

FINDING OF SUITABILITY TO TRANSFER (FOST)  
SHELTER PLUS PARCEL  
FORMER FORT ORD, CALIFORNIA

On the authority delegated to me by the Acting Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health, (20 Jul 95), and on the basis of an Environmental Baseline Survey (EBS) for the McKinney Homeless Act Group A Parcels, I have determined that the Shelter Plus Parcel, at Fort Ord, California (Property), is suitable for transfer to Shelter Plus for transitional and emergency housing. The area to be assigned and transferred includes 16 buildings on approximately 9 acres (Plate 1).

A determination of the environmental condition of the Property was made by the United States Army by conducting an EBS that included reviewing existing environmental documents and making associated visual site inspections. The documents reviewed included the final Fort Ord Community Environmental Response Facilitation Act (CERFA) Report, April 1994, U.S. EPA Region IX's concurrence to the CERFA Report (Memorandum, 19 April 1994), and various remedial investigation/feasibility studies documents. Comments received from U.S. EPA Region IX (10 July 1995) and California EPA DTSC (11 July 1995) on the 31 May 1995 Version 1 EBS/FOST/FOSL for the McKinney Group A Parcels have been reviewed and incorporated where possible. Unresolved comments are attached.

The results of the EBS indicated that the Property is environmentally suitable for transfer to Shelter Plus.

The results of the EBS are as follows:

- Sixteen buildings (5390 through 5397, 5400 through 5407) are located on the Property. All the buildings were previously used for family housing at Preston Park Housing Area.
- An asbestos survey was not conducted by the Army for these 16 buildings. However, other nearby similar and representative buildings in the Preston Park Housing Area were surveyed and were found to contain nonfriable asbestos in roofing mastic. These survey results indicate that it is likely that the 16 Shelter Plus structures contain nonfriable ACM in roofing mastic.
- Because the 16 buildings on the Property were constructed after 1978, they are not expected to contain lead-based paint.
- No elevated radon levels were detected on the Property during a 1990 survey at Fort Ord.
- No radiological surveys have been conducted within the Property because these buildings were not used to store radiological materials.
- There have been no reported releases of PCB-contaminated dielectric fluids from the transformer present on the Property.
- Ordnance and Explosives (OE) surveys show that no potential OE locations are within or immediately adjacent to the Property.
- No underground or aboveground storage tanks or solid waste management units are present on the Property, and no studies associated with them have been conducted by the Army for the Property.
- No groundwater wells are present on the Property.

- The final CERFA report identifies the property as being within CERFA Parcel 220. No evidence was observed during the CERFA assessment to indicate storage, release, or disposal of hazardous substances or petroleum products or their derivatives on the Property. On the basis of the review of available information, this Property is not expected to be threatened by activities on adjacent or surrounding properties.

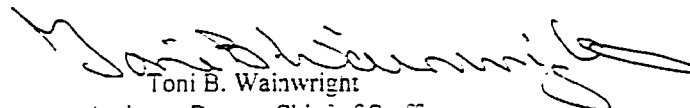
On the basis of the above results from the EBS and subsequent investigations, certain terms, conditions, reservations, restrictions, and notifications are required. Use restrictions and disclosure of conditions are described below and will be included in the transfer documents.

**NOTICE OF THE PRESENCE OF ASBESTOS.** The Property existing on the date of this conveyance may contain certain amounts of nonfriable asbestos in the roofing mastic. The GRANTEE covenants and agrees, on behalf of it, its successors and assigns, that in its use and occupancy of the Property, it will comply with all applicable laws relating to asbestos, and that the GRANTOR assumes no liability for damages for personal injury, illness, disability or death, to the GRANTEE, its successors or assigns, or to any other person including members of the general public, arising from or incident to the purchase, transportation, removal, handling, alterations, renovations, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the Property described in this Deed, regardless of whether the GRANTEE, its successors or assigns have properly warned or failed properly to warn the individual(s) injured.

On the basis of the above, I conclude that because no release, storage, or disposal of hazardous substances has occurred on the Property, the Shelter Plus Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 1 and is transferrable under Section (§) 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The deed for this transaction will contain:

- The covenant under CERCLA §120(h)(4)(D)(i) any response action or corrective action found to be necessary after the date of transfer shall be conducted by the United States
- The clause under CERCLA §120(h)(4)(D)(ii) 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.

