

TOURTELOT CLEANUP PROJECT



TOURTELOT PROJECT ANNUAL INSPECTION AND REPORT FORM

Benicia, California

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Background & Overview

This Tourtelot Project Annual Inspection and Report Form has been prepared to assist the City of Benicia in complying with inspection and reporting requirements that the City has agreed to perform on the Tourtelot Project Site.

The Tourtelot Project Site consists of approximately 220 acres located in the northwest corner of the former Benicia Arsenal, north of Rose Drive and west of East 2nd Street (see figure A). From 1944-1960 the Tourtelot property was leased to the U.S. Army as part of the Benicia Arsenal. In 1989 the City zoned the property for residential use. In 1996, the property owner discovered that the site contained ordnance and explosives (OE) that the Army had left on the property. The discovery of ordnance was reported to the City of Benicia, the United States Army Corps of Engineers (USACE) and the California Department of Toxic Substances Control (DTSC). The property was secured and the property owner began working on further investigation and cleanup.

Remediation of the Project Site to remove OE was undertaken, with oversight by DTSC and USACE. The Tourtelot Cleanup Project was completed in June 2004, and the DTSC issued a No Further Action determination confirming that no further removal

actions are required. All residential areas were approved for unrestricted residential use. Open space portions of the Project Site, all of which are owned by the City of Benicia, are subject to ongoing inspection and reporting requirements that are designed to monitor the Project Site.

Ongoing Inspection

The Annual Inspection and Report Form identifies the inspection and monitoring activities that the City has agreed to perform on an annual basis. The City has also agreed to provide annual reports to DTSC regarding such inspections and monitoring activities. The annual report is due by May 15th each year and should be prepared and submitted to the addresses listed in the instructions contained herein.

City personnel or contractors who are responsible for conducting the annual inspection and monitoring activities and preparing the Report Form should review the Tourtelot Restricted Areas Educational Manual and refer, as necessary to the Land Use Covenant, Contingency Action Plan (CAP), Operations and Maintenance Plan (O&M Plan), and Operations and Maintenance Agreement (O&M Agreement) referred to in the Educational Manual and in the Report Form.

INSTRUCTIONS:

1. Please use the included CD ROM to print out the Annual Inspection and Report Form.
2. Fill out, sign and date each section of the Annual Inspection and Report Form. The signature of the person responsible for completing the Annual Inspection and Report Form is required for each section.
3. A City of Benicia Representative must compile all sections of the Annual Inspection and Report Form and sign and date page 1 and 17. Please include the contact information requested on page 17.

4. Mail one completed form to each of the following addresses no later than May 15th:

Rizgar Ghazi
Project Manager for Tourtelot Cleanup Project
California Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 94826-3200

Heather McLaughlin
City Attorney
Benicia Project Manager, Tourtelot Cleanup Project
City of Benicia
250 East L Street
Benicia, CA 94510

Bill McNair
President
Pacific Bay Homes, LLC
4041 Macarthur Boulevard, Suite 500
Newport Beach, CA 92660

Report Date:

Signature of City of Benicia Representative:

Tourtelot Property: Inspection and Report Form

EROSIONS AND LANDSLIDES

The requirements for the annual erosion and landslide inspection are contained in the Slope Stability and Erosion Monitoring Plan (Appendix C to the O&M Plan). Before conducting the annual inspection, please review that Plan. The Plan identifies field inspection stations from which to view the erosion-prone areas and slope instability areas. These proposed stations, shown on Figure A, were used as stations from which to take baseline photographs. These "S-marker" stations are considered to be the optimal location from which to view each erosion-prone or slope instability area. Photographs taken during the baseline document the extent of erosion or slope instability, and are to be used during the subsequent monitoring events to allow comparison over time of that area with the baseline condition. Copies of the baseline photographs are included in the CD ROM that has been provided to the City with this Annual Inspection and Report Form.

Compare current field conditions with the Baseline Photo Study. See Appendix C of the O&M Plan for additional background.

A. Have any existing erosions enlarged or deepened in the past year?

Yes

No

If yes, please respond to the following:

1. Identify the location where erosion has enlarged or deepened (See Figure A). Note parcel number (i.e. 083-220-080), S-marker (i.e. S7) and any further description that will help to find the location again.

