



**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D., Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

September 18, 2023

Karen Minami  
Deputy City Clerk City of Del Rey Oaks  
650 Canyon Del Rey Boulevard  
Newark, CA 94560

[kminami@delreyoaks.org](mailto:kminami@delreyoaks.org)



RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE CITY OF DEL REY OAKS HOUSING ELEMENT UPDATE, DATED AUGUST 14, 2023 STATE CLEARINGHOUSE# [2023040680](#)

Dear Karen Minami:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the City of Del Rey Oaks Housing Element Update. Fort Ord served as a U.S. Army base from 1917-1994, training as many as 1.5 million American troops. The Army has been conducting investigation and cleanup activities at the former Fort Ord location under the Comprehensive Environmental Response, Compensation, and Liability Act (also known as CERCLA or Superfund) since 1990, with the oversight of the U.S. Environmental Protection Agency (USEPA) and the State of California. Based on our project review, DTSC requests consideration of the following comments:

The proposed project is located within Track 2 Del Rey Oaks Munitions Response Area (MRA), where many rockets, as well as smoke pots, grenades, and other munitions and explosives of concern were found during remedial

investigation. The [Del Rey Oaks/Monterey MRA Record of Decision](#) describes the cleanup. Due to the risk of remaining munitions and explosives of concern, land use controls were implemented. In addition to the [Amendment No.1 and Partial Termination of Covenant to Restrict Use of Property Environmental Restriction](#), the following Covenants to Restrict the Use of Property apply:

1. [Fort Ord, CA](#),
2. [City of Seaside Environmental Services Cooperative Agreement \(Fort Ord\)](#).

These restrictions do not include residential re-use, no sensitive uses (facilities that house or attract children, elderly, those with illness or sensitive to air pollutants), no soil disturbance or violation of an ordinance without an approved soil management plan, notification of munitions and explosives of concern if located, and access rights for the Army and regulatory agencies. Additionally, the City of Del Rey Oaks adopted its own Excavation Ordinance to ensure success of the remedy. As noted in the [Amendment](#), there is a small portion of the property where the residential and sensitive use restrictions have been lifted, but the other requirements listed above still apply.

Furthermore, Mitigation Measure 3.9-1 states that *prior to approval of residential development plans on the project area, environmental agencies, including the Army, and the state lead regulatory agency, DTSC, shall confirm that the clearances to be conducted and those conducted to date together with approved remedial actions, as required, will be sufficient to allow the Former Fort Ord site to be developed for residential reuse.*

*Residential use for the specified areas identified herein will be prohibited until the landowner provides advance notification to the Army, USEPA, and DTSC of its intent to change a designated area's use to residential, and until DTSC concurs that residential use is appropriate. DTSC's evaluation may consider the Residential Protocol or further site evaluation incorporating new information (e.g., geophysical mapping, site development).*

DTSC has not received or approved any Construction Support Plans from Del

Rey Oaks, nor has the Army or USEPA. The areas with residential restrictions on them require additional remedial action to allow the restrictions to be removed. DTSC has not received or approved any Remedial Action Plans from Del Rey Oaks, nor have the Army or USEPA. These measures and actions must be met prior to the project's commencement.

DTSC appreciates the opportunity to comment on the City of Del Rey Oaks Housing Element Update DEIR. If you have any questions, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

A handwritten signature in cursive script that reads "Dave Kereazis".

Dave Kereazis  
Associate Environmental Planner  
HWMP - Permitting Division – CEQA Unit  
Department of Toxic Substances Control

cc: (via email)

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