

APPENDIX B

DRAFT FOST AND LEGAL DESCRIPTION

DRAFT
FINDING OF SUITABILITY TO TRANSFER (FOST)
PG&E SUBSTATION PARCEL
FORT ORD, CALIFORNIA

In my capacity as the Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health, and based on an Environmental Baseline Survey (EBS) and regulatory agency comments on the EBS, I have determined that the Pacific Gas and Electric Company (PG&E) Substation Parcel, at Fort Ord, California (Property), is suitable for transfer to PG&E for electrical utility and transmission purposes. The area to be assigned and transferred includes approximately 1.5 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 (VSI). The documents reviewed included the final Fort Ord Comprehensive 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 (RI/FS) documents. The results of the EBS indicated that the Property is environmentally suitable for transfer to PG&E. The results of the EBS are as follows:

- The Property has historically been used as an electrical substation. Three buildings (4428, 4429, 4429A) are located on the PG&E Substation Parcel. Because there has been no reported use of underground or above-ground storage tanks and no solid waste management units (SWMUs) are present on the parcel, no studies associated with these potential activities have been conducted by the Army for this parcel. No Installation Restoration Program (IRP) sites have been identified within the Property, and no site investigations are planned by the Army. No radon or radiological surveys have been conducted within the Property because the buildings are not housing or office structures, and they were not used to store radiological materials.

- An asbestos survey conducted by the Army shows that Building 4429A contains nonfriable ACM. The two other nonhousing buildings on the parcel were not surveyed for ACM.
- Lead-based paint surveys of housing structures at Fort Ord have been completed. However, no data specific to the Property are available because no housing structures or barracks are present on the Property. All three structures should be considered to contain LBP because of their known or suspected pre-1978 construction dates.
- Approximately 1,000 electrical transformers at Fort Ord have been examined for PCBs. All transformers, including those on the Property, with PCB concentrations greater than 50 ppm in the dielectric fluid have been replaced. There have been no reported releases of PCB-contaminated dielectric fluids from PG&E-owned transformers present on the Property.
- Ordnance and explosive waste (OEW) surveys show that a potential ordnance training site, Chemical, Biological, and Radioactive (CBR) Training Area 1, is approximately 400 feet from the PG&E Substation Parcel. Fourteen other potential ordnance training sites are within a 1-mile radius of the parcel. Investigation for ordnance-related chemical residues as part of the Fort Ord RI/FS was not warranted for CBR Training Area 1. Site sampling has been completed and no OEW removal action has been recommended by the U.S. Army Engineer Division, Huntsville (USAEDH), at CBR Training Area 1.
- The final CERFA report identifies CERFA with qualifier and CERFA disqualified areas within the Property boundary. The Property has been primarily categorized as a CERFA disqualified parcel because a bank of 24 2-volt lead-acid storage batteries used by PG&E as a backup power source is reportedly stored on the parcel in Building 4429. No reported release of hazardous materials from the batteries has occurred on the Property. A thin strip of land at the northern end of the parcel was categorized as part of a CERFA with qualifier parcel for ACM, LBP, radon, and

radiological sources because of adjacent property categorization under the 1-acre grid system used in the CERFA report. However, no contamination by these substances is known to exist on the Property.

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 specific to the Property and are described below. These use restrictions and disclosures will be included in the transfer documents (deed).

NOTICE OF THE PRESENCE OF ASBESTOS. The Property existing on the date of this conveyance is known to contain certain amounts of asbestos in the roof penetration mastic of the buildings.

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.

NOTICE OF THE PRESENCE OF LEAD-BASED PAINT. The GRANTEE is hereby informed and does acknowledge that any Property existing on the date of this Deed which was constructed or rehabilitated prior to 1978 is presumed to contain lead-based paint.

The GRANTEE, its successors and assigns, shall not permit the use of any such structure for residential habitation unless the GRANTEE has received certification from GRANTOR or others that the premises are safe or GRANTEE has eliminated the hazards of lead-based paint by treating any defective lead-based paint surface 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. The GRANTOR hereby notifies the GRANTEE of the current storage of hazardous substances (24 2-volt lead-acid batteries) on the Property. 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. This notice is given pursuant to 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.