Last year's area identified as a new erosion in 083-210-280, above S-16 remains stable.

2. On a scale of 1-10 (10 being the worst), how significant is the enlargement or deepening to that area?

N/A

3. Estimate the size of the affected area.

A 1 ft. x 6 ft. area essentially unchanged since the 2005 inspection

B. Are there any new erosion-prone zones that may become active?

Yes

No

If yes, please respond to the following:

1. Identify the location of erosion-prone zone(s) (See Figure A). Note parcel number (i.e. 083-220-080), S-marker (i.e. S7) and any further description that will help to find the location again.

Erosions and Landslides form continued on next page.

Tourtelot Property: Inspection and Report Form

EROSIONS AND LANDSLIDES (CONTINUED)

C. Have any landslides moved or enlarged in the past year?

- Yes
 No

If yes, please respond to the following:

1. Identify the location where the landslide has moved or enlarged (See Figure A). Note parcel number (i.e. 083-220-080), S-marker (i.e. S7) and any further description that will help to find the location again.

N/A

2. On a scale of 1-10 (10 being the worst), how significant is landslide movement or enlargement to that area?

N/A

3. Estimate the size of the affected area.

N/A

D. Are there any areas of slope instability not identified on Figure C-1 of the Slope Stability and Erosion Monitoring Plan where landslides have occurred since the last monitoring event?

- Yes
 No

If yes, please respond to the following:

1. Identify the location where landslides have occurred (See Figure A). Note parcel number (i.e. 083-220-080), S-marker (i.e. S7) and any further description that will help to find the location again.

An 18' x 21' slump above S-3 (083-210-180) (Append A, Pg 15); a 20' x 30' slide above S-7 (083-210-180) (Append A, Pg 15); a 50' x 60' slide above S-18 (083-210-280) (Append A, Pg 16); an erosion trench in the land bridge groin above S-16 (083-210-180) (Append A, Pg 17)

E. If an erosion or landslide event has occurred, please review section 5.0 of the Slope Stability and Erosion Monitoring Plan and evaluate if a corrective action is necessary. Describe the corrective action that took place.

The site will be annually monitored. An evaluation by a geotechnical engineer of the slide above S-18 is recommended. The erosion trench above S-16 should be investigated for the possibility of a broken storm drain line.

Erosions and Landslides form continued on next page.

Tourtelot Property: Inspection and Report Form

EROSIONS AND LANDSLIDES (CONTINUED)

F. In conducting the inspection, did you follow the requirements of Section 4.0 of the Slope Stability and Erosion Monitoring Plan? If any requirements were not completed, explain why the requirements could not be completed.

Section 4.0 requirements were followed.

G. Are you aware of any problems or anticipated problems in completing the annual erosion and landslide inspection next year?

No anticipated problems.

H. If the annual erosion and landslide inspection was performed by a consultant retained by the City, please provide a copy of any written report provided by the consultant to the City.

The inspection was performed by a consultant but no reports other than this report were provided.

May 15, 2006
Inspection Date:


Inspector Signature:

Tourtelot Property: Inspection and Report Form

UNAUTHORIZED ENCROACHMENT IN OPEN SPACE

Before conducting the annual inspection for encroachments in open space, please review Section 4.1 of the CAP. On June 1, 2004, the Benicia City Council adopted a resolution prohibiting encroachments into City-owned open space within the boundaries of the Tourtelot Project Site to prevent damage to slope stability and excavation into the soil. The resolution directs City staff to require prompt removal of ALL encroachments in the open space.

A. Please walk the residential fence lines that abut the Restricted Areas depicted in Figure A. Have any new unauthorized encroachments occurred within the past year?

- Yes
 No

If yes, please respond to the following:

1. Identify the location where unauthorized encroachments have occurred (See Figure A). Note parcel number (i.e. 083-220-080) and any further description that will help to find the location again. Previously reported encroachments remain unaltered. (Append. B, Pgs 1-9). New encroachments are 380 Piercy (083-370-003) (Append. B, Pg10); 465 Panorama (083-480-001) (Append. B, Pg 10); and 613 Kearny (083-490-007) (Append B, Pg 11).

