



Fort Ord Environmental Justice Network, Inc.

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Wayne Nastri
USEPA REGION 9
Regional Administrator
75 Hawthorne Street
Mail Code: ORA-1
San Francisco, CA 94105

Dear Mr. Nastri,

I am writing to you today on behalf of the Fort Ord Environmental Justice Network (FOEJN) in order to bring to your attention an action of principle interest to our organization. FOEJN is currently a recipient of a U.S. EPA Technical Assistance Grant. Established in 1995, FOEJN has been one of the most valuable networks for collaborative action between the U.S. Army, U.S. EPA, Fort Ord Reuse Authority (FORA), California Department of Toxic Substances Control (DTSC) and surrounding communities for twelve years. FOEJN serves the needs of impacted citizens living on and around the Fort Ord, including Marina, Seaside, CSUMB, and all impacted residents of the Monterey Peninsula in Northern California.. FOEJN provides assistance to the communities by acting as a representative to the institutions responsible for action at this vast and complex Superfund site.

On December 29, 2006 the U.S. EPA issued a proposed agreement between EPA, FORA and the U.S. Army to pass on certain cleanup obligations at various properties on the Former Fort Ord site to FORA. Not only was this action taken without any prior notification to citizens or citizen groups, EPA staff gave a public comment period of only thirty days and released the agreement on the last Friday of the 2006 calendar year.

EPA has no reason to ignore the residents in this manner. Obviously negotiations have been under way for some time between the participant parties. The fact that development of this proposed agreement has been kept out of citizen earshot until thirty days before approval is completely unwarranted. FOEJN has been in contact with EPA staff throughout the fall months and we are dismayed that this agreement was being negotiated all during this period without mention. EPA, the Army and DTSC are well aware of FOEJN's position opposing this agreement because FOEJN

filed official comments on Track II property transfers in which transferring clean up to FOR A was raised. Yet no agency raised the matter to FEOJN.

FOEJN opposes the plan because this agreement will result in an overall lack of direct involvement by either the EPA or the Army, as well as an overall lack of responsibility for the cleanup of these properties. According to the language of the agreement neither EPA nor DTSC can sue or take administrative actions against FORA so long as they act within the loosely framed conditions of the agreement. As the responsible party for these properties for the site's extensive Superfund history, FOEJN believes that the U.S. Army is most qualified to handle the cleanup. Furthermore, with an overall lack of experience, expertise and staff to handle such complex cleanup activities, FORA is neither adequately equipped to competently handle the cleanup of these properties, nor does it have the legal authority to exercise cleanup actions.

FOEJN feels that this agreement is simply a failure on the Army's part to accept responsibility for the cleanup of the Former Fort Ord. This agreement would be a failure not only to the citizens of the Monterey Peninsula, but the entire State of California. The passage of the cleanup to an organization such as FORA which is not experienced in handling such duties is dangerously irresponsible.

For these reasons, we find it in the best interest of our organization, the impacted community, the U.S. Army, the U.S. EPA, the Fort Ord Reuse Authority, and the California Department of Toxic Substances Control to abandon the proposed Agreed Order and we urge you to withdraw the Order.

The citizens of Marina, Seaside, Fort Ord students and other impacted peninsula cities, deserve better.

Sincerely,

LeVonne Stone
Executive Director
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CC: Senator Boxer
Senator Feinstein
Congressman Farr