NOTICE OF POLYCHLORINATED BIPHENYLS (PCBs). The Property contains in-use electrical transformers that may contain PCBs at concentrations between 5 and 50 parts per million. The GRANTEE will be responsible for the testing and proper disposal of transformers that are removed from service.

On the basis of the above, I conclude that the PG&E Substation Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 2 and is transferable under Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act

(CERCLA). It is proposed for transfer under CERCLA §120(h)(3) because it is a CERFA disqualified parcel due to the presence of hazardous substances (lead-acid batteries) stored at the site. The deed for this transaction will contain:

- The covenant under CERCLA §120(h)(3)(B)(i) warranting that all remedial action necessary to protect human health and the environment with respect to this hazardous substance remaining on the Property has been taken
- The covenant under CERCLA §120(h)(3)(B)(ii) any remedial action 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 such transfer.

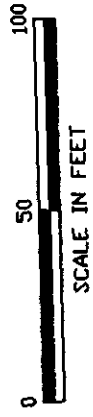
Raymond J. Fatz

Acting Deputy Assistant Secretary of the Army

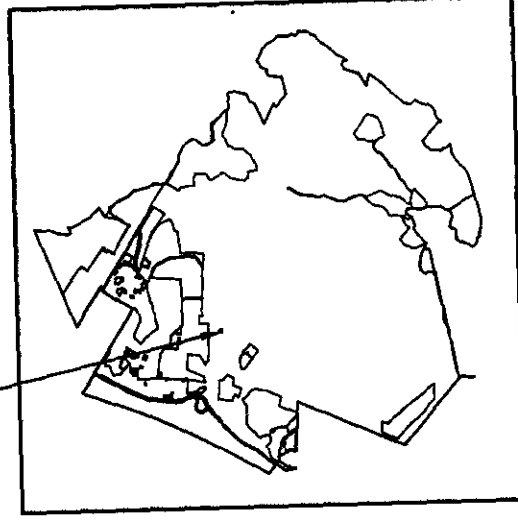
(Environment, Safety, and Occupational Health)

EXPLANATION

--- PARCEL BOUNDARY



PG&E SUBSTATION
PARCEL



KEY MAP

PLATE

1

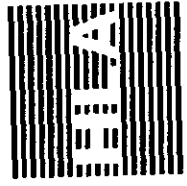
REVISED DATE

Parcel Map
PG&E Substation Parcel
Finding of Suitability to Transfer
Former Fort Ord, California

