

USEPA Director, Wayne Natri
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San Francisco, CA 94105

Richard Bailey
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Subject: Administrative Order on Consent for Cleanup of Portions of the Former Fort Ord. Docket No. R9-2007-003.

Dear Ms. Natri,

January 26, 2007

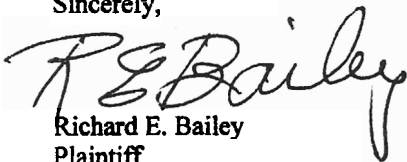
The Administrative Order on Consent for RI/FS and RD/RA or cleanup of portions of the former Fort Ord with the Fort Ord Reuse Authority is in patent violation of the Army and EPA Community Relations Program.

The Army and the EPA has made a commitment to the United States District Court in Case No. C-01-20416JF to give every community affected by Army restoration after the opportunity to participate in the Clean-Up process through Restoration Advisory Board's (RAB's). However, since May 4, 2004 that function is governed by the Settlement Agreement of the court, which retains jurisdictions over the case for a period of 5 years from May 4, 2004 under section 11 of the settlement agreement, which we quote, "In the event of a disagreement between the parties concerning the interpretation or performance of any aspect of this Settlement Agreement, the dissatisfied party shall provide the other party with written notice of the dispute and a request for negotiations. The written notice shall be provided to the individuals at the addresses specified below, unless those individuals or their successors give notice of a change to the other parties in writing." The names and addresses are listed in the Stipulation Order.

The above proposed Administrative Order and Agreement has been carried out with before providing adequate community involvement. The community has not been provided with adequate information to make informed decisions regarding the proposed changes in the cleanup process.

Several public meetings are the minimum requirement needed before any further decision or actions are taken. Please contact me and inform me of the steps you plan to take to correct this court violation to avoid further litigation regarding this matter and expedite the clean-up process.

Sincerely,



Richard E. Bailey
Plaintiff

Cc: Attorney for Plaintiff: Scott Allen of Cox and Moyer, US DOJ: Mark Rigau, US DOA: Robert M. Lewis, CA EPA Director: Maureen Gorsen, Environmental Justice Network: Llavonne Stone
Plaintiff's: Patricia Huth, Michael Weaver, Edward Oberweiser and Linda Millerick.