

## The Resort at Del Rey Oaks

### Approach for Additional Clearance for Residential Land Use

#### Background

The site is located in the southern portion of the base and is identified as containing Parcels E29a, E29b.1, E31a, E31b, E31c and E36 (also known as Site OE15DRO.1, Site OE15DRO.2, and a portion of OE43), hereinafter referred to as the “DRO Parcel”.

Currently there is a “Covenant to Restrict Use of Property” (CRUP) between the Department of the Army, the State of California Department of Toxic Substances Control (DTSC) and the City of Del Rey Oaks (City) as the current owner of the property, that restricts residential use. Section 4.01(B) of the CRUP provides a process that can be used to eliminate the prohibition on residential reuse (single family homes and condominiums) of the property. Section 4.01(B) of the CRUP provides that:

Notwithstanding paragraph (A) above, once the warranty required by CERCLA 120(h)(3)(C)(iii) and referenced in paragraph 1.08 above is issued, the Owner may apply pursuant to Paragraph 6.02 to have the above-described prohibitions of use terminated if the Department (DTSC), with an opportunity to comment by U.S. EPA and the Covenantor, determines that the Property, or if only a portion of the Property is affected, has been cleared pursuant to the Department’s then accepted standards for clearance for residential use. The Department shall, under the appropriate circumstances, review and consider the application request for said termination. Upon such termination, this Covenant shall be appropriately modified.

The Department of Toxic Substances Control (DTSC) has recently, at meeting regarding the Environmental Services Cooperative Agreement (ESCA) Parcels held at Fort Ord on October 13<sup>th</sup> and 14<sup>th</sup> 2005, laid out the preliminary conditions DTSC feels must be met before property where Munitions and Explosives of Concern (MEC) are potentially present can be used for residential purposes. There has also been an overall position that DTSC has drafted where a viable procedure that would allow DTSC to move to lift the restrictive covenant once the work have been completed in the field. The elements of this procedure are outlined below.

Additionally, the City of Del Rey Oaks adopted the “Ordinance Ordnance” (Ordinance No. 259 – Ordinance Amending the Municipal Code to add Chapter 15.48) which requires UXO/MEC construction support to be provided on-site during construction activity that involve the movement more that 10 cubic yards of soil. This type of construction support will be employed for the reuse and redevelopment of the Del Rey Oaks Site.

Clean-up Plan  
STRATEGY

### Proposed Strategy

For the Del Rey Oaks site, all the areas that are proposed for residential use have been previously cleared by the Army using Best Available Demonstrated Technology (BADT). For these previously cleared areas the following would apply.

- Excavate top layer 6" to 12" - clear and grub vegetation then take additional top layer of soil. Then stockpile this material. Construction support would be required as identified in the Ordinance Ordinance.
- For areas where MEC was found and concentrated MD perform BADT scan of newly exposed surface and investigate any anomalies. *Digital Geophysical Mapping is proposed.*
- Based on results
  - If scan is clean then move to construction or
  - If MEC is found, perform removal to depth and rescan
- Use modified Seaside removal action workplan failure criteria: 1 live MEC find results in 20-foot radius excavated and re-sweep, and 5 MD finds (of a size that is the same as a live item) results in determination of 100 X 100 grid failure and the 100 X 100 grid must be excavated and re-swept.

Excavated soil must be evaluated for hazardous waste and determination of reuse or disposal.

- Prepare Site Completion Report
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