

APPENDIX A
RESPONSES TO AGENCY COMMENTS ON DRAFT EBS/FOST

RESPONSE TO USEPA COMMENTS (JULY 6, 1995)
DRAFT EBS/FOST
PG&E SUBSTATION PARCEL
FORMER FORT ORD, CALIFORNIA

Environmental Baseline Survey Comments

Comment 1: Page 4. **Limitations.** The EBS designates the Army Corps of Engineers as the only intended beneficiary of this document. We note that the revised EBS should not include such a limitation, in that the EBS is intended to be a publicly-available document for the purpose of facilitating reuse, and EPA, the State, and the public should not have to obtain the written consent of Harding Lawson Associates prior to relying on information contained in the report. EPA has made a similar comment on other Ft Ord EBSs.

Response: Comment noted; however, the limitation on the use of the EBS will remain. The limitation language has been modified to clarify that the purpose of the EBS is to support the preparation of the FOST by the Army. Use of the EBS for purposes other than the preparation of the FOST by the Army is outside the intended use of the EBS. Other parties should not rely upon the EBS without consulting with HLA and obtaining written consent for other uses because the EBS may not contain sufficient information for their purposes.

Comment 2: Page 8, Section 3.3 - **Revise reference to "NPL sites" to "IRP sites."** It looks like this correction was made throughout the rest of the document.

Response: Comment noted and correction made.

Comment 3: Page 14, Section 4.4.2 - **This section should note whether the transformers owned by PG&E were covered by the Army's basewide testing program. If not, any similar PG&E maintenance and testing program should be described.**

Response: Yes, the electrical transformers on the parcel owned by PG&E were covered by the Army's basewide testing program for PCBs.

Comment 4: Page 16, CBR Training Area 1 - **The discussion on the sampling of this site should provide results of the sampling and an Army conclusion about risks as a result of releases in this area.**

Response: Inclusion of the complete results of the OEW sampling at CBR Training Area 1 is beyond the scope and purpose of the EBS and will not be included. The findings and conclusions of the U.S. Army Engineer Division, Huntsville (USAEDH), were included in the EBS stating that (1) small arms rounds and expended training items were located and removed, and (2) no subsequent removal action was recommended at CBR Training Area 1.

Comment 5: Page 17, Section 4.6.2 - The discussion of lead-acid battery storage should document whether any releases occurred, and if so, what the impact of these releases were.

Response: No documented releases of hazardous materials from the lead-acid batteries are known to have occurred on the parcel.

Comment 6: Page 20, Section 5.2 - The last full sentence on this page mentions use restrictions. What are these restrictions? They should be documented in the FOST.

Response: The use restrictions for the PG&E Substation will be contained in the deed for the property. The FOST does disclose environmental conditions specific to the parcel and summarizes the use restrictions anticipated to be included in the deed.

Finding of Suitability to Transfer Comments

Comment 7: Page 3, last ¶ - 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 included as an unresolved comment to the FOST.

Comment 8: Page 4, last ¶ - The notice should be given pursuant to 120(h)(1) and 120(h)(3). Also, the notice should include more details. See 40 CFR 373.3 for the required content of the notice. Information on the type of hazardous substances stored, the quantity stored, and the dates that this storage took place is required.

Response: Comment noted; the text of the FOST has been modified to include notification under CERCLA §120(h)(1) and (3) and includes the requested information to the extent that it is available.

Comment 9: Page 5, last ¶ - The FOST should also explicitly state that the deed will contain the CERCLA Section 120(h)(3) 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.

Response: Comment noted; the text of the FOST has been clarified to specifically include the required covenants and clause under CERCLA §120(h)(3).

**RESP NSE T DTSC COMMENTS (JULY 7, 1995)
DRAFT EBS/FOST
PG&E SUBSTATION PARCEL
FORMER FORT ORD, CALIFORNIA**

Comments on EBS

Comment 1: Page 10, Section 4.1. The text states that no radiological surveys were conducted because no radiological materials have been stored. It also states that no studies of storage tanks or SWMUs were done because none exist. The text should also state why Ordnance and Explosive Waste (OEW) surveys were not conducted.

Response: Comment noted; the text has been modified. No OEW surveys were conducted on the PG&E parcel itself because archive review for potential ordnance-related training areas at Fort Ord did not identify any potential OEW activities on the parcel.

Comment 2: Page 16, Chemical, Biological & Radioactive (CBR) Training Area 1. The text should discuss the results of the sampling at the CBR Training Area 1.

Response: Inclusion of the complete results of the OEW sampling at CBR Training Area 1 is beyond the scope and purpose of the EBS and will not be included. The findings and conclusions of the U.S. Army Engineer Division, Huntsville (USAEDH), were included in the EBS stating that (1) small arms rounds and expanded training items were located and removed, and (2) no subsequent removal action was recommended at CBR Training Area 1.

Comment 3: Page 17, Section 4.6.2. and Page 20, Section 5.2. The text states that lead-acid storage batteries are stored in Bldg 4429. Please clarify whether any releases from these batteries occurred, and if so, what impacts there were. Also, the text states that appropriate use restrictions will be included in the transfer documents. What use restrictions are anticipated? These should be included in the FOST.

Response: No documented releases of hazardous materials from the lead-acid batteries are known to have occurred on the parcel.

The use restrictions for the PG&E Substation will be contained in the deed for the property. The FOST does disclose environmental conditions specific to the parcel and summarizes the use restrictions anticipated to be included in the deed.

Comments on FOST

Comment 1: Page 4, Notice of Hazardous Substances Storage: the text states "notifies the Grantee of the storage of contaminated and/or hazardous substances on the property. It appears the word "contaminated" is not necessary. We understand that lead-acid batteries are the only hazardous substances currently stored on the property. Please clarify. This section or a separate section of the FOST should address the

requirements under CERCLA Section 120(h)(1), (3) and 40 CFR 373.3 for hazardous substances stored, released or disposed on the property.

Response: Comment noted; the word "contaminated" has been removed from this section of the FOST. The text of the FOST has been modified to include notification under CERCLA §120(h)(1) and (3) and includes the requested information to the extent that it is available.

Comment 2: Page 5. The text states that the property is being ". . .proposed for transfer under CERCLA Section 120(3) because it is CERFA-disqualified parcel due to presence of hazardous materials. . ." It may be helpful to clarify that the property did not qualify for transfer under CERCLA Section 120(h)(4) and therefore is being transferred under CERCLA Section 120(h)(3). The text indicates that the covenant and clause required by CERCLA Section 120(h)(3) (B)(ii) and 120(h)(3)(C) respectively, will be included in the deed. In addition, the FOST should address the covenant required by CERCLA Section 120(h)(3)(B)(i) that all necessary remedial action has been taken with respect to remaining hazardous substances.

Response: Comment noted; the text of the FOST has been clarified to specifically include the required covenants and clause under CERCLA §120(h)(3).