APPROVED *[Signature]*
DATE 6/95

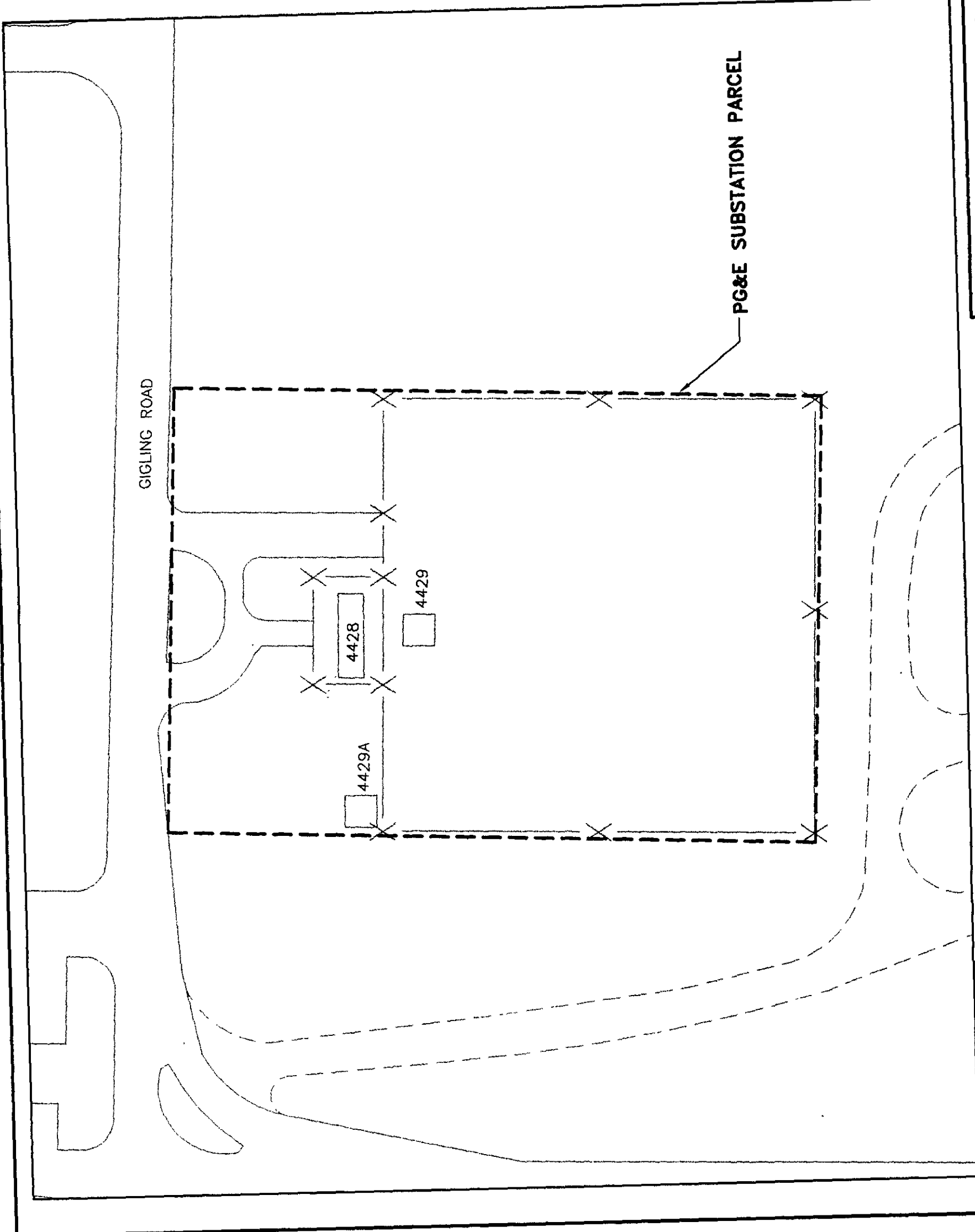
Harding Lawson Associates
Engineering and
Environmental Services

JOB NUMBER 25894 0017715
DRAWN RJP



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

25894186
50.0
19950531.1026



Fort Ord - Substation

Exhibit "A"

SUBSTATION

A parcel of land, situate in the County of Monterey, State of California, and being a portion of Fort Ord Military Reservation, more particularly described as follows:

Commencing at the found granite monument marked "NB4A" shown as Corner #1 of Parcel 1 on the Record of Survey showing the Perimeter Boundary of the Ford Ord Military Reservation filed for record September 7, 1994 in Volume 19 of Survey Maps at page 1, Monterey County Records, said Corner #1 being at coordinate Northing=2121541.64 and Easting=5734939.34; thence

(a) north 44° 22' 48" east 10992.44 feet

to the TRUE POINT OF BEGINNING of the parcel of land herein described, said True Point Of Beginning being at coordinate Northing=2129398.11 and Easting=5742627.62; thence

(1) south 2° 14' 17" west 305.87 feet; thence

(2) north 87° 45' 43" west 210.20 feet; thence

(3) north 2° 14' 17" east 305.87 feet; thence

(4) south 87° 45' 43" east 210.20 feet

to the True Point of Beginning.

Containing 1.476 acres more or less.