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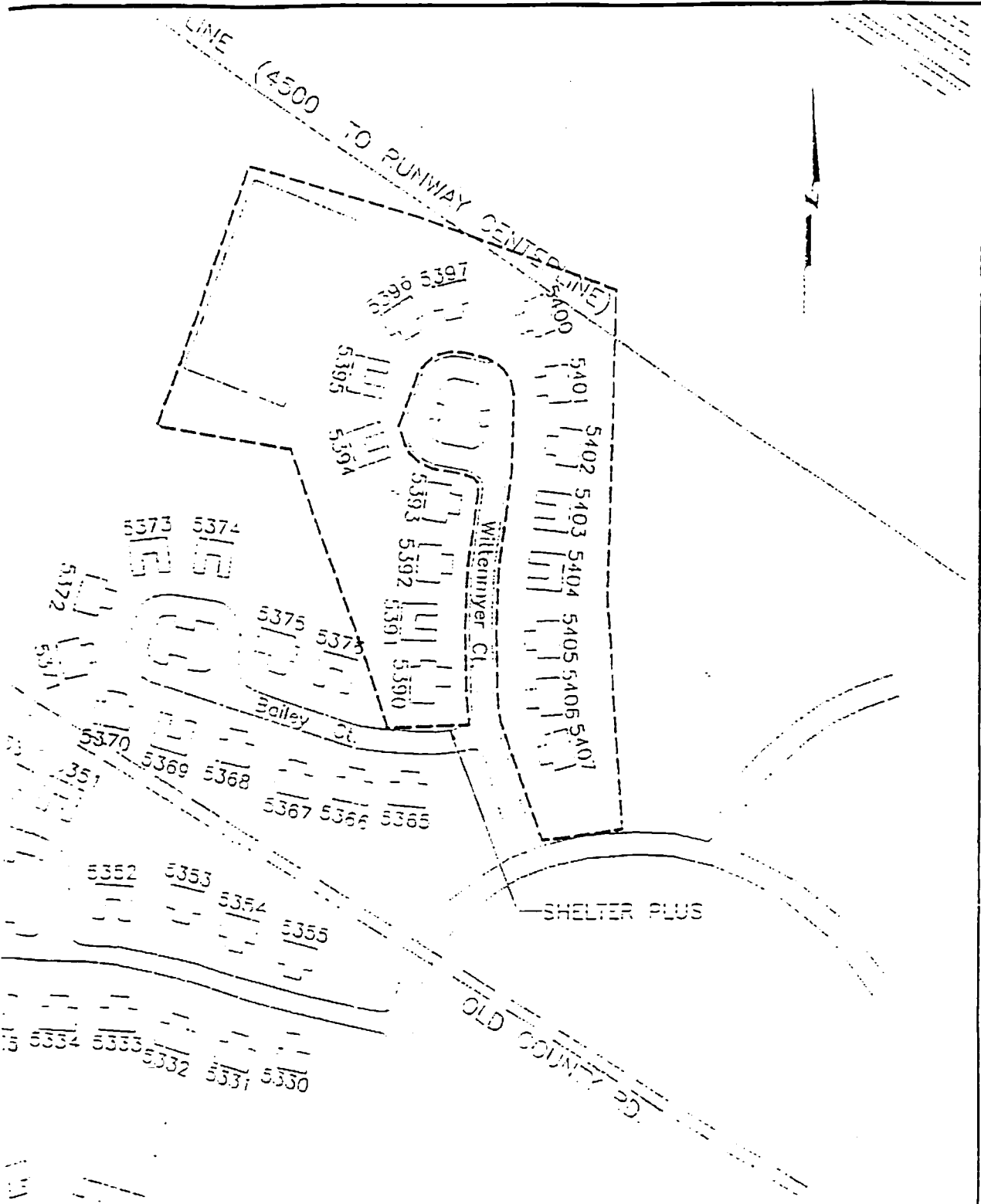
  
Toni B. Wainwright  
Assistant Deputy Chief of Staff  
Base Operations Support

UNRESOLVED AGENCY COMMENT  
MCKINNEY GROUP A EBS/FOST/FOSL

U.S. EPA 10 July 1995 Comment

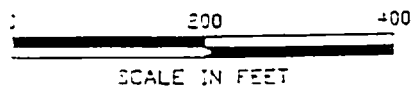
**Comment 3:** Page 3, 3rd paragraph - Public law 102-484, as amended by Public Law 103-160, provides for indemnification by the military services when property is transferred or leased. This law provides that the military indemnify persons and entities acquiring ownership or control of property at a closing military base from liability for personal injury and property damages 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. The Army's statement in the FOST may conflict with the required indemnification. We recommend that the Army delete this paragraph and rely on the statutory language to determine any future liability as a result of exposure to asbestos.

