



BENICIA INDUSTRIAL PARK ASSOCIATION
601 First Street, Suite 101
Benicia, California 94510

September 28, 2010

Stewart Black, Acting Deputy Director
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
1001 I Street
Post Office Box 806
Sacramento, California 95821-0806

Dear Mr. Black:

We are writing on behalf of the Benicia Industrial Park Association to express our concern for possible action by the State Department of Toxics Substances Control (DTSC) to require the current property owners to conduct investigation and clean-up of the Benicia Arsenal. We understand the DTSC is considering issuing a Unilateral Imminent and Substantial Endangerment Order against the City and others, including some of our members, for this work.

To our knowledge there is **not** now an imminent or substantial threat of possible harm to people or the environment present in the Arsenal. As noted above, we are concerned with any potential regulatory action that might be taken on this basis. We are aware that the City Council did approve a Resolution earlier this year requesting local and federal legislative assistance to obtain timely investigation and cleanup in the Lower Arsenal. While we anticipated that this would be a cooperative effort between the parties (in particular the Department of Defense representing the Army) with DTSC oversight, we now understand that an Endangerment Order is still possible.

Furthermore, our members have serious concerns over the prospect of funding of investigations and/or possibly cleanup of past contamination or unexploded ordnance that the Army or previous owners may have left behind. Being identified as a Potentially Responsible Party (PRP) under state or federal hazardous waste cleanup statutes could have a devastating effect on our members' businesses due to the stigma of having a contaminated property or liability and expense for cleanup.

We look forward to learning more about the City and DTSC's planned actions for further investigation and cleanup in the Benicia Arsenal. We are prepared to provide a point of contact from our organization to coordinate communications with the City or DTSC on this important matter.

Sincerely,

Phil Garrett
President

c: Congressman George Miller
Senator Patricia Wiggins
Assembly Member Mariko Yamada
Solano County Supervisor Linda Seifert
Mayor Elizabeth Patterson
Vice Mayor Alan Schwartzman
Council Member Mark Hughes
Council Member Mike Ioakimedes
Council Member Tom Campbell