TOURTELOT CLEANUP PROJECT

TOURTELOT PROJECT ANNUAL INSPECTION AND REPORT FORM

Benicia, California

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THE CITY OF BENICIA

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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:**

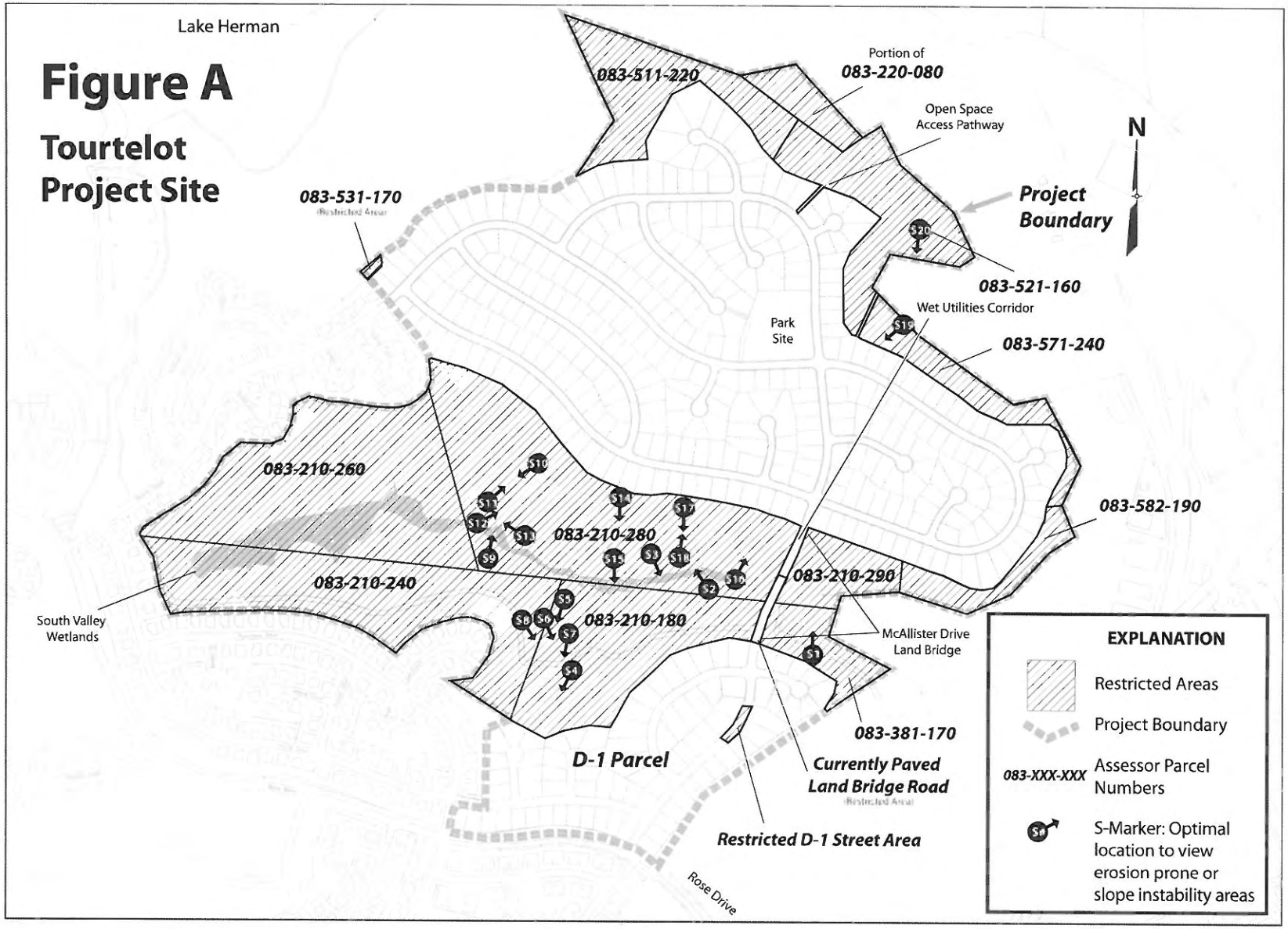
Rizgar Ghazi
Project Manager for Tourtelot Cleanup Project
California Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 94826-3200