2. Estimate the size of the affected area. Piercy Drive consists of a linear encroachment for irrigation, 613 Kearny is a 30' x 50' fenced garden with irrigation, 465 Panorama is a bike track with a dirt ramp 30 - 40ft long and 2 - 3 ft wide.

3. Describe what action has been taken to comply with the prohibition on encroachments into City-owned open space within the boundaries of the Tourtelot Project Site (i.e. notices to homeowners).

Owners of the property have or will notified of the improper encroachment and the need for removal.

B. Please walk remaining Restricted Areas depicted in Figure A. Is there any evidence of digging or excavation that has not been authorized by the City of Benicia?

- Yes
 No

If yes, please respond to the following:

1. Identify the location where digging or excavation have occurred (See Figure A). Note parcel number (i.e. 083-220-080) and any further description that will help to find the location again.

A small pit dug behind 521 McCall by children (083-150-002) (Append. B, Pg 11)

2. Estimate the size of the affected area.

3 ft. X 5 ft. X 18 inches deep

3. Describe what action has been taken to comply with the prohibition on encroachments into City-owned open space within the boundaries of the Tourtelot Project Site.

Property owners are aware of the prohibition on encroachments and claim it is only for irrigation of plants or fire protection.

Unauthorized Encroachment in Open Space form continued on next page.

Tourtelot Property: Inspection and Report Form

UNAUTHORIZED ENCROACHMENT IN OPEN SPACE (CONTINUED)

C. In conducting the encroachment inspection, have the requirements of Section 4.1 of the CAP been followed?

Yes

No

If no, explain why the requirements could not be followed:

D. Are you aware of any problems or anticipated problems in complying with the requirements of Section 4.1 of the CAP next year?

No problems are anticipated in complying with Section 4.1 of the CAP next year.

May 15, 2006
Inspection Date:

[Signature]
Inspector Signature:

Tourtelot Property: Inspection and Report Form

COVENANT COMPLIANCE

Before completing this annual report form on covenant compliance, please review Section 3.5 of the O&M Plan. The Land Use Covenant requires that the City maintain open space land use designation for the open space parcels within the Tourtelot Property and will prohibit certain land uses that would otherwise be permitted under a special use permit.

A. Please confirm that no Land Use Changes or Special Use Permits have been issued for the restricted property identified in Figure A.

No Land Use Changes or Special Use Permits have been issued for the restricted property identified in Figure A.

Other: (Please Describe)

B. Have the requirements of Section 3.5 of the O&M Plan been followed?

Yes

No

If no, explain why the requirements could not be followed:

C. Are you aware of any problems or anticipated problems in complying with the requirements of Section 3.5 of the O&M Plan next year?

No problems are anticipated with compliance with Section 3.5 next year.

May 15, 2006
Report Date:


Signature of Person Compiling Report:

Tourtelot Property: Inspection and Report Form

EXCAVATION ACTIVITIES

Before completing this annual report form, please review the definition of Excavation Activities contained in Section 1.2 of the CAP. Also review Section 5 of the CAP which describes the procedures to be followed by the City when Excavation Activities are conducted in Restricted Areas. The procedures are also summarized in the Tourtelot Restricted Areas Educational Manual. The required procedures vary, depending on whether the Restricted Areas is designated as an OE Notice Area, an OE Construction Support Area or a Wetlands Risk Reduction Area. Figures showing the areas included in each classification are included in the Educational Manual.

Report any Excavation Activities that have occurred in Restricted Areas in the past year.

A. Have any Excavation Activities taken place in Restricted Areas identified in Figure A?

Yes

No

If yes, please respond to the following: (Attach a separate response sheet for each excavation occurrence.)

1. Describe reason for Excavation Activities.

Only activities related to child play, small "fox holes" and bike ramps.

2. Identify the location where Excavation Activities have occurred (See Figure A). Note parcel number (i.e. 083-220-080) and any further description that will help to find the location again.

083-450-002, 521 McCall

3. When did the Excavation Activities take place?

Since last inspection

4. Please provide the approximate volume of materials removed in excavation.

3 cubic feet

5. Were any OE-Energetic or OE-Like items (see definitions on page 16 of this Form) discovered in the Restricted Areas? If yes, please describe action taken. (Attach additional sheets if more space is needed.)

