

FINDING OF SUITABILITY TO TRANSFER (FOST)  
CALIFORNIA STATE UNIVERSITY MONTEREY BAY, PHASE II  
FORMER FORT ORD, CALIFORNIA

On the basis of an Environmental Baseline Survey (EBS) for the California State University Monterey Bay (CSUMB) Parcel (Version 2, December 16, 1994), I have determined that Parcels 8 and a portion of Fredericks Park comprising the Phase II Parcel, at former Fort Ord, California (Property), are suitable for transfer to CSUMB for residential and educational purposes. The Property to be transferred includes approximately 15 buildings on approximately 59 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 (6/96; 1/97). 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 (19 April 1994), various remedial investigation/feasibility studies 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 CSUMB. The results of the EBS are as follows:

- Approximately 15 buildings (including one unnumbered structure/foundation) are located on the Property (Plate 1; Table 1). Nine buildings, previously used for multi-family housing, are located in Fredericks Park. The parcel is mostly open space with landscaping around the housing units. The remaining 6 nonhousing structures are located on Parcel 8 and were associated with motor pools and maintenance and were generally used for vehicle maintenance and storage. Parcel 8 is paved.
- An asbestos survey conducted by the Army shows that fourteen of the fifteen buildings on the parcels contain nonfriable asbestos containing material (ACM); however, the ACM is in fair to good condition and rated 6 to 13. Asbestos survey data were not available for the unnumbered structure/foundation present on Parcel 8. The Army does not intend to remove or repair the ACM in any of these structures, but rather only discloses the condition.
- Six of the 15 buildings in Parcel 8 were constructed prior to 1978 or have unknown dates of construction and are presumed to contain lead-based paint (LBP). On a recent site tour with U.S. EPA and Ca/EPA Department of Toxic Substances Control (DTSC) it was determined that based on the fact that the site is surrounded by pavement, lead is not likely to be present in soils on Parcel 8. Appropriate LBP notice is provided herein. The nine housing units on the Fredericks Park Parcel were constructed in 1982 and 1983 and are not expected to contain LBP.
- No radon levels above 4 pCi/L were detected on the Property during a 1990 survey.
- No radiological surveys has been conducted within the 15 buildings because radioactive commodities were reportedly not used or stored in the buildings.
- There have been no reported releases of PCB-contaminated dielectric fluids from any transformers present on the Property.
- Routine application of pesticides occurred around the housing units at Fort Ord. Based on available pesticide application records, which date back to December of 1984, the following pesticides were

used around the nine Fredericks Park Housing Units, Baygon, Diazinon, Dursban, Ficam, Phenothrin, Purge, Pyrethrum, Safrotin, and Tempo. All pesticides were used in accordance with labeled instructions. Typical application rates recorded are as follows:

