

From: <Trombadore.Claire@epamail.epa.gov>
To: <dward@dtsc.ca.gov>, <RRacca@dtsc.ca.gov>
Date: 10/10/2006 2:33 PM
Subject: Fw: Del Rey Oaks Parcel

Hi guys - I was reviewing my notes and I also noted that I was to forward this on to you for your information.

----- Forwarded by Claire Trombadore/R9/USEPA/US on 10/10/2006 02:28 PM

----- Forwarded by Robert Carr/R9/USEPA/US on 10/04/2006 01:23 PM -----

jennifer.hernand
 ez@hklaw.com

To
 09/13/2006 09:36 AM Robert Carr/R9/USEPA/US@EPA,
 chelsea.holloway@hklaw.com
 CC
 jennifer.hernandez@hklaw.com
 Subject
 RE: Del Rey Oaks Army Deed

Can we also share with you the land plan (showing the "pods" around the edges that we want to clear for residential use) and the draft RAP that we did for DTSC, which includes the new clearance protocol - one more scan of proposed residential areas, excavation and removal of any MEC on a 10x10 grid that surrounds that MEC, then another scan of the excavated area - and if it is clear, that's it - and if it is not clear, then we repeat the excavation and scan steps until we get to "one clear scan"?

As background, this is the protocol Tony Landis and Dan Ward agreed to last November, and the RAP is the process they agreed to (although they are now also agreeable to a ROD). We have about a month to get this protocol (as a RAP or RAW) into the CEQA document for the re-zoning of the site. Actual implementation of the protocol will happen only when a residential project is approved, and of course the CRUP won't be modified (with the process steps required for CRUP modification by the Army et al) until the protocol has been fully and satisfactorily implemented - probably 18 months away or so.

We (Ken Buchert, the City's attorney - and me) would still like to have a preliminary chat with you to you more about an Army and/or EPA ROD - as we mentioned we do not need a de-listing decision or final CERCLA ROD for this project. We also are not doing any further RI/FS work obviously - but we are doing a lot of public outreach now and have opportunities to consolidate public participation processes if that's desired.

is within Grantor's authority." (p. 6)

--"The Grantor's assessment indicated that the remaining portions could be transferred with no restriction on land use. However, the Army has agreed to enter into a Covenant to Restrict Use of Property with DTSC pursuant to California Civil Code Section 1471(c). The Covenant will place additional use restrictions on all of the transferring property and will be signed prior to transfer. The Army and the DTSC agree that the use of the Property will be restricted as set forth in the Covenant and described in Section 8.0 of the FOSET." (p.11)

--"Once the remedy has been determined and is in place, the Army, with the concurrence of the EPA and DTSC, shall execute and deliver to the Grantee an appropriate document, containing a warranty that all response actions necessary to protect human health and the environment with respect to any substances remaining on the Property, have been taken as required by law." (p.6-7)

Thank you,
Chelsea Holloway

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