Unknown

6. Is the Restricted Area in which Excavation Activities were conducted an OE Notice Area, an OE Construction Support Area or Wetlands Risk Reduction Area?

No

Excavation Activities form continued on next page.

Tourtelot Property: Inspection and Report Form

EXCAVATION ACTIVITIES (CONTINUED)

7. Were procedures described in Section 5 of the CAP followed? Please describe. (Attach additional sheets if more space is needed.)

N/A

8. If any requirements of Section 5 of the CAP were not followed, explain why the requirements could not be followed. (Attach additional sheets if more space is needed.)

N/A

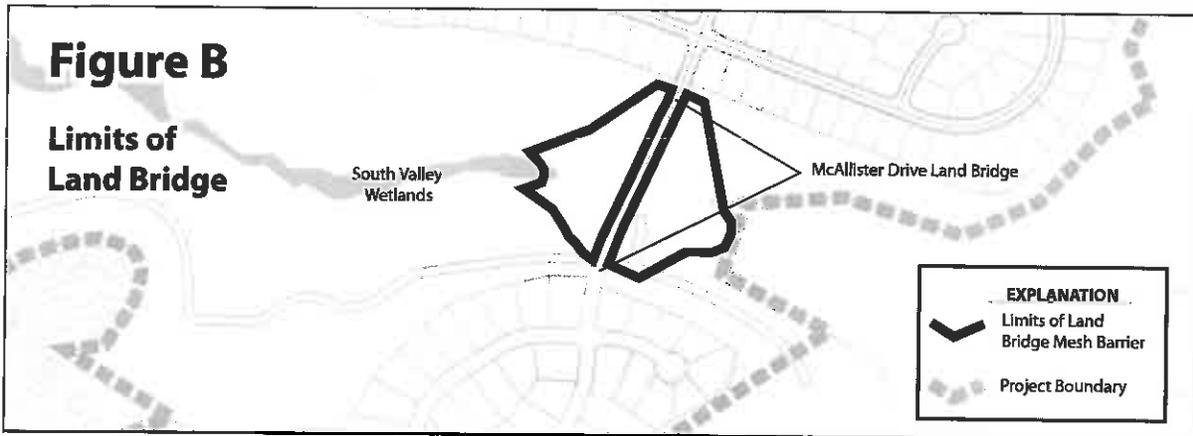
9. Are you aware of any problems or anticipated problems in complying with the requirements of Section 5 of the CAP for Excavation Activities conducted next year? (Attach additional sheets if more space is needed.)

No problems are a anticipated in compliance with CAP Section 5 next year.

May 15, 2006
Report Date:


Signature of Person Compiling Report:

Tourtelot Property: Inspection and Report Form



LAND BRIDGE MESH BARRIER

Before conducting the annual inspection of the Land Bridge Mesh Barrier, please review Section 3.3 of the O&M Plan. The Land Bridge Mesh Barrier (See Figure B) was installed to prevent unauthorized excavation into the slopes of the Land Bridge. Excavation into the slopes of the Land Bridge could result in potential exposure to OE-Energetic or OE-Like items.

Please inspect the mesh barrier on either side of McAllister Drive Land Bridge and respond to the following:

A. Is the mesh barrier securely in place?

- Yes
 No

B. Are there signs of rust or corrosion that could cause possible impairment?

- Yes
 No

C. Has the mesh barrier been damaged in any way?

- Yes
 No

If yes to any of the above questions, please respond to the following:

1. Where has the Land Bridge Mesh Barrier been affected? Locate on figure.

A few of the many hold down pins are beginning to lift near _____ street (Append C, Pg 1 and 2)

2. On a scale of 1-10 (10 being the worst), how significant is the damage?

1-2

3. Describe how the barrier has been affected: (i.e. cuts, weakened barrier, etc.)

The edges of the barrier may be prone to lifting which would affect its overall hold down strength.

4. Estimate size of affected area.

The specified hold down pins are not longer effective along the _____ street.

5. Describe what has been done to repair the Land Bridge Mesh Barrier.

Note: CAP requires special precautions for repair.

No action is recommended, only monitoring. Vegetation will likely be an effective long term hold down.

Land Bridge Mesh Barrier form continued on next page.

