

**FINDING OF SUITABILITY TO TRANSFER (FOST)
BUILDING 2