



Winston H. Hickox
Agency Secretary,
Cal/EPA

State of California
California Environmental Protection Agency

Gray Davis
Governor



Air Resources Board : Department of Pesticide Regulation : Department of Toxic Substances Control

Integrated Waste Management Board : Office of Environmental Health Hazard Assessment : State Water Resources Control Board : Regional Water Quality Control Board

July 21, 2003

Mr. John Paul Woodley, Jr.
Assistant Deputy Undersecretary of Defense for Environment
Department of Defense
3400 Defense Pentagon
Washington, D.C. 20301-3400

Dear Mr. Woodley:

I write to express my appreciation for your July 8 visit to Sacramento to discuss issues related to perchlorate and other emergent contaminants as they relate to military installations in California, and to memorialize some salient aspects of our discussion.

The California Environmental Protection Agency (Cal/EPA) and the California Department of Health Services (CDHS) are heartened to hear that Department of Defense (DoD) understands and appreciates the critical importance of perchlorate contamination in California. We are also pleased that addressing perchlorate-related issues is one of the highest environmental priorities for DoD. As evidence of this, you offered DoD's aggressive efforts to find alternatives to perchlorate in military uses as well as efforts to respond to the variety of inquiries from federal and state legislators and regulatory agencies.

Going into the meeting, our most pressing concerns regarded receiving a timely response from California's military installations to letters from California's Regional Water Quality Control Boards (regional boards) that directed each installation to provide information and testing data related to perchlorate and other emergent contaminants. In response to our concerns, you offered the following statements and commitments:

1. DoD intends to act and comply with any regulatory standard that is promulgated by any regulatory entity (including a California drinking water maximum contaminant limit (MCL) when adopted by the California Department of Health Services), and will not attempt to delay compliance efforts until other standards, such as a federal MCL, are adopted.
2. DoD will help form and participate in a federal/state interagency working group that will:

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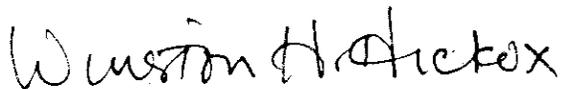
- a. Help set priorities for determining the source and magnitude of perchlorate problems at military and defense facilities.
 - b. Help to communicate and understand California's requirements related to perchlorate and other emergent chemicals.
 - c. Assist in marshalling "assets and resources," including
 - i. The latest research in investigation and remediation of perchlorate;
 - ii. Expedited assessment and implementation of treatment technologies;
 - iii. Collaboration on source identification and interception techniques.
 - d. This working group will not be involved in or attempt to influence the establishment of California's perchlorate public health goal (PHG) or MCL.
3. In response to the regional board letters to the military installations, I understand that DoD intends to:
- a. Work through the proposed federal/state interagency working group to assess the list of bases to which requests were sent in order to help identify activities regarding perchlorate and other emergent contaminants and to prioritize responses.
 - b. Instruct military installations to be forthcoming with available information on perchlorate history and use and to sample for perchlorate at those sites. As you know, we also urge you to test for the other contaminants listed in the regional board letters.
 - c. By September 1, 2003, provide to the pertinent regional board that information regarding perchlorate that is on-hand, and schedules for testing.
4. DoD believes the proposed amendment to the Range Readiness Rule is a codification of current practice and not an exemption from environmental liability. The Rule is not intended to affect DoD's liability for perchlorate contamination, unless that contamination is totally within the boundaries of an active, operational range.

Cal/EPA and CDHS very much appreciate these commitments. I would like to repeat a very significant point that we shared in the meeting. While your commitments were specific to perchlorate issues, considering and looking for all emergent contaminants while testing for perchlorate would represent a significant efficiency and economy for both DoD as well as for California's regulatory agencies. I encourage you to instruct the commands of each military service branch and the California military installations to include emergent contaminants along with perchlorate as they review records and conduct testing.

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I believe we made important progress in our time together, and I look forward to that spirit of cooperation continuing as we work together to address this very critical public health, environment, economic and water supply issue in California. Please feel free to contact me at any time on this important matter. In addition, you can contact Rick Brausch, at (916) 445-3131 (or rbrausch@calepa.ca.gov), or Jim Spagnole, at (916) 324-1327 (or jspagnol@calepa.ca.gov).

Sincerely,



Winston H. Hickox
Agency Secretary

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