

**FORT ORD SUPERFUND SITE
FORT ORD COMMUNITY ADVISORY GROUP
POSITION PAPER**

Fort Ord Community Advisory Group
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Fort Ord Reuse Authority (FORA)
100 12th St., Building 2880
Marina, CA 93933
c/o Mr. Stan Cook, Ms. Laura Baldwin

January 31, 2008

REF: Fort Ord Community Advisory Group Position Paper
FOR THE ADMINISTRATIVE RECORD

Dear Mr. Cook and Ms. Baldwin,

On behalf of the Fort Ord Community Advisory Group (FOCAG), I would like to present a position paper regarding FORA's stated plan to be the lead agency in a property transfer for reuse, and the clean up of this property transfer.

The Fort Ord Reuse Authority (FORA) refers to this action as an Environmental Services Cooperative Agreement (ESCA).

The Environmental Services Cooperative Agreement (ESCA) is not in the best interest of the community. The Fort Ord Reuse Authority is asking for early "dirty transfer" of Federal Property when they have no experience in cleaning up Unexploded Ordnance, contaminated soil, and water. FORA proposes to be the lead agency on both Reuse and Clean-up, this causes an immediate conflict of interest. It means that you are eliminating the built in checks and balances that are inherent with the CEQA and CERCLA clean-up processes. These checks and balances are being diluted if not completely eliminated by appointing the FORA group as the lead agency in the clean up initiative.

We remain apprehensive as FORA has shown little, if any interest, in learning about, or attending numerous Community meetings and FOCAG meetings over the past ten years, regarding the environmental clean-up of this former Army base. Yet, the proposal is to ask the Governor to approve a partial transfer of "dirty property", over 3300 acres of former Fort Ord, to FORA.

FORA did receive a transfer of military barracks some time ago, with little if any visible clean-up of this specific property to date. In addition, the FOCAG has made numerous inquires about the status of the clean-up of the barracks and they still have not received a conclusive and comprehensive answer. Historically the clean-up of Fort Ord has been anecdotal rather than empirical.

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The United States Army created this dirty base and is ultimately responsible for its clean-up. We fully understand it was due to National Security Issues, and areas were needed for training. Still, there now is a large Army Base, much of which still has clean up issues, some of which are unknown and obviously incomplete. This property has been next door to us since 1917. What is the rush with this ESCA rather than using the procedures in place on the Superfund process?

The Fort Ord clean-up is highly charged by political and financial interests rather than the peoples safety. The political and financial issues are driving motives behind the “early/dirty transfers” and the approach of a “clean-up by development.” This does not have the best interests, nor the continued interests of the local community, its inhabitants and its visitors (tourists) kept in mind.

Some of the FOCAG’s specific concerns are:

- 1) The diluting of accountability. Clean up would go from the U.S. Army to a combination of political and private entities including LFR, Inc., and Westin, and Westcliffe Engineers, the Fort Ord Reuse Authority (FORA), as well as the Army.

- 2) It is a taxpayer boondoggle. The \$100 Million planned for this, does not guarantee its completion. The Army no longer gets competitive bids and hires clean up contractors. Instead, FORA gets \$1,040,000 to start, for “administration”. This fee is from the first \$40 Million.

- 3) The private contractors hired do not benefit the need for jobs in the local community.

- 4) Community involvement in the clean up issues stands to become a bigger maze. How does this change the Community Relationship Program mandated for Superfund Sites?

- 5) The amendments to the Federal Facilities Agreement (FFA) required in order to try to implement the Finding of Suitability for Early Transfer (FOSET) and this Environmental Services Cooperative Agreement (ESCA) are illegal because the amendments vest FORA with the authority, indeed the obligation, to carry out the remediation at the parcels covered by the ESCA and FOSET. This contravenes the Superfund statute, which requires that an interagency agreement call for performance of necessary remediation by the U.S. department or agency (the Army) responsible for the contamination at the facility.

- 6) The question of how to best to involve the community in decisions regarding clean up issues has found FORA staff asking for advice.

The road to community involvement and addressing the parameters of the project you state you wish to undertake lies in CEQA review and analysis. This is the California Environmental Quality Act. It allows for FORA to provide clear

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explanation, and it allows for review, by the public and decision makers, including the regulatory agencies. We have stated before that we view this as a project. We have stated before that this needs CEQA review. This project needs a CEQA Assessment before proceeding.

We have asked before and we ask again:

- 1) When does CEQA begin?
- 2) When is the Scoping Hearing?
- 3) There are other Deliverables that we have requested from the Regulatory Agencies and contractors, the US Army, BRAC and LFR. This list may be found on the FOCAG web site www.fortordcag.org. Some have not been sent to us, why?

Thank you for your time and consideration regarding the FOCAG's concerns over the Fort Ord Superfund Site.. We look forward to your substantive response at your very earliest convenience.

Sincerely,

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