

# Federal Facility Agreement Agency Roles

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## Lead vs. Support Agencies

“The United States Air Force (USAF) and the U.S. Environmental Protection Agency (USEPA) are selecting the remedies in this Record of Decision ***in concurrence with*** the California Department of Toxic Substances Control (DTSC) and Regional Water Quality Control Board (RWQCB).”



## Lead vs. Support Agencies

- DTSC and RWQCB agreed to enter into EAFB's Federal Facility Agreement pursuant to §120(f) of CERCLA; which states:

[USEPA's] "Administrator shall afford to relevant State officials the opportunity to participate in the planning and selection of the remedial action."

CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act



## Agree to Disagree

- The RWQCB's position is that State Board Resolution 92-49 is an applicable and relevant requirement (ARAR) for groundwater cleanup.
  - For various reasons, the USAF's position is (most of the provisions of) 92-49 is not an ARAR.
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## Agree to Disagree Language

The parties (USAF, USEPA, DTSC, and RWQCB), while disagreeing on whether certain provisions of State Law are ARARs, agree to a TI waiver and with the selected remedy for groundwater.

(This language is how we've been able to move forward and not go to dispute.)

TI = Technical Impracticability