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

6/8/10
Report Date:

Signature of City of Benicia Representative:


Lake Herman
Figure A
Tourtelot Project Site
083-511-220
Portion of
083-220-080
Open Space Access Pathway
N
Project Boundary
083-531-170
(Restricted Area)
083-521-160
Wet Utilities Corridor
Park Site
083-571-240
083-210-260
083-582-190
083-210-280
083-210-240
083-210-290
South Valley Wetlands
083-210-180
McAllister Drive Land Bridge
083-381-170
D-1 Parcel
Currently Paved Land Bridge Road
(Restricted Area)
Restricted D-1 Street Area
Rose Drive
EXPLANATION
Restricted Areas
Project Boundary
083-XXX-XXX Assessor Parcel Numbers
S-Marker: Optimal location to view erosion prone or slope instability areas

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.

   Site stability continues to be good in the Histooric Landslide Areas. During the 2008 inspection it was noted that in Parcel 083-210-180, the Station 5 marker had been washed away by the outfall. Continued monitoring of this area has been conducted since 2008 and the area is stable. Parcel 083-210-280 also shows good stabilization.

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

3. Estimate the size of the affected area.

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.

   A new slump was observed during this years survey in Parcel 083-210-180 Historic Lanslide Area B. The slump is 4'x12' in size and can be found in the photo exhibit Appendix A on pages 8, 11 and 12. Continued monitoring of this area should be all that is needed.

Erosions and Landslides form continued on next page.

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.

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

3. Estimate the size of the affected area.

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.

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.

No corrective action is necessary. Slump monitoring will continue.

Erosions and Landslides form continued on next page.

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?

I am not aware of or anticipate any problems in completing the annual inspection report next year.

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, no other reports have been prepared.

5-11-2010

Inspection Date:

Inspector Signature:

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.

Two new encroachments in addition to the existing encroachments from 2009 were recorded during this years inspection. The new encroachments can be found in Appendix B.

2. Estimate the size of the affected area.

Historically, the encroachments are usually no wider than the length of the abutting property lines. The depth of the typical encroachment is about 10'.

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).

Our recomendation to the City is that an advisory notice be sent to all of the property owners with encroachments into the restricted Open Space.

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.

2. Estimate the size of the affected area.

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.

Unauthorized Encroachment in Open Space form continued on next page.

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.

5-11-2010

Inspection Date:

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

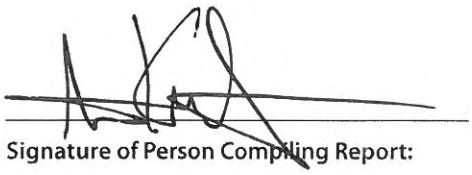
If no, explain why the requirements could not be followed:

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?

During the inspection none of the restricted land uses that are included in Section 3.5 of the O&M Plan were observed.

5-11-2010

Report Date:



Signature of Person Compiling Report:

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.

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.

3. When did the Excavation Activities take place?

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

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.)

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?

Excavation Activities form continued on next page.

EXCAVATION ACTIVITIES (CONTINUED)

