FINDING OF SUITABILITY FOR EARLY TRANSFER

(FOSET)

FINDING OF SUITABILITY FOR EARLY TRANSFER WITH A CERCLA 120(h)(3) COVENANT DEFERRAL HOUSING AREAS AND FORMER GARRISON PARCELS

FORMER FORT ORD, CALIFORNIA

December 2001

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1.0 PURPOSE

1.1 The purpose of this Finding of Suitability for Early Transfer (FOSET) is to identify environmental factors of concern associated with the proposed property transfer and to demonstrate that the proposed property transfer prior to the completion of all remedial actions, with the appropriate land use controls, if required, is consistent with the protection of human health and the environment.

If a federal agency proposes to transfer by deed real property on which hazardous substances have been stored for one year or more, are known to have been released, or have been disposed of, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires a covenant indicating that all remedial action necessary to protect human health and the environment, with respect to any hazardous substances remaining on the property, has been taken prior to transfer of such property by deed. The required covenant may be deferred under certain conditions where it can be shown that the intended reuse of the property is consistent with protection of human health and the environment during the deferral period. The proposed reuse includes residential and mixed use.

1.2 The early transfer of the Housing and Garrison Parcels has been requested by the Fort Ord Reuse Authority (FORA), California State University Monterey Bay (CSUMB), University of California Monterey Bay Education, Science and Technology Center (UCMBEST), Monterey Salinas Transit, and American Youth Hostel for the purpose of assisting in the economic recovery of the area and preventing further job and revenue loss by expediting reuse. The property proposed for early transfer is described in Section 2.

1.3 A determination of the environmental condition of the Property was made by the United States Army by reviewing existing environmental and ordnance and explosives (OE) documents and making associated visual site inspections in 1997 and 1999. The documents reviewed included:

(1) Contaminated Surface Soil Remediation, Fort Ord, CA (IAROD), (February 23, 1994),

(2) Final Community Environmental Response Facilitation Act (CERFA) Report (April 1994),

(3) U.S. Environmental Protection Agency (U.S. EPA) Region IX's concurrence to the CERFA Report (19 April 1994),

(4) Asbestos Survey Report, Fort Ord Installation (April 26, 1993),

(5) U.S. Army Environmental Hygiene Agency, Industrial Hygiene Survey No. 55-71-R25A-94, Lead-Based Paint Inspection in Military Housing Fort Ord, California, 1 November 1993 – 11 March 1994 (June 1994),

(6) Environmental Baseline Survey (EBS) for the University of California at Santa Cruz Parcel (March 1994),

(7) EBS for the California State University Monterey Bay Parcel (December 1994),

(8) EBS for the McKinney Homeless Act Group A Parcels (August 1995),

(9) EBS for the Main Garrison Parcels (September 1997),

(10) EBS for the Surplus II Parcels (November 1997),

(11) Remedial Investigation/Feasibility Study, Fort Ord, CA, (October 1995),

(12) Archive Search Reports (December 1993, November 1994, and December 1997),

(13) Site 39 Data Summary and Work Plan (February 1994),

(14) Contractor OE sampling and removal after action reports for OE Sites 1, 2, 4A, 6, 13A, 13B, 31, and 39,

(15) Action Memorandum 1, Twelve Sites (April 1998),

(16) Literature Review Report (January 2000),

(17) Track 0 Technical Memorandum (January 2000),

(18) Draft Report of Patton Park Lead Base Paint Risk Assessment, (December 2000)

(19) Various Finding of Suitability to Transfer (FOST) and Finding of Suitability to Lease (FOSL) documents

Location	Action	Date Signed
Building 2058	FOST	10 March 1999
Patton/Abrams Park	FOST	02 March 1999
CSUMB 3A & 5B	FOST	18 September 1998
Main Garrison Category 4	FOST	10 July 1998
UCMBEST Phase IIA & III	FOST	13 June 1997

(20) Various remedial investigation/feasibility studies documents, records of decision, remedial action reports, and subsequent approval memoranda.

The results of this document review indicate that the Property is suitable for early transfer to FORA, California State University Monterey Bay (CSUMB), University of California Monterey Bay Education, Science and Technology Center (UCMBEST), Monterey Salinas Transit, and American Youth Hostel, and are consistent with the Fort Ord Reuse Authority (FORA) Reuse Plan.

2.0 PROPERTY DESCRIPTION

The property proposed for early transfer includes 20 parcels totaling approximately 767 acres. The areas were formerly used for family and troop housing, administrative, and maintenance activities.

Parcel No	Acres	Description//Recipient	FOST	
L2.1	4.5	Transit Center Building 2058 // Monterey Salinas Transit	I	Building 2058
E4.1.1	154.0	Housing, lower Patton // EDC FORA	II	Patton/Abrams Pk
E4.2	66.0	Housing, upper Patton // EDC FORA		Patton/Abrams Pk
E4.3.1 (portion)	183.0	Housing, Abrams // EDC FORA		Patton/Abrams Pk
L2.4.2	13.2	Maintenance Center // Monterey Salinas Transit		Surplus II Area B
L2.4.3.1	1 5	Building 4448 // Monterey Salinas Transit		Surplus II Area B
L2.4.3.2	0.1	Building 4448 // Monterey Salinas Transit		Surplus II Area B
L32.4.1.2 (formerly a portion of L32.4.1)	16.2	Development Mixed Use/Retail // EDC FORA		Surplus II Area B
L37	4.7	Building 4419, 4420, 4421, 4423 // Youth Hostel		Surplus II Area B
S1.3.1	38.2	Maintenance Area 3A // CSUMB	IV	CSUMB 3A &5B
S1.5.2	18.3	Facilities Engineer Area // CSUMB		CSUMB 3A &5B
S1.4	90.5	South Campus // CSUMB	V	Main Garrison 4
S1.5.1.1	96.3	Maintenance Area // CSUMB		Main Garrison 4
E17 (formerly a portion of E2c.3.3)	3.8	Light Fighter Lodge // EDC		Main Garrison
S2.1.3	14.5	IRP Site 35 // UCMBEST	VII	UCMBEST Phases IIA and III

Parcel No	Acres	Description//Recipient	FOST
S2.1.4.1	16.0	IRP Site 34 // UCMBEST	UCMBEST Phases IIA and III
S2.5.1.1	15.5	Office Park/Transit Center // UCMBEST	UCMBEST Phases IIA and III
S2.5.1.2	2.3	Office Park/Transit Center // UCMBEST	UCMBEST Phases IIA and III
S2.5.2.1	25.1	Office Park // UCMBEST	UCMBEST Phases IIA and III
S2.5.2.2	4.0	Office Park // UCMBEST	UCMBEST Phases IIA and III

3.0 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by the analyses conducted in the final Environmental Impact Statement Fort Ord Disposal and Reuse (FEIS), dated June 1993, the subsequent FEIS Record of Decision dated December 1993, the Supplemental Environmental Impact Statement Fort Ord Disposal and Reuse (SEIS), dated June 1996 and the subsequent SEIS Record of Decision dated June 1997.

4.0 ENVIRONMENTAL CONDITION OF THE PROPERTY

4.1 All parcels:

4.1.1 RADON

No radon levels above 4 picocuries per liter (pCi/L) were detected on any of the parcels during a 1990 survey.

4.1.2 POLYCHLORINATED BIPHENYL (PCB)

PCBs have been used widely as coolants and lubricants in transformers, capacitors, and other electrical equipment like fluorescent light ballasts. There have been no reported releases of polychlorinated biphenyl (PCB)-contaminated dielectric fluids on any of the parcels. Notice of the potential for the presence of Polychlorinated Biphenlys in fluorescent light ballasts is stated in the Environmental Response Obligation Addendum (EROA) of this document (Attachment 1). This notice will be included in the deed.

4.1.3 PESTICIDES

Routine application of pesticides occurred around the residential areas on the former Fort Ord, based on available pesticide applications records which date from 1985 to the present. The records show the type of pesticide used, location and date of application, final application concentration and the name of the applicator. All pesticides were used in accordance with labeled instructions. The following is a list of pesticides applied in residential areas of Fort Ord during this time. With the exception of Diazinon, these pesticides are still in use today and are considered safe for use in residential or outdoor areas.

- Carbamates - methylcarbamates (Ficam, Baygon); carbaryl (Sevin); propoxur (Terminate)
- Chloropyrifos (Dursban, Empire)
- Combination Pesticides - Purge (diazinon, pyrethrin, piperonyl butoxide); ULD-100 and Drione (pyrethrin, piperonyl butoxide and petroleum distillate); Precore (methorprene and permethrin)
- Diazinon
- Herbicides: glyphosate (Round-up, Rodeo); 2-4D; Amitrole; sulfometuron methyl (Oust)
- Propetamphos (Safrotin)
- Pyrethrum and synthetic Pyrethroids - pyrethrin; phenothrin; resmethrin; cypermethrin (Demon); cyfluthrin (Tempo)
- Rodenticides: chlorophacinone; strychnine; brodificoum; zinc phosphide
- Thurgicide (Dipel)

4.2 Parcel Specific Information:

4.2.1 Parcel L2.1 (Building 2056 & 2058)

Two buildings (2056 and 2058) are located on the Parcel (Plate 1). Building 2058 was previously used as a self-service supply center. Building 2056 is a lavatory.

4.2.1.1 ASBESTOS

An asbestos survey conducted by the Army shows that Building 2058 contains nonfriable ACM rated 13 and in good condition. No ACM was found in Building 2056. The Army does not intend to remove or repair the ACM in Building 2058, but discloses it existence. Any recommended inspection of ACM present in the building is the responsibility of the recipient.

Notice of the presence of ACM is stated in the EROA (Attachment 1). This notice will be included in the deed.

4.2.1.2 LEAD-BASED PAINT (LBP)

Buildings 2056 and 2058 were constructed in 1941 and are presumed to contain lead-based paint (LBP). The Army does not intend to abate the LBP presumed to be present in these structures because (in accordance with the residential lead-based paint Hazard Reduction Act of 1992) they are not intended to be used as residences. The paint on Building 2056 is in good to excellent condition. The paint on Building 2058 is in poor to good condition. Appropriate LBP notice is provided in the EROA of this document (Attachment 1). This notice will be included in the deed.

4.2.1.3 RADIOLOGICAL

No radiological surveys were conducted within the buildings because radioactive commodities were reportedly not used or stored in the buildings.

4.2.1.4 SOLID WASTE MANAGEMENT UNITS (SWMU)

No solid waste management units, nor underground or aboveground storage tanks, were present on the parcel.

4.2.1.5 ORDNANCE AND EXPLOSIVE (OE)

No OE sites are known to be on or adjacent to this parcel. However, because Ordnance & Explosives were used throughout the history of Fort Ord, the potential for OE to be present on the parcel exists. Appropriate OE notice is provided in the EROA of this document (Attachment 1). This notice will be included in the deed.

4.2.1.6 INSTALLATION RESTORATION PROGRAM (IRP)

The Building 2058 Parcel is immediately adjacent to IRP Site 13. The Site 13 investigation, which was conducted under the Fort Ord Basewide RI/FS program, focused on potential contamination along the railroad right-of-way. An area near Building 2053 (south of the Parcel), where chemicals were reportedly discarded, was also investigated. Site characterization activities consisted of a soil gas survey at two locations adjacent to Building 2053 and drilling 29 soil borings along the right-of-way. Based on the results of site characterization activities, Site 13 was categorized as a No Action Site. The "plug-in" No Action Record of Decision (NoAROD) for all No Action sites was signed by the Army and the regulatory agencies in the spring of 1995. Documentation that site-specific no action criteria were met is provided through the Approval Memoranda process. The overall process is referred to as the "plug-in" process because the Approval Memoranda plug into the NoAROD. The No Action Approval Memorandum for Site 13 was signed by the Army on May 22, 1995 and approved by the regulatory agencies in the fall of 1995.

4.2.1.7 COMMUNITY ENVIRONMENTAL RESPONSE FACILITATION ACT (CERFA)

The final CERFA report identifies the Building 2058 Parcel as being within CERFA Disqualified Parcel 8 and CERFA Qualified Parcel 100. CERFA Parcel 8 was disqualified due to the storage of hazardous substances in Buildings 2030, 2031, 2032, 2033, and 2034. None of these buildings are located on the Parcel. Parcel 100 was qualified because of the presence of ACM, probable LBP and the potential storage and use of radioactive commodities. As stated above radioactive commodities were reportedly not used or stored in Buildings 2056 or 2058.

4.2.1.8 GROUNDWATER MONITORING WELLS

No groundwater monitoring wells are present on the Parcel.

4.2.2 Parcels E4.1.1, E4.2, and a portion of E4.3.1 (Patton and Abrams Park)

Four hundred and ten single and multi-family housing units and six sewage lift stations are located on Parcels E4.1.1, E4.2, and E4.3.1 (Plates/Maps 2 and 3 – Attachment 3). The six sewage lift stations were transferred by deed via Fort Ord Reuse Authority to the Marina Coast Water District.

4.2.2.1 ASBESTOS

Asbestos surveys have been completed for the 410 housing units as part of a facility-wide asbestos survey. Asbestos surveys were not completed for the six lift station buildings. These surveys show that all 410 housing units contain friable and/or nonfriable asbestos containing material (ACM). Two housing units (8416 and 8452) contain friable and nonfriable ACM (pipe fitting insulation and jacket in furnace and laundry room, respectively) rated 1 (immediate total removal recommended). Twenty-three housing units, listed below, contain friable and nonfriable ACM (duct tape and sheet floor mastic) rated 2 (immediate repair, short-term removal recommended).

- 6074	- 6083	- 6090	- 8661
- 6075	- 6084	- 6091	- 8764
- 6076	- 6085	- 6092	-
- 6077	- 6086	- 6093	-
- 6080	- 6087	- 6126	-
- 6081	- 6088	- 6127	-
- 6082	- 6089	- 8629	-

The remaining 385 housing units contain friable and/or nonfriable ACM in fair to good condition rated 9 to 13. The Army does not intend to remove the ACM in these buildings, but discloses its existence. Prior to occupancy recipient should remediate ACM rated 1 through 5. Any recommended inspection of ACM present in these buildings will be the responsibility of the recipient. Appropriate ACM notice is provided in the EROA of this document (Attachment 1) and will be included in the deed.

4.2.2.2 LEAD BASED PAINT

The housing units within Parcels E4.1.1 and E4.2 (Patton Park) were constructed between 1962 and 1969. The paint on the Patton Park housing units is in poor condition. Lead surveys have been completed within the Patton housing areas (Parcels E4.1.1 and E4.2) and the Abrams housing area (Parcel E4.3.1). The first survey conducted in November 1993 through March 1994, included the sampling of the interior and exterior components (e.g., walls, doorframes, baseboards, windowsills, downspouts, etc.) of 150 randomly selected housing units in Patton Park and 50 housing units in Abrams Park. Of the 150 units sampled in Patton Park at least one component tested positive for lead in 125 of the 150 units sampled. None of the Abrams Park units tested positive for lead. Additional lead sampling (wipe, chip and soil) was completed in Patton Park in December 2000 as part of the LBP risk assessment. Wipe and paint chip samples were collected from the interior of 148 randomly selected Patton housing units. A limited number of windowsill and floor wipe samples had lead dust results exceeding allowable levels for those surfaces. Paint chip samples (466) were collected from locations of paint deterioration. Results of the paint chip sampling confirmed and assessed the LBP associated with the Patton housing units. Four hundred and seventy-nine composite soil samples were collected from Parcels E4.1.1 and E4.2 using random sampling protocol and analyzed for lead. The samples were collected from the housing unit drip lines and mid-yard locations and from playgrounds associated with the housing areas. With the exception of two mid-yard samples, none of the lead levels in the soil samples exceeded the EPA, HUD, or State of California lead criteria. Two of the mid-yard sample results exceeded the State of California allowable lead limits (1000 mg/kg) for lead in non-play areas. No sampling for lead in soil has occurred on Parcel E4.3.1. HUD guidance requires treatment including cleaning of components and lead stabilization (if necessary) in units with excessive lead dust levels, including similar components in the housing grouping that were untested, as part of an interim control or in-place management program. Deteriorated LBP surfaces should be stabilized pending abatement, as part of an interim control corrective action for in-place management of LBP. Appropriate LBP notice is provided in the EROA (Attachment 1) and will be included in the deed.

4.2.2.3 RADIOLOGICAL

No radiological surveys have been conducted within the buildings because no radioactive materials were reportedly used or stored in the buildings.

4.2.2.4 ORDANCE & EXPLOSIVE (OE)

The current approximate extent of each potential OE site adjacent to the parcels is shown on Plates 2, 3 and 5 (Attachment 3). However, because OE was used throughout the history of Fort Ord, the potential exists for OE to be present on the parcels. This notice will be included in the deed.

OE Site 1 was identified as a flamethrower range on Fort Ord training facilities maps from the late 1950s and early 1960s. An OE contractor completed sampling of OE Site 1 in 1994 and found one inert practice mine (OE scrap). It was recommended that additional grids be sampled

in the area between OE Site 1 and adjacent OE Site 6. Eight additional grids were sampled, and 5 inert practice mines (OE scrap) were found. In accordance with recommendations in the Phase 1 EE/CA, confirmatory sampling was conducted. In 1997, the OE contractor resurveyed the OE Site 1 grid locations and the site boundary. In February 1998, three additional grids were sampled and no evidence of OE was found. New expanded site boundaries for OE Site 1 were established through the Archives Search investigation, and four additional grids were sampled in open areas within the expanded site. Three OE scrap items, expended practice mine fuzes and one expended flamethrower ignition cartridge, were found. On the basis of the site investigation results, no further action was recommended (OE Sampling After Action Report, Site OE-1, August 1999). As shown on Plate 2, developed land separates OE Site 1 and Parcel E4.1.1.

OE Site 2, Pete's Pond, was identified in the Archives Search Report as a chemical training area and a landmine warfare training area. OE Site 2 was sampled for OE in 1994, and two expended inert items (OE scrap) were found. A portion of OE Site 2 overlaps Installation and Restoration Program (IRP) Site 16 and is adjacent to IRP Site 17. During the investigation and remediation of IRP Sites 16 and 17, approximately 470 2.36-inch inert practice rockets were removed from burial pits located in former landfill (Attachment 4) areas within Sites 16 and 17. Landfill areas within OE Site 2 were fully excavated in 1997. Although ordnance was found at OE Site 2, the items were buried in disposal pits and were not associated with ordnance use at the site. The burial area within OE Site 2 has been excavated, backfilled and re-graded. Results of the ASR indicate that OE Site 2 was not an impact area. OE Site 2 was identified as requiring no further sampling and or/removal actions for OE (Action Memorandum 1, Twelve Sites, April 1998).

