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Judith Winchell (SFD-7)
United States EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105
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RE: Former Fort Ord Superfund Site – Docket No. R9-2007-03

January 26, 2007

Dear Ms. Winchell,

The proposed Administrative Order of Consent does not comply with EPA's Environmental Justice mandates and policies as it does not require and assure a mechanism for continued public participation and meaningful involvement of community and tribal members in the cleanup and restoration of environmental contamination in and around the former Fort Ord and, by example, all communities threatened by military toxins.

This serious omission is of immense concern as, to the best of our knowledge, this is the first such order issued by the EPA and therefore sets a national precedent for this and countless other communities across the U.S. that are at risk from exposure to military toxins in their environment – risks that are greatest to the developing fetus, infants, and children as the population groups most vulnerable to environmental pollutants.

By both EPA law and policy, the transfer of responsibilities from the federal government to another party (in this case from the U.S. Army to the Fort Ord Reuse Authority) must carry assurances and specific mechanisms for compliance with environmental and economic justice. Moreover, in communities where a RAB or SSAB have/may be established, these mechanisms would be abruptly terminated as having no provision or resources to continue.

As the local reuse authority, the Fort Ord Reuse Authority has routinely blocked meaningful involvement of affected community members, including specific racial and socio-economic groups, in the economic development planning process. In fact, no one from the affected community has a seat at the table. Moreover, the inherent economically-driven mission of the FORA directly conflicts with the community's right to a cleanup that affords the greatest possible protection of human health and the environment.

The EPA has both the authority and a duty to require fair treatment and meaningful involvement by assuring that community and tribal stakeholders are from all

perspectives and are armed with the capacity to participate in policy development as full partners that are afforded necessary support and resources.

For these reasons, we urge the EPA to extend the public comment period, to hold public meetings to actively solicit and incorporate comments from affected community and tribal members, and to withdraw the proposed Administrative Consent Order as it fails to require and assure a mechanism for continued public participation and meaningful involvement of community and tribal members.

Sincerely,

Levonne Stone, Executive Director, Fort Ord Environmental Justice Network

Laura Olah, Executive Director, Citizens for Safe Water Around Badger

Kaye Kiker, Organizer, Citizens Task Force, York, Alabama

Wilbur Slockish, Columbia River Economic and Education Development, Oregon

Dr. Herbert J Bernstein, President, Institute for Science and Interdisciplinary Studies, Massachusetts

Betty Salamun, Artistic Director, DanceCircus, Ltd

J. Gilbert Sanchez, Director, Tribal Environmental Watch Alliance, New Mexico

Guy Wolf, Co-Chair, La Crosse Coalition for Peace and Justice, Wisconsin

Elaine Cimino, Director, Citizens For Environmental Safeguards, New Mexico

Robert A. LoPinto, PE, Co-Chair, Ft. Totten Restoration Advisory Board, New York State

Joseph DiGangi, PhD, Scientist, Environmental Health Fund

Melodie Dove, Lead Environmental Organizer, Concerned Citizens of South Central Los Angeles

Will Fantle, Northern Thunder, Eau Claire

Dr. Warren Porter, Prof. of Zoology, Prof. of Environmental Toxicology, Dept. of Zoology, University of Wisconsin, Madison

Paul Herr, Owner, Paul Herr Consulting

Lyndie Malan, Executive Director, Great Keppel Island Conservation Group

John E. Peck, Executive Director, Family Farm Defenders

Bonnie Urfer, John LaForge, Co-Directors, Nukewatch

Mike Schade, PVC Campaign Coordinator, Center for Health, Environment and Justice

Denny Larson, Director, Global Community Monitor, California

Peter Montague, Ph.D., Director, Environmental Research Foundation

Vina Colley, Portsmouth/Piketown Residents for Environmental Safety and Security (PRESS), Ohio

Bill Ahrens, President, Mining Coalition of Wisconsin

Rick Hind, Legislative Director, Greenpeace Toxics Campaign, Washington DC

Mary David Walgenbach OSB, Prioress, Benedictine Women of Madison, Wisconsin

Julie Enslow, Project Organizer, Peace Action Wisconsin

Rebecca Katers, Executive Director, Clean Water Action Council of NE Wisconsin
Cynthia Stimmler, Office Manager, Women's Environmental Institute, Minnesota
Sandra Hausman, President, Glenview Prairie Preservation Project
Doris Bradshaw, President, Defense Depot Memphis Tennessee - Concerned Citizens Committee
Doris Bradshaw, Chair, Tennessee Environmental Justice Network
Isis Bradshaw, President, Youth Terminating Pollution, Tennessee
Doris Bradshaw, President, Military Toxics Project
Chamomile Nusz, Executive Director, Citizens Energy Cooperative of Wisconsin
Greg Wingard, Executive Director, Waste Action Project
Al Gedicks, Executive Secretary, Wisconsin Resources Protection Council
Marcia Halligan, Kickapoo Peace Circle
Steven Adams, Viroqua Biodynamic Group, Wisconsin
Pamela Miller, Executive Director, Alaska Community Action on Toxics
Wanda Colón Cortés Caribbean Project for Justice and Peace / Proyecto Caribeño de Justicia y Paz, Puerto Rico
Lynelle West Hatton, Director, Toxic and Explosive Substance Accountability, Washington
Judy Miner, office coordinator, Wisconsin Network for Peace and Justice
David Wilmot, Co-Founder/Lead Analyst, Abington, Weymouth and Rockland Environmental Studies (AWARES) of Massachusetts
Jill Johnston, Program Coordinator, Southwest Workers Union, Texas
Guadalupe Alvarado, President, Committee for Environmental Justice Action
Sandra Garcia, Organizer, Youth Leadership Organization
Judith Sullivan, SDS, Coordinator, Sisters of the Divine Savior Justice and Peace Office
Craig Williams, Executive Director, Chemical Weapons Working Group
Sr. Dorothy C. Pagosa, Sisters of St. Joseph of the Third Order of St. Francis Director for Social Justice (organization for identification purposes only)
David Ciplet, U.S. Coordinator, Global Alliance for Incinerator Alternatives (GAIA)
Irene Senn, Justice, Peace & Integrity of Creation Committee of the Sisters of St. Francis of Assisi
Richard Moore, Executive Director, Southwest Network for Environmental and Economic Justice
John Steines, member and co-founder, Friends of Starkweather Creek, Madison, Wisconsin
Marie Zellar, Regional Director, Clean Water Action
Marc Rosenthal, Board of Directors, Madison Arcatao Sister City Project
Mary Pendergast, RSM Sisters of Mercy, Earth Committee Chairperson, Northeast
(56 co-signators)