



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9
75 Hawthorne Street
San Francisco, CA 94105-3901

February 3, 2009

Mark Stehly, Assistant Vice President
BNSF Railway Company
Post Office Box 961039
Fort Worth, TX 76161-0039

Re: Settlement Agreement for Recovery of Response Costs
Brown & Bryant Superfund Site, Arvin, California

Dear Mr. Stehly:

Enclosed please find a copy of the fully executed Settlement Agreement for Recovery of Response Costs (Settlement Agreement).

On December 19, 2008, EPA published notice in the Federal Register seeking public comment on the Settlement Agreement. The public comment period closed on January 20, 2009, and no comments were received.

We appreciate the cooperative approach BSNF Railway Company has taken in negotiating the matters addressed in the Settlement Agreement. EPA looks forward to further cooperation in the implementation of the remedy at the Brown & Bryant Site.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Salyer".

Kathleen Salyer
Assitant Director
Superfund Division

Cc: Marc Zeppetello, Esq. Barg Coffin Lewis & Trapp, LLP
Robert Grimalia, Vice President, Union Pacific Railroad Company