OE Site 6 (a mine and booby-trap training area) was identified through the archives search. The boundary of the OE site is based on the delineation of the site on Fort Ord training facilities maps from the 1950s. An OE contractor completed sampling of the site and found one inert training mine (OE scrap). No evidence of the use of live OE was found, and the site was identified as requiring no further sampling and or/removal actions for OE (Action Memorandum 1, Twelve Sites, April 1998).

OE Site 13A was identified in the ASR as a practice mortar range, and it is believed that only practice mortars, inert training devices, were used here. In 1994, boundaries for OE Site 13A were established based on the review of Fort Ord training facilities maps. The OE site was formerly located within the current Abrams Park housing area (Plate 3). No evidence of OE was found during the construction of the housing area. An OE contractor completed the initial sampling of the site in 1994 and found no evidence of OE use. Based on the intended future use of the land that includes OE Site 13A, the Phase 1 EE/CA recommended additional confirmatory sampling. In 1997, the OE removal contractor resurveyed the 1994 sample grids and the OE site boundary. Two additional confirmatory sample grids were established and sampled. Because twenty grids within the site had already been sampled and the western end of the site (landfill) was being excavated, the two grids were located just outside of the OE site at its eastern end. Two OE scrap items (expended grenade fuse and an expended illumination signal) were found in one of the two sample grid locations. On the basis of the investigation results, no further action

was recommended (OE Sampling After Action Report, Site OE-13A, April 1999). As shown on Plate 3, developed land separates OE Site 13A and adjacent Parcel E4.3.1.

A portion of OE Site 13A overlies a portion of the OU 2 sanitary landfill (Attachment 4) (Area A). The southwestern portion of OE Site 13A was excavated in 1996 through 1998, as part of the relocation of the landfill material buried in Area A. During the excavation numerous OE items were found and removed. All landfill disposal areas, including land within the OE footprint, have been excavated, and the excavated areas have been backfilled or re-graded. Although ordnance was found within landfill materials excavated from the OE site, the items were related to disposal and were not associated with ordnance use at OE Site 13A.

A portion of Parcel E4.3.1 (Abrams Park) was not included in this transfer because several OE-related items (a live rifle grenade, scrap hand grenade primer detonators, and scrap 40mm signal cartridges) were found during the excavation and placement of a pipeline associated with the OU 2 groundwater remediation system. The area excluded from transfer is adjacent to a portion of the former OU 2 landfill (Section 4.2.2.7). The presence of the OE-related items is presumed to be related to landfill activities that occurred in this area prior to the construction of Abrams Road and the Abrams housing area.

Several training areas (Mortar Squares, a Proficiency Test Area and a Wire Entanglement Area) lie within or adjacent to Parcels E4.1.1and E4.2. Three mortar squares were identified on training facilities maps from the 1950s and 1960s within or adjacent to Parcel E4.1.1. Mortar squares were used for the practice of setting up and aiming of weapons or dry fire training. No evidence has been found that would support the use of live ordnance at the mortar squares. Proficiency Testing Area 2, located within Parcel E4.1.1, was identified on a circa-1954 training facilities map. An interview with a former range control officer indicated that proficiency test areas were used to test a soldier's proficiency in breaking down and setting up weapons. According to the former range control officer, the proficiency test areas were not used for live firing exercises. No evidence has been found to indicate the use of live ammunition in the proficiency test areas. The Wire Entanglement Area, a physical training area, was shown on 1945 and 1946 Fort Ord Master Plans. The Wire Entanglement Area was located in the northern portion of Parcel E4.2. No further information regarding its use was available. The training areas were located adjacent to developed areas of Fort Ord near housing areas and actively used roads. No range fans, typically associated with live fire areas, were shown on the historic maps associated with the three training areas. Additionally, all three training areas are within an area designated on 1945 and 1946 Fort Ord Master Plan Maps as a "Well Area, No Artillery Firing Or Demolitions."

Additionally, the Site 39 Data Summary and Work Plan identified an area, 75mm Pack Howitzer Firing Area, which partially overlaps Parcel E4.1.1. The identification of this area is based on the results of an interview with a retired Fort Ord military engineer. The engineer stated that he had heard that this area was used in the early 1900s by cavalry stationed at the Presidio of Monterey. No evidence indicating the use of this area for howitzer firing was found during the archive search and the literature review. Land where the 75mm Pack Howitzer Firing Area was

reportedly located, was not purchased by the Army until 1940. Two OE Sites (1 and 6) fall within the area delineated as the 75mm Pack Howitzer Firing Area. Field investigations in and around OE Sites 1 and 6, which included site walks, a GPS survey of the OE site boundaries and OE sampling, turned up no evidence of 75mm howitzer use.

4.2.2.5 UNDERGROUND STORAGE TANKS (USTs)

Six former underground storage tanks (USTs 4970.1, 6020.1, 6054.1, 6120.1, 6130.1 and 6225.1) associated with sewage lift stations were located on the parcels. The former USTs have been removed and closure granted by the Monterey County Department of Health. USTs 4970.1, 6020.1, 6054.1, and 6120.1 were granted closure in a letter dated April 6, 1994; USTs 6130.1 and 6225.1 were granted closure in a letter dated December 13, 1995.

4.2.2.6 ABOVEGROUND STORAGE TANKS (ASTs)

Two of the six former underground storage tanks on the Property were replaced with aboveground storage tanks (ASTs). The ASTs contain diesel fuel (tanks 6130-B-1, and 6225) and are used to support generators at sewage lift stations. These ASTs were transferred via Fort Ord Reuse Authority to Marina Coast Water District.

4.2.2.7 SOLID WASTE MANAGEMENT UNITS (SWMUs)

One solid waste management unit (FTO-002, OU2 Landfill) is immediately adjacent to a portion of Parcel E4.3.1 (Abrams Park) (Attachment 4). A remedial action (RA) involving the excavation of refuse buried within the adjacent property was conducted in 1996 through 1998. The RA involved the excavation and relocation of landfill material buried on the north side of Imjin Road. This area has been completely excavated and clean-up goals have been met. Activities related to the landfill closure will not adversely affect this transfer.

4.2.2.8 COMMUNITY ENVIRONMENTAL RESPONSE FACILITATION ACT (CERFA)

The final CERFA Report identifies the transfer parcels as being within CERFA Parcel 202 and 128 and CERFA Disqualified Parcel 4. The State Department of Toxic Substances Control and U.S. EPA issued letters of concurrence (dated April 18 and 19, 1994, respectively) identifying CERFA Qualified Parcel 128 as an "uncontaminated" parcel. Parcel 4 was disqualified due to the location of the Property above the Fort Ord Landfill (OU 2) groundwater contamination plume. Remediation of the contaminated groundwater at OU 2 is underway. Thirty-three groundwater monitoring wells, eight extraction wells, and six injection/infiltration wells are located on the parcels. Fifteen of the monitoring wells are located on Parcel E4.2, and eighteen monitoring wells are located on Parcel E4.3.1. Trichloroethene (TCE) was detected at a maximum concentration of 43.7 micrograms per liter (June 1999) in groundwater beneath the parcels. The eight extraction wells and six injection/infiltration wells are located on Parcel E4.3.1. The extraction and injection wells are part of the OU 2 groundwater pump-and-treat remediation system. The Army has received concurrence from the U.S. EPA (4 January 1996) that the pump-and-treat system for remediation of the OU 2-groundwater plume is in place and

operating "properly and successfully." The Army will reserve the rights of access to all wells on the parcels and the right to place additional wells as required. Tampering with the wells will be prohibited.

4.2.2.9 GROUNDWATER MONITORING

The Baseline Risk Assessment for OU 2 indicates that the groundwater does not pose a threat to occupants of the buildings on the parcels, provided that groundwater from the contaminated aquifer is not used as a drinking water source. Well drilling and use of groundwater will be prohibited. Notice of the potential for the present of contaminated groundwater is stated in the EROA of this document and will be included in the deed (Attachment 1).

4.2.2.10 LANDFILLS

This property appears to be located within 1000 feet of the landfill at Fort Ord. DTSC understands that methane concentrations in excess of the regulatory limit of 5% by volume have been detected at the landfill boundary. DTSC has been advised by the California Integrated Waste Management Board that given this proximity, there is a potential concern for gas build-up within any structures (including buildings, subsurface vaults, utilities) located within 1000 feet of a landfill. Future landowners should refer to Title 27, section 21190 of the California Code.

4.2.3 Parcels L2.4.2, L2.4.3.1, L2.4.3.2, L32.4.1.2 (formerly a portion of L32.4.1), and L37

The portion of L32.4.1 to be transferred includes 6 buildings on 16.2 acres. Parcel L2.4.3.1 includes one building on 1.5 acres. Parcel L37 includes 4 buildings on 4.7 acres. Parcel L2.4.2 includes 5 buildings on 13.2 acres. No buildings are located on Parcel L2.4.3.2 (Plate 4).

4.2.3.1 ASBESTOS

Asbestos surveys have been completed for the sixteen buildings on the parcels as part of a facility-wide asbestos survey. These surveys show that 14 of the buildings contain friable and nonfriable ACM. Of the 13 buildings, three (4419, 4470 and 4560) contain ACM rated 1 to 5. Ten contain ACM rated 6 to 13. Three buildings (4421, 4437 and 4445) have no ACM. The Army does not intend to remove the ACM in these buildings, but discloses its existence. Recommended inspection of ACM present in these buildings is the responsibility of the recipient. Appropriate notice of ACM is stated in the EROA of this document and will be included in the deed (Attachment 1).

4.2.3.2 LEAD-BASED PAINT

The sixteen buildings on the parcels were constructed prior to 1978 or have unknown dates of construction and are presumed to contain lead-based paint (LBP). The Army does not intend to abate the LBP presumed to be present in these structures because (in accordance with the residential lead-based paint Hazard Reduction Act of 1992) they are not intended to be used as

residences. Appropriate LBP notice is provided in the EROA of this document and will be included in the deed (Attachment 1).

4.2.3.3 RADIOLOGICAL

One building within Parcel L32.4.1 (4469) was identified for a radiological survey. The building was surveyed and sampled by the U.S. Army Environmental Hygiene Agency (AEHA, currently known as U.S. Army Center for Health Promotion and Preventive Medicine [USACHPPM]) in 1994. No radiological health hazards associated with the building were identified by AEHA. In a letter dated October 1, 1997, the Department of Health Services (DHS) concurred that Building 4469 could be released for unrestricted use.

4.2.3.4 UNDERGROUND STORAGE TANKS (USTs)

One former underground storage tank (UST 4441.1) was located on Parcel L2.4.2. The former UST, a waste diesel tank, has been removed and closure granted by the Monterey County Department of Health. Closure of UST was granted in a letter dated December 13, 1995.

4.2.3.5 ABOVEGROUND STORAGE TANKS (ASTs)

Three ASTs (444.1, 4460.1 and 4460.2) were identified on the parcels. The three ASTs are empty and inactive.

4.2.3.6 SOLID WASTE MANAGEMENT UNITS (SWMUs)

No solid waste management units were present on the parcels.

4.2.3.7 ORDNANCE & EXPLOSIVE (OE)

No OE sites within the parcels. Two potential OE sites (OE Site 4A and OE Site 13B) are adjacent to the road next to Parcel L2.4.2 (Plate 4). The OE site boundaries shown are based on information provided in the draft Revised ASR. Preliminary surveys, including the ASR and ASR Supplement No. 1 (which included interviews with former Fort Ord employees), resulted in identification of a number of potential OE sites. Some of the sites were identified by more than one source, resulting in multiple site boundaries for many of the potential OE sites. Subsequently, the Army conducted additional focused studies including OE sampling, mapping, global positioning system (GPS) surveys, OE removal actions, and the expanded ASR process that was performed as part of the Phase 1 and 2 Engineering Evaluation Cost Analysis (EE/CAs). These additional studies have resulted in a refinement of the boundaries of the potential OE sites. Although no ordnance sites are located on the parcels, the potential exists for OE to be present because OE was used throughout the history of Fort Ord. This notice will be included in the deed.

OE Site 4A was identified as a Chemical, Biological, and Radiological (CBR) Training Area on historical maps. OE sampling of this site resulted in the discovery of 1 rifle grenade, 2 illumination signals, small arms ammunition, as well as grenade fuzes found in a burial pit. On

the basis of the sampling results, a removal action to a depth of 4 feet was completed over the entire OE site. One OE item (illumination signal) was found and removed during the removal action. On the basis of the investigation results, no further action was recommended (Sampling And Removal After Action Report, Site OE-4A, January 1999). As shown on Plate 4, developed and undeveloped land separates the northern boundary of OE Site 4A and the transfer parcels.

OE Site 13B was identified through the archive search as a practice mortar range. The site was identified on training facilities maps in the 1950s. Based on the presence of established developed areas west of the site it is expected that any live firing occurring on the site would have been toward the east away from the developed area. In addition, from the mid-1950s until base closure, barracks were located just to the west of the OE-site. The boundaries of the site were defined and sampling was performed. Sampling of the site confirmed that the site had been used extensively as an OE training area. On the basis of the sampling results, a removal action to a depth of 4 feet was completed over the entire site. OE items found and removed included pyrotechnics, smoke grenades, and projectiles of various sizes. On the basis of the investigation results, no further action was recommended (OE Removal After Action Report, Site OE-13B, January 2000). OE Site 13B is separated from the adjacent Parcel S1.3.1 by a road.

During the removal action at OE Site 13B, two partial Chemical Agent Identification Sets (CAIS) were found. Two cardboard tubes containing intact glass vials were discovered inside of metal canisters buried at depths of 1 and 1.5 feet. The sets were removed by the Technical Escort Unit of Tooele Utah and transferred to their Aberdeen Proving Ground facility.

OE Site 39 is located to the south of Parcel L32.4.1. OE Site 39 was identified through the archive search as a mine and booby trap training area. The boundary of the OE site was established based on the delineation of a training area on Fort Ord training facilities maps from the 1950s. The training area was identified as an area for further investigation. An ordnance removal contractor established sample grids within the site and sampling was performed. No evidence of OE was found and no further action was recommended (After Action Report, Sitestats/Gridstats OE Sampling, Site 24B-E And OE-39, December 1999). As shown on Plate 4, developed land separates the OE Site 39 boundary and Parcel L32.4.1.

4.2.3.8 INSTALLATION RESTORATION PROGRAM (IRP)

A portion of one IRP Site (22) is located on Parcel L2.4.2. Site 22 (4400/4500 Motor Pools) was categorized as an Interim Action (IA) site and was included in the IA Record of Decision (ROD). The IA ROD was signed by the Army, DTSC and the U.S. Environmental Protection Agency (EPA) in March 1994. The interim action, which was completed in 1994, included soil excavation and soil sampling around a former grease rack. The IA occurred adjacent to Parcel L2.4.2. The Site 22 Confirmation Report was submitted to the regulatory agencies in May 1996. The US EPA concurred that contamination was adequately remediated at Site 22 in a letter dated September 19, 1996; Department of Toxic Substance Control (DSTC) concurred in June 1998.

4.2.3.9 COMMUNITY ENVIRONMENTAL RESPONSE FACILITATION ACT (CERFA)

The final CERFA report indicates that the transfer parcels are included in CERFA Disqualified Parcels 4, 28, 31, and 36; CERFA Qualified Parcels 114 and 132; and CERFA Parcels 192, 197, 198 and 213.

CERFA Disqualified Parcels: Parcel 4 was disqualified because this area is included in IRP Site 22. As described above, Site 22 was designated as an IA Site; however, the IA area is not within the transfer parcels. CERFA Parcel 28 was disqualified because IRP Site 10 is present within this parcel but IRP Site 10 is not within the transfer parcels. Parcels 31 and 36 were disqualified because of hazardous substance or petroleum storage. No hazardous substances or petroleum products are currently stored on these parcels. No releases of these substances were noted from these storage areas.

CERFA Qualified Parcels: Parcels 114 and 132 were qualified because (1) friable and nonfriable ACM was observed within the buildings and (2) LBP is probably present, based on the construction dates of the buildings within the parcels.

CERFA Parcels: Parcels 192, 197, 198, and 213 were determined to be uncontaminated in the final CERFA report. The U.S. EPA concurred with this categorization in a letter dated April 18, 1994. The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) agreed with the uncontaminated categorization of parcels 192, 197, 198 and 213.

4.2.3.10 GROUNDWATER MONITORING WELLS

No groundwater monitoring wells are present on the Parcels.

4.2.4 Parcels S1.3.1 and S1.5.2

Forty-one buildings (including temporary structures) are located on these parcels (Plates 4 and 5 – Attachment 3). The buildings were associated with motor pools and were generally used for storage, administration, and vehicle maintenance. Following property transfer, all buildings located within Parcel S1.5.2, with the exception of Building 4899, are slated for demolition. Buildings 4538 and 4544 (Parcel S1.3.1) contain hydraulic lifts. The hydraulic lifts were inspected and no evidence of leakage or release was noted.

4.2.4.1 ASBESTOS

Asbestos surveys have been completed for all of the buildings as part of a facility-wide asbestos survey. The survey showed that three buildings (4536, 4537, and 4893) contain friable asbestos-containing material (ACM) rated 12 (management with 1-year inspection cycle). Twenty-seven buildings contain nonfriable ACM rated 13 (management with a 2-year [biannual] inspection cycle) and in good condition at the time of survey. The Army does not intend to remove the ACM in these buildings, but discloses its existence. Recommended inspection of ACM present in these buildings is the responsibility of the recipient. Ten buildings (4524, 4525,

4541, 4557, 4887, 4888, 4889, 4892, R456, and R457) have no ACM. Asbestos survey data was not available for one of the temporary structures present in Parcel S1.3.1 (R459). See attachment 1 for restrictions.

4.2.4.2 LEAD-BASED PAINT

Thirty-eight of the 41 buildings and temporary structures on the parcels were constructed prior to 1978 or have unknown dates of construction and are presumed to contain lead-based paint (LBP). The Army does not intend to abate the LBP presumed to be present in these structures because (in accordance with the residential lead-based paint Hazard Reduction Act of 1992) they are not intended to be used as residences. Lead is not likely to be present in soils on Parcel S1.3.1 because the areas around the buildings are entirely paved. Most of the area around the buildings on Parcel S1.5.2 is paved and as noted above, all buildings within Parcel S1.5.2, with the exception of Building 4899, are slated for demolition following property transfer. The area around Building 4899 is partially paved and the paint is in good condition. Appropriate LBP notice is provided herein (Attachment 1). Three buildings (4528, 4557, and 4887) were constructed in 1981 or later and are not expected to contain LBP.

4.2.4.3 RADIOLOGICAL

One structure within Parcel S1.5.2 (4886) was identified for a radiological survey. The structure, a wash pad, was surveyed and sampled by the U.S. Army Environmental Hygiene Agency (AEHA, currently known as U.S. Army Center for Health Promotion and Preventive Medicine [USACHPPM]) in 1994. No radiological health hazards associated with the wash pad were identified by AEHA. The Department of Health Services (DHS) concurred that no further action was necessary for Wash Pad 4886 in a letter dated November 21, 1996.

4.2.4.4 UNDERGROUND STORAGE TANKS (USTs)

Seventeen former USTs (4526.1, 4526.2, 4526.3, 4526.4, 4528.1, 4534.1, 4538.1, 4538.2, 4538.3, 4540.1, 4543.1, 4544.1, 4544.2, 4547.1, 4548.1, 4548.2, 4548.3) were located on Parcel S1.3.1; there are no former or existing USTs on Parcel S1.5.2. The 17 former USTs have been removed and the Monterey County Department of Health (MCDOH) has granted closure. USTs 4526.1 through 4526.4, 4540.1, and 4548.1 were granted closure in a letter dated April 6, 1994; USTs 4528.1, 4838.1, 4544.1, and 4548.2 were granted closure in a letter dated December 13, 1995; UST 4534.1 was granted closure in a letter dated August 22, 1996; USTs 4538.2, 4543.1, 4544.2, 4547.1, and 4548.3 were granted closure in a letter dated January 6, 1997; and UST 4538.3 was granted closure in a letter dated November 6, 1997.

4.2.4.5 OIL WATER SEPARATORS

Three oil water separators are located on Parcel S1.3.1. The oil water separators, typically associated with wash racks, were investigated in 1993. No evidence of cracks or releases was

noted in the investigation. A fourth oil water separator, located adjacent to UST 4538.3, was removed during the investigation of a release associated with the UST.

4.2.4.6 ABOVEGROUND STORAGE TANKS (ASTs)

No aboveground storage tanks are present on these parcels.

4.2.4.7 SOLID WASTE MANAGEMENT UNITS (SWMUs)

Six inactive solid waste management units (SWMUs) are located on the parcels. The six SWMUs (FTO-004, FTO-005, FTO-018, FTO-025, FTO-026, FTO-035) were identified as being former hazardous material storage areas. No hazardous materials are presently stored on the parcels. A 1988 AEHA Interim Final Report (IFR) on SWMUs noted evidence of release, due to sloppy handling, at FTO-025 and FTO-026. Shortly after this, SWMUs FTO-025 and -026 were moved to their present locations. Three borings were completed at the locations of former and current hazardous storage areas in 1989. No contamination was found in the samples collected from those borings. No evidence of release was reported at FTO-004, FTO-005, FTO-018, FTO-025, FTO-026, and FTO-035 in a 1993 SWMU update. No further action was recommended for each of the six SWMUs in the 1996 SWMU field investigation and data review.

4.2.4.8 ORDNANCE & EXPLOSIVES (OE)

No OE sites are known to be located within the parcels. Three potential OE sites (OE Site 13B, OE Site 2, and OE Site 31) are immediately adjacent to the parcels (Plates 4 and 5 – Attachment 3), OE Site 13B and OE Site 31 are immediately adjacent to Parcel S1.3.1. OE Site 2 is several hundred feet north-northwest of Parcel S1.5.2. Although no ordnance sites are located on the parcels, the potential exists for OE to be present because OE was used throughout the history of Fort Ord. This notice will be included in the deed.

OE Site 2, Pete's Pond, was identified in the Archives Search Report as a chemical training area and a landmine warfare training area. OE Site 2 was sampled for OE in 1994 and two expended inert items were found. A portion of OE Site 2 overlaps Installation and Restoration Program (IRP) Site 16 and is adjacent to IRP Site 17. During the investigation and remediation of IRP Sites 16 and 17, hundreds of 2.36-inch inert practice rockets were removed from burial pits located in former landfill areas within Sites 16 and 17. Landfill areas within OE Site 2 were fully excavated in 1997. Although ordnance was found at OE Site 2, the items were buried in disposal pits and were not associated with ordnance use at the site. The burial area within OE Site 2 has been excavated, backfilled and re-graded. Results of the ASR indicate that OE Site 2 was not an impact area. OE Site 2 was identified as requiring no further sampling and or/removal actions for OE (Action Memorandum 1, Twelve Sites, April 1998).

OE Site 13B was identified through the archive search as a practice mortar range. The site was identified on training facilities maps in the 1950s. Based on the presence of established developed areas west of the site it is expected that any live firing occurring on the site would have been toward the east away from the developed area. In addition, from the mid-1950s until

base closure, barracks were located just to the west of the OE-site. The boundaries of the site were defined and sampling was performed. Sampling of the site confirmed that the site had been used extensively as an OE training area. On the basis of the sampling results, a removal action to a depth of 4 feet was completed over the entire site. OE items found and removed included pyrotechnics, smoke grenades and projectiles of various sizes. On the basis of the investigation results, no further action was recommended (OE Removal After Action Report, Site OE-13B, January 2000). OE Site 13B is separated from the adjacent Parcel S1.3.1 by a road.

During the removal action at OE Site 13B, two partial Chemical Agent Identification Sets (CAIS) were found. Two cardboard tubes containing intact glass vials were discovered inside of metal canisters buried at depths of 1 and 1.5 feet. The sets were removed by the Technical Escort Unit of Tooele Utah and transferred to their Aberdeen Proving Ground facility.

OE Site 31, California State University Footprint, was identified as the result of impending Base Realignment and Closure (BRAC) action and encompasses Sites OE-7, OE-8, OE-4C, OE-18, and an area that originally was identified as the northern portion of OE-13B. Sampling of these sites confirmed that they had been used extensively as OE training areas. On the basis of the sampling results, a removal action to a depth of 4 feet was completed over the entire site. Although several burial pit caches of ordnance were found and removed, and all the sampling results and other data support a conclusion that the ordnance actually fired at the CSU Footprint was limited to rifle grenades. OE items found during the OE removal actions included smoke grenades, fuzes, pyrotechnics (e.g., flares), and practice mines. Based on the presence of established developed areas west of the site it is expected that any live firing would have been toward the east away from the developed areas. OE Site 31 is separated from the adjacent Parcel S1.3.1 by a road.

Additionally, two non-live fire training areas, (Rifle Instruction Circles [RIC]) were formerly located on Parcel S1.3.1. The RIC were identified on training maps and aerial photographs. The RIC training areas were used in the practice of aiming/sighting of rifles. No evidence has been found that would support the use of live ammunition at the RIC.

4.2.4.9 COMMUNITY ENVIRONMENTAL RESPONSE FACILITATION ACT (CERFA)

The final CERFA report identifies the parcels as being within CERFA Disqualified Parcel No. 4 because of (1) the location of the Parcel S1.5.2 above the Fort Ord Landfill (OU 2) groundwater contamination plume and (2) inclusion of the Property in Installation Restoration Program (IRP) Sites 14, 15, and 22 (see below). Remediation of the contaminated groundwater at OU 2 is underway. The Army has received concurrence from the U.S. EPA (4 January 1996) that the pump-and-treat system for remediation of the OU 2 groundwater plume, is in place and operating "properly and successfully." Four groundwater monitoring wells, MW-22-01-A, -02-A, and -03-A (Parcel S1.3.1) and MW-OU2-54-180 (Parcel S1.5.2) are located on the parcels. Trichloroethene (TCE) was detected in Monitoring Well MW-OU2-54-180 at a maximum concentration of 0.72 micrograms per liter (µg/l) in the June 1999 sampling round. The Army

will reserve rights of access to all wells on the parcels and the right to place additional wells as required. Tampering with the wells will be prohibited.

4.2.4.10 GROUNDWATER MONTORING

The Baseline Risk Assessment for OU 2 indicates that the groundwater does not pose a threat to persons using the parcel provided that groundwater is not used as a drinking water source. Well drilling and use of groundwater will be prohibited.

4.2.4.11 INSTALLATION RESTORATION PROGRAM (IRP)

Portions of three IRP sites are within the parcels. Parcel S1.5.2 includes portions of IRP Sites 14 and 15 (707th Battalion Maintenance Facility and DEH Yard, respectively); and Parcel S1.3.1 includes most of IRP Site 22 (4400/4500 Block Motor Pool, West). Sites 14, 15, and 22 were characterized as Interim Action (IA) sites and were included in the IA Record of Decision (ROD). The IA ROD was signed by the Army, DTSC, and the U.S. Environmental Protection Agency (EPA) in March 1994. The interim actions were completed in 1995 and 1996 and included soil excavation, soil sampling, and excavation backfilling at each of the three IA sites. The interim action at IRP Site 22 occurred within Parcel S1.3.1; the interim actions at IRP Sites 14 and 15 occurred outside Parcel S1.5.2. The Draft Final Site Characterization Reports for IRP Sites 14, 15, and 22 were submitted to and approved by the U.S. EPA in the spring of 1995. The IA Confirmation Reports for IRP Sites 14, 15, and 22 were submitted to the regulatory agencies in February, August, and June 1996, respectively. The U.S. EPA concurred that remedial actions were completed and that no further remedial action was required at Sites 14, 15 and 22, in letters dated March 7, 1996, April 14, 1997, and September 19, 1996, respectively. DTSC concurred that no further remedial action was necessary at Sites 14 and 15 in letters dated February 11, 1998. Concurrence that the no further remedial action at Site 22 was granted by the DTSC in May 1998.

4.2.5 Parcels S1.4, S1.5.1.1, and E17 (formerly a portion of E2c.3.3)

Parcel S1.4 includes 18 buildings on 90.5 acres (Plate 4). Parcel S1.5.1.1 includes 85 buildings on 96.3 acres, and Parcel E17 includes 1 building on 3.8 acres (Plate 1).

4.2.5.1 ASBESTOS

Asbestos surveys have been completed for the 104 buildings on the parcels as part of a facility-wide asbestos survey. These surveys show that 82 buildings contain friable and nonfriable asbestos-containing materials (ACM). Seven buildings contained friable and nonfriable ACM rated 1 to 5 (immediate total removals to immediate repair with 1-year inspection cycle recommended). The remaining buildings contain friable and nonfriable ACM rated 8 to 13 (good to fair condition). The Army does not intend to remove the ACM in any of these buildings, but discloses its existence. Recommended inspection of ACM present in these buildings will be the responsibility of the recipient. See attachment 1 for restrictions.

4.2.5.2 LEAD-BASED PAINT

The 104 buildings on the parcels are presumed to contain lead-based paint (LBP) because they were constructed prior to 1978 (1940 through 1976) or have unknown dates of construction. The Army does not intend to abate the LBP presumed to be present in these structures because (in accordance with the residential lead-based paint Hazard Reduction Act of 1992) they are not intended to be used as residences. Appropriate LBP notice is provided herein (Attachment 1).

4.2.5.3 RADIOLOGICAL

Two buildings on the parcels (1674 and 3762) are among 230 buildings at former Fort Ord that were suspected to have had storage or use of radioactive commodities at some point in the past but for which no documented evidence exists. In 1994 the buildings were sampled by the U.S. Army Environmental Hygiene Agency (AEHA, currently known as U.S. Army Center for Health Promotion and Preventive Medicine [USACHPPM]). No radiological health hazards were identified for the two buildings sampled, and, in a memorandum dated May 2, 1997, USACHPPM recommended that the buildings be released for unrestricted use. The California Department of Health Services (DHS) released Building 3762 for unrestricted use in a letter dated June 4, 1997. Building 1674 was released for unrestricted use by the DHS in a letter dated October 1, 1997.

4.2.5.4 ORDNANCE & EXPLOSIVES (OE)

No OE locations are known to be on these parcels. One potential OE site (OE Site 2) is located immediately adjacent to Parcel S1.5.1.1, as shown on Plates 1 and 4. Although no ordnance sites are located on the parcels, the potential exists for OE to be present because OE was used throughout the history of Fort Ord. This notice will be included in the deed.

OE Site 2, Pete's Pond, was identified in the Archives Search Report as a chemical training area and a landmine warfare training area. OE Site 2 was sampled for OE in 1994 and two expended inert items were found. A portion of OE Site 2 overlaps Installation and Restoration Program (IRP) Site 16 and is adjacent to IRP Site 17. During the investigation and remediation of IRP Sites 16 and 17, hundreds of 2.36-inch inert practice rockets were removed from burial pits located in former landfill areas within Sites 16 and 17. Landfill areas within OE Site 2 were fully excavated in 1997. Although ordnance was found at OE Site 2, the items were buried in disposal pits and were not associated with ordnance use at the site. The burial area within OE Site 2 has been excavated, backfilled and re-graded. Results of the ASR indicate that OE Site 2 was not an impact area. OE Site 2 was identified as requiring no further sampling and or/removal actions for OE (Action Memorandum 1, Twelve Sites, April 1998).

Additionally, three non-live fire training areas, (two Machine Gun Squares and a Rifle Instruction Circle [RIC]) were formerly located on Parcel S1.4. The Machine Gun Squares and RIC were identified on training maps and aerial photographs. The Machine Gun Squares were used for the practice of setting up and aiming weapons or dry fire training. The RIC training

areas were used in the practice of aiming/sighting of rifles. No evidence has been found that would support the use of live ammunition at the machine gun squares or the RIC.

4.2.5.5 UNDERGROUND STORAGE TANKS (USTs)

Forty former underground storage tanks (USTs 1426.1 through .3, 1434.1 through .3, 1487.1, 1489.1 through .3, 1492.1, 1494.1, 1495.1 through .3, 1497.1 through .5, 1636.1, 1670.1, 1670.2, 1680.1, 1685.1 through .3, 1689.1, 1697.1, 1697.2, 1699.1, 3766.1, 3766.2, 3771.1, 3771.2, 3775.1, 3775.2, 4861.1 through .3) were located on the Property (Plate 3; Main Garrison EBS). Closure for these USTs was granted by the Monterey County Department of Health (MCDOH). The following USTs were granted closure in a letter dated January 3, 1994: 1434.3, 1487.1, 1636.1, 1699.1. The following USTs were granted closure in a letter dated April 6, 1994: 1426.1 through .3, 1689.1, 3766.1, 3766.2, 3771.1, 3771.2, 3775.1, 3775.2, 4861.1 through .3. UST 1697.2 was granted closure in a letter dated March 3, 1995. The following USTs were granted closure in a letter dated December 13, 1995: 1434.1, 1434.2, 1489.1, 1489.2, 1494.1, 1495.1, 3010.1. The following USTs were granted closure in a letter dated August 22, 1996: 1685.1 through .3, 1697.1. The following USTs were granted closure in a letter dated January 6, 1997: 1489.3, 1492.1, 1495.2, 1495.3, 1497.1 through .5, 1670.1, 1670.2, 1680.1. Thirteen of the 40 USTs contained waste oil. The thirteen former waste oil tanks are: 1487.1, 1489.2, 1489.3, 1492.1, 1494.1, 1495.2, 1495.3, 1636.1, 1680.1, 1689.1, 1697.2, 1699.1, 3766.2.

One UST (1422.1) remains on Parcel S1.5.1.1. UST 1422.1 was formerly used for heating oil storage. Arrangements are currently being made to remove the UST. If a release occurred from UST 1422.1, the Army, if necessary, will remediate (remove) all impacted soil. Additionally, the Army will obtain closure for UST 1422.1 from the MCDOH when State and County requirements are met."

4.2.5.6 ABOVEGROUND STORAGE TANKS (ASTs)

No aboveground storage tanks (ASTs) are present on the parcels.

4.2.5.7 SOLID WASTE MANAGEMENT UNITS (SWMUs)

Eighteen inactive solid waste management units (SWMUs) are located on the parcels. The 18 inactive SWMUs (FTO-013, FTO-017, FTO-023, FTO-040, FTO-041, FTO-044, FTO-049 through FTO-054, FTO-056 through FTO-058, FTO-063, FTO-064, and FTO-069) were identified as being former hazardous material storage areas. No hazardous materials are presently stored on the parcels. SWMUs FTO-063, FTO-064, and FTO-069 are recently-identified SWMUs, and no evidence of releases were observed at these three SWMUs during a spring 1996 field investigation (*Draft Field Investigation and Data Review, Solid Waste Management Units, Fort Ord, California,* August 8, 1996). The 1996 SWMU Report recommended no further action for all of the SWMUs on the parcels.

4.2.5.8 INSTALLATION RESTORATION PROGRAM (IRP)

Portions or all of seven Installation Restoration Program (IRP) sites (14, 17, 18, 23, 24, 28, and 38) are located on the parcels. All seven sites were investigated under the Fort Ord Basewide RI/FS program. Based on the results of site characterization activities at these sites (which included soil gas surveys, soil sampling, and monitoring well installation and sampling), IRP Sites 18, 23, 28 and 38 were categorized as No Action Sites. The No Action Record of Decision (NoAROD) for all No Action sites was signed by the Army and regulatory agencies in the spring of 1995. Documentation that site-specific no action criteria were met is provided through the Approval Memoranda process. This process is referred to as the "plug-in" process, because the Approval Memoranda plug into the NoAROD. The No Action Approval Memorandum for Site 28 was approved by the U.S. Environmental Protection Agency on September 25, 1995 and by the Department of Toxic Substances Control on October 10, 1995. The No Action Approval Memorandums for Sites 18, and 23 were issued by the Army, and were concurred in by the DTSC on March 12, 1998 and by the U.S. EPA on March 18, 1998. The No Action Approval Memorandum for Site 38 was issued by the Army, and concurred in by the EPA on July 11, 1996; DTSC concurred on March 12, 1998. IRP Sites 14 and 24 were categorized as Interim Action (IA) sites. The interim action at Sites 14 and 24, completed in June 1995 and May 1996, respectively, included soil excavation, soil sampling, and excavation backfilling at both sites. The Site 14 Confirmation Report was submitted to the regulatory agencies in February 1996. The U.S. EPA concurred that no further remedial action is necessary at Site 14 in a letter dated March 7,1996; the DTSC concurred in February 1998. The IA Confirmation Report for Site 24 was submitted to the regulatory agencies in January 1997. The U.S. EPA concurred that no further remedial action is necessary at Site 24 in a letter dated April 14,1997; the DTSC concurred on March 12, 1998. IRP Site 17 was categorized as a Remedial Investigation (RI) site. Although the boundary of RI Site 17 includes a portion of Parcel S1.5.1.1, the portion of RI Site 17 that required remediation does not occur within Parcel S1.5.1.1. Additionally, the OU 2 groundwater plume underlies some of the parcels (Parcels E17 and S1.5.1.1). As noted below, the remediation system for the OU 2-groundwater plume is operating properly and successfully.

4.2.5.9 COMMUNITY ENVIRONMENTAL RESPONSE FACILITATION ACT (CERFA)

The final CERFA report indicates that the transfer parcels are included in CERFA Disqualified Parcels 4, 21, 25, 33, 102, CERFA Qualified Parcels 113, 114, and 164, and CERFA Parcels 194, 195, and 213.

The final CERFA report identifies the transfer parcels as being within CERFA Disqualified Parcels 4, 21, 25, 33, and 102. CERFA Parcel 4 was disqualified because of (1) the location of transfer Parcels S1.5.1.1 and E17, above the Fort Ord Landfill (OU 2) groundwater contamination plume, and (2) the inclusion of two of the transfer parcels (L12.2.2 and L12.2.3) in Installation Restoration Program (IRP) Site 28 (see above). Eight monitoring wells, and 1 injection well are on the parcels. Several volatile organic compounds (VOCs) at concentrations below State and Federal maximum contaminant levels (MCLs) have been consistently detected

in monitoring wells on transfer Parcel S1.5.1.1. Trichloroethene (TCE) is also consistently detected at concentrations exceeding its MCL in Extraction Well EW-OU2-06-A (adjacent to transfer Parcel E17). TCE was detected in Extraction Well EW-OU2-06-A at a maximum concentration of 14.8 micrograms per liter (µg/L) in the June 1999 basewide groundwater sampling round. Remediation of the contaminated groundwater is underway. The Army has received concurrence from the U.S. EPA (4 January 1996) that the pump-and-treat system for the remediation of the OU 2-groundwater plume is in place and operating "properly and successfully." Sampling of the monitoring wells present on the transfer parcels will continue under the Fort Ord basewide groundwater sampling program. The Army will reserve the rights of access to all wells on the parcel. Tampering with the wells will be prohibited. CERFA Parcel 21 was disqualified because of a release at IRP Site 24 and the presence of Machine Gun Square 3 (transfer Parcel S1.4). CERFA Parcel 25 was disqualified because hazardous substances were stored in Buildings 3766 and 3767 and due to the presence of USTs and IRP Site 23 (transfer Parcel S1.4). Parcel 33 was disqualified due to hazardous substance storage at Building 4487, which is not on the transfer parcels. CERFA Parcel 102 was disqualified due to the presence of the plant nursery where hazardous materials were suspected to have been stored (transfer Parcel S1.4).

The final CERFA report identifies the property as containing CERFA Qualified Parcels 113, 114, and 164 because of (1) Machine Gun Square 4, (2) the friable and nonfriable ACM observed within the buildings, and (3) the probable existence of LBP based on the construction dates of the buildings within these parcels.

4.2.5.10 GROUNDWATER MONITORING

The Baseline Risk Assessment for OU 2 indicates that the groundwater does not pose a threat to occupants of the parcels provided that groundwater from the contaminated aquifer is not used as a drinking water source. Well drilling and use of groundwater will be prohibited.

4.2.6 Parcels S2.1.3, S2.1.4.1, S2.5.1.1, S2.5.1.2, S2.5.2.1, and S2.5.2.2

One building (502) is located on Parcel S2.1.4.1 (Plate 6). Buildings 501 and 503, formerly present on Parcel S2.4.1.1 were demolished during underground storage tank (UST) removal in January 1996. Building 502 reportedly was used for storage of inflammable materials. A documented list of materials stored at the building was not available. This building was not identified as a hazardous waste storage area, and no releases are known to have occurred. No hazardous materials are currently stored in Building 502. The area around Building 502 is paved.

4.2.6.1 ASBESTOS

An asbestos survey conducted by the Army did not identify any ACM in Building 502.

4.2.6.2 LEAD-BASED PAINT

Building 502 is presumed to contain lead-based paint (LBP) because it was constructed prior to 1978 (1961). The Army does not intend to abate the LBP presumed to be present in this structure because (in accordance with the Residential Lead-Based Paint Hazard Reduction Act of 1992) it is not intended to be used as a residence. Appropriate LBP notice is provided herein (Attachment 1). Based on the fact that Building 502 is surrounded by pavement, lead is not likely to be present in soils around the building.

4.2.6.3 RADIOLOGICAL

No radiological surveys have been conducted within the building because radioactive materials were reportedly not used or stored in the building.

4.2.6.4 ORDNANCE & EXPLOSIVE

No OE locations are known to be within the parcels. One potential OE site, OE Site 2, is adjacent to Parcel S2.5.1.1. The current approximate extent of OE Site 2 is shown on Plate 4. Although no ordnance sites are located on the parcels, the potential exists for OE to be present because OE was used throughout the history of Fort Ord. This notice will be included in the deed.

OE Site 2, Pete's Pond, was identified in the Archives Search Report as a chemical training area and a landmine warfare training area. OE Site 2 was sampled for OE in 1994 and two expended inert items were found. A portion of OE Site 2 overlaps Installation and Restoration Program (IRP) Site 16 and is adjacent to IRP Site 17. During the investigation and remediation of IRP Sites 16 and 17, hundreds of 2.36-inch inert practice rockets were removed from burial pits located in former landfill areas within Sites 16 and 17. Landfill areas within OE Site 2 were fully excavated in 1997. Although ordnance was found at OE Site 2, the items were buried in disposal pits and were not associated with ordnance use at the site. The burial area within OE Site 2 has been excavated, backfilled and re-graded. Results of the ASR indicate that OE Site 2 was not an impact area. OE Site 2 was identified as requiring no further sampling and or/removal actions for OE (Action Memorandum 1, Twelve Sites, April 1998).

Additionally, a non-live fire training area, the Proficiency Training Area (PTA), overlaps a portion of Parcel S2.5.2.2. The PTA was described in a Fort Ord memorandum dated August 9, 1956. The memorandum describes the southern half of the test area as encompassing projected panel site for machine gun manipulation problems. Discussion with Fort Ord Range control indicated that this area was for dry firing training and possible firing of blank rounds.

4.2.6.5 UNDERGROUND STORAGE TANKS (USTs)

Eight USTs (501.1 through 501.4 and 503.1 through 503.4) were formerly located on Parcel S2.1.4.1. The four 10,000-gallon jet fuel tanks and four 25,000-gallon jet fuel tanks were located in a tank farm at Fritzsche Army Airfield. All eight tanks were removed in January 1996.

Investigations of these USTs are complete, and the Monterey County Department of Health issued a closure letter for all eight USTs on January 6, 1997.

4.2.6.6 INSTALLATION RESTORATION PROGRAM (IRP)

Three IRP Sites are located on or adjacent to the parcels. Parcel S2.1.3 contains IRP Site 35 and Parcel S2.1.4.1 contains a portion of IRP Site 34. Parcels S2.5.1.1, S2.5.1.2, S2.5.2.1 and S2.5.2.2 overlie the OU 2 groundwater plume.

IRP Site 35, the Aircraft Cannibalization Yard, was characterized as a No Action Site. The "Plug-in" No Action Record of Decision (NoAROD) for all No Action Sites was signed on May 22, 1995. Documentation that site-specific no action criterion was met is provided through the approval memoranda process. This process is referred to as the "plug-in" process, because the Approval Memoranda plug into the NoAROD. The No Action Approval Memorandum for Site 35 was issued by the Army, and approved by the U.S. Environmental Protection Agency (U.S. EPA) on August 2, 1995 and by the California Department of Toxic Substances Control (DTSC), Department of Fish and Game and the Regional Water Quality Control Board, on August 18, 1995.

IRP Site 34 is the Fritzsche Army Airfield Fueling Facility. Portions of Site 34 were characterized as an IA site. The Draft Final Site Characterization Report for Site 34 was submitted to the U.S. EPA and DTSC in May 1994. In the draft final report, only Site 34A, Wash Rack 516 in the vicinity of Building 507, was recommended for additional investigation and possible remediation. Site 34A is outside of Parcel S2.1.4.1 and is not included in this transfer. The interim action (IA) approval memorandum for Site 34 was issued by the Army, and approved by the U.S. EPA on February 15, 1995 and the DTSC on February 22, 1995. Based on the Draft Final Site Characterization Report for Site 34 and the IA Approval Memorandum, all remedial actions necessary to protect human health and the environment have been taken for the portion of Site 34 included in this transfer.

Four groundwater monitoring wells (MW-OU2-50-180, MW-OU2-52-180, MW-B-18A and MW-B-20-A) are located on the parcels. Parcels S2.5.1.1, S2.5.1.2, S2.5.2.1 and S2.5.2.2, overlie a portion of the OU 2 groundwater plume. Monitoring Wells MW-OU2-50-180 and MW-OU2-52-180 are located on Parcels S2.5.2.1 and S2.5.1.1, respectively. TCE is consistently detected in these two wells. TCE was detected in Monitoring Well MW-OU2-52-180 at a maximum concentration of 15.3 micrograms per liter (ug/l) in the June 1999 groundwater sampling round. Remediation of the OU 2 groundwater plume is underway. The Army has received concurrence from the U.S. EPA (4 January 1996) that the pump-and-treat-system for the remediation of the OU 2 groundwater plume is in place and operating "properly and successfully." Sampling of the monitoring wells present on Parcels S2.5.1.1 and S2.5.2.1 will continue under the Fort Ord basewide groundwater sampling program. Historically, organic compounds have not been detected in Monitoring Wells MW-B-18-A and MW-B-20-A. These two wells are currently not sampled under the basewide groundwater sampling program.

The Army has recently discovered groundwater contamination consisting of carbon tetrachloride underlying Parcel S2.1.3 and nearby areas. This plume appears to be unrelated to the groundwater plume associated with OU2. A series of monitoring wells have been installed to identify the extent of contamination. MW-BW-32-A is located on the parcel. MW-BW-31-A and MW-BW-27-A are located nearby. Highest concentrations of carbon tetrachloride detected are 15.9 ug/L at MW-BW-27-A, 1.49 ug/L for MW-BW-31-A, and 8.12 ug/L for MW-BW-32-A. The Army is continuing to investigate the extent of contamination associated with this plume. With the participation of U.S. Environmental Protection Agency, California Department of Toxic Substances Control, and California Regional Water Quality Control Board, Central Coast Region, the Army will propose appropriate remedial measures when the investigation is sufficient to support such a decision.

The Army will reserve the rights of access to all wells on the parcels. Tampering with the wells will be prohibited.

4.2.6.7 GROUNDWATER MONITORING

The Baseline Risk Assessment for OU 2 indicates that the groundwater does not pose a threat to occupants of the parcels, provided that groundwater from the contaminated aquifer is not used as a drinking water source. Well drilling and use of groundwater will be prohibited.

4.2.6.8 COMMUNITY ENVIRONMENTAL RESPONSE FACILITATION ACT (CERFA)

The final CERFA report identifies the transfer parcels as being within CERFA Disqualified Parcels 4, 56 and 57, CERFA Qualified Parcel 99, and CERFA Parcel 212. CERFA Parcel 4 was disqualified due to the location of transfer Parcels S2.5.1.1, S2.5.1.2, S2.5.2.1 and S2.5.2.2 above the OU 2 groundwater plume. CERFA Parcel 56 was disqualified because of IRP Site 34. CERFA Parcel 57 was disqualified because of IRP Site 35. CERFA Qualified Parcel 99 includes the Machine Gun Proficiency training Area. CERFA Parcel 212 is an uncontaminated area located in the southern half of Parcel S2.5.2.1. The Army will reserve the right of access to all wells on the parcels. Tampering with the wells will be prohibited.

Four groundwater monitoring wells (MW-OU2-50-180, MW-OU2-52-180, MW-B-18A and MW-B-20-A) are located on the parcels. Parcels S2.5.1.1, S2.5.1.2, S2.5.2.1 and S2.5.2.2, overlie a portion of the OU 2 groundwater plume. Monitoring Wells MW-OU2-50-180 and MW-OU2-52-180, are located on Parcels S2.5.2.1 and S2.5.1.1, respectively. TCE is consistently detected in these two wells. TCE was detected in Monitoring Well MW-OU2-52-180 at a maximum concentration of 15.3 micrograms per liter (ug/l) in the June 1999 groundwater sampling round. Remediation of the OU 2 groundwater plume is underway. The Army has received concurrence from the U.S. EPA (4 January 1996) that the pump-and-treat-system for the remediation of the OU 2 groundwater plume is in place and operating "properly and successfully." Sampling of the monitoring wells present on Parcels S2.5.1.1 and S2.5.2.1 will continue under the Fort Ord basewide groundwater sampling program. Historically, organic compounds have not been

detected in Monitoring Wells MW-B-18-A and MW-B-20-A. These two wells are currently not sampled under the basewide groundwater sampling program. The Army will reserve the rights of access to all wells on the parcels. Tampering with the wells will be prohibited.

4.2.6.9 LANDFILLS

This property appears to be located within 1000 feet of the landfill at Fort Ord. DTSC understands that methane concentrations in excess of the regulatory limit of 5% by volume have been detected at the landfill boundary. DTSC has been advised by the California Integrated Waste Management Board that given this proximity, there is a potential concern for gas build-up within any structures (including buildings, subsurface vaults, utilities) located within 1000 feet of a landfill. Future landowners should refer to Title 27, section 21190 of the California Code.

5.0 DEED RESTRICTIONS AND NOTIFICATIONS

The environmental documents listed in Section 1.3 were evaluated to identify environmental factors that may warrant constraints on certain activities in order to ensure that it is protective of human health and the environment. Such constraints are generally embodied as restrictions in the Deed or as specific notifications in the Deed or other documents supporting the transaction. The factors that require either deed restrictions or specific notifications are identified in the Environmental Response Obligation Addendum (EROA).

6.0 PUBLIC COMMENTS

On November 2, 1999, public notice of the proposed transfer of the property was provided by publication in two local newspapers of general circulation. Public comments received during the FOSET development were reviewed and incorporated as appropriate. Public comments and responses are provided in Attachment 2.

7.0 REGULATOR COORDINATION

The State of California and the United States Environmental Protection Agency Region IX (EPA) were notified of the initiation of the FOSET in June 1999, and invited to participate in preparing the Draft FOSET. For purposes of this document the term "State of California" shall mean the Department of Toxic Substance Control, and such other agency or instrumentality of the State of California as may have or as may acquire, by operation of law, regulatory jurisdiction concerning response actions. The State of California and EPA were also provided with a thirty (30) day formal comment period on the Draft FOSET concurrently with the public comment period starting November 2, 1999. Comments were received from EPA and State of California

via teleconference in December 1999. The comments were considered and incorporated as appropriate in the finalization of the FOSET.

8.0 FINDING OF SUITABILITY FOR EARLY TRANSFER

The proposal to transfer this property has been adequately assessed and evaluated for (a) the presence of hazardous substances and contamination on the property, (b) environmental impacts anticipated from the intended use of the property, (c) the presence of ordnance and explosives on the property, and (d) the adequacy of use restrictions and notifications to ensure that it is protective of human health and the environment.

The Army is conducting an RI/FS for OE at Fort Ord. In the event the results of the OE RI/FS indicate that further response action is necessary, the Army reserves the right to carry out those actions. One element of this OE RI/FS process is identification of so-called "Track 0 (No Action)" areas. Track 0 areas are those that contain no evidence of OE related activities of any kind. It is anticipated that the parcels included in this FOSET will meet the requirements for inclusion in the Track 0 ROD.

Should this property be considered for the proposed acquisition and/or construction of school properties utilizing State funding, a separate environmental review process in compliance with the California Education Code 17210 et seq. will need to be completed and approved by DTSC.

The future uses of this property do not present a current or future risk to human health or the environment, subject to inclusion and compliance with the appropriate notices and disclosures as addressed in the Environmental Response Obligation Addendum (EROA) at attachment 1.

Provided the restrictions of the Covenant to Restrict Use of Property, to be entered into by the Army and the State of California, are adhered to, no actual or potential hazard exists on the surface of the property from groundwater contamination or from possible soil gas volatilization resulting from groundwater contamination underlying the Property.

CERCLA 120(h)(3)(A)(ii)(I) requires that a covenant indicating that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken prior to transfer by deed. The deferral of the covenant for this property has been adequately assessed and evaluated to assure that: (a) the transfer will not delay environmental response actions, (b) the reuse of the property will not pose a risk to human health or the environment, and (c) the federal government's obligation to perform all necessary response actions will not be affected by the early transfer of this property. The property, therefore, is suitable for early transfer.

The Army will submit to the designated representative of the EPA Administrator, for approval, and the Governor of the State of California, for concurrence, a request that the required covenant

of CERCLA 120(h)(3)(A)(ii)(I) be deferred for this property. The covenant required by CERCLA 120(h)(3)(A)(ii)(II) will be included in the Deed to ensure protection of human health and the environment, to ensure that environmental investigations and remedial activities will not be disrupted, and additional response action found to be necessary after the date of transfer will be accomplished by the Army. A clause will be included in the Deed granting the United States and U.S. EPA access to the property in any case upon reasonable notice where a remedial action, response action, or corrective action is found to be necessary after transfer. The Transferee will receive a warranty authorized under CERCLA 120(h)(3)(C)(iii) when all response actions have been taken in accordance with the provisions of the Federal Facilities Agreement entered into by the Army with U.S. EPA Region IX and the State of California. Pursuant to California Civil Code section 1471(c), the Department of the Army, California Department of Toxic Substance Control, and the California Regional Water Quality Control Board, Central Coast Region has agreed to sign a groundwater covenant to protect present or future human health or safety or the environment. Transfer of property cannot occur until after the request for the covenant deferral is approved by the delegated representative of the EPA Administrator with the concurrence of the Governor of the State of California or his designated representative.

Raymond J. Fatz
Deputy Assistant Secretary of the Army
Environment, Safety, and Occupational Health

03 DEC 2001

ATTACHMENT 1

ENVIRONMENTAL RESPONSE OBLIGATION ADDENDUM

(EROA)

ENVIRONMENTAL RESPONSE OBLIGATION ADDENDUM

INTRODUCTION: This addendum identifies the assurance required in the deed or contract. The following table lists the notices required to be included in the deed or contract. See section 5.0 of this attachment for the notice of the potential presence of Polychlorinated Biphenlys (PCBs) in all parcels that contain fluorescent light ballasts.

PARCEL NUMBER	LBP NOTICE	ACM NOTICE	OU2-PLUME NOTICE	HAZ-SUBST NOTICE	OE NOTICE
L2.1	YES	YES	NO	NO	YES
E4.1.1	YES	YES	YES	NO	YES
E4.2	YES	YES	YES	NO	YES
E4.3.1 (portion)	YES	YES	YES	NO	YES
L2.4.2	YES	YES	NO	YES	YES
L2.4.3.1	YES	YES	NO	NO	YES
L2.4.3.2	NO	NO	NO	NO	YES
L32.4.1.2 (former part of L32.4.1)	YES	YES	NO	YES	YES
L37	YES	YES	NO	YES	YES
S1.3.1	YES	YES	YES	YES	YES
S1.5.2	YES	YES	YES	YES	YES
S1.4	YES	YES	NO	YES	YES
S1.5.1.1	YES	YES	YES	YES	YES
E17 (former part of E2c.3.3)	YES	YES	YES	NO	YES
S2.1.3	YES	NO	NO	NO	YES
S2.1.4.1	YES	NO	NO	NO	YES
S2.5.1.1	NO	NO	YES	NO	YES
S2.5.1.2	NO	NO	YES	NO	YES
S2.5.2.1	NO	NO	YES	NO	YES
S2.5.2.2	NO	NO	YES	NO	YES

DEED ASSURANCES:

1.0 NOTICE OF THE PRESENCE OF ASBESTOS AND COVENANT

a. The Grantee is hereby informed and does acknowledge that friable and nonfriable asbestos or asbestos-containing material (ACM) have been found on the Property, as described in the EBS and referenced asbestos surveys. The interior asbestos does not present a "release or threat of release into the environment" as defined by CERCLA.

b. The Grantee covenants and agrees that its use and occupancy of the Property will be in compliance with all applicable laws relating to asbestos; and that the Grantor assumes no liability for future remediation of asbestos or damages for personal injury, illness, disability, or death, to the Grantee, its successors or assigns, sublessees, or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the Property, whether the Grantee, its successors or assigns have properly warned or failed to properly warn the individual(s) injured. The Grantee agrees to be responsible for any future remediation of ACM, as identified in the FOSET or found within buildings or structures on the Property. The Grantee agrees to provide the Army and regulators with a copy of all final reports pertaining to the remediation of any or all ACM identified in this FOSET or found within buildings or structures on the Property.

c. Unprotected or unregulated exposures to asbestos in product manufacturing, shipyard, building construction workplaces have been associated with asbestos-related diseases. Both the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) regulate asbestos because of the potential hazards associated with exposure to airborne asbestos fibers. Both OSHA and EPA have determined that such exposure increases the risk of asbestos-related diseases, which include certain cancers and which can result in disability or death.

d. The Grantee acknowledges that it has inspected the property as to its asbestos content and condition and any hazardous or environmental conditions relating thereto. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the property, including, without limitation, any asbestos hazards or concerns.

e. No warranties, either express or implied, are given with regard to the condition of the property, including, without limitation, whether the property does or does not contain asbestos or is or is not safe for a particular purpose. The failure of the Grantor to inspect, or to be fully informed as to the condition of all or any portion of the property offered, will not constitute grounds for any claim or demand against the United States.

f. The Grantee further agrees to indemnify and hold harmless the Grantor, its officers, agents and employees, from and against all suits, claims, demands or actions, liabilities, judgments, costs and attorneys' fees arising out of, or in any manner predicated upon, exposure to asbestos on any portion of the Property after this conveyance of the Property to the Grantee or any future remediation or abatement of asbestos or the need therefor. The Grantee's obligation hereunder shall apply whenever the United States incurs costs or liabilities for actions giving rise to liability under this section.

2.0 NOTICE OF THE PRESENCE OF LEAD-BASED PAINT

a. The Grantee is hereby informed and does acknowledge that all buildings on the Property, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint (LBP). Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in Residential Real Property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. "Residential Real Property" means dwelling units, common areas, building exterior surfaces, and any surrounding land, including outbuildings, fences and play equipment affixed to the land, available for use by residents but not including land used for agricultural, commercial, industrial, or other non-residential purposes, and not including paint on the pavement of parking lots, garages, or roadways and buildings visited regularly by the same child, 6 years of age or under, on at least two different days within any week, including day-care centers, preschools and kindergarten classrooms.

b. Available information concerning known lead-based paint and/or lead-based paint hazards, the location of lead-based paint or lead-based paint hazards, and the condition of painted surfaces is contained in the *U. S. Army Environmental Hygiene Agency, Industrial Hygiene Survey No. 55-71-R25A-94 Lead-Based Paint Inspection in Military Housing Fort Ord, California, 1 November 1993 – 11 March 1994 (June 1994),* the *Draft Report of Patton Park Lead Based Paint Risk Assessment, Fort Ord, California (December 2000)* and the Environmental Baseline Surveys, which have been provided to the Grantee. All purchasers must also receive the federally approved pamphlet on lead poisoning prevention. Buildings constructed prior to 1978 are assumed to contain lead-based paint. Buildings constructed after 1977 are assumed to be free of lead-based paint. No other surveys or studies assessing the possible presence of lead-based paint in former or existing buildings on the Property were performed by the Army. The Grantee hereby acknowledges receipt of the information described in this Subparagraph.

c. The Grantee acknowledges that it has received the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards prior to execution of this Transfer.

d. The Grantee covenants and agrees that it shall not permit the occupancy or use of any buildings or structures on the Property as Residential Real Property, as defined in paragraph A, above, without complying with this section and all applicable federal, state, and local laws and regulations pertaining to lead-based paint and/or lead-based paint hazards. Prior to permitting the occupancy of the Property where its use subsequent to sale is intended for residential habitation, the Grantee specifically agrees to perform, at its sole expense, the Army's abatement requirements under Title X of the Housing and Community Development Act of 1992 (Residential Lead-Based Paint Hazard Reduction Act of 1992) (hereinafter Title X).

The Grantee shall, after consideration of the guidelines and regulations established pursuant to Title X: (1) Perform a Risk Assessment if more than 12 months have elapsed since the date of the last Risk Assessment; (2) Comply with the joint HUD and EPA Disclosure Rule (24 CFR 35, Subpart H, 40 CFR 745, Subpart F), when applicable, by disclosing to prospective purchasers the known presence of lead-based paint and/or lead-based paint hazards as determined by previous risk assessments; (3) Abate lead dust and lead-based paint hazards in pre-1960 residential real property, as defined in paragraph A, above, in accordance with the procedures in 24 CFR 35; (4) Abate soil-lead hazards in pre-1978 residential real property, as defined in paragraph A, above, in accordance with the procedures in 24 CFR 35; (5) Abate lead-soil hazards following demolition and redevelopment of structures in areas that will be developed as residential real property; (6) Comply with the EPA lead-based paint work standards when conducting lead-based paint activities (40 CFR 745, Subpart L); (7) Perform the activities described in this paragraph within 12 months of the date of the lead-based paint risk assessment and prior to occupancy or use of the residential real property; and (8) Send a copy of the clearance documentation to the Grantor.

In complying with these requirements, the Grantee covenants and agrees to be responsible for any abatement or remediation of lead-based paint or lead-based paint hazards on the Property found to be necessary as a result of the subsequent use of the property for residential purposes. The Grantee covenants and agrees to comply with solid or hazardous waste laws that may apply to any waste that may be generated during the course of lead-based paint abatement activities.

e. The Grantee further agrees to indemnify and hold harmless the Army, its officers, agents and employees, from and against all suits, claims, demands, or actions, liabilities, judgments, costs and attorneys' fees arising out of, or in a manner predicated upon personal injury, death or property damage resulting from, related to, caused by or arising out of lead-based paint or lead-based paint hazards on the Property if used for residential purposes.

3.0 NOTICE OF THE POTENTIAL FOR THE PRESENCE OF ORDNANCE & EXPLOSIVES

Based on a review of existing records and available information, none of the buildings or land proposed for transfer is known to contain unexploded ordnance (UXO). In the event the GRANTEE, its successors, and assigns, should discover any ordnance on the Property, it shall not attempt to remove or destroy it, but shall immediately notify the local Police Department and the Directorate of Law enforcement at the Presidio of Monterey and competent GRANTOR or GRANTOR designated explosive ordnance personnel will be dispatched promptly to dispose of such ordnance at no expense to the GRANTEE.

4.0 NOTICE OF HAZARDOUS SUBSTANCE STORAGE, RELEASE, OR DISPOSAL

The Grantor hereby notifies the Grantee of the former storage release, or disposal of hazardous substances on the Property. The items typically stored on the Property are listed in the table at the end of this section. The information regarding this storage indicates that it was conducted in a manner that would not pose a threat to human health and the environment. Releases occurred at IA Site 24 (Parcel S1.4) from previous grease rack operations, ASTs and pesticide use. Soil samples collected from the site contained Aroclor 1260; 4,4'-DDT; dieldrin; chlordane; oil and grease and unknown hydrocarbons. Remediation of Site 24 is complete. Releases occurred on Parcel S1.3.1 from waste oil USTs 4534.1 and 4538.3 and at Interim Action (IA) Site 22. Remediation of waste oil impacted soil at the former UST locations is complete and the USTs were granted closure. Remediation at Site 22 included the removal of hydrocarbon impacted soil at a former grease rack location. Organic chemicals detected in soil at Site 22 considered to be site related included toluene, unknown petroleum hydrocarbons as diesel, total recoverable petroleum hydrocarbons, and oil and grease. Inorganic chemicals detected in soil at Site 22 considered to be site related for the purposes of a screening risk evaluation were barium, cadmium, total chromium, lead, mercury, nickel, selenium, and silver. Remediation of Site 22 is complete. A release occurred at Interim Action Site 14B (Parcel S1.5.1.1) from previous grease rack operations. Remediation at Site 14B included the removal of hydrocarbon impacted soil at the former grease rack location. Organic chemicals detected in soil at Site 14B considered to be site related included chrysene and petroleum hydrocarbons. Remediation of Site 14B is complete. This notice is given pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 120(h)(1) and (3), and no additional action is necessary under CERCLA to protect human health and the environment. CERCLA requires the Grantor to reserve a right of access to the Property in any case in which the potential for a response action or corrective action is found to be necessary. The Grantor shall give Grantee responsible notice of action requiring access to the Property, and Grantor shall, consistent with feasible methods for complying with these actions, endeavor to minimize the disruption of the Grantee's use of the Property.

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
Building 4469 (Parcel L32.4.1.2)	Flammable Materials/Unknown	--	Multiple	--	Unknown	None / None
Former UST 4441.1 (Parcel L2.4.2)	Waste oil/500 gallons	--	Multiple	--	1974-1995	None / None
IA Site 24 Areas A2. B and C (Parcel S1.4)					1950's-1995	Yes / None
	Aroclor-1260/Unknown	PCBs	11096825	None assigned		
	4.4'-DDT/Unknown	DDT	50293	U061		
	Dieldren/Unknown	--	60571	P037		
	Chlordane/Unknown	--	57749	U036		
	Oil and grease/ Unknown	--	Multiple	--		
	Unknown hydro-carbons /Unknown	--	Multiple	--		
FTO-004 (Parcel S1.5 2)					Unknown - 1994	None / None
	Paint/25,000 lbs. per year	--	Multiple	--		
	Anti freeze/10,000 lbs per year	Ethylene Glycol	107211	None assigned		
	Paint thinner/8.000 lbs. per year	--	Multiple	--		
	Hydraulic fluid/5,000 lbs. per year	--	Multiple	--		
FTO-004 (Parcel S1.5.2) cont'd	Toner/1,000 lbs. per year	--	Multiple	--		None / None
	Adhesive brake cleaner/500 lbs. per year	--	Multiple	--		

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
	Oil filters/10,000 lbs. per year	N/A	N/A	N/A		
	Windshield deicer/500 lbs. per year	--	Multiple	--		
	Gasoline/1,000 lbs. per year	--	Multiple	--		
	Varnish/500 lbs. per year	--	Multiple	--		
	Lube oil/ 25,000 lbs. per year	--	Multiple	--		
	Brake shoes/5,000 lbs. per year	Asbestos	1332214	None assigned		
	Diesel/20,000 lbs. per year	--	Multiple	--		
FTO-005 (Parcel S1.3.1)					Unknown - 1994	None / None
	Spent solvent/4,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Brake shoes/ 1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste lube oil/ 15,000 lbs. per year	--	Multiple	--		
	Waste transmission fluid/1,000 lbs. per year	--	Multiple	--		
FTO-013 (Parcel S1.5.1.1)	Medical waste	--	--	--	1984-1992	None / None
FTO-017 (Parcel S1.5.1.1)	Methylenedianiline/ Unknown	4,4'-methylenedianiline	101779	None assigned	Unknown - 1994	None / None
	Phenyl-mercuric proprionate/Unknown	--	53404685	None assigned		
	Methylene chloride/Unknown	Dichloromethane	75092	U080		
	Uralite/Unknown	--	9011056	None assigned		

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
	Polyester resin/Unknown	--	109160	None assigned		
FTO-018 (Parcel S1.5.2)					1967 - 1994	None / None
	Paint equipment/100,000 lbs. per year	--	Multiple	--		
	Pesticides (warfarin, lindane, chlordane, sevin, baygon, diazinon, and rarely malathion)/ 60,000 lbs. per year	Warfarin	81812	None assigned		
		Lindane	58899	U129		
		Chlordane	57749	U036		
		Sevin	63252	None assigned		
		Baygon	114261	None assigned		
		Diazinon	333415	None assigned		
		Malathion	121755	None assigned		
FTO-023 (Parcel S1.5.1.1)	See below/~50 gallons per year				Unknown - 1994	None / None
	Used solvents	--	Multiple	--		
	Used paint	--	Multiple	--		
	Used potassium hydroxide	Caustic potash	1310583	None assigned		
FTO-025 (Parcel S1.3.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	Petroleum, oil, and lubricants (POL) contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-026 (Parcel S1.3.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-035 (Parcel S1.3.1)					Unknown-1994	None / None

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-040 (Parcel S1.5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
FTO-040 (Parcel S1.5.1.1) cont'd	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-041 (Parcel S1.5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-044 (Parcel S1.5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-049 (Parcel S1.5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-050 (Parcel S1.5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-051 (Parcel S1.5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-052 (Parcel S1.5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	Ethylene Glycol	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-053 (Parcel S1 5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
FTO-054 (Parcel S1.4)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
FTO-054 (Parcel S1.4) cont'd	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-057 (Parcel S1.5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-058 (Parcel S1.5.1.1)					Unknown - 1994	None / None
	Waste oil/15,000 lbs. per year	--	Multiple	--		
	Used oil filters/1,000 lbs. per year	N/A	N/A	N/A		
	Used hydraulic fluid/500 lbs. per year	--	Multiple	--		
	Used ethylene glycol/2,500 lbs. per year	Ethylene Glycol	107211	None assigned		
	Used brake shoes and pads/1,000 lbs. per year	Asbestos	1332214	None assigned		
	Waste JP4/100 lbs. per year	--	Multiple	--		
	Fuel filters/500 lbs. per year	N/A	N/A	N/A		
	POL contaminated soil and rags/1,000 lbs. per year	N/A	N/A	N/A		
FTO-063 (Parcel S1.5.1.1)	Unknown	N/A	N/A	N/A	Unknown	None / None
FTO-064 (Parcel S1.5.1.1)	Unknown	N/A	N/A	N/A	Unknown	None / None
FTO-069 (Parcel S1.4)	Unknown	N/A	N/A	N/A	Unknown	None / None
Former USTs (Parcel S1.3.1)						
4534.1	Waste oil/550-gallon	--	Multiple	--	Unknown - 1991	Yes / None
4544.2	Waste oil/550-gallon	--	Multiple	--	1976 - 1996	None / None
4543.1	Waste oil/550-gallon	--	Multiple	--	1976 - 1996	None / None
4540.1	Waste oil/550-gallon	--	Multiple	--	1976 - 1992	None / None

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
4547.1	Waste oil/550-gallon	--	Multiple	--	1976 - 1996	None / None
4548.1	Waste oil/550-gallon	--	Multiple	--	1976 - 1992	None / None
4538.2	Waste oil/550-gallon	--	Multiple	--	1976 - 1996	None/None
4538.3	Waste oil/275-gallon	--	Multiple	--	Unknown - 1996	Yes / None
1A Site 22 (Parcel S1.3.1)						
Grease Rack	Residue from grease rack operations	Toluene	108883	U220	1950s - 1995	Yes / None
		Cadmium	7440439	None assigned		
		Chromium	7440473	None assigned		
		Lead	7439921	U151		
		Mercury	7439976	None assigned		
		Nickel	7440020	None assigned		
		Selenium	7782492	None assigned		
		Silver	7440224	None assigned		
Former USTs Parcel S1.5.1.1						
1434.1	Stoddard Solvent/9,000-gallon	--	Multiple	--	1951 - 1995	None/None
1434.2	Stoddard Solvent/3,000-gallon	--	Multiple	--	1951 - 1995	None/None
1434.3	Stoddard Solvent/3,000-gallon	--	Multiple	--	1951 - 1992	None/None
1487.1	Waste Oil/550-gallon	--	Multiple	--	1976-1992	None/None
1489.2	Waste Oil/550-gallon	--	Multiple	--	1976-1995	None/None
1489.3	Waste Oil/275-gallon	--	Multiple	--	1976-1996	None/None
1492.1	Waste Oil/550-gallon	--	Multiple	--	1976-1996	None/None
1494.1	Waste Oil/550-gallon	--	Multiple	--	1976-1996	None/None

LOCATION	MATERIAL STORED/ QUANTITY	REGULATORY SYNONYM	CASRN*	RCRA WASTE NUMBER	DURATION	RELEASE/ DISPOSAL
1495.2	Waste Oil/550-gallon	--	Multiple	--	1976-1996	None/None
1495.3	Waste Oil/500 gallon	--	Multiple	--	1976-1996	None/None
1636.1	Waste Oil/1,000-gallon	--	Multiple	--	1985-1992	None/None
1680.1	Waste Oil/1,000-gallon	--	Multiple	--	1983-1996	None/None
1689.1	Waste Oil/1,000-gallon	--	Multiple	--	1985-1992	None/None
1697.2	Waste Oil/550-gallon	--	Multiple	--	1981-1992	None/None
1699.1	Waste Oil/550-gallon	--	Multiple	--	1981-1992	None/None
Existing UST (Parcel S1.5.1.1) 1422.1	Heating oil/2000 -gallon	--	Multiple	--	Unknown- 2000	Unknown/None
Parcel S1 4						
UST 3766.2	Waste Oil/5.000-gallon	--	Multiple	--	1941-1991	None/None
IA 14B						
(Parcel S1.5.1.1)	Residue from grease rack operations	1.2-Benzophenanthrene	Chrysene 218019	U050	1950s – 1994	Yes/None

*Chemical Abstract Service Registry Number

5.0 NOTICE OF THE POTENTIAL FOR THE PRESENCE OF POLYCHLORINATED BIPHENYLS (PCBs)

PCB's have been used widely as coolants and lubricants in transformers, capacitors, and other electrical equipment like fluorescent light ballasts. EPA considers PCB's to be probable cancer-causing chemicals in humans. PCB and PCB-contaminated items that will be disposed, must be stored in a hazardous waste storage facility. The Grantee is hereby informed that fluorescent light ballasts containing PCBs may be present on the Property. The PCB containing equipment does not currently pose a threat to human health or the environment. All PCB equipment is presently in full compliance with applicable laws and regulations. The Grantee agrees that its continued

possession, use and management of any PCB containing equipment will be in compliance with all applicable laws relating to PCBs and PCB containing equipment and that the Army shall assume no liability for the future remediation of PCB contamination or damages for personal injury, illness or disability or death to the Permitee, its successors or assigns, or to any other person, including members of the general public arising from or incident to future use, handling, management, disposition or any activity causing or leading to contact of any kind whatsoever with PCB containing equipment during the period of this Lease. The Grantee agrees to be responsible for any remediation of PCB containing equipment found to be necessary on the Premises resulting from its use or possession thereof. This section is to serve as notice of the potential presence of PCBs on any of the parcels. This notice is applicable to all buildings that contain fluorescent light ballasts.

6.0 NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER

The groundwater beneath Parcels S1.5.1.1, S1.5.2, S2.5.1.1, S2.5.1.2, S2.5.2.1, S2.5.2.2, E17, E4.1.1, E4.2, and E4.3.1, is contaminated with volatile organic compounds (VOCs), primarily trichloroethene (TCE), associated with OU2. The maximum estimated concentration of TCE in the groundwater beneath the Property is 43.7 ug/L (Parcel E4.3.1). The maximum estimated concentrations at or above aquifer cleanup levels (ACLs) of chemicals of concern frequently detected in the groundwater plume associated with OU2 in June 1999 are listed in the table below, the quantity released of these compounds is unknown.

Chemical Name	Regulatory Synonym	CASRN*	RCRA Waste Number	Concentrations (ug/l)	ACL
1,1-Dichloroethane	Ethane, 1,1-dichloro	75343	U076	ND	5.0
1,2-Dichloroethane	Ethane, 1,2-dichloro	107062	U077	ND	0.5
Cis-1,2-Dichloroethene	Ethene, 1,2-dichloro(E)	156605	U079	19.2	6.0
1,2-Dichloropropane	Propane, 1,2-dichloro	78875	U083	ND	1.0
Chloroform	Methane, trichloro	67663	U044	3.47	2.0
Tetrachloroethene	Ethene, tetrachloro	127184	U210	12.7	3.0
Trichloroethene	Ethene, trichloro	79016	U228	43.7	5.0
Vinyl chloride	Ethene, chloro	75014	U043	0.762	0.1

This notice is provided pursuant to CERCLA 120(h)(1) and (3). A pump-and-treat groundwater remediation system for OU2 is in place and shown to be operating effectively. Drilling of water wells or use or access to groundwater beneath the Property is prohibited, and will be recorded in the deed. A Covenant to Restrict us of Property (CRUP) within the "Groundwater Protection Zone" has been established between the United States Army, the State of California (DTSC), and the California Regional Water Quality Control Board, Central Coast Region.

Without the express written consent of the Grantor in each case first obtained, neither the Grantee, its successors of assigns, nor any other person or entity acting for or on behalf of the Grantee, its successors of assigns, shall interfere with any response action being taken on the Property by or on behalf of the Grantor, or interrupt, relocate, or interfere with any remediation system now or in the future located on, over, through, or across any portion of the Property.

The deed will reserve a nonexclusive easement to allow continued access for the Army (or its designated contractor) and the regulatory agencies to permit necessary groundwater monitoring at wells located on the Property and the installation of new treatment or monitoring wells if required for the pump and treat operations. Furthermore, the deed will prohibit all others from tampering with the groundwater monitoring wells.

7.0 GRANTOR RESERVATION OF ACCESS

The Grantor reserves a right of access to any and all portions of the Property for environmental investigation and remediation, or other corrective action. This reservation includes the right of access to and use of, to the extent permitted by law, available utilities at reasonable cost to the Grantor. These rights shall be exercisable in any case in which a remedial action, response

action or corrective action is found to be necessary after the date of conveyance of the Property, or such access is necessary to carry out a remedial action, response action or corrective action on adjoining property. Pursuant to this reservation, the United States and its officers, agents, employees, contractors, and subcontractors shall have the right (upon reasonable notice to the Grantee, or the then owner and any authorized occupant of the Property) to enter upon the herein described tracts of land and conduct investigations and surveys, to include drillings, test-pitting, borings, data and/or record compilation, and other activities related to environmental investigation, and to carry out remedial or removal actions as required or necessary under applicable authorities, including but not limited to monitoring wells, pumping wells, and treatment. Grantee agrees that notwithstanding any other provisions of the Deed, the Grantor assumes no liability to the Grantee, the then owner, or any other person, should the grantor's exercise of its rights hereunder interfere with the Grantee's use of the Property.

CONTRACTUAL ASSURANCES

PROJECTED SCHEDULE OF REMEDIAL INVESTIGATION/FEASIBILITY STUDY

OE Agreement	Apr	2000
Track 0 ROD	Sept	2001*
RI	Jan	2004
FS	Jan	2004
Proposed Plans	July	2004
ROD	July	2005

* It is anticipated that the parcels identified in this early transfer will meet the requirements for inclusion in the Track 0 (No Action) ROD. Track 0 areas are those with no evidence of OE use.

8.0 DEFERRED WARRANTY

The Army, with the concurrence of U.S. EPA Region IX and DTSC, shall execute and deliver to the Grantee, or its successor and assigns, an appropriate document, containing a warranty that all response actions necessary to protect human health and the environment with respect to any substances remaining on the property on the date of transfer have been taken, as required by law. This warranty shall be in a form that is recordable in the Office of the Recorder, Monterey County, California.

9.0 BUDGETING FOR RESPONSE ACTIONS

The Army has submitted and will continue to submit through its established budget channels to the Director of the Office of Management and Budget a request for funds that adequately addresses schedules for investigation and completion of all response actions required. Expenditure of any Federal funds for such investigations or response actions is subject to congressional authorization and appropriation of funds for that purpose. The Army will submit

its funding request for the projects needed to meet the schedule of necessary response actions as follows:

a. The projects for the necessary Remedial Investigation/ Feasibility Study (RI/FS) will be identified to and coordinated with the BRAC Cleanup Team (BCT).

b. After coordination with the BCT, the projects will be submitted through TRADOC to HQDA for funding validation and approval.

c. All correspondence regarding these projects will recite that these projects are being undertaken on property being transferred pursuant to CERCLA §120(h)(3)(C) and that once validated, approved, and funded, the funding may not be withdrawn without the consent of the Assistant Secretary of the Army for Installations and Environment.

ATTACHMENT 2

RESPONSIVENESS SUMMARY

ATTACHMENT 2

RESPONSIVENESS SUMMARY

RESPONSIVENESS SUMMARY
ON THE DRAFT FINDING OF SUITABILITY FOR EARLY TRANSFER (FOSET) WITH A CERCLA 120(h)(3) COVENANT DEFERRAL HOUSING AREAS AND FORMER GARRISON PARCELS
FORMER FORT ORD, CALIFORNIA
DATED NOVEMBER, 1999

I. FORT ORD TOXICS PROJECT, INC., ARC ECOLOGY, COMMENTS DATED DECEMBER 3, 1999

General Comments:

Comment: In order to execute the proposed Covenant Deferred CERCLA transfer the Army must show the subject parcels have been adequately addressed and evaluated to assure that:

(a) the transfer will not delay environmental response actions

(b) the reuse of the property will not pose a risk to human health or the environment

(c) the federal government's obligation to perform all necessary response actions will not be affected by early transfer of the property.

After reviewing the FOSET, I conclude that the Army has failed to prove items (b) and (c).

The Army has not proved the claim that reuse of the subject parcels will not pose a risk to human health. There are three reasons:

(1) Transferring these parcels will improve public access to adjacent parcels known or suspected to be contaminated with ordnance waste. This is particularly true of Parcel L32.4.1.

(2) The Army did not base their conclusions on the latest information available. The Army did not consider or rely on the information collected in the Draft Literature Review Report (09/1999), nor the analysis presented in the Draft Track 0 Technical Memorandum for Ordnance and Explosives (11/1999). The Army should refrain from signing the FOSET at least until these documents have been finalized and included into the FOSET.

(3) The Army has not investigated the possibility of finding Chemical Warfare Materials (CWM) such as Chemical Agent Identifications Sets (CAIS) in and around the landfill areas off of Imjin Road. Two incidents in 1997 indicate that CAIS are buried in the area (see attachments). Furthermore the Army report entitled "Survey and Analysis Report, Second Edition," by the US Army Manager for Chemical Demilitarization makes the case that CAIS was used at Fort Ord, and disposed of by burying (the common method of disposal at

the time), prior to 1974. If encountered by unsuspecting people, these CAIS sets and other CWM will pose a serious risk to human health and safety.

The Army also has not proved the claim that transferring these parcels now will not interfere with the federal government's obligation to perform all necessary response actions. The Army has already decided these parcels are "clean," without their having completed the no-further-action CERCLA record of decision (ROD) for the subject parcels (scheduled to happen in April of 2000). If transferred for unrestricted use, it will be left up to the new owners/users to find any remaining ordnance and CWM contamination. In other words, the Army appears to be relying on civilian "construction support" to finish their remedial cleanup obligations. This strategy in fact interferes with the orderly and safe investigation and cleanup of these Superfund site land parcels. This is particularly true of parcels L32.4.1, L1515.1, L2.4.2, L2.4.3.1.

Parcel S.2.5.2.1 appears to be located in the landfill area. How the Army will ensure any redevelopment in this area will not interfere with the integrity of the landfill cap (and sidewalls) and the functioning of the groundwater extraction/injection treatment system located in the area is not clear. This must be spelled out in the FOSET.

Response: (1) None of the OE sites near the parcels proposed for transfer in this FOSET are presently suspected to be contaminated with OE. All ordnance sites adjacent to or near the parcels proposed for transfer in this FOSET have undergone an evaluation for the potential presence of OE. Each potential OE area underwent an initial evaluation consisting of an archive search to determine if the area in question was used as an OE training area and if so, what the type and duration of use was. If the archive search identified an area as suspect, OE sampling was performed. All OE sites near the parcels proposed for transfer in this FOSET have undergone, at a minimum, OE sampling. If no OE was found the site was recommended for no further action. If OE was found during sampling or evidence of high explosive (HE) use was identified (as OE scrap), a removal action was completed.

(2) The Army did utilize the results of both the Draft Final Literature Review Report and the Draft Final Track 0 Technical Memorandum in the preparation of this FOSET. References to these documents were added to the Version 2 FOSET.

(3) No attachment was included with the comment letter. The landfill area to the north of Imjin Road has been completely excavated, all material has been incorporated beneath the landfill cap to the south of Imjin Road. The area to the south of Imjin is not being considered for early transfer at this time, but has been extensively investigated, with some areas excavated as part of the landfill closure. No chemical agent identification sets or chemical warfare materiel was encountered during the excavation of the landfill north of Imjin, or in any other excavation completed in the area of Imjin Road. During the excavation of the landfill north of Imjin, two incidents occurred which required work be stopped for further

investigation. Analysis showed that the volatile compound involved was methane, not unexpected in landfills.

The possibility of chemical warfare materiel use at Fort Ord had been researched by the Army's Non-Stockpile Chemical Warfare Materiel Program. The Non-Stockpile Chemical Warfare Materiel Program oversees the handling and disposal of all types of non-stockpile chemical materiel within Department of Defense. A comprehensive search was conducted at Fort Ord but did not uncover any evidence in records, interviews or other information sources to indicate that chemical weapons were ever stored, used, or buried at Fort Ord. The installation did, however, receive chemical warfare materiel in the form of Chemical Agent Identification Sets (CAIS). CAIS were used on Fort Ord prior to 1974 to train soldiers in the identification of chemical warfare agent and in proper responses upon identification. There has been only one instance of CAIS discovery at Fort Ord, during an OE removal action at OE Site 13B in 1997. This discovery was properly handled in accordance with protocols established by the Non-Stockpile Chemical Warfare Materiel Program.

Regarding the report cited, Fort Ord is identified as classification 4 (possible burial). To meet that classification, an installation need only meet one of the following: (1) the installation was operational during the timeframe when burial of chemical weapons might be possible; (2) that the normal duties performed at the site indicate some possibility that chemical weapons may have been buried; or (3) that some literature exists that chemical agent identification sets were used extensively at the site in such a way that (although the literature does not indicate it) some chemical materiel may be present. In 1997, two Chemical Agent Identification Sets were discovered in one incident during ordnance removal actions in OE Site 13B, an area not currently being considered for early transfer. The sets were removed from the installation and properly disposed. No other evidence of chemical agent identification sets or chemical materiel has been discovered in the excavations, borings, and other intrusive activities conducted as part of the extensive investigation of the Installation.

Parcel S2.5.2.1 is not located over any part of the landfill. The deed will restrict well drilling, tampering with the monitoring wells, and use of the groundwater below the property for drinking water supply.

Specific Comments:

Comment 1: It would be helpful if the maps showing parcel locations were more detailed. The maps should show not only where on the former Fort Ord the parcel is located (using an insert) but also the street names, building numbers, and location of adjacent OE sites.

Response 1: The adjacent OE sites have been added to the FOSET plates. Detailed maps for the FOSET parcels are included in the Community Environmental

Response Facilitation Act (CERFA) Report and the Environmental Baseline Surveys (EBSs) referenced in the FOSET.

Comment 2: **Five parcels listed on the "Property Description" table in the FOSET are not listed on "Table 1: Track 0 Parcels Groupings." Although the Draft Track 0 Technical Memorandum is not specifically referenced in the FOSET, it is my understanding that only "Track 0" parcels were considered for early transfer. The subject parcel numbers are E4.3.2.2, S.1.3.1, S1.5.2, S1.5.2, and S2.5.1.1. If these parcels do not qualify for Track 0, then they have outstanding ordnance contamination that precludes them from being suitable for early transfer.**

Response 2: All parcels in this document do not contain OE sites and would thus also be classified as Track 0 Parcels in the ongoing OE RI/FS, which is being prepared independently and parallel to this FOSET. However, any work done so far in the OE RI/FS process is reflected in the FOSET. The requirement for an early transfer is not the absence of OE sites or identification as "Track 0", but the finding that the property is protective of human health and the environment for the intended reuse.

Summary Comment:

In summary, for these reasons I find this FOSET inadequate. I recommend that the Army not sign this FOSET. I believe the Army needs to modify/improve the FOSET (by providing more detail and context, including information from the Army's Literature Review Report, Non-Stockpile Chemical Material Report, Track 0 analysis, and resolving other discrepancies) and offer it again for public comment.

I also recommend that the Army remove the "Surplus II Area B" parcels from the FOSET unless the Army can prove (a) that CWM/CAIS is not likely to be found at Fort Ord, and (b) adequate site security will be provided on adjacent OE-contaminated parcels.

Likewise, the UCMBEST parcels located on or adjacent to existing landfill cells should be reconsidered for early transfer unless (a) CWM/CAIS is demonstrated to not be on site, and (b) the OU-2 landfill pump and treat system integrity can be shown to be unaffected by transfer and proposed redevelopment.

Response: Comments were received from the U.S. EPA, the Department of Toxic Substance Control (DTSC) Cal EPA, Sierra Club-Ventana Chapter, and U.S. EPAs Technical Assistance Grant (TAG) recipient. The FOSET was modified based on comments received.

Regarding CAIS, see comment 3 above.

Regarding the UCMBEST parcels see comment 3 above.

II. SIERRA CLUB-VENTANA CHAPTER, DATED DECEMBER 5, 1999

General Comments:

The Sierra Club, Ventana Chapter, among other impacted parties in the Monterey Bay area, has stated previously that early transfer of Fort Ord lands is not acceptable. The demand has repeatedly been made that no additional lands be transferred until the RI/FS (Remedial Investigation Feasibility Study) process has been completed.

The RI/FS analysis must include all former Fort Ord lands, fence line to fence line, whether any particular parcel has been transferred to an entity other than Army or not.

Response : A September 1996 amendment to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) allows Federal agencies to transfer property through a deferral process, before all necessary cleanup actions have been taken. Deferral of the CERCLA covenant is based upon, among other findings, that the property is suitable for transfer for the use intended by the transferee, and the intended use is consistent with protection of human health and the environment. Early transfer of former Fort Ord land will include: 1) those areas where no evidence of ordnance use exists; 2) suspect areas where OE sampling has occurred, but no OE was found and; 3) former areas of ordnance use that have undergone a removal of ordnance and are in a condition that is suitable for the intended reuse.

The comment is not applicable to the FOSET.

Specific Comments:

The following are examples of concerns regarding the above referenced documents:

Comment 1: FOSET parcels are proposed for transfer on the basis of no "paper trail" indicating that there was any OEW activity on those sites. In other words, the absence of information leads to the conclusion that there was not any activity. This is not acceptable. A physical search for OEW must be completed on all parcels.

Response 1: This FOSET includes parcels of land that were developed by the Army at the time of purchase and show no evidence of ordnance use through the archives search and the literature review. Numerous site walks in support of the completion of the CERFA investigation, the EBSs, and the Basewide RI/FS for chemical contamination, found no evidence of ordnance use. Additionally, the Basewide RI/FS investigation included geophysical surveys and the excavation of several areas within the parcels, as well as adjacent to, and no evidence of ordnance use was found. The parcels in this FOSET include former military housing and military support facilities.

Comment 2: **FOSET Parcels E4.3.1 and E4.3.2.2 (part of Abrams) and E4.1.1 and E4.2 (part of Lower and Upper Patton) are contiguous to the Parcel associated with OE-13A. It is not acceptable to transfer land destined for urban reuse that is contiguous to contaminated OEW parcels. Further, it must be stressed that OE-13A is also contiguous to the former Fort Ord landfill which produced at least one toxic plume in the groundwater. No future housing or other urban reuse should be allowed on OE-13A or contiguous to the capped *toxic landfill.***

Response 2: Parcels E4.1.1 and E4.3.1 are not contiguous with any OE sites, they are only adjacent to areas surrounding suspect OE sites. Parcel E4.2 is not adjacent to any OE area and Parcel E4.3.2.2 is no longer part of this FOSET. In addition Site 13A has undergone an OE removal action.

The parcels in question are not contiguous to the landfill cap. The U.S. EPA concurred that the pump-and-treat remediation system for the OU 2 groundwater plume is in place and operating properly and successfully" in a letter dated January 4, 1996. Drilling of wells and use of the groundwater under the property as well as tampering with the monitoring wells will be prohibited in the deed.

Comment 3: **There is great concern over exposing construction workers and residents to OEW parcels. The issue of the proximity of civilian housing to the capped, vented landfill must be addressed.**

Response 3: None of the Parcels in this document were suspect of containing OE. Of the areas remaining on Fort Ord that may contain OE, the areas that pose risk have been fenced and warning signs are posted. The Army is in the process of completing the removal actions in other areas. In addition the Army has a public education program to ensure that the people living and working on the former Fort Ord are aware of the potential presence of OE that may exist on some parts of the Installation.

The proximity of the capped landfill to housing was evaluated in the Basewide RI/FS and approved in an OU2 ROD, dated October 1995.

General Comment:

For these reasons the Ventana Chapter cannot support early transfer or piecemeal release of Fort Ord lands without a full comprehensive RI/FS process from fence line to fence line. Transfer of lands without analysis and cleanup via the RI/FS process is not acceptable.

The Sierra Club, Ventana Chapter, is not only concerned about the particular actions and process being contemplated by Army but is concerned with the precedent that is being established.

Please withdraw the above referenced FOST and FOSET from consideration. Army and other interested parties must concentrate efforts on

the RIFS process for the lands formerly known as Fort Ord.

Response: Based on the present work that has already been accomplished for the Basewide RI/FS; the Army can make the statement that the proposed property transfer is consistent with the protection of human health and the environment for the intended use and thus the property is eligible to be transferred under a FOSET.

III. DEBORA BAILEY, COMMENTS DATED NOVEMBER 16, 1999

General Comments:

Comment 1: The early transfer is not necessary – "job and revenue loss" is a big myth – the real cause of revenue loss was the opening of big-box stores in Sand City.

Response 1: The Early Transfer of Property is initiated by the future recipient of the Property. The environmental documentation is not to determine future jobs and revenues, but rather to examine if the property is protective of human health and the environment for the intended reuse.

Comment 2: The "Early" or "dirty" transfer must not happen! The Army fails to adequately describe the environmental condition of the property in these documents.

Response 2: The document has been revised to include more detail describing the Environmental Condition of the Property and thus adequately assesses the property for the intended reuse.

Comment 3: The Army has failed to interview enough people who served, worked, or lived, or witnessed what happened at Fort Ord. The Army only contacted or interviewed 23 people (of which only 7 were referenced in the Draft OE RI/FS Literature Review Report). Those 23 people were not at Fort Ord from the beginning to the end. They could not have witnessed every incident, accident, authorized burial, unauthorized burial, and dumping that was apparently common on the Superfund Site known as the Former Fort Ord.

Response 3: The Army did attempt to locate others who might have information on training at Fort Ord through publishing advertisements in both USA Today and the Army Times. Information collected from these interviews was included in the Literature Review. Interviews are not the sole basis for investigating historic uses of the former Fort Ord, but only one avenue used in the Literature Review. See Section 6.0 of the Draft Final Literature Review Report for the complete list of the references. Furthermore, this comment was addressed in the Army "Summary Of Public Comments And Responses On The Draft Literature Review Report", included as Appendix E to the Draft Final Literature Review Report, dated January 4, 2000.

Comment 4: The Army and Harding Lawson Associates admit that records have been lost or destroyed. The archive search report is incomplete. Police records were not searched because it "would take too long."

Response 4: The Army has made a conscientious attempt to search all applicable archives. The Military Police records would not shed too much light on any OE discoveries, since the Explosive Ordnance Disposal Detachment would have been notified to handle the incident and it would thus have been covered in those archives.

Comment 5: **The current ordnance removal contractor, USA Environmental, Inc., does not fill out incident reports in response to ordnance finds that they determine are OE scrap. This is an outrage. All OE, OEW, UXO, and OE scrap must be fully documented. If OE scrap is found that proves OE was used in the area.**

Response 5: This comment is not applicable to the FOSET and was addressed in the Army "Summary Of Public Comments And Responses On The Draft Literature Review Report", included as Appendix E to the Draft Final Literature Review Report, dated January 4, 2000.

Comment 6: **The Army fails to assess and evaluate these properties and others for (a) hazardous substances and contamination, (b) environmental impacts anticipated from intended use, (c) ordnance and explosives, and (d) the adequacy of use restrictions and notifications.**

Response 6: Fort Ord, as well as parcels under consideration for transfer in the FOSET, were evaluated for the potential presence of chemical contamination under the Fort Ord Basewide Remedial Investigation /Feasibility Study. Environmental impacts anticipated from the intended reuse were evaluated in the Environmental Impact Statement, Fort Ord Disposal and Reuse. All of Fort Ord was evaluated for potential ordnance use in the Archives Search Reports. The Literature Review was a follow-up to the Archives Search and evaluated information identified after the completion of the archives search investigation. The known OE sites were evaluated through a literature search, interviews, site walks, and in many cases OE sampling and removal actions. Use restrictions, if applicable, will be included in the deed. Environmental notifications are included in the transfer documentation, as well as the deed.

Comment 7: **The Army's Draft Ordnance and Explosives Remedial Investigation/Feasibility Study program is absurd in its inconsistencies. In the Draft Literature Review Report there is a paucity of contacts or interviews, missing records, lack of documentation, inadequate sampling, inadequate site walks, etc. It proves that more interviews, investigation, testing, and action is absolutely necessary for the protection of human health and the environment.**

Response 7: A similar comment was addressed in "Summary Of Public Comments And Responses On The Draft Literature Review Report", included as Appendix E to the Draft Final Literature Review Report, dated January 4, 2000.

Comment 8: **The future uses of these properties (and others at the former Fort Ord) does indeed present a current and future risk to human health and the environment.**

Response 8: Based on the information gathered and evaluated to date, no threats to human health and the environment have been identified.

Comment 9: The Army has repeatedly failed to comply with the laws that are set in place by the U.S. Government and the State of California to protect human and the environment.

Response 9: The cleanup of chemical contamination at the former Fort Ord was completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendment and Reauthorization Act (SARA), established by the United States Government. The cleanup is done in combined effort with EPA, DTSC, and RWQCB. The Army is performing the Fort Ord OE RI/FS in accordance with the requirements for completing such studies contained in CERCLA.

Comment 10: The Restoration Advisory Board (RAB) must be reestablished. The community must be informed in order to oversee the "cleanup" process. The Army would rather not have the public and community involved, even though it is, and will be, the public and surrounding communities who are and will be suffering if proper cleanup is not implemented.

Response 10: The Comment is not applicable to this document.

Since 1994, monthly community meetings have been held to inform the public of the status of the Fort Ord environmental cleanup program and respond to questions and concerns about issues related to the cleanup program. A detailed description about the past community outreach activities is provided in Section 3.7 of the *Draft Community Relation Plan Update*.

Currently, community involvement meetings are held monthly and announced through local newspaper ads, e-mail mailing lists, and regular mailing lists, as well as on the Fort Ord Environmental Cleanup web page. Ms. Bailey is on our regular mailing list and is provided with meeting notices as well as information materials such as the quarterly newsletter, *Advance*.

Comment 11: The citizens of Marina would know very little were it not for EPA's Technical Assistance Grant recipient, the Fort Ord Toxics Project.

Response 11: Comment noted. The comment is not applicable to the FOSET.

Comment 12: The surrounding cities and the Fort Ord Reuse Authority (FOR A) must not be so greedy as to risk the health and safety of humans and the environment with this early or dirty transfer. I understand why the Army wants to dump this land on our cities. The Army is known for dumping toxic and dangerous substances and materials. Why is Marina also willing to harm their citizens and the environment?

Response 12: Comment is not applicable to the FOSET.

Comment 13: Whereas the Army fails to adequately describe the environmental condition of the property, whereas the Army has failed to interview adequate numbers of people who served at Fort Ord, whereas the Army admits to missing or

destroying records and a lack of documentation, the Governor, EPA and DTSC must not defer the covenants that are required by law to protect human health, safety, and the environment.

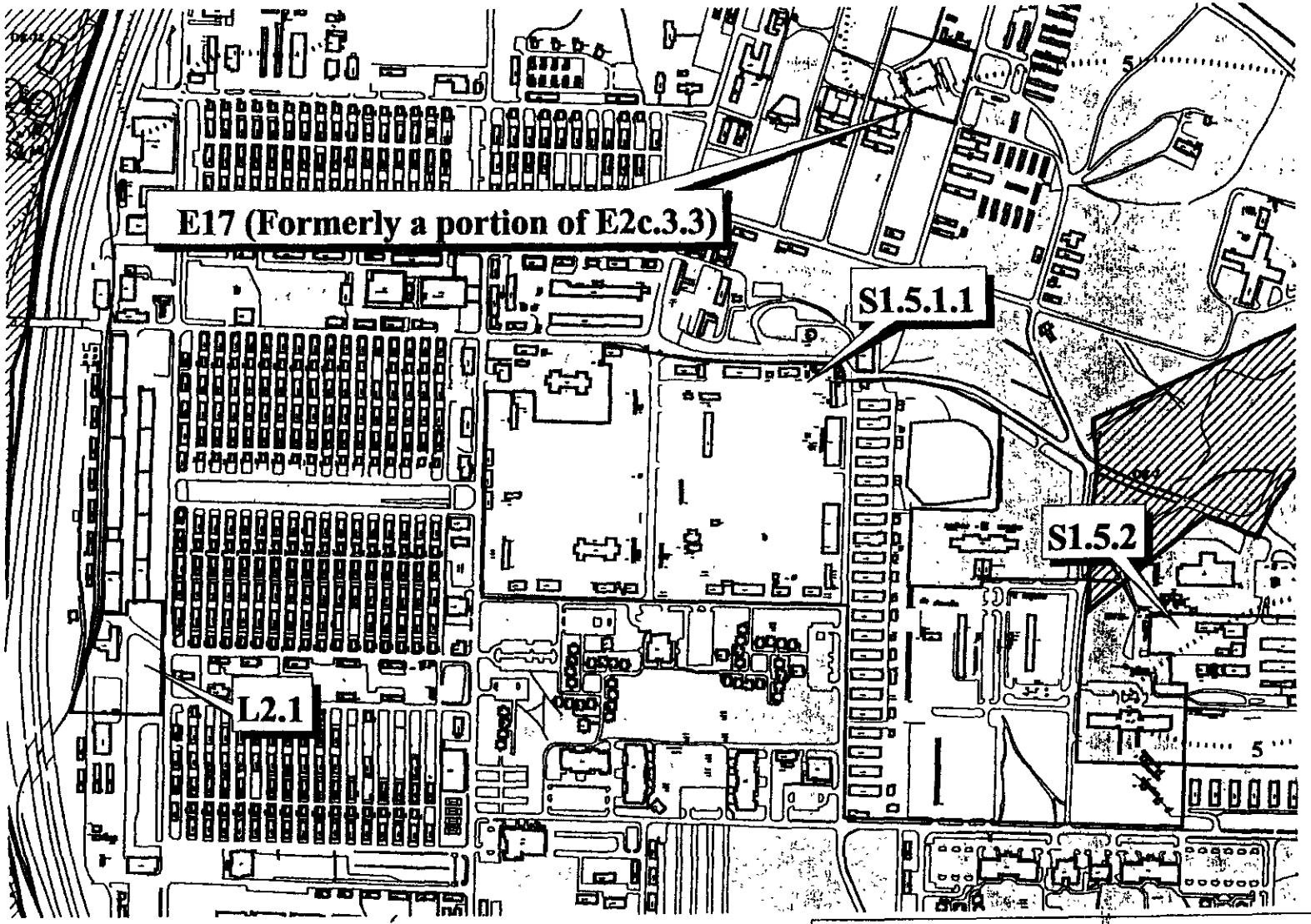
"Facts do not cease to exist because they are ignored."

Response 13: The Environmental Condition of the Property has been adequately described to meet requirements as described under CERCLA for early transfer of the Property.

ATTACHMENT 3

PLATES/MAPS 1-6

1. West Area –E.17, S15.1.1, S1.5.2 & L2.1
2. Northwest Area – E4.1.1 & E4.23
3. East Area – E4.2 & E4.3.1
4. Southwest Area – S1.4, S1.3.1, L2.4.3.1, L37, L2.4.3.2, L2.4.2, & L32.4.1.2
5. Southeast Area – S2.5.1.1, S1.5.2, S2.5.2.1, S2.5.2.2, S2.5.1.2, & E4.3.1
6. Northeast Area – S2.1.3, S2.1.4.1, & E4.3.1



Harding Lawson Associates
Engineering and Environmental Services

Parcel Location Map - West Area
Housing Areas and Former Garrison Parcels FOSET
Former Fort Ord
Monterey, California

PLATE 1

DRAWN	JOB NUMBER	APPROVED	DATE	REVISED DATE
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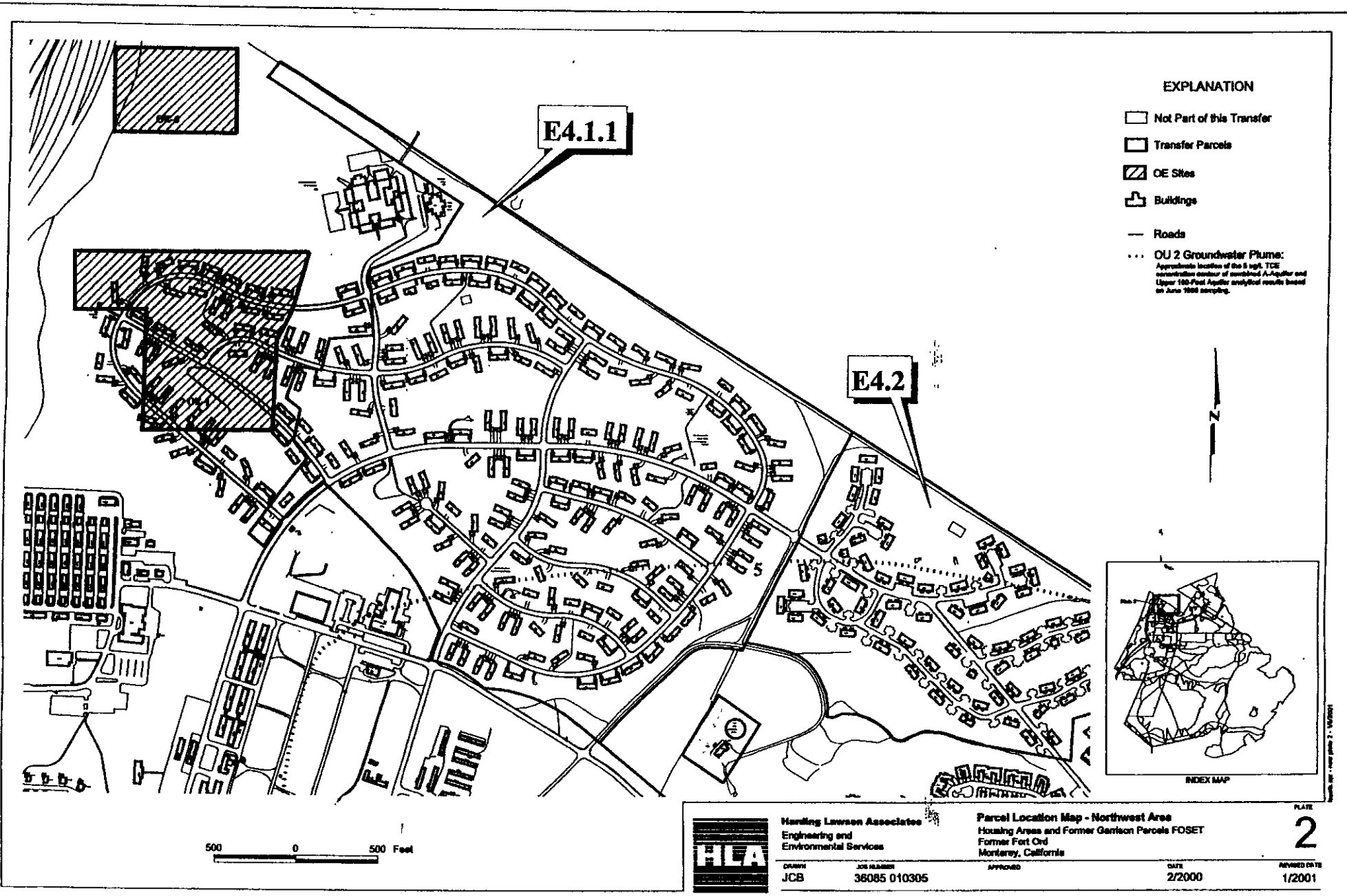
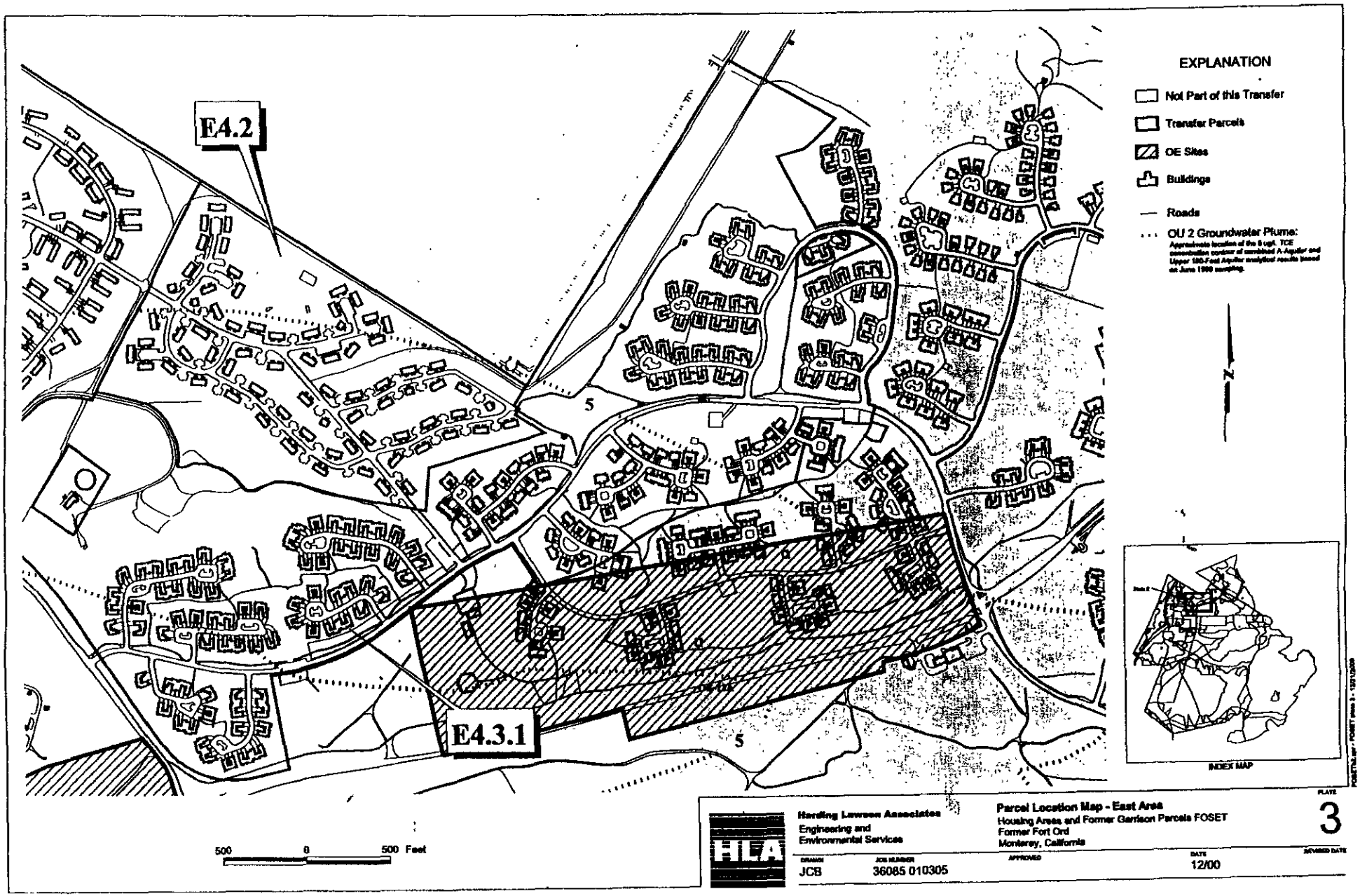
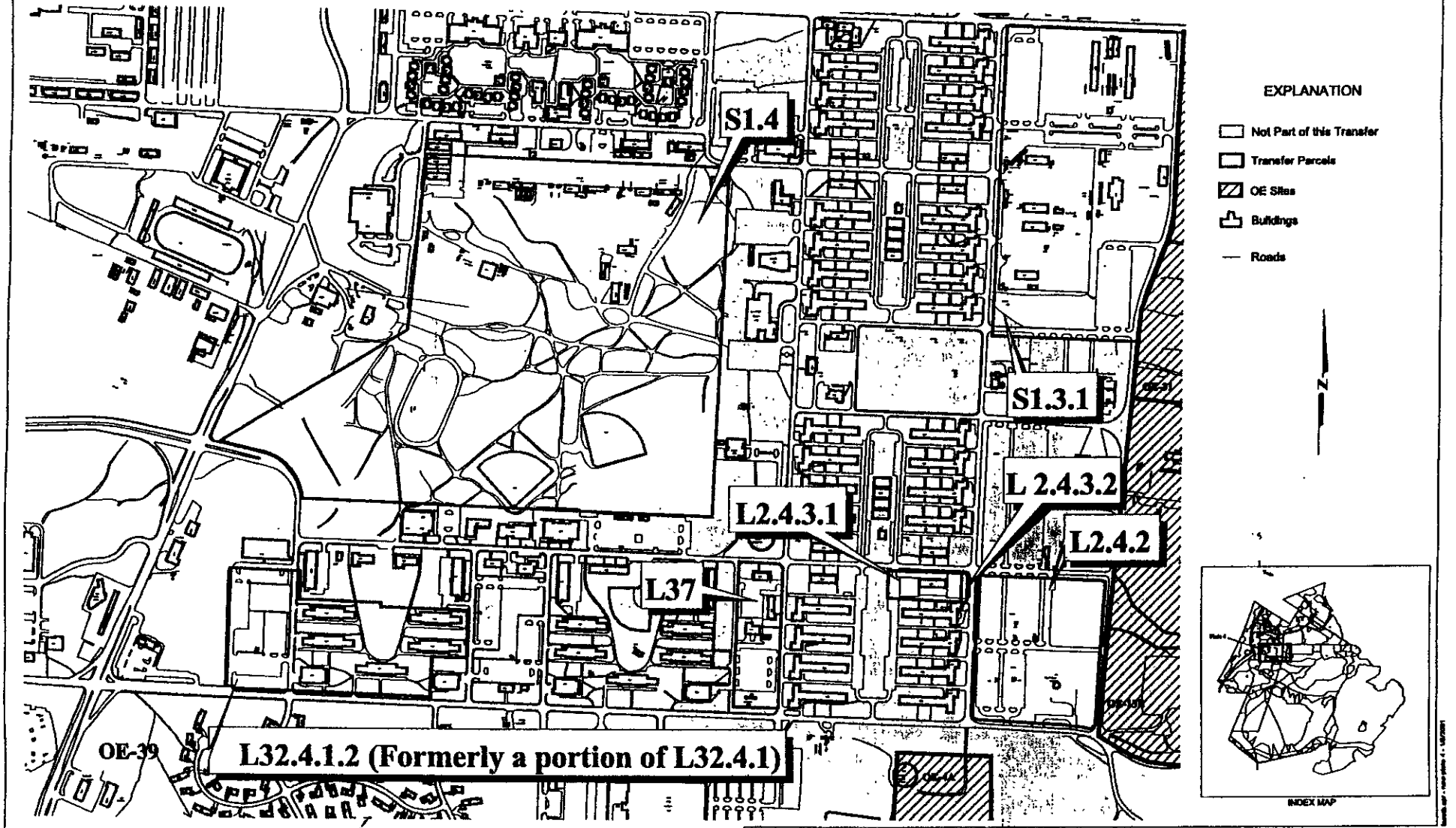

E4.1.1
E4.2
EXPLANATION
Not Part of this Transfer
Transfer Parcels
OE Sites
Buildings
Roads
OU 2 Groundwater Plume:
Approximate location of the 5 ug/L TCE concentration contour of combined A-Aquifer and Upper 180-Foot Aquifer analytical results based on June 1998 sampling.
N
INDEX MAP
500 0 500 Feet
Harding Lawson Associates
Engineering and
Environmental Services
Parcel Location Map - Northwest Area
Housing Areas and Former Garrison Parcels FOSET
Former Fort Ord
Monterey, California
PLATE
2
DRAWN
JCB
JOB NUMBER
36085 010305
APPROVED
DATE
2/2000
REVISED DATE
1/2001


E4.2
E4.3.1
5
5
EXPLANATION
Not Part of this Transfer
Transfer Parcels
OE Sites
Buildings
Roads
OU 2 Groundwater Plume:
Approximate location of the 5 ug/L TCE concentration contour of combined A-Aquifer and Upper 180-Foot Aquifer analytical results based on June 1998 sampling.
N
500 0 500 Feet
INDEX MAP
Harding Lawson Associates
Engineering and Environmental Services
Parcel Location Map - East Area
Housing Areas and Former Garrison Parcels FOSET
Former Fort Ord
Monterey, California
PLATE
3
DRAWN
JCB
JOB NUMBER
36085 010305
APPROVED
DATE
12/00
REVISED DATE



Harding Lawson Associates
Engineering and
Environmental Services

Parcel Location Map - Southwest Area
Housing Areas and Former Garrison Parcels FOSET
Former Fort Ord
Monterey, California

PLATE 4

DRAWN	JOB NUMBER	APPROVED	DATE	REVISION DATE
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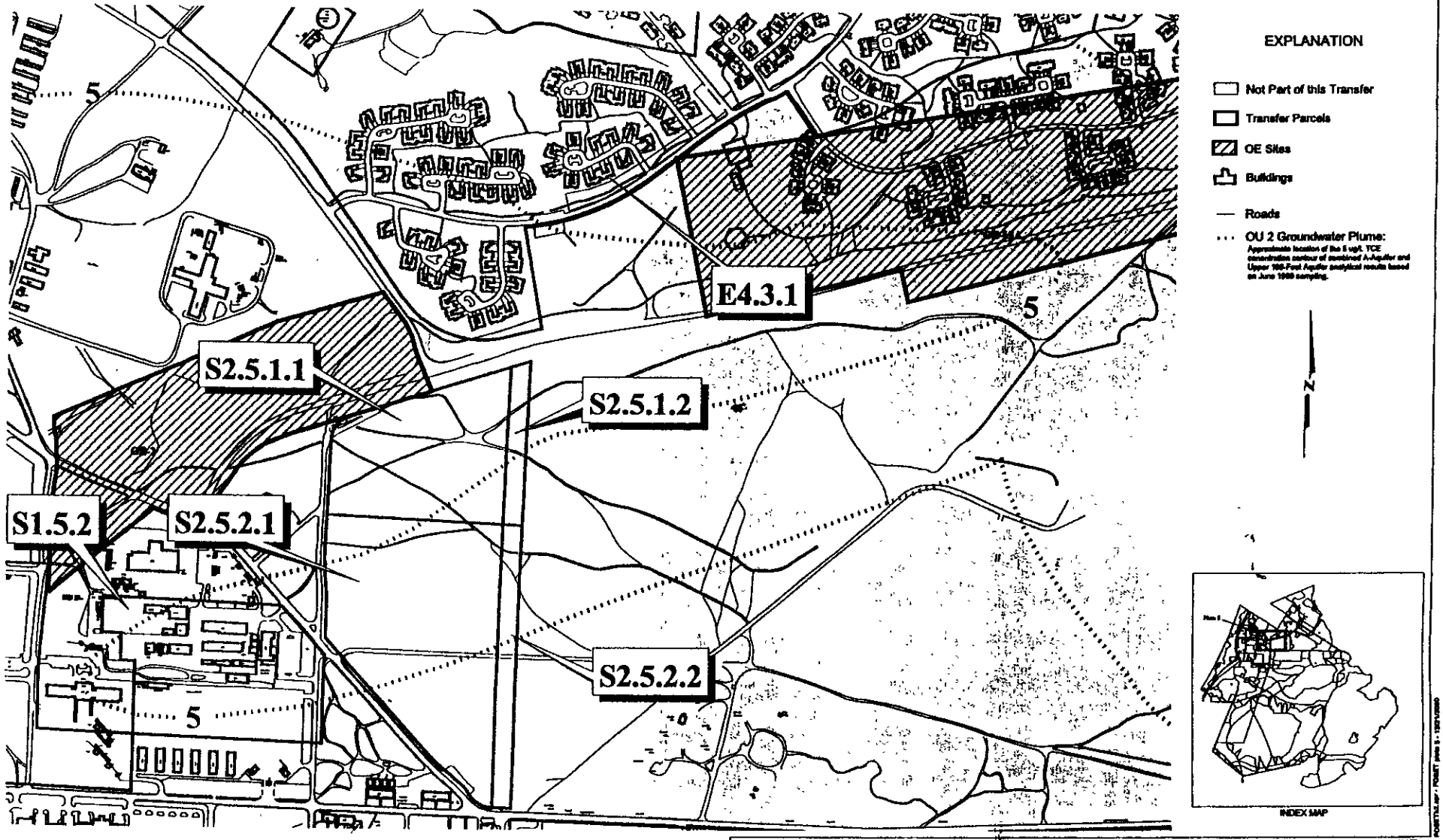

Harding Lawson Associates
Engineering and Environmental Services

Parcel Location Map - Southeast Area
Housing Areas and Former Garrison Parcels FOSET
Former Fort Ord
Monterey, California

PLATE 5

DRAWN	JOB NUMBER	APPROVED	DATE	REVISED DATE
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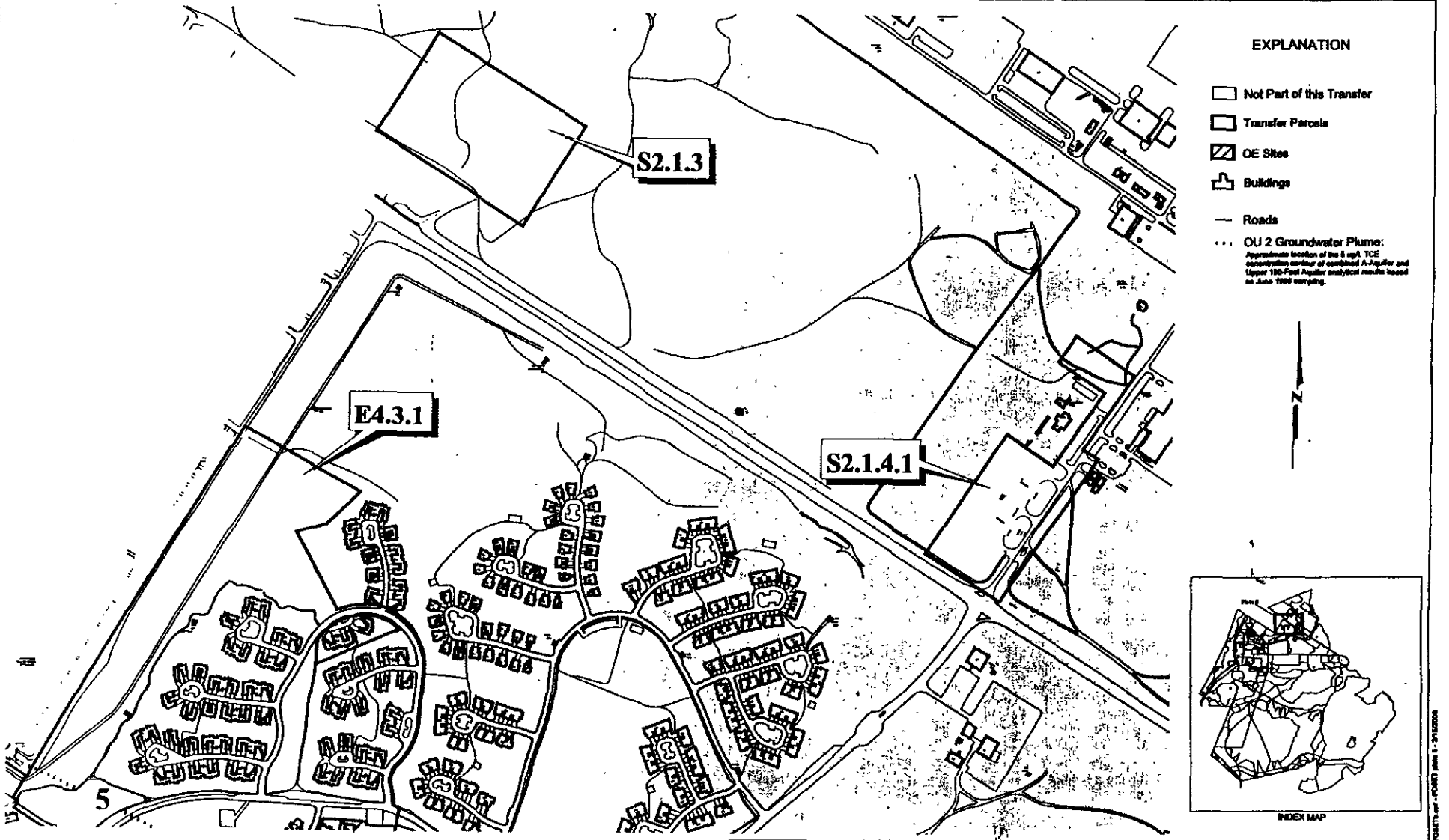

Harding Lawson Associates
Engineering and Environmental Services

Parcel Location Map - Northeast Area
Housing Areas and Former Garrison Parcels FOSET
Former Fort Ord
Monterey, California

PLATE 6

DRAWN	JOB NUMBER	APPROVED	DATE	REVISED DATE
JCB	36085 010305		2/2000	