

Subject: Re: Former Benicia Arsenal, Benicia - Proposed Development Plan  
From: Donn Diebert  
Date: Thu, 14 Aug 2008 13:32:00  
To: "Landis , Tony" <TLandis@dtsc.ca.gov>

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Tony, I agree with you. This should be a two prong approach.  
Prong One: The City should be informed they will be embroiled in a cleanup for the lower Arsenal and they need to plan on how they want to proceed.  
Prong Two: This should be a site where we tell the Corps you have the rest of this grant cycle to resolve the issues you have control over and then it will drop off Attachment "A" DSMOA. After which we should have executive staff support to issue an order or present a VCA agreement to address the issues with the current and any past property owners including DoD. Basically force DoD to address the issue not the Corps through DOJ. If no body steps up we would need to issue the order and do enforcement to compel action. I do not see the current property owners having much money and past owners may not as well. To do the PRP search will cost time and dollars. The Corps is reluctant (defiant) in providing this type of information.  
I do agree this is an issue that would probably make for great press, but Chris is reluctant to move on this issue since we can not force the Corps directly to address the issues without hammering the current property owners. Generally the current property owners are not the sole source and in some cases have not caused any of the releases the Corps has stated.

We can discuss when you get in. I should have the FUDS Team stuff e-mailed by the end of the day to you...

>>> On 08/14/2008 at 12:15 PM, Tony Landis wrote:  
Donn: This looks like a good opportunity to clearly make our positions / concerns know to the City and other elected officials. We should clearly state the facts (neutral, proactive) about why we have concerns for various areas. Then we should point out that the Corps has not been responsive to the concerns and, like Tourtelot, developers should take the cleanup into there own hand and then sue the Corps for costs (...again, problem solving...working withthe community and developers to cleanup and redevelop...win win).

I think that further fights with the Corps on this site are pretty worthless... we need to make a clear techncial case to the City and maybe Lenoard can use this information / situation as an example of why the Corps should get out of the FUDS business!

I don't think the item below is ready for executive staff... Let's discuss ...  
Tony

Former Benicia Arsenal, Benicia, Solano County – The Department of Toxic Substances Control (DTSC) was contacted by a reporter for the Benicia Herald

wanting to obtain DTSC's position on the proposed development plan of the lower arsenal by the City of Benicia Planning Department. The draft plan proposes mixed use that includes residential. This portion of the former arsenal has been under investigated for hazardous contaminants. DTSC and the United States Army Corps of Engineers are in dispute over a number of areas that were part of the former arsenal. The Formerly Used Defense program has stopped any project progress at the former arsenal. Contact Chris Parent at (916) 255-3707.

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**Attachment: HTML Attachment 230.html**