- Baygon (a methylcarbamate): 2 gallons applied at a final concentration of 1.1%
  - Diazinon: 12 gallons at a final concentration of .5 - 1.0%
  - Dursban (chloropyrifos): 12 gallons at a final concentration of .5%
  - Ficarn (a methylcarbamate): 12 gallons of a final concentration of .5%
  - Phenothrin: 8 fl. oz at a final concentration of 2.0 - 2.5%
  - Purge (diazinon, pyrethrin, piperonyl butoxide): 2 fl. oz at a final concentration of 8.6%
  - Pyrethrum: 2 fl. oz at a final concentration of 2.5%
  - Safrotin (propetamphos): 12 gallons at a final concentration of .5%
- 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 likely OE locations are within the Property. One potential OE location (OE Site CSU) is located immediately adjacent to the Fredericks Park Parcel and is shown on Plate 5. OE area boundaries shown on this plate represent a compilation of the information sources described above and encompass the approximate maximum extent of those OE areas. The draft Engineering Evaluation/Cost Analysis (EE/CA) - Phase I recommended no further action, except to perform a confirmatory survey of the southern boundary, for OE Site CSU. However, because OE were used throughout the history of Fort Ord, the potential for OE to be present on the Property exists. This notice will be included in the deed.
  - Three former underground storage tanks (USTs 3866.1, 3871.1, and 3876.1) were located on the Parcel 8 Property (Plate 8): there are no former or existing tanks on the Fredericks Park portion of the Property. The 3 former USTs on the Property have been removed during the past several years. The Monterey County Department of Health (MCDOH) granted closure to UST 3866.1 in a letter dated January 3, 1994 and to USTs 3871.1 and 3876.1 in a letter dated April 6, 1994. No aboveground storage tanks are present on the Property.
  - Three inactive solid waste management units (SWMUs) are located on or adjacent to the Property (Plate 2). The three inactive SWMUs (FTO-002 [OU 2 Landfill], FTO-066, and FTO-067) were identified as being former hazardous material storage areas. SWMU FTO-002 is adjacent to the Fredericks Park Parcel. SWMUs FTO-066 and -067 are on Parcel 8. No hazardous materials are presently stored on either parcel. A 1988 U.S. Army Environmental Hygiene Agency (AEHA) Interim Final Report on SWMUs noted evidence of release at FTO-002 the OU 2 landfill. SWMUs FTO-066 and FTO-067 are recently-identified SWMUs and no evidence of release were observed during a spring 1996 field investigation (*Draft Field Investigation and Data Review, Solid Waste Management Units, Fort Ord, California, August 8, 1996*).
  - The final CERFA report identifies the Property as being within CERFA Disqualified Parcel No. 4 and CERFA Qualified Parcel No. 21 because of (1) the location of the Property (the Fredericks Park Parcel) above the Fort Ord Landfill (OU 2) groundwater contamination plume and (2) inclusion of the Property (Parcel 8) in Installation Restoration Program (IRP) Site 20 (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." Three groundwater monitoring wells, MW-20-05-180 and -06-180, and MW-OU 2-26-A, are on the Property (Plate 4). No organic compounds were detected in Monitoring Well MW-OU 2-26-A in the most recent (September 1996) groundwater sampling round. Monitoring Wells MW-20-05-180 and -06-180 were not sampled in September 1996 because, historically, organic compounds have not been detected in these wells. The OU 2 groundwater plume (1 microgram per liter contour) lies approximately 2,300 feet northeast of Parcel 8. Sampling of the monitoring wells present on the Property will continue under the Fort Ord basewide groundwater sampling program. The total estimated concentration of VOCs, primarily TCE, in deeper groundwater beneath the Fredericks Park Parcel is approximately 6 micrograms per liter. Table 2 (attached) shows maximum VOC concentrations elsewhere in the OU 2 groundwater plume.

- The Baseline Risk Assessment for OU 2 indicates that the groundwater does not pose a threat to occupants of the Fredericks Park Parcel provided that groundwater from the contaminated aquifer is not used as a drinking water source. Well drilling and use of groundwater will be prohibited.
- A portion of one IRP site is within the CSUMB Phase II Parcels (Plate 4). Additionally, the OU 2 landfill lies immediately adjacent to the Fredericks Park Parcel. Parcel 8 includes a portion of Site 20 (3800 Motor Pool and South Parade Ground). Site 20 was characterized as Interim Action (IA) site. The interim action completed in 1995 included soil excavation, soil sampling, and excavation backfilling at the IA site. The IA at Site 20 occurred within Parcel 8. The Draft Final Site Characterization Report for Site 20 was submitted to the U.S. EPA and DTSC in May, 1995; the IA approval memorandum was submitted to and approved by the U.S. EPA in the spring of 1995. The Site 20 IA Confirmation Report was submitted to the regulatory agencies in July 1996. No further action is required at Site 20. Lastly, the OU 2 landfill lies immediately adjacent to the Fredericks Park Parcel and the OU 2 groundwater contamination plume underlies a portion of that parcel. As noted above, the U.S. EPA has concurred that the pump-and-treat system for remediating the OU 2 groundwater contamination plume is in place and operating "properly and successfully." A remedial action (RA) for the OU 2 landfill is underway. As part of the OU 2 landfill closure, the surface extent of the landfill will be covered with engineered fill, a geomembrane, clean fill and passive landfill gas vents will be installed. The surface will be sloped to promote positive surface water drainage and covered with natural vegetation. The landfill is fenced to restrict access. No current or future remediation activities at the OU 2 Landfill are expected to impact future use of the Fredericks Park Parcel. No land containing landfill material will be transferred with this parcel.

Ambient air monitoring of landfill gas (LFG) was performed during the excavation and relocation of landfill materials buried on the north side of Imjin Road. No LFG compounds were detected during the ambient air monitoring. In addition, no evidence of LFG migration to adjacent parcels has been observed and no impact from LFG on adjacent parcels is expected.

To monitor potential landfill gas (LFG) migration, a series of LFG monitoring probes will be installed on the perimeter of the landfill between the landfill and the housing areas. The perimeter probes and the passive vents will be monitored for methane. If methane is detected at explosive concentrations, the passive vents would be converted to active LFG collection (*Draft Final Design Analysis, Fort Ord OU 2 Landfill Final Closure, Fort Ord, California, December 5, 1995*).

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 and documented in the December 1993 Record of Decision.