Tourtelot Property: Inspection and Report Form

LAND BRIDGE MESH BARRIER (CONTINUED)

D. Have the requirements of Section 3.3 of the O&M Plan been followed? If any requirements were not followed, explain why the requirements could not be followed.

Yes

E. Are you aware of any problems or anticipated problems in complying with the requirements of Section 3.3 of the O&M Plan next year?

No problems are anticipated for next year.

F. If the annual Land Bridge Mesh Barrier inspection was performed by a consultant retained by the City, please provide a copy of any written report provided by the consultant to the City.

No written report was prepared beyond this report.

May 15, 2006
Inspection Date:


Inspector Signature:

Tourtelot Property: Inspection and Report Form

EDUCATION

Before completing this annual report form, please review Section 3.7 of the O&M Plan. Your responses to the following questions should report for the period since the last annual report was submitted.

A. Has the City of Benicia sent OE warning notices to all residents and businesses in the water bill area about possible discovery of OE items? (See appendix A of the CAP for form of OE warning notice.)

Yes

No

B. Is the program developed by the US Army Corps of Engineers for instructing Benicia school children of the potential presence of OE on the former Benicia Arsenal and how to respond if OE items are encountered operating?

Yes

No

C. Does the Camel Barn Museum have an educational display and/or related materials that can be used to acquaint visitors to the museum of the potential for encountering OE on the former Benicia Arsenal and how to respond?

Yes

No

D. Have personnel in the Public Works Department who could potentially be involved in supervising Excavation Activities in Restricted Areas or in retaining outside contractors to conduct Excavation Activities been required to review the Tourtelot Restricted Areas Educational Manual to refresh their understanding of the requirements for conducting such Excavation Activities?

Yes

No

E. Have personnel in the Community Development Department who could potentially be involved in processing proposed land use changes, special use permits or encroachment permits for Restricted Areas been required to review the Tourtelot Restricted Areas Educational Manual to refresh their understanding of the restrictions on allowing land use changes or issuing special use permits or encroachment permits for Restricted Areas?

Yes

No

Education form continued on next page.

Tourtelot Property: Inspection and Report Form

EDUCATION (CONTINUED)

F. Has the Police Department been trained what to do when possible OE or OE-Like items are found?

- Yes
 No

G. Has the Fire Department been trained what to do when possible OE or OE-Like items are found?

- Yes
 No

H. Have the requirements of Section 3.7 of the O&M Plan been followed?

- Yes
 No

If no, explain why the requirements could not be followed:

I. Are you aware of any problems or anticipated problems in complying with the requirements of Section 3.7 of the O&M Plan next year?

Report Date:

Signature of Person Compiling Report:

Tourtelot Property: Inspection and Report Form

FIRE AND POLICE DEPARTMENTS

A. Before completing this annual report form, please review Section 6 of the CAP. Over the past year has anyone reported finding any OE or OE Scrap items to the City of Benicia Police or Fire Departments?

Yes

No

If yes, what object(s) were reported?

1. What follow-up action was taken?

B. Have the requirements of Section 6 of the CAP been followed?

Yes

No

If no, explain why the requirements could not be followed:

C. Are you aware of any problems or anticipated problems in complying with the requirements of Section 6 of the CAP next year?

Report Date:

Signature of Person Compiling Report:

Tourtelot Property: Inspection and Report Form

WETLANDS

Before conducting the inspection of the Wetlands Risk Reduction Area, please review Sections 2.8.2(a) and 3.1.2 of the O&M Plan. The Wetlands Risk Reduction Area can be located in the field based on the following markers: Two "Protected Wetlands" signs have been placed directly across from each other on each side of the wetlands at both ends of the Wetlands Risk Reduction Area to provide field reference markers to assist in the location of the Wetlands Risk Reduction Area. The tops of the poles on which such signs are mounted have been marked with blue fence post caps. Signs are posted at intervals of 100 yards, alternating on each side of the waterway (meaning that the signs on each side of the waterway would be 200 yards apart). All of the sign poles within the Wetlands Risk Reduction Area are marked with blue fence post caps. Outside the Wetlands Risk Reduction Area, the sign poles do not have the blue cap.

A. Are "Protected Wetlands" signs still standing?

Yes

No

If no, describe location of fallen or missing sign(s). Note parcel number (i.e. 083-220-080) and any further description that will help to find the location(s) again.

