



Chen



Department of Toxic Substances Control



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA

8800 Cal Center Drive
Sacramento, California 95826-3200

Arnold Schwarzenegger
Governor

March 4, 2005

Mr. Mike Weaver
Fort Ord Community Advisory Group
171 Aaron Way
Marina, California 93933

Dear Mr. Weaver:

This letter is in response to the technical issues you raised in an email dated January 31, 2004 to Kris Escarda, Department of Toxic Substances Control (DTSC) Public Participation Specialist.

As you may be aware, Federal law provides for the "early transfer" of property which has not completed the Superfund cleanup process. DTSC's role in "early transfers" is to assure that the current use of the land proposed for transfer is safe and will be clean up to a safe level before it is redeveloped for the proposed use.

DTSC and the United States Environmental Protection Agency worked with the Army on the cleanup of the Del Rey Oaks parcel. It was our understanding that this parcel was to be one of the first areas of the historic impact range to be developed for productive reuse. The Army performed ordnance cleanup with the best practicable ordnance detection technology available. DTSC determined that the level of ordnance cleanup achieved on this property does make it suitable for specified uses, but does not achieve a level suitable for permanent residences.

DTSC has no direct role in land use decisions governed by local entities. Once a land use is proposed for a hazardous substance cleanup site, DTSC determines whether contaminant or ordnance cleanup is sufficient for the proposed land use. DTSC can require additional cleanup or other measures, such as institutional controls, to make sure that human health and the environment are adequately protected. During an early transfer, if DTSC does not believe the land can be used safely for the proposed use, DTSC would recommend that the Governor not sign the transfer.

DTSC has determined that there are no remaining chemical contaminants on the Del Rey Oaks property. The only remaining potential contamination is the possibility that ordnance remains. In order to address this threat, DTSC has entered into an agreement with the Fort Ord Reuse Authority and the City of Del Rey Oaks for the City to assure that all workers who will be disturbing the ground be trained by the Army in

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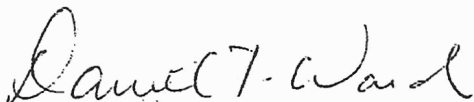
ordnance recognition. In addition, the City of Del Rey Oaks has passed an ordinance requiring that expert ordnance construction support be provided whenever a ground-disturbing project exceeds 10 cubic yards. Finally, a restrictive land use covenant will be recorded upon property transfer which prohibits uses such as permanent residences. Residences may be allowed if adequate additional cleanup is performed and the land use covenant is amended or terminated. Copies of these documents were provided to you at the Citizens Advisory Group meeting on October 13, 2004.

The proposed reuse of the Del Rey Oaks property is as a resort hotel and golf course, commercial/retail facilities, offices and related infrastructure. This use may include timeshares or similar units with limited duration occupancy. DTSC does not consider timeshares or similar units with limited duration occupancy as residential due to the nature of the occupancy. Specifically, occupancy is short term, no construction, gardening or landscaping by residents can occur. Residential restrictions are intended to avoid homeowner or renter encounters with ordnance while digging on their property. The land use covenant will prohibit the sale or rental of private, single-family properties and prevent the conversion of time share units to condominiums or rental housing. The proposed uses allow soil disturbance only by individuals trained in ordnance recognition.

In closing, your October 2004 request to meet with the California Environmental Protection Agency (CAL EPA) or Governor Schwarznegger was forwarded to Mr. Rick Brausch, CAL EPA Assistant Secretary for External Affairs. We understand he replied to you via e-mail in November 2004.

If you have any further questions, please feel free to contact me at (916) 255-3676. We appreciate your public involvement in the environmental cleanup of the Former Fort Ord.

Sincerely,



Daniel T. Ward, P.E.
Chief
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cc: See next page.

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