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 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 ASBESTOS

- A. The Grantee is hereby informed and does acknowledge that 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, and the ATC Environmental Inc.(ATC) report, *Preliminary Asbestos Survey Report, U.S. Army Corps of Engineers - Fort Ord, Fredericks Park Family Housing Units*, dated July 1, 1994.
- 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 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, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the Property described in this transfer, whether the Grantee, its successors or assigns have properly warned or failed properly to warn the individual(s) injured.

#### NOTICE OF THE PRESENCE OF LEAD-BASED PAINT

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 (target housing) 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 particular risk to pregnant women. The seller of any interest in target housing 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. "Target housing" means any housing constructed prior to 1978, except housing for the elderly 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.

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 was performed by the Army. The Grantee hereby acknowledge receipt of the federally required lead-hazard pamphlet.

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 as required by law or regulations

The Grantee and its successors shall not permit the use of any such structure for residential habitation unless the Grantee has abated the hazards of lead-based paint in accordance with all applicable laws and regulations. Residential structures are defined as any house, apartment, or structure intended for human habitation, including but not limited to a non-dwelling facility commonly used by children under 6 years of age such as a child care center, elementary school, or playground.

**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 Parcel 8 Property. Storage typically included: waste oil (one 6,500-gallon UST), miscellaneous lubricants, hydraulic fluid, solvents, antifreeze, oil filters, and asbestos-containing brake shoes placed in 55-gallon and 10-gallon drums prior to disposal (stored in SWMUs). Additionally unleaded gasoline (UST size unknown) and diesel (6,500-gallon UST) were formerly stored on the Property in two USTs. The information regarding this storage indicates that no release or disposal occurred and it was conducted in a manner that would not pose a threat to human health and the environment. A release occurred at IA site 20 from previous grease rack operation. Remediation was completed. This notice is given pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section (§)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	DURATION	RELEASE/ DISPOSAL
Parcel 8 (SWMUs and USTs)	waste oil (one 6,500-gallon UST)	1942-1991	none / none
	miscellaneous lubricants	1941-1993	none / none
	hydraulic fluid	1941-1993	none / none
	solvents	1941-1993	none / none
	antifreeze	1941-1993	none / none
	oil filters	1941-1993	none / none
	ACM- brake shoes (stored in SWMU)	1941-1993	none / none
Parcel 8 (IA 20)	unleaded gasoline, diesel (two UST's)	1941-1991	none / none
	residue from grease rack operations	1941-1993	see table below

CHEMICALS OF CONCERN DETECTED AND REMEDIATED AT INTERIM ACTION SITE 20

ORGANICS	INORGANICS
1,2-DCA 2-Methylnaphthalene Toluene TPH Mixtures	Arsenic Barium Beryllium Chromium (total) Hexavalent chromium Mercury Nickel Zinc

**NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER**

The groundwater beneath the Fredericks Park Parcel is contaminated with volatile organic compounds (VOCs), primarily trichloroethene (TCE). The maximum estimated total VOC concentration in the groundwater beneath the Property is 6 micrograms per liter (September 1996). This notice is provided pursuant to CERCLA § 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 FOST were reviewed and incorporated where possible into this Version 2 FOST. All comments were resolved with the exception of one concerning certain language regarding asbestos which is attached as an unresolved comment.

On the basis of the above information, I conclude that the CSUMB Phase II 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.

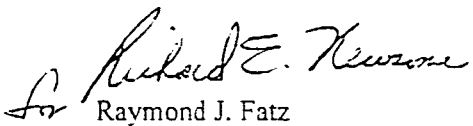
  
Raymond J. Fatz  
Deputy Assistant Secretary of the Army  
(Environment, Safety, and Occupational Health)  
OASA (I.L.&E)

Table 1. List of Building Numbers  
Finding of Suitability of Transfer  
California State University Monterey Bay, Phase II  
Former Fort Ord, California

3867	5923
3870	5925
3871	5927
3872	5941
3875	5942
	5943
	5944
	5945
	5946



Table 2. Maximum Chemical Concentration by Aquifer Zone  
 OU 2 Groundwater Plume  
 Finding of Suitability of Transfer  
 California State University Monterey Bay, Phase II  
 Former Fort Ord, California

Aquifer Zone	Substance	Concentration (µg/L)
Upper Aquifer Zone	1,1,1-trichloroethane	18
	1,1-dichloroethane	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-dichloroethene	40
	dibromochloromethane	0.6
	Freon 113	9.1
	tetrachloroethene	20
	trans-1,2-dichloroethene	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 COMMENTS:

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.