



City Attorney's Office
MEMORANDUM

Date: May 25, 2011
To: Heather Mc Laughlin, City Attorney
From: D Simpkins, Administrative Clerk
Re: **Summary of May 23, 2011 Arsenal Meeting**

Since the December 22, 2010 meeting, a subcommittee of Council members and City staff has been formed, including those that are familiar with cleanup processes. The City's role is facilitator while the Department of Toxic Substances Control ("DTSC") is the decision-maker. Department of Justice ("DOJ") and the U.S. Army Corps of Engineers ("USACE") are also driving the project. The City is keeping involved and working with ERS on solutions.

ERS is researching conceptual ideas and is looking to resolve issues for everyone with property and businesses in the Arsenal, not just the City. They are looking for a way to reduce the scope of the project and break apart those properties with no liability. DTSC is open to suggestions as to how this should be done.

Stakeholder and Council updates will continue, with information being placed on the Arsenal website. At this point, there is no "clean-by" date and a timeline has not been set. We are still in the "information gathering stage" of the project.

ERS is aware that there is a disagreement between DTSC and USACE. DTSC believes USACE is responsible but believes they have "washed their hands" of their former property in Benicia.

DTSC has agreed to delay an endangerment order as long as the City makes progress. ERS will be making a monthly report to DTSC and continues to look for funding.

ERS has attorneys that are researching funding sources. They are looking for multiple grants that are specific to the Arsenal and different areas within. It's only recently come to light that the City can apply for certain grants. These grants are for local governments (i.e. not the private sector).

The Council and City are committed to forming a Community Advisory Group ("CAG") that will include the small property/business owners and help keep them involved and better informed. Currently, ERS has been meeting with the property owners who were sent letters by DTSC. Once we have buy-in from DOJ, we will be in a position to form the CAG and meet with other owners.