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

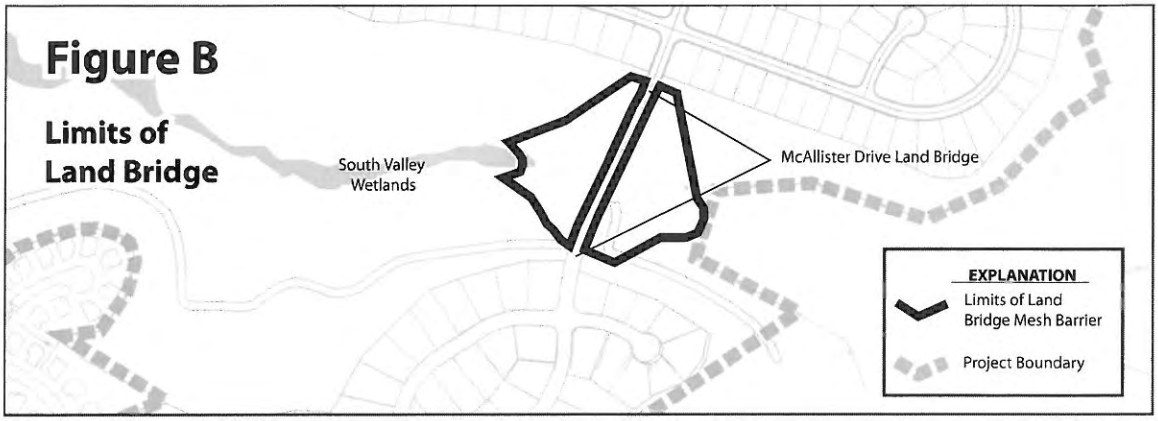
8. If any requirements of Section 5 of the CAP were not followed, explain why the requirements could not be followed. (Attach additional sheets if more space is needed.)

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.)

5-11-2010

Report Date:

Signature of Person Compiling Report:



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.

   The affected areas are in the same locations as in previous years. The seems of the Mesh Barrier are held down with staking pins that in some areas have been lifted from the slope. It is along these seems that the Mesh Barriewr has been compromised.

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

   2 - 3

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

   As described above, the seems between lengths of Mesh Barrier have lifted in several areas. While the majority of the Mesh Barrier is still in contact with the slope it is protecting, the seems lifting, do compromise the protection of the slope.

4. Estimate size of affected area.

   There are a few areas where approx. 2'x2' of Mesh Barrier are peeled back. All of the other areas could be described as linear strips of Mesh Barrier lifting along the seems.

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

   Note: CAP requires special precautions for repair.

   It is the recomendation of the consultant performing this inspection that the Mesh Barrier be repaired at the locations where the seems have lifted and are compromising the protection of the slope.

Land Bridge Mesh Barrier form continued on next page.

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?

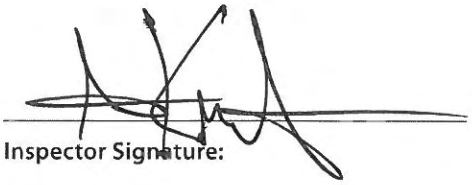
There are no anticipated problems for compliance with Section 3.3 of the O&M plan for next year. Our recomendation for maintenance repair of the Mesh Barrier will need to be done in accordance with the Contingency Action Plan (CAP) for safety requirements.

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 other written report has been prepared beyond this monitoring report herein.

5-11-2010

Inspection Date:



Inspector Signature:

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.

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?

No.

In 2009, the city reported that the school program had not been implemented. Since then, it has been discussed and decided the best way to present the materials is during execution of the D.A.R.E. program.

6/8/10
Report Date:

Signature of Person Compiling Report:

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

1. If yes, what object(s) were reported?

2. 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?

No.

6/9/10
Report Date:

Signature of Person Compiling Report:

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 of 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.

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 do not forsee any anticipated ploblems in complying with the requirements of Section 3.1.2 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.

While I am not an expert on the specific thorny plants that were planted around the Wetlands Mitigation Area, I have observed, that since I began conducting the annual inspection of the Tourtelot site in 2005, the vegetation abutting the wetlands continues to grow and looks healthy. Natural barriers along with milk thistle plants are providing a good barrier and buffer for keeping people out of this area.

5-11-2010

Inspection Date:

Inspector Signature:

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: Andrew Kennedy

Signature:

Date: 5-11-2010

Reviewed: P.E. 21771 5/11/10

Contact Information:

Title: Engineering Technician - Tourtelot Project Inspector

Address: Kennedy and Associates, 2586 Comistas Dr., Walnut Creek, CA, 94598

Telephone: 925-932-7857

Fax: 925-465-4841

Email: ajk@kennedyandassociates.org

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

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