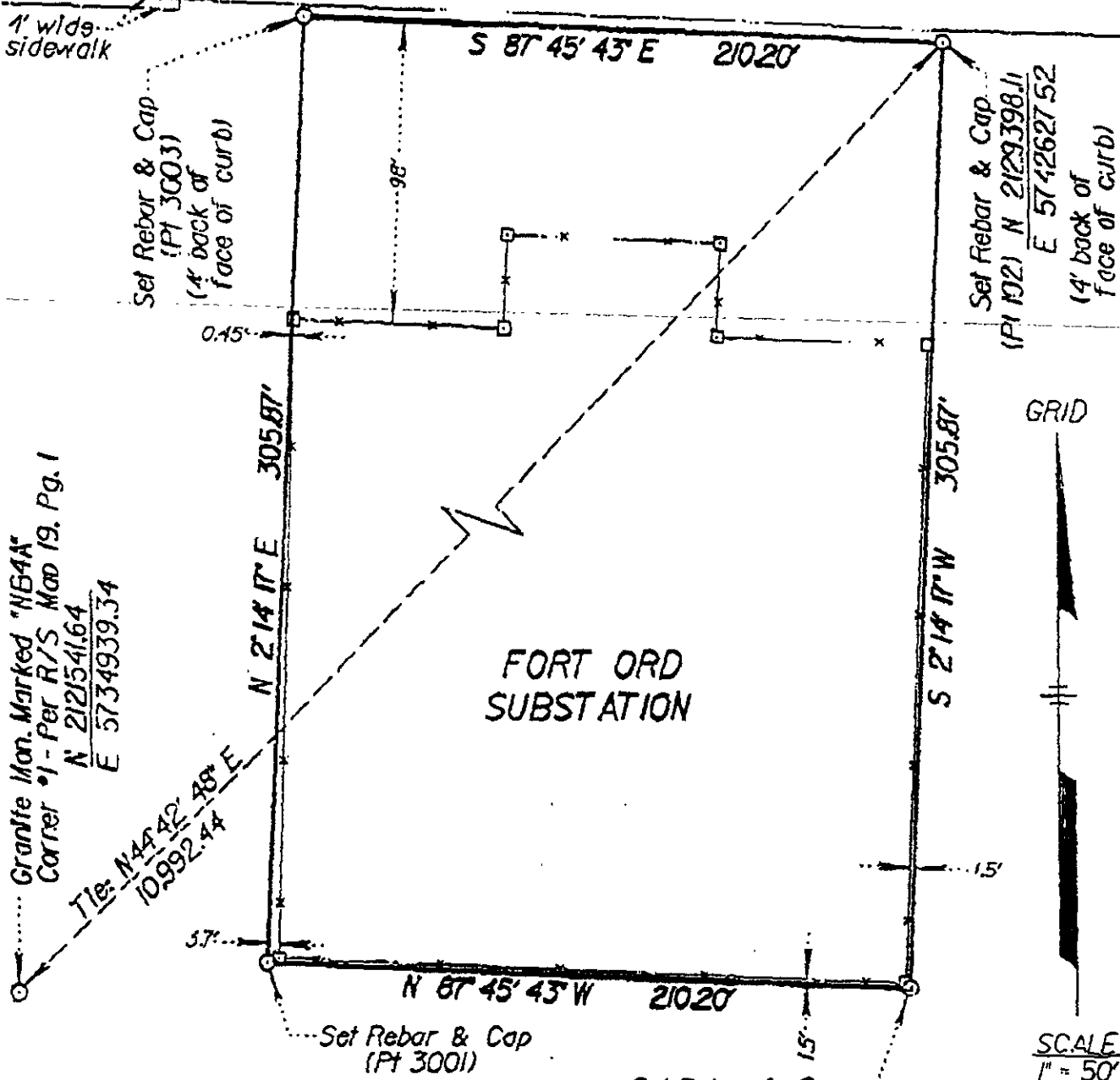
The bearings used in the foregoing description are grid bearings based on the Lambert projection for California State Plane Zone 4.

The coordinates listed above are not State Plane coordinates. They were derived by methods described in said Record of Survey filed for record September 7, 1994.

COPY

(T. 15 S., R. 2 E., M.D.B.&M.)
(N 1/2 Section 7)

GIGLING ROAD



FORT ORD
SUBSTATION

FORT ORD MILITARY
RESERVATION

REFERENCES: Z-0161 (PG&E Dwg)
L-8637 (PG&E Dwg)
19 R/S 1 (Record of Survey)

RECORD OF SURVEY
BK. 19 MAPS PG. 1 COPY

AUTHORIZATION
CM 480420-9
BY R. STEIGMEYER
DR P. MAROTTO
CH
U.K. H. HANSON
DATE 12-14-1984

FORT ORD SUBSTATION
(Fort Ord Military Reservation)
PACIFIC GAS AND ELECTRIC COMPANY
SAN FRANCISCO CAL.



IGN 22-94-065
REGION MISSION TRAIL
COUNTY MONTEREY
PROFILE
SHEET NO. 1 OF 1
DRAWING NUMBER CHANGE
L-8639

LB639.DGN