Dan Skopec
Acting Secretary
Cal/EPA

Department of Toxic Substances Control

Maureen F. Gorsen, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Arnold Schwarzenegger
Governor

May 22, 2006

Mr. Robert Sherry
Planning Director
Sacramento County Planning and Community Development Department
827 - 7th Street, Room 230
Sacramento, California 95814

LAND USE RESTRICTIONS FOR PARCEL 2B, FORMER SACRAMENTO ARMY DEPOT, 8350 FRUITRIDGE ROAD, SACRAMENTO, SACRAMENTO COUNTY, CALIFORNIA

Dear Mr. Sherry:

Pursuant to Health and Safety Code (HSC), Division 20, Section 25220(d), the Department of Toxic Substances Control (DTSC) is notifying the local planning and building department that three land use restrictions have been recorded for the subject property, which is located on the southeast corner of the intersection of Fruitridge and Power Inn Roads in Sacramento (Plate 3). A copy of the Land Use Covenants (LUCs) containing land use restrictions, are enclosed.

HSC, Section 25220(d) requires that your agency file these recorded LUCs in the property files of the city, county, or regional council of government. These LUCs outline notifications, prohibitions and use restrictions on activities associated with:

(1) lead based paint and asbestos,
(2) groundwater remediation system, and
(3) the stabilized mass.

Specifically, notices were required in the Federal deed for presence of:

(1) asbestos,
(2) jurisdictional wet lands and potential for vernal pool fairy shrimp,
(3) lead based paint,
(4) groundwater contamination and extraction system,
(5) soil contamination,
(6) school property requirements, and
(7) reasonable right of access inspection and monitoring.

Notification is also required of the Owner or Occupant to the DTSC, Regional Water Quality Control Board, United States Environmental Protection Agency, and the Army of Emergencies associated with this equipment and or all subsurface alterations or activities that may affect groundwater flow or the groundwater treatment system.

Restrictions of future use in the State LUC include:

(1) occupancy will be in compliance with all applicable laws with respect to lead base paint and asbestos removal,
(2) extraction or use of groundwater, and
(3) no soil excavation at stabilized mass.

Prohibitions of future use include:

(1) residential, day care, or playgrounds,
(2) construction of well extraction use or consumption of groundwater,
(3) construction or creation of groundwater recharge areas, unlined surface recharge impoundments,
(4) interference of with groundwater treatment system, and
(5) construction of improvements, residential structures, surface or subsurface alterations, or activities on or over the stabilized mass and associated monitoring systems.

Please refer any person requesting an activity which is prohibited in the LUCs to DTSC to apply for a variance of the land use restrictions, as appropriate.

If you have any questions, please contact Ms. Susan Goss, Project Manager, at (916) 255-6403.

Sincerely,

for Anthony J. Landis, P.E.
Chief
Northern California Operations
Office of Military Facilities

Enclosures

cc: Mr. Scott Armstrong
CALIBRE
BRAC Environmental Coordinator
5200 Oleander Drive
Carmichael, California 95608

Mr. Guy Romine
Army Environmental Center
Restoration Manager
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Mr. Jerry Hicks (without enclosures)
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New City Hall
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cc; Mr. John Hamill
United States Environmental Protection Agency
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Mr. Brian Taylor
Regional Water Quality Control Board
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Ms. Judith Tracy, Staff Counsel (without enclosures)
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