

FORA AND ARMY AGREEMENT ON TRANSFER AND CLEANUP

The US Army (Army) has been in the process of cleaning up Munitions and Explosives of Concern (MEC) at the 29,000-acre former Fort Ord since 1992. A number of areas formerly used for military training at the former base have been cleared over the years and prepared for transfer to the local jurisdictions and other entities, such as CSUMB, various educational and nonprofit organizations, and a variety of agencies and local jurisdictions. At present, 14,008 of the nearly 29,000 acres have been certified as clean by the California Department of Toxic Substances Control (DTSC) and have been transferred. The Army has transferred approximately 4,800 acres of the former base to the Fort Ord Reuse Authority (FORA), which, in turn, has transferred the bulk of this property to the various jurisdictions for redevelopment. Currently, 3,484 acres still await transfer from the Army to FORA because they must undergo specific MEC related cleanup activity.

In March 2005, FORA requested that the Army allow FORA, on behalf of the Army, to perform specific, required MEC cleanup activities with funding for the cleanup work to be provided by the Army through a process called an "Early Transfer (ET)/ Environmental Services Cooperative Agreement (ESCA)." The ET/ESCA process is an Army grant mechanism to fund a recipient organization (in this case FORA) to conduct required environmental cleanup for the Army in a timely manner and allows authorization for property to be transferred prior to completion of all remedial actions, providing concurrence from the Environmental Protection Agency (EPA) and the state governor is received. It is important to note that with an ET/ESCA process, MEC cleanup standards are set and monitored by the US EPA and DTSC and are the same whether the work is performed by FORA or the Army.

In August 2006, FORA and the Army reached an agreement in principle on policy issues for the ET/ESCA. A budget has been developed for project/remediation work, liability and risk management, and regulatory oversight. The next steps in this complex and important process are finalizing a multitude of documents that identify responsibilities for each and all of the parties involved in the ET/ESCA process, obtaining liability insurance coverage, providing a 30 day public comment period, submitting all required documents for EPA and gubernatorial concurrence, and then completing the early transfer to FORA. It is hoped that the ESCA parcel transfers can be completed by December 2006 so that cleanup work can begin in 2007.

Cleanup standards have been agreed on for residential, commercial and habitat uses, with cleanup to be performed and managed in four segments using Best Available Detection technology. With residential areas being the most sensitive in reuse in relation to human health and safety, an initial pilot parcel will be used to determine whether additional actions (additional soil removal, scans and erosion control) will be necessary to accomplish a measurable risk reduction. Based on the outcome of data from that pilot parcel, regulators will work with FORA and the Army to determine appropriate remediation for the balance of residential property involved in this grant.