B. Have the "Protected Wetlands" signs deteriorated or been vandalized over the past year?

Yes

No

If yes, describe location of deteriorated or vandalized sign(s). Note parcel number (i.e. 083-220-080) and any further description that will help to find the location(s) again.

1. Describe deterioration or vandalism (i.e. rust, corrosion, or any other impairment to sign[s]).

2. Do you suggest the sign(s) be repaired or replaced within the next year? If yes, describe what measures the City will take to repair or replace signs.

C. Have the requirements of Section 3.1.2 of the O&M Plan been followed?

Yes

No

If no, explain why the requirements could not be followed:

Wetlands form continued on next page.

Tourtelot Property: Inspection and Report Form

WETLANDS (CONTINUED)

D. Are you aware of any problems or anticipated problems in complying with the requirements of Section 3.1.2 of the O&M Plan next year?

I am not aware of any actual or anticipated problems in complying with the requirements next year.

E. Beginning in Spring of 2010, the City is to take over responsibility for annual monitoring of thorny plants installed around the Wetlands Mitigation Area, as discussed in Section 3.1.2 of the O&M Plan. (Prior to that date monitoring is the responsibility of Pacific Bay Homes, LLC.) The monitoring is to confirm that plants are remaining viable and self-sustaining.

The following questions should be answered in the City's Annual Inspection and Report form that is due May 15, 2010, and in subsequent years:

1. Are the thorny plants installed around the Wetlands Mitigation Area still viable and self sustaining?

Yes

No

If no, describe the condition of the plants and, if known, the cause of any deterioration in the plant condition in the prior year. Also describe the measures the City will take to restore the viability of the plants or to replace any which cannot be restored.

May 15, 2006

Inspection Date:



Inspector Signature:

Tourtelot Property: Inspection and Report Form

GLOSSARY OF TERMS

CAP – Contingency Action Plan

Covenant – Land Use Covenant

DTSC—California Department of Toxic Substances Control

O&M Plan – Operations and Maintenance Plan

US Alert – Underground Service Alert

USACE – U.S. Army Corps of Engineers

OE DEFINITIONS

“OE” means ordnance and explosives and may include OE-Energetic, OE-Like or OE Scrap items.

“OE-Energetic” is defined as ammunition or ammunition components that contain measurable amounts of explosives that have been abandoned, expelled from demolition pits, burned, buried, lost or discarded; or soil containing 10 percent or more of explosives.

“OE-Like” refers to any item that is (1) any recognizable, intact component of an OE item that presents no explosive hazard or (2) an ordnance item, other than small arms cartridges, casings, or bullets that has retained the shape of a projectile. Examples of OE-Like items are expended fuzes, burster tubes, booster caps, rocket motors, tail fin assemblies, practice warheads or projectiles, or solid ball projectiles (such as a 37 mm armor piercing projectile).

“OE Scrap” includes those items that are fragments of intentionally destroyed items that do not contain explosives or explosive residue. OE Scrap is inert and does not pose a safety risk.

If you have any questions regarding the information contained in the Annual Inspection and Report Form, please contact:

Heather McLaughlin

City Attorney
Benicia Project Manager, Tourtelot Cleanup Project
(707) 746-4216

Collette Meunier

Community Development Director
(707) 746-4280

Dan Schiada

Public Works Director
(707) 746-4332



Tourtelot Property: Inspection and Report Form

INSPECTION AND REPORT VERIFICATION

To be signed and dated by the City of Benicia Representative responsible for compiling the Annual Inspection and Report form:

Print Name: _____

Signature: _____

Date: _____

Contact Information:

Title: _____

Address: _____

Telephone: _____

Fax: _____

Email: _____

INSPECTION AND REPORT RESULTS

Please send one copy of the completed form to each of the following:

Rizgar Ghazi

Project Manager for Tourtelot Cleanup Project
California Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 94826-3200

Heather McLaughlin

City Attorney
Benicia Project Manager, Tourtelot Cleanup Project
City of Benicia
250 East L Street
Benicia, CA 94510

Bili McNair

President
Pacific Bay Homes, LLC
4041 Macarthur Boulevard, Suite 500
Newport Beach, CA 92660