**Response:** Comment noted. However, the text will remain unchanged. This comment is to be included as an unresolved comment to the FOST.



**EXPLANATION**

-- PARCEL BOUNDARY



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0.002 20246852

APPENDIX C

<b>Jing Lawson Associates</b> Engineering and Environmental Services		<b>Shelter Plus</b> 15 Buildings on Wittenmyer Court Finding of Suitability to Transfer McKinney Group A Parcels Former Fort Ord, California		PLATE <b>1</b>
DRAWN CSN	JOB NUMBER 15894 0017614	APPROVED <i>JPZ</i>	DATE 5/95	REVISED DATE

ATZP-EP

7 November 1995

## 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 McKinney Homeless Group A Parcel. This Action Covers Activities Associated with Land Conveyances Between the U.S. Army and Shelter Plus (SP).

1. Scope Definition: The Department of the Army is considering granting parcels of land located at the former Fort Ord, California in agreement with the McKinney Homeless Act for use by SP. Buildings situated within subject parcel were formerly utilized by the U.S. Army as military family housing units.
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 facilities 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. Grantee intends to reuse subject buildings for transitional and emergency housing.
4. Proposed action is exempt from preparing a conformity determination in accordance with the exception provisions in Section 51.853 of the Clean Air Act Amendment of 1990 and pursuant to section 204 c.2.xiv of Monterey Bay Unified Air Pollution Control District rule, as incorporated in the State Implementation Plan (SIP) in accordance with 40 CFR Part 51, subpart W, section 51.851, subject Federal action results in the transfer of ownership, interest and title in the subject parcel.
5. Any utilization of subject parcel by the grantee influencing facility emissions not identified in the SIP, has neither been disclosed to Army Environmental personnel, nor considered in subject General Conformity Rule review.



MARK G. REESE  
Air Pollution Environmental Coordinator  
Directorate Environmental and Natural  
Resources Management



Cal/EPA

August 12, 1996

Department of  
Toxic Substances  
Control

400 P Street,  
4th Floor  
P.O. Box 806  
Sacramento, CA  
95812-0806

Ms. Christine Lawson  
Department of the Army  
Commander, DLIFLC and POM (Fort Ord)  
ATTN: ATZP-EP  
Presidio of Monterey, California 93944-5006

Subject: Review of final versions of the Finding of Suitability to Transfer documents for Thorston Village Parcel (July 12, 1996), Monterey College of Law Parcel (August 8, 1996), Golf Course, Phase 1 Parcel (July 31, 1996), Hayes Park Parcel (July 25, 1996) and Shelter Plus Parcel- McKinney Group B Parcel (July 25, 1996).

Dear Ms. Lawson:

As a result of the working meeting on August 8, 1996, the Department of Toxic Substances Control finds that the Army has adequately addressed all our comments for the subject documents.

We appreciate your willingness to work closely with us to address our comments. If you have any questions please contact me at (916) 323-3466.

Theresa McGarry

Environmental Assessment and  
Reuse Specialist  
Base Closure and Conversion  
Office of Military Facilities

cc: Ms. Leda Tan  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, California 94105



Pete Wilson  
Governor

James M. Sirock  
Secretary for  
Environmental  
Protection



Ms. Christine Lawson  
August 12, 1996  
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cc: Mr. Grant Himebaugh  
California Regional Water Quality Control Board  
Central Coast Region  
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San Luis Obispo, California 93401-5414

Ms. Gail Youngblood  
BRAC Coordinator  
Department of the Army  
Commander, DLIFC and POM (Fort Ord)  
Attn: ATZP-EP  
Presidio of Monterey, California 93944-5006

Mr. Dan McMindes  
U.S. Army Corps of Engineers  
1325 J. Street  
Sacramento, California 95814