, and 9007 of RCRA.

2.8 DTSC and RWQCB enter into those portions of this Agreement that relate to corrective action(s) for petroleum cleanup pursuant to Sections 6001 and 9007 of RCRA; California Health and Safety Code Division 20, Chapters 6.5, 6.7, 6.75, and 6.8; and California Water Code Division 7.

On page 10, add the following paragraph to Section 5 (Purpose):

5.2.11 develop, implement, and report upon the corrective action(s) for petroleum cleanup at the Site.

AMENDMENT OF THE FEDERAL FACILITY AGREEMENT
NAS MOFFETT FIELD
Page 3 of 6

On page 17, add the following paragraphs to Section 7 (Scope of the Agreement):

7.9 Corrective Actions for Petroleum Cleanup.

7.9.1 The Navy agrees it shall develop, implement, and report upon the corrective action(s) for petroleum cleanup at the Site.

7.9.2 The Navy shall submit to the other Parties for their review and comment and in accordance with approved time schedules a site characterization plan, a corrective action plan, and a closure/post-closure plan to address the corrective action(s) for petroleum cleanup at the Site.

7.9.3 Any petroleum cleanup conducted at the Site shall be conducted in a manner consistent with Sections 6001, 7003, and 9007 of RCRA; 40 Code of Federal Regulations Part 280; California Health and Safety Code Division 20, Chapters 6.5, 6.7, 6.75, and 6.8; California Water Code Division 7; California Code of Regulations Title 23, Division 3, Chapter 16; and Water Quality Control Plans, as applicable.

On page 21, add the following lines to Subsection 9.3 (Primary Documents):

9.3.1 ***

15. ***

16. Petroleum Cleanup Site Characterization Plan(s)

17. Petroleum Cleanup Corrective Action Plan(s)

18. Petroleum Cleanup Closure/Post-Closure Plan(s)

3. Preliminary Assessment/Site Inspection of Navy Sources

On page 17, add the following paragraph to Section 7 (Scope of the Agreement):

7.4.10 The Navy shall perform a preliminary assessment/site inspection of all the potential source areas of contamination at the Site in accordance with an approved time schedule.

On page 21, add the following line to Subsection 9.3 (Primary Documents):

9.3.1 ***

19. Preliminary Assessment/Site Inspection of Potential Sources

4. Information Sharing with Entities Performing Cleanup Activities at the Site Who Are Not Parties to the FFA.

On page 51, add the following paragraph to Section 29 (Public Participation):

29.5 Pursuant to a request by Intel Corporation's and Raytheon Company's Project Coordinator (as designated in the MEW Consent Decree between EPA, Intel Corporation, and Raytheon Company and entered by the U.S. District Court for the Northern District of California on April 10, 1992), the Navy shall promptly submit to such Project Coordinator any draft or final report for any deliverable document identified in this Agreement or schedule of this Agreement. Submission of such documents to entities that are not parties to this Agreement is to facilitate the coordination of remediation within the MEW ROD Regional Study Area only, and does not provide any entity not a party to this Agreement any substantive or procedural rights under this Agreement.

5. Base Closure

On page 50, add the following paragraphs to Section 28 (Transfer of Real Property):

28.4 Closure of the Federal Facility will not affect the Navy's obligation to comply with the terms of this Agreement and to specifically ensure the following:

28.4.1 Continuing rights of access for EPA, DTSC, and RWQCB in accordance with the terms and conditions of Section 19 of this Agreement (Access).

28.4.2 Availability of a Project Manager to fulfill the terms and conditions of this Agreement.

28.4.3 Designation of alternate DRC members as appropriate for the purposes of implementing Section 10 of this Agreement (Resolution of Disputes).

28.4.4 Adequate resolution of any other problems identified by the Project Managers regarding the effect of base closure on the implementation of this Agreement.

28.5 Base closure or any planned or existing reuse activity will not constitute a Force Majeure under Section 35 of this Agreement (Force Majeure), nor will it constitute good cause for extensions under Section 27 of this Agreement (Extensions), unless mutually agreed by the Parties.

AMENDMENT OF THE FEDERAL FACILITY AGREEMENT
NAS MOFFETT FIELD
Page 5 of 6

28.6 The Navy shall ensure that any base closure or reuse activity shall not impede or interfere with Site cleanup activities, including operation and maintenance of the selected remed(ies), required by this Agreement.

6. Funding

On pages 53 and 54, revise paragraph 32.5 of Section 32 (Funding) as follows:

32.5 Funds available in the "Department of Defense Base Closure Account 1990" established by Section 2906 of the Defense Base Closure and Realignment Act of 1990, Pub.L. 101-510, § 2901 et seq. (Nov. 5, 1990) ("1990 Base Closure Act") and allocated by DOD to the Navy (as well as any other funds appropriated by Congress for activities required by this Agreement and allocated by DOD to the Navy, irrespective of the name of the account) will be the source of funds for activities required by this Agreement. However, should these funds be inadequate in any year to meet the total Navy CERCLA implementation requirements at bases that are to be closed under the 1990 Base Closure Act, DOD shall employ and the Navy shall follow a standardized DOD prioritization process that allocates the available funds in a manner that maximizes the protection of human health or the environment.

7. Schedule

Attachment 3 (Timetables and Deadlines) of the FFA is modified in accordance with the attached schedule.

Effective Date of this Amendment

The above amendment to the FFA becomes effective on the date when the EPA Regional Administrator signs the amendment.

AMENDMENT OF THE FEDERAL FACILITY AGREEMENT
NAS MOFFETT FIELD
Page 6 of 6

Each undersigned representative of a Party certifies that he or she is fully authorized to enter into the terms and conditions of the above amendment and to legally bind such Party to the amendment.

IT IS SO AGREED:

11/17/93

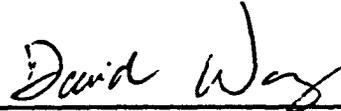
Date



Captain Terry M. Dillon
Commander of Western Division Naval
Facilities Engineering Command
United States Department of
the Navy

11/24/1993

Date



David Wang
Base Closure Branch Chief
California Department of Toxic
Substances Control

12/6/93

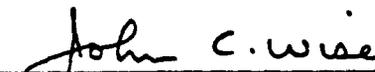
Date



Steven R. Ritchie
Executive Officer
California Regional Water Quality
Control Board
San Francisco Bay Region

12.17.93

Date



John C. Wise
Acting Regional Administrator
United States Environmental
Protection Agency, Region IX