

ITEM: 8

SUBJECT: Early Transfer of Property at the Former McClellan Air Force Base, Sacramento County and Davis Global Communications Site, Yolo County

BOARD ACTION: This is an informational item. No Board Action will be taken.

BACKGROUND: The Air Force Real Property Agency is proposing early transfer of contaminated military property, which requires the Governor's concurrence. The property consists of 570 acres of the former McClellan Air Force Base (a federal Superfund site), in Sacramento County, and 55 acres of the Davis Global Communications Site (an annex to the former McClellan Air Force Base, a non-federal Superfund site), in Yolo County.

Prior to 1996, in order for military base property to be transferred by deed for reuse, federal law required that the Superfund cleanup had to be completed. This caused delays in communities getting the land and putting it back into productive use. Congress was asked to find a way to get these properties transferred sooner.

In 1996, congress amended the federal Superfund law to allow transfer of property before the cleanup was completed, or "early transfer". Early transfer can proceed as long as the certain findings and assurances are made by the military service branch and agreed to by U.S. Environmental Protection Agency and the Governor. Findings include that the property is suitable for transfer, there are assurances the property will be cleaned up and adequate land use restrictions are in place.

These findings and assurances are summarized in Air Force's Finding of Suitability for Early Transfer, or FOSET.

There are two types of early transfer. One type is where the military service branch retains the cleanup responsibility after property transfer, which is the case for the Davis Global Communications Site. The other type of early transfer is the "privatized" early transfer, which is the process for the former McClellan Air Force Base where the local entity will complete the cleanup. The military service branch also funds the local entity to complete the cleanup, purchase environmental liability, cost cap, and cost overrun insurance, and provide for regulatory oversight.

Early transfers are consistent with several initiatives in the Governor's Environmental Action Plan. The State and local communities strongly support early transfers to secure federal cleanup funding and because they can obtain title to land much more quickly, generating jobs and economic benefit for the region and the State.

The early transfer of the Davis Global Communications Site is scheduled to be completed in September of 2008. The early transfer of the former McClellan Air Force Base property is scheduled for completion sometime in 2009. Two more early transfers are scheduled for 2009 and 2010 that will transfer the rest of the former McClellan Air Force.

RECOMMENDATION: No Board Action will be taken.

Mgmt. Review \_\_\_\_\_

Legal Review LTO

**11/12 September 2008**

Central Valley Regional Water Quality Control Board meeting

11020 Sun Center Dr. #200

Rancho Cordova, CA 95670