

Fort Ord Real Estate Actions Update 2022-12

FOST 6:

Parcel F2.7.2, Site 33, Golf Course Maintenance Area removal of residential use restriction.

1. The BW RI Sites ROD identifies a deed restriction on residential use as the remedy.
2. DTSC terminated the CRUP.
3. Site developer prepared draft ESD to the BW RI Sites ROD to address the change to the remedy.
4. 6/10/22 – Draft ESD submitted to USEPA, DTSC, and RWQCB, expedited review requested.
5. 6/21/22 – USEPA comments received.
6. 9/9/22 – SPK-RE submitted draft deed to BRAC-RE.
7. 9/21/22 – ESD signature process complete.
8. 11/4/22 – SPK-RE submitted draft deed to SPK-OC.
9. 11/16/22 – SPK-OC has no legal objection, SPK-RE to route deed package to HQ-USACE OC via BRAC-RE.

FOST 11:

1. 6/16/20 – MOA Amendment No. 8 executed.
2. 10/27/20 – ELD determined deed revisions and FOST amendment needed.
3. 1/13/21 – draft FOST amendment and public notice submitted to USEPA, DTSC, Seaside, and Monterey County for review.
4. 3/22/21 – Army submitted responses to DTSC comments on amendment.
5. Army submitted draft memo to file to USEPA and DTSC.
6. Amendment requires 7-day public comment period.
7. Army will provide draft deed to USEPA and DTSC for review after HQ-USACE review.
8. Army will execute deed after DTSC has CRUP in place with Seaside
9. 9/17/21 – DTSC reported CRUP is ready for execution, USEPA to check with counsel on status.
10. 10/26/21 – USEPA and DTSC redline edits to draft memo to file submitted to Army.
11. 4/26/22 – ELD revised memo to file.
12. 7/7/22 – ELD coordinating revised memo to file with OGC, will submit to USEPA and DTSC for review.
13. ECP recertification required.

FOST 12:

December 2012 – Chief, BRAC-D executed FOST. Deeds in progress:

1. E20c.1 to Seaside –
 - a. 1/11/22 – BRAC-FO submitted letter to USEPA requesting concurrence on transfer under CERCLA 120(h)(4)
 - b. USEPA disagreed with change to 120(h)(4) in letter dated 4/14/22.
 - c. Draft deed review and modification in progress.
2. E29b.3.1 to FORA – deed recorded on 6/5/19.
3. S2.1.2 to UC – FOST amendment may be required.

FOST 13:

1. 4/18/05 – Diocese of Monterey rescinded its PBC request for Parcel L36.
2. ECP recertification process determined a new FOST is required to reclassify Parcel L36 as Category 1.
3. 6/1/20 – USEPA concurred with FOST.
4. 6/16/20 – MOA Amendment No. 8 executed.
5. 11/12/21 – comments on draft deed received from Seaside counsel.
6. ECP recertification required.
7. 4/26/22 – ELD coordinating with OGC on draft deed language.
8. SPK-RE sent package to HQ-USACE in June, review scheduled for 7/6/22.

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9. 10/25/22 – final ECP update submitted to SPK-RE and BRAC-D, information paper in progress.

FOSET 1:

1. CERCLA Warranty for Parcel L5.1.1 (PBC; FAAF MRS-34): SPK-RE coordinating process with City of Marina.
2. CERCLA Warranty for Parcel L5.1.1.1 (FAAF MRS-34): SPK-RE submitted disposal package to HQ-USACE on 5/13/22, execution date TBD.

FOSET 4:

CERCLA Warranty for Del Rey Oaks Parcels E29a, E29b.1, E31a, E31b, E31c, and E36 (MRS-DRO.1, MRS-DRO.2, MRS-43): SPK-RE coordinating process with City of Del Rey Oaks.

FOSET 5:

Non-ESCA CERCLA Warranties:

1. City of Marina Parcels E4.3.2.2, E4.7.1, E5a.1, and L5.10.1 (property overlying OUCTP): SPK-RE submitted disposal package to HQ-USACE on 5/13/22, execution date TBD.
2. County of Monterey Parcel E4.7.2 (property overlying OUCTP): SPK-RE submitted disposal package to HQ-USACE on 5/13/22, execution date TBD.

Parcel L20.4 (Oil Well Rd) transfer to Bureau of Land Management:

1. August 2013 – LOT under review at OGC, to be executed by DASA (Installations, Housing and Partnerships).
2. 5/6/21 – updated LOT sent to ELD for review.
3. 6/1/21 – ECP update required.
4. 12/21/21 – SPK-RE sent updated LOT package to HQ-USACE.
5. 5/6/22 – comments received from HQ-USACE.
6. 5/25/22 – ECP update site inspection.
7. 10/25/22 – final ECP update submitted to SPK-RE and BRAC-D.

Acronyms and Abbreviations

BLM	Bureau of Land Management
BRAC-D	Base Realignment & Closure Division, Assistant Chief of Staff for Installation Management
BRAC-FO	Base Realignment & Closure, Fort Ord Field Office
BW	basewide
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (Superfund)
CRUP	Covenant to Restrict Use of Property
DASA	Deputy Assistant Secretary of the Army
DTSC	Department of Toxic Substances Control
ECP	environmental condition of property
ELD	U.S. Army Legal Services Agency, Environmental Law Division
FORA	Fort Ord Reuse Authority
FOSET	Finding of Suitability for Early Transfer
FOST	Finding of Suitability to Transfer
HQ	Headquarters
LOT	letter of transfer
MOA	memorandum of agreement
OGC	Office of the Army General Counsel
OUCTP	Operable Unit Carbon Tetrachloride Plume

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PBC	public benefit conveyance
PFAS	per- and polyfluoroalkyl substances
RI	remedial investigation
ROD	Record of Decision
RWQCB	Regional Water Quality Control Board – Central Coast Region
SPK-OC	USACE Sacramento District Office of Counsel
SPK-RE	USACE Sacramento District Real Estate
UC	University of California
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency