

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT  
600 ARMY PENTAGON  
WASHINGTON DC 20310-0600



DAIM-BO

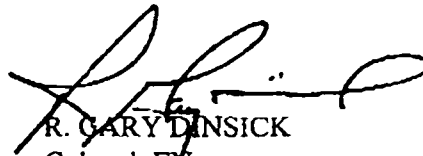
174 JUL 1997

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(ENVIRONMENT, SAFETY AND OCCUPATIONAL  
HEALTH) OASA(LL&E)

SUBJECT: Findings of Suitability to Transfer (FOSTs) for University of California Monterey, Science and Technology Center and Marina Equestrian Association, Former Fort Ord, CA--ACTION MEMORANDUM

1. Purpose. To obtain DASA(ESOH) approval of the subject FOSTs.
2. Discussion.
  - a. This office has reviewed and revised the subject FOSTs.
  - b. Encl 1, the University of California Monterey Bay Education, Science and Technology Center Phases IIA and III FOST, includes a total of 72.4 acres and 1 building to be used for educational purposes. Encl 2, the Marina Equestrian Association FOST, includes 7 buildings on 27.235 acres to be used for horse stables and an amateur radio station.
  - c. A portion of both properties covered in the FOSTs has underlying groundwater contamination that is being treated by a pump and treat system (OU2). The system has been signed off as operating properly and successfully by EPA.
  - d. Appropriate deed restrictions, access clauses and covenants found in this FOST will be put in the deed.
  - e. This action has been coordinated with TRADOC, DAJA-ELD, CERE-C and OGC.
3. Recommendation. DASA (ESOH) approve the enclosed FOSTs and forward to the Sacramento District in the attached pre-addressed, pre-paid federal express package.
4. "Reshaping Today for Tomorrow's Army."

2 Encls

  
 R. GARY DINSICK  
 Colonel, EN  
 Chief, Base Realignment  
 and Closure Office

**FINDING OF SUITABILITY TO TRANSFER (FOST)  
UNIVERSITY OF CALIFORNIA MONTEREY BAY EDUCATION, SCIENCE AND  
TECHNOLOGY CENTER, PHASES IIA AND III  
FORMER FORT ORD, CALIFORNIA**

On the basis of the Community Environmental Response Facilitation Act (CERFA) Report for Fort Ord and an Environmental Baseline Survey (EBS) conducted for the University of California Santa Cruz (UCSC) Parcel (draft, March 22, 1994), I have determined that the UC Monterey Bay Education, Science and Technology (UCMBEST) Center, Phases IIA and III, (the Property) at Fort Ord, California, is suitable for transfer to UCSC for educational purposes. The Property to be transferred is shown on Plates 1 and 2.

Phase IIA includes one building on 25.5 acres and consists of two separate parcels (S2.1.3 and S2.1.4) encompassing installation restoration program (IRP) sites (Site 35 and a portion of Site 34) (Plate 1). Phase III consists of two parcels (S2.5.1 and S2.5.2) covering 46.9 acres near the intersection of Imjin and East Garrison Roads (Plate 2).

A determination of the environmental condition of Phase IIA was made by the United States Army by conducting an EBS that included reviewing existing environmental documents and making associated visual site inspections (April 96). The documents reviewed included the final Fort Ord CERFA Report (April 1994), U.S. EPA Region IX's concurrence with the CERFA Report (19 April 1994), and various remedial investigation/feasibility studies (RI/FS) documents, remedial action reports, and subsequent approval memoranda. The results of the EBS and other more recent documents indicate that the Property is environmentally suitable for transfer to UCSC. At the time of completion of the draft EBS, the Phase III Parcels were not included in the proposed transfer. The environmental condition of Phase III was made by reviewing the CERFA Report and other RI/FS documents. The results are as follows:

- One building (502) is located on the Property (Plate 3). Buildings 501 and 503, formerly present on the Property 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 documented releases are known to have occurred. No hazardous materials are currently stored in Building 502. The area around Building 502 is paved.
- An asbestos survey conducted by the Army did not identify any asbestos containing materials (ACM) in Building 502.
- Building 502 is presumed to contain lead-based paint (LBP) because it was constructed in 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. Based on the

*ENCLOSURE 1*

fact that Building 502 is surrounded by pavement, lead is not likely to be present in soils around the building.

- No radon levels above 4 picocuries per liter (pCi/L) were detected on the Property during a 1990 survey.
- No radiological surveys have been conducted on the Property because no buildings on the Property were used to store radiological materials.
- No releases of PCB-contaminated dielectric fluids on the Property have been reported.
- Ordnance and explosives (OE) investigations, consisting of the Archive Search Report and Supplement No. 1 (December 1993 and November 1994, respectively), Site 39 Data Summary and Work Plan (February 1994), OE contractor after-action reports (December 1994, November 1995), working maps, Fort Ord Training Facilities Map, and associated interviews from various ordnance-related community relations activities, show that a portion of one potential OE location, OE Site 2, slightly overlaps the NW-corner of the Phase III area. OE area boundaries shown on Plate 2 represent a compilation of the information sources described above and encompass the approximate maximum extent of those OE areas. After reviewing the information, the Fort Ord BRAC Cleanup Team (BCT) agreed that the actual boundary of site 2 does not extending into the Parcel.
- Additionally, the Machine Gun Proficiency Training Area (MGPTA) overlaps the Property boundary at the southern end of the Phase III area. In a letter to the California Environmental Protection Agency, Department of Toxic Substances Control, dated February 24, 1997, the Department of the Army stated that although the MGPTA was identified on training maps, through the archive search process the MGPTA was not identified as a potential ordnance site. No OE locations were present on the Phase IIA portion of the Property; however, because OE were used throughout the history of Fort Ord the potential for OE to be present on the Property exists and notice will be included in the deed.
- Eight USTs (501.1 through 501.4 and 503.1 through 503.4) were formerly located on the Property (Plate 3). 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.
- The final CERFA report identified the areas included here as Phase IIA as CERFA Disqualified Parcels 56 and 57. In addition, the CERFA report identified three different areas of Phase III to include parts of CERFA Disqualified Parcel 4, CERFA Disqualified Parcel 99, and CERFA Parcel 212. The environmental conditions used in identifying each of the areas defined in the CERFA report were as follows:
  - Phase IIA
    - CERFA Disqualified Parcel 56 includes IRP Site 34
    - CERFA Disqualified Parcel 57 includes IRP Site 35
  - Phase III

- CERFA Disqualified Parcel 4 encompasses the OU 2 Fort Ord landfills operable unit 2 (OU 2) groundwater plume
  - CERFA Disqualified Parcel 99 includes the Machine Gun Proficiency training Area
  - CERFA Parcel 212 is an uncontaminated area located in the southern half of Phase III.
- Four IRP Sites are located on or adjacent to the Property. Phase IIA contains IRP Site 35 and a portion of Site 34. Phase III overlies the OU 2 Groundwater Plume and is adjacent to IRP Site 22.

IRP Site 35, the Aircraft Cannibalization Yard, was characterized as a No Action Site. The No Action Record of Decision (NoROD) 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. The No Action Approval Memorandum for Site 35 was 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. As shown on Plate 3, Site 34A is outside Phase IIA and is not included in this transfer. The interim action (IA) approval memorandum for Site 34 was 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.

Two groundwater monitoring wells (MW-B-18A and -20A) are located on the Phase IIA Parcel. Historically, organic compounds have not been detected in these two wells and the two wells are currently not sampled under the basewide sampling program.

Phase III overlies a portion of the OU 2 Groundwater Plume. No OU 2 landfill areas underlie Phase III. Remediation of the contaminated groundwater in this OU 2 plume is underway. On January 4, 1996, the Army received concurrence from the U.S. EPA that the pump-and-treat system for remediation of the OU 2 groundwater plume is in place and operating "properly and successfully". No groundwater monitoring wells are present on the Phase III Parcel. The total estimated concentration of VOCs, primarily trichloroethene (TCE), in deeper groundwater beneath the Property is approximately 30 micrograms per liter. Table 1 (attached) shows maximum VOC concentrations in the OU 2 groundwater plume.

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

National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by the analysis conducted in the June 1993 Fort Ord Disposal and Reuse Environmental Impact Statement (EIS) and the December 1993 Record of Decision (ROD).

Clean Air Act General Conformity Rule requirements for this transfer were satisfied by a Record of Non-Applicability based upon an exemption for property transfer where the proposed action is a transfer of ownership, interest and title in the land, facilities, and associated real and personal property.

On the basis of the above information, certain terms, conditions, reservations, restrictions, and notifications are required. Disclosure of conditions and use restrictions are described below and will be included in the deed.

#### **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. 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. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase. "Residential Real Property" means any housing constructed prior to 1978, except housing for the elderly (households reserved for and composed of one or more persons 62 years of age or more at the time of initial occupancy) or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

B. Available information concerning known lead-based paint and/or lead-based paint hazards, the location of lead-based paint and/or lead-based paint hazards, and the condition of painted surfaces is contained in the Environmental Baseline Survey, which has been provided to the Grantee. All purchasers must also receive the federally-approved pamphlet on lead poisoning prevention. The Grantee hereby acknowledges receipt of all 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 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 Residential Real Property, if required by law or regulation, the Grantee, at its sole expense, will: (1) inspect for the presence of lead-based paint and/or lead-based paint hazards; (2) abate and eliminate lead-based paint hazards by in accordance with all applicable

laws and regulations; and (3) comply with all applicable notice and disclosure requirements under applicable federal and state law. The Grantee covenants and agrees to be responsible for any remediation of lead-based paint or lead-based paint hazards on the Property found to be necessary after the date of conveyance to the Grantee.

E. The Army assumes no liability for remediation 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 lead-based paint or lead-based paint hazards on the Property. 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 any manner predicated upon, personal injury, death or property damage resulting from, related to, caused by or arising out lead-based paint or lead-based paint hazards on the Property

#### **NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER**

The groundwater beneath the Property is contaminated with volatile organic compounds (VOCs), primarily trichloroethane (TCE). The maximum estimated total VOC concentration in the groundwater beneath the Phase III Property is 30 micrograms per liter ( $\mu\text{g/l}$ ). This notice is provided pursuant to CERCLA Section (§)120(h)(1) and (3). A pump-and-treat groundwater remediation system is in place and shown to be operating effectively. Drilling of water wells or use or access to groundwater beneath the Property is prohibited.

Without the express written consent of the Grantor in each case first obtained, neither the Grantee, its successors or assigns, nor any other person or entity acting for or on behalf of the Grantee, its successors or assigns, shall interfere with any response action being taken on the Property by or on behalf of the Grantor, or interrupt, relocate, or otherwise 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 non-exclusive 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. Furthermore, the deed will prohibit all others from tampering with the groundwater monitoring wells.

#### **NOTICE OF THE POTENTIAL FOR THE PRESENCE OF ORDNANCE AND EXPLOSIVES**

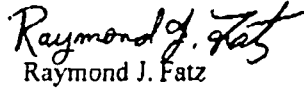
Ordnance and explosives (OE) investigations indicate that OE is not likely on this Property. However, because this is a former military installation with a history of OE use there is a potential for OE to be present on the property. In the event Grantee, its successors, and assigns, should discover any 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. Competent U.S. Army Explosive Ordnance personnel will be dispatched promptly to dispose of such ordnance properly at no expense to the Grantee.

Comments received from U.S. EPA Region IX and California EPA DTSC on the Version 1 and 2 FOSTs were reviewed and incorporated where possible into this Version 2 FOST. All comments were resolved.

On the basis of the above information, I conclude that the UCMBEST Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 4 (areas where release, disposal,

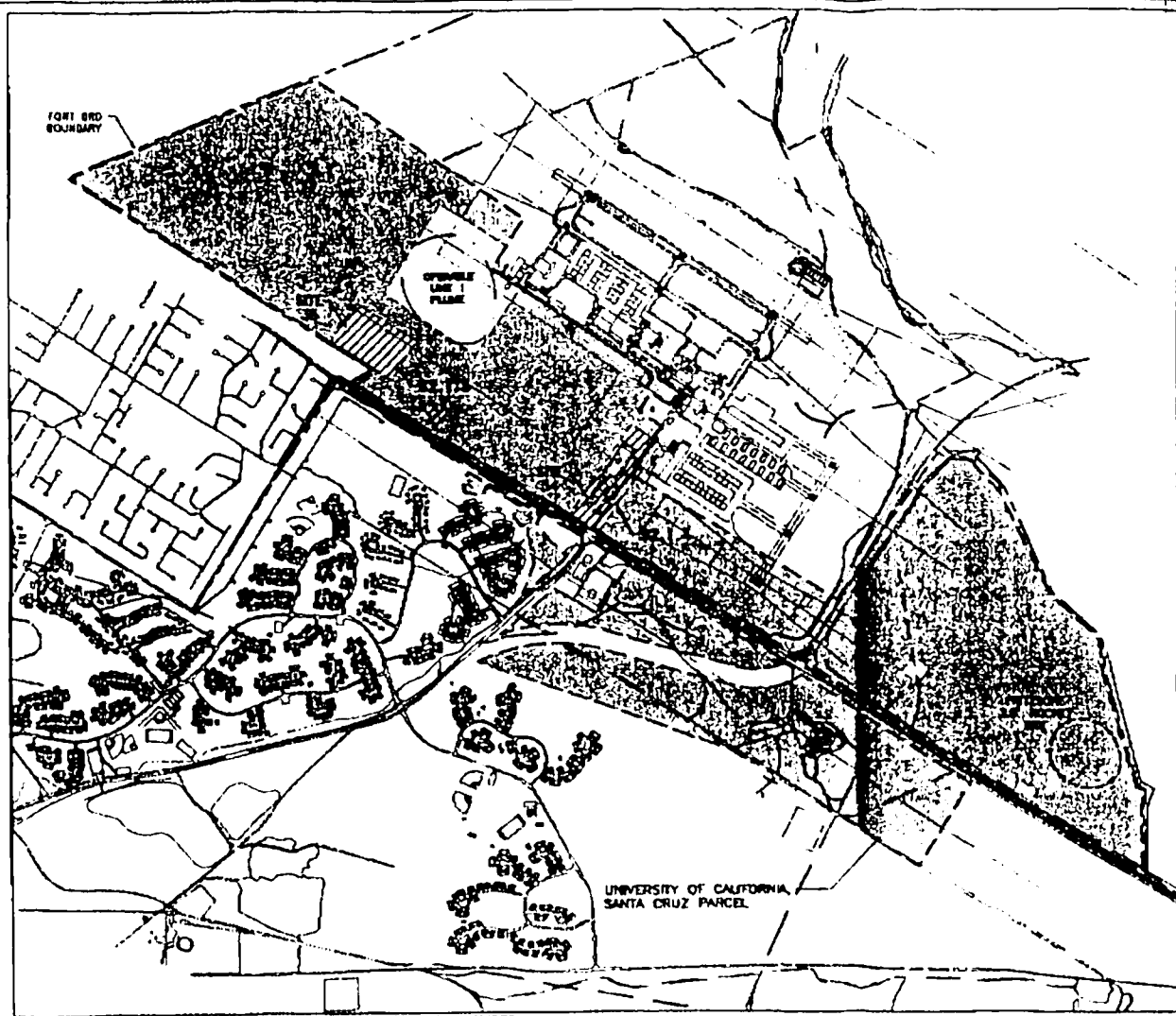
and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken) and is transferable under CERCLA § 120 (h)(3). The deed for this transaction will contain:

- The covenant under CERCLA § 120 (h)(3)(B)(i) warranting that all remedial action under CERCLA necessary to protect human health and the environment with respect to hazardous substances remaining on the Property has been taken.
- The covenant under CERCLA § 120 (h)(3)(B)(ii) warranting that any response action under CERCLA or corrective action found to be necessary after the date of transfer shall be conducted by the United States.
- The covenant under CERCLA § 120 (h)(3)(C) granting the United States access to the Property in any case in which response action or corrective action is found to be necessary after the date of transfer.



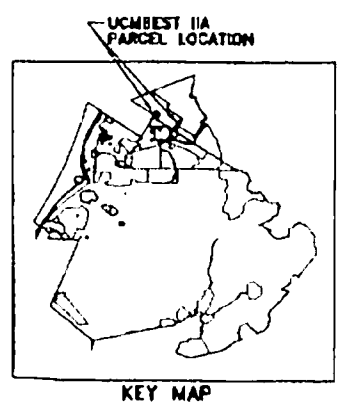
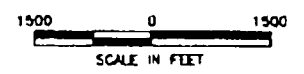
Raymond J. Fatz

Deputy Assistant Secretary of the Army  
(Environment, Safety, and Occupational Health)  
OASA (I.L&E)



### EXPLANATION

- FORT ORD BOUNDARY
- PARCEL BOUNDARY
- S2.1.3 PARCEL NUMBER
- [Stippled Box] PHASE I
- [Hatched Box] PHASE IIA



NOTE: BOUNDARIES INDICATED ARE APPROXIMATE AND ARE NOT INTENDED TO REPRESENT THE LEGAL DESCRIPTION OF THE PARCEL

**Herding Lawson Associates**  
Engineering and Environmental Services

DATE: 11/06/98 JOB NUMBER: 98001A DRAWING NUMBER: 220400

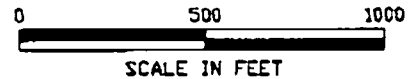
Parcel Map  
UCM BEST Phase IA  
Finding of Suitability to Transfer  
Former Fort Ord, California

PLATE  
**1**  
DATE: 11/06/98

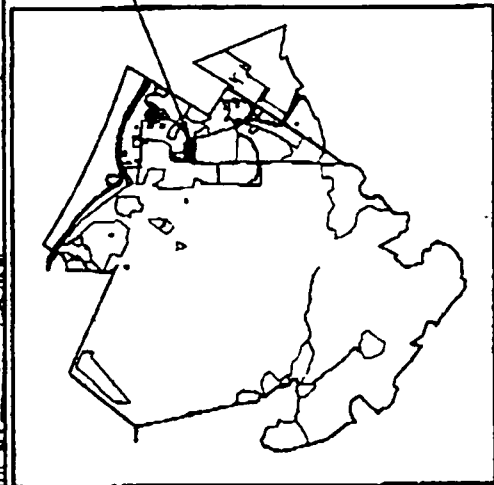


**EXPLANATION**

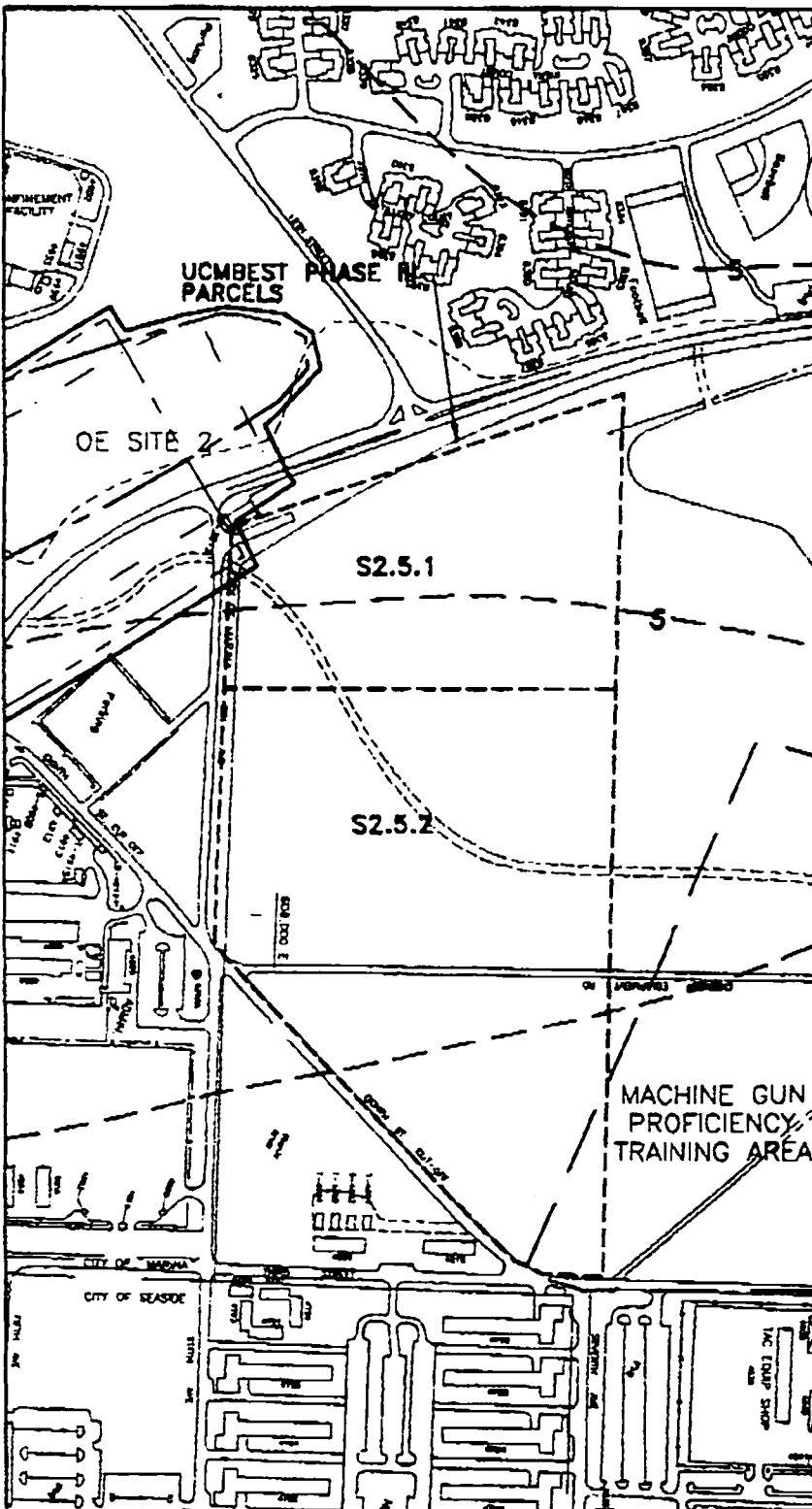
- PARCEL BOUNDARY
- S2.5.1** PARCEL NUMBER
- HLA DRAFT DATA SUMMARY WORK PLAN - SITE 39
- CMS MAPS 5/19/86 AND 5/22/96
- ARCHIVE SEARCH REPORT AND SUPPLEMENT
- HFAI FINAL REPORT
- COMPOSITE BOUNDARY OF OE SITE BASED ON DATA COMPILED FROM VARIOUS STUDIES, REPORTS, AND WORKING MAPS
- OU2 GROUNDWATER PLUME:  
Approximate location of the 5 µg/L TCE concentration contour of combined A-Aquifer and Upper 180-Foot Aquifer analytical results based on September 1996 sampling.



UCMBEST PHASE III  
PARCEL LOCATION



**KEY MAP**



NOTE: BOUNDARIES INDICATED ARE APPROXIMATE AND ARE NOT INTENDED TO REPRESENT THE LEGAL DESCRIPTION OF THE PARCEL.



**Harding Lawson Associates**  
Engineering and  
Environmental Services

**Parcel Map**  
**UCMBEST Phase III**  
Finding of Suitability to Transfer  
Former Fort Ord, California

PLATE

**2**

DRAWN  
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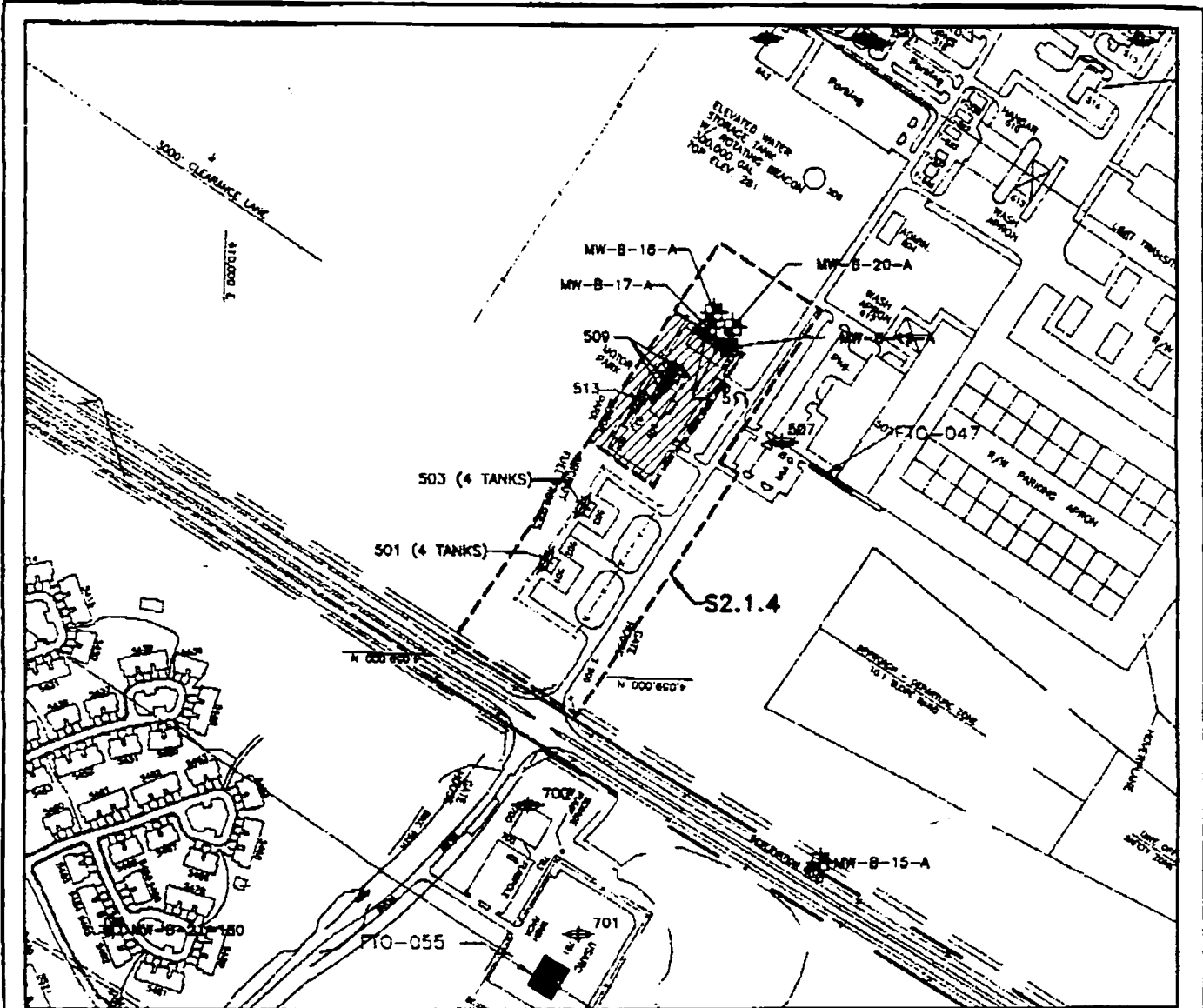
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APPROVED  
*JF*




DATE  
6/96

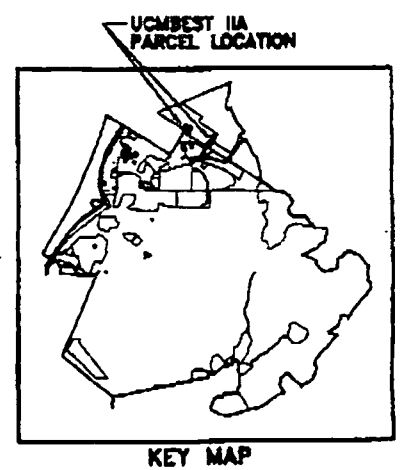
REVISED DATE  
2/97

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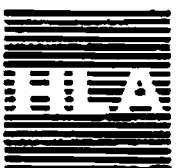


### EXPLANATION

- PARCEL BOUNDARY
  - S2.1.4** PARCEL NUMBER
  - MW-B-16A  
 GROUNDWATER MONITORING WELL
  - 501  
 UNDERGROUND STORAGE TANK (REMOVED)
  -  NOT PART OF THIS TRANSFER
- 500      0      500  
SCALE IN FEET



NOTE: BOUNDARIES INDICATED ARE APPROXIMATE AND ARE NOT INTENDED TO REPRESENT THE LEGAL DESCRIPTION OF THE PARCEL.



**Harding Lawson Associates**  
 Engineering and  
 Environmental Services

**Monitoring Wells and USTs**  
**UCMBEST Phase IIA**  
 Finding of Sulfability to Transfer  
 Fort Ord, California

PLATE

# 3

DRAWN CEG	JOB NUMBER 25894 0017716	APPROVED <i>JF</i>	DATE 6/96	REVISED DATE 2/97
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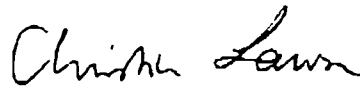
ATZP-EP

June 1997

## MEMORANDUM FOR THE RECORD

**SUBJECT:** Record of Non-Applicability (RONA) to the Clean Air Act Amendment General Conformity Rule Regarding the Transfer of Real Property Designated for University of California Monterey Science and Technology Center (UCMBST). This Action Covers Activities Associated with Land Conveyance Between the U.S. Army and UCMBST .

1. Scope Definition: The Department of the Army is granting parcels of land located at the former Fort Ord, California for use by UCMBST. Subject parcel requested by UCMBST was formerly utilized by the U.S. Army for airport support and open space.
2. Presidio of Monterey, Defense Language Institute is required to make a review of direct and indirect air emission sources for each criteria pollutant as outlined in 40 CFR 51.853 and 93.153 for federal initiatives located within a region designated as nonattainment to national ambient air quality standards (NAAQS). The analysis is to ensure that federal actions will not delay or prevent an area from achieving attainment status.
3. Intended future reuse of subject parcel by grantee is for development .
4. In accordance with Section 51.853 of the General Conformity Rule, subject Federal action is exempt from conformity requirements where proposed action is a transfer of ownership, interest and title in the land, facilities, and associated real and personal property.
5. Any utilization of subject parcel by the grantee influencing facility emissions not identified in the State Implementation Plan, has neither been disclosed to Army Environmental personnel, nor considered in this determination.



CHRISTINE LAWSON  
Air Pollution Environmental Coordinator  
Directorate Environmental and Natural  
Resources Management

04/01 JAN 04 1996 02:28PM 416 744 1018

USEPA REGION 09 SWD

P.3

0082



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

January 4, 1996

Raymond Fatz  
Acting Deputy Assistant Secretary of the Army  
(Environment, Safety and Occupational Health)  
Installations Logistics and Environment  
110 Army Pentagon  
Washington, D.C. 20310-0110

Re: Fort Ord - CERCLA §120(h)(3) Transfer of Property  
Overlying OU-2 (Landfills) Groundwater Plume

Dear Mr. Fatz:

The U.S. Environmental Protection Agency, Region IX (EPA) received on December 8, 1995, a document entitled "Technical Memorandum: Demonstration of Groundwater Plume Capture, Operable Unit (OU-2) Groundwater Remedy, Fort Ord, California" (Technical Memorandum), dated December 7, 1995 and prepared by IT Corporation on behalf of the Army. The purpose of the memorandum is to demonstrate to EPA that the OU-2 groundwater remedy is constructed and operating properly and successfully for purposes of satisfying property transfer requirements under §120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9620.

When entering into a deed for transfer under §120(h)(3) of CERCLA, the Army is required to include in such deed a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property has been taken before the date of transfer, and that any additional remedial action found to be necessary after the date of the transfer shall be conducted by the United States. In the case of a contaminated groundwater plume such as OU-2, the statute provides that the covenant can be given if the construction and installation of an approved remedial design has been completed, and the remedy has been demonstrated to the EPA Administrator to be operating properly and successfully. The ongoing requirement for pumping and treating, or other operation and maintenance, after the remedy has been demonstrated to be operating properly and successfully does not preclude the transfer of the property.

**FINDING OF SUITABILITY TO TRANSFER (FOST)  
MARINA EQUESTRIAN ASSOCIATION PARCEL  
FORMER FORT ORD, CALIFORNIA**

On the basis of the Community Environmental Response Facilitation Act (CERFA) report for Fort Ord, I have determined that the Marina Equestrian Association (MEA) Parcel (the Property), at former Fort Ord, California, is suitable for transfer to the City of Marina for administrative purposes as well as for use as horse stables, and an amateur radio station. The property to be assigned and transferred includes seven buildings on 27.235 acres (Disposal Polygon L5.9.1, Plate 1).

A determination of the environmental condition of the Property was made by the United States Army by conducting a review of existing environmental documents and making associated visual site inspections (1/27/97). The documents reviewed included the final CERFA Report (April 1994), U.S. EPA Region IX's concurrence to the CERFA Report (19 April 1994), various remedial investigation/feasibility studies, remedial action reports, and subsequent approval memoranda. The results of this document review, which indicate that the Property is environmentally suitable for transfer to the City of Marina, are as follows:

- Seven buildings are located on this Property. Building S-3215 was previously used as a radio transmitter station; building T-3144 was the veterinary clinic; four buildings (T-3140 through T-3143) are used in support of the riding stables. The U.S. Army Corps of Engineers, Sacramento District (COE), Resident Office (Building 1A-136) is also included in the Property to be transferred; however, the COE will retain the use (by lease) of this building.
- Asbestos surveys have been completed for the seven buildings as part of a facility-wide asbestos survey. The survey showed that no asbestos-containing material (ACM) was found in building S-3215. The six other structures contain nonfriable ACM rated 13 (management with a 2-year (biannual) inspection cycle) and in good condition at the time of survey. Recommended inspection of ACM present in these buildings is the responsibility of the recipient. The Army does not intend to remove the ACM in any of these buildings, but only disclose its existence and condition.
- Six of the buildings were constructed in 1941, the COE building was built in 1977 and remodeled in 1987 and therefore all are presumed to contain lead-based paint. Based on a recent site visit February 26, 1997, by the BRAC Cleanup Team it was determined that there is a low probability of human health impact from lead in the soils surrounding the structures.
- No radon levels above 4 picocuries per liter (pCi/L) were detected in the seven buildings during a 1990 survey at Fort Ord.
- No radiological surveys have been conducted within the seven buildings because radiological materials were reportedly not used or stored in the buildings.
- There have been no reported releases of polychlorinated biphenyl (PCB) PCB-contaminated dielectric fluids on the Property.
- Ordnance and explosives (OE) investigations, consisting of the Archive Search Report and Supplement No. 1 (December 1993 and November 1994, respectively), Site 39 Data Summary and Work Plan (February 1994), OE contractor after-action reports (December 1994, November 1995), working maps, Fort Ord Training Facilities Map, and associated interviews from various

ordnance-related community relations activities, show that no OE locations are within the Property. One potential OE location, OE Site 2, is located adjacent to the Property. No part of OE Site 2 is located on the Property. One other potential OE area, the Storage Yard Landmine Area, is located nearby (approximately 500 to 1000 feet away). OE area boundaries shown on Plate 1 represent a compilation of the information sources described above and should be considered approximate. However, because OE were used throughout the history of Fort Ord, the potential for OE to be present on the Property exists, and notice will be included in the deed.

- One UST (3215.1) was formerly located on the Property and was removed in 1995. The Monterey County Department of Health has granted closure for this tank (closure letter dated December 13, 1995).
- No aboveground storage tanks are present on the Property.
- No solid waste management units (SWMUs) are associated with or adjacent to the Property. No historical records are known to exist concerning type or quantity of chemicals that may have been stored in buildings on the Property. No hazardous substances are currently stored in the buildings on the Property.
- The final CERFA report identifies the Property as being within CERFA disqualified parcel 4 because it overlies the Fort Ord landfills operable units (OU 2) groundwater contamination plume. Remediation of the contaminated groundwater is underway. The Army has received concurrence from the U.S. EPA (January 4, 1996) that the pump-and-treat system for remediation of the OU 2 groundwater plume is in place and operating "properly and successfully". The total estimated concentration of volatile organic compounds (VOCs) in groundwater beneath the Property is approximately 20 micrograms per liter. A table listing maximum VOC concentrations elsewhere in the OU 2 plume is attached (Table 1).
- The Baseline Risk Assessment for OU 2 indicates that the groundwater does not pose a threat to persons using the Property provided this groundwater is not used as a source of drinking water. Well drilling or use of groundwater will be prohibited.
- There are no groundwater wells on the Property.
- The former Veterinary Clinic, building T-3144 as well as a stable, was visually inspected and it was found that no hazardous substances, with exception of household cleaners, were stored or disposed of on the Property.

National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by a Record of Consideration based on analysis conducted in the June 1993 Fort Ord Disposal and Reuse Environmental Impact Statement (EIS).

Clean Air Act General Conformity Rule requirements for this transfer were satisfied by a Record of Non-Applicability based upon an exemption for property transfers where the proposed action is a transfer of ownership, interest and title in the land, facilities, and associated real and personal property.

On the basis of the above results and subsequent investigations, certain terms, conditions, reservations, restrictions, and notifications are required. Disclosure of conditions and use restrictions are described below and will be included in the deed.

## NOTICE OF THE PRESENCE OF ASBESTOS

A. The Grantee is hereby informed and does acknowledge nonfriable asbestos or asbestos-containing materials (ACM) have been found on the Property, as described in the Diagnostic Environmental, Inc. (now ATC Environmental, Inc.) report, *Asbestos Survey Report, U.S. Army Corps of Engineers - Fort Ord Installation, Fort Ord, California*, dated April 26, 1993.

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 to warn the individual(s) injured. The Grantee agrees to be responsible for any future remediation of asbestos found to be necessary on this Property.

## 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. 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 know lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase. "Residential Real Property" means any housing constructed prior to 1978, except housing for the elderly (households reserved for and composed of one or more persons 62 years of age or more at the time of initial occupancy) or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

B. Available information concerning known lead-based paint and/or lead-based paint hazards, the location of lead-based paint and/or lead-based paint hazards, and the condition of painted surfaces is contained in the Environmental Baseline Survey, which has been provided to the Grantee. All purchasers must also receive the federally-approved pamphlet on lead poisoning prevention. The Grantee hereby acknowledges receipt of all 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 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 Residential Real Property, if required by law or regulation, the Grantee, at its sole expense, will: (1) inspect for the presence of lead-based paint and or lead-based paint hazards; (2) abate and eliminate lead-based paint hazards by in accordance with all applicable laws and regulations; and (3) comply with all applicable notice and disclosure requirements under applicable federal and state law. The Grantee covenants and agrees to be responsible for any remediation of lead-based paint or lead-based paint hazards on the Property found to be necessary after the date of conveyance to the Grantee.

E. The Army assumes no liability for remediation 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 lead-based paint or lead-based paint hazards on the Property. 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 any manner predicated upon, personal injury, death or property damage resulting from, related to, caused by or arising out lead-based paint or lead-based paint hazards on the Property

#### **NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER**

The groundwater beneath the property is contaminated with volatile organic compounds (VOCs), primarily trichloroethane (TCE), at concentrations of 1 microgram up to 20 micrograms per liter. This notice is provided pursuant to CERCLA Section (§) 120(h)(1) and (3). A pump-and-treat groundwater remediation system is in place and shown to be operating properly and successfully. Drilling of water wells or use or access to groundwater beneath the Property is prohibited, and will be recorded in the deed.

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

#### **NOTICE OF THE POTENTIAL FOR THE PRESENCE OF ORDNANCE AND EXPLOSIVES**

Ordnance and explosives (OE) investigations indicate that OE is not likely on this Property. However, because this is a former military installation with a history of OE use there is a potential for OE to be present on the property. In the event 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. Competent U.S. Army Explosive Ordnance personnel will be dispatched promptly to dispose of such ordnance properly at no expense to the Grantee.

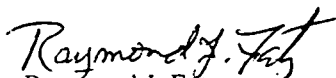
Comments received from U.S. EPA Region IX and California EPA DTSC on the Version 1 FOST were reviewed and incorporated where possible in the Version 2 FOST. All comments were resolved with the



exception of one concerning certain language regarding asbestos. It is attached as a unresolved comment.

On the basis of the above information, I conclude that the MEA Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 4 (areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken) and is transferable under CERCLA Section (§) 120(h)(3). The deed for this transaction will contain:

- The covenant under CERCLA §120(h)(3)(B)(i) warranting that all remedial action under CERCLA necessary to protect human health and the environment with respect to hazardous substances remaining on the Property has been taken.
- The covenant under CERCLA §120(h)(3)(B)(ii) warranting that any remedial action under CERCLA found to be necessary after the date of transfer shall be conducted by the United States.
- The clause under CERCLA §120(h)(3)(C) granting the United States access to the Property in any case in which remedial action or corrective action is found to be necessary after the date of transfer.

  
Raymond J. Fatz

Deputy Assistant Secretary of the Army  
(Environment, Safety, and Occupational Health)

**Table 1. Maximum Chemical Concentration by Aquifer Zone  
OU 2 Groundwater Plume  
Former Fort Ord, California**

Aquifer Zone	Substance	Concentration (ug/L)	
Upper Aquifer Zone	1,1,1-trichloroethane	18	
	1,1-dichloroethene	33	
	1,1-dichloroethene	14	
	1,2-dichlorobenzene	16	
	1,2-dichloroethane	3.7	
	1,2-dichloroethene (total)	41	
	1,2-dichloropropane	2.5	
	1,4-dichlorobenzene	9	
	bromodichloromethane	0.6	
	chlorobenzene	2.8	
	chloroform	3.7	
	cis-1,2-dichloroethane	40	
	dibromochloromethane	0.6	
	Freon 113	9.1	
	tetrachloroethene	20	
	trans-1,2-dichloroethane	0.6	
	trichloroethene	21	
	vinyl chloride	1.7	
	180-Foot Aquifer Zone	1,1,1-trichloroethane	1.4
		1,1-dichloroethane	1.6
1,2 dichlorobenzene		0.9	
1,2-dichloroethene(total)		15	
1,2-dichloropropane		1.1	
chloroform		3.1	
cis-1,2-dichloroethene		15	
tetrachloroethene		1.6	
trichloroethene		43	
400-Foot Aquifer Zone	No Detections		
Salinas Valley Aquiclude	1,2-dichlorobenzene	1.9	
	1,2-dichloroethene (total)	0.5	
	cis-1,2-dichloroethene	0.5	
	tetrachloroethene	1.0	
	trichloroethene	1.9	

## UNRESOLVED AGENCY COMMENTS

### US EPA 8 DECEMBER 1995 COMMENT:

Public Law 102-484, as amended by Public Law 103-160, provides for indemnification by the military services when property on closing military bases is transferred. This law provides that *the military* indemnify persons and entities acquiring ownership or control of property at a closing military base from liability for personal injury and property damage resulting from the release or threatened release of a hazardous substance (such as asbestos), unless the person or entity acquiring the property contributed to the release. It is unclear whether the FOST's statements on the Army not assuming liability for the transferee's contact with asbestos are consistent with the indemnification required by law. To avoid confusion over the indemnification that the Army is required to provide, EPA recommends that the mention of future liability be deleted and that the statutory language be relied on to determine any future liability.

### Army Response:

Army believes that the standard Army indemnification language is legally sufficient.



DRAWN PC8

JOB NUMBER 25894 001772

APPROVED

DATE 8/95

REVISED DATE 10/96

Parcel Map 1 Parcel  
MEC Phase I Parcel  
Finding of Suitability to Transfer (FOST)  
Former Fort Ord, California

Harding Lawson Associates  
Environmental and  
Engineering Services

PROPERTY BOUNDARIES INDICATED ARE APPROXIMATE AND ARE NOT INTENDED TO REPRESENT THE LEGAL DESCRIPTION OF THE PARCEL(S).

COMPOSITE BOUNDARY OF OE SITE  
BASED ON DATA COMPILED FROM VARIOUS  
STUDIES, REPORTS AND WORKING MAPS  
HFA FINAL REPORT  
ARCHIVE SEARCH REPORT AND  
SUPPLEMENT  
5/22/96  
CMS MAPS 5/19/96 AND  
WORK PLAN - SITE 39  
HIA DRAFT DATA SUMMARY

Approximate location of the 5 µg/L TCE concentration  
contour of combined A-Aquifer and Upper 180-Foot  
Aquifer analytical results based on September 1996  
sampling.

022 GROUNDWATER PLUME:

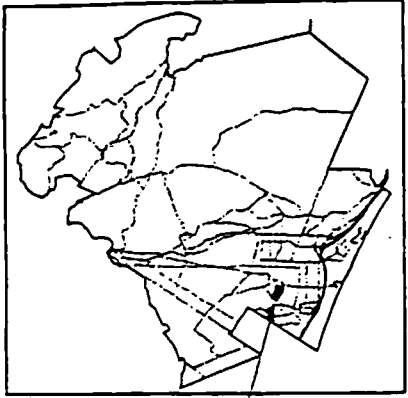
LS.9.1  
PARCEL NUMBER

PARCEL BOUNDARY

BUILDING TO BE TRANSFERRED WITH NUMBER

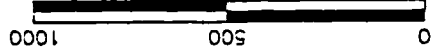
### EXPLANATION

### KEY MAP



MARINA EQUESTRIAN  
CENTER PARCEL

SCALE IN FEET



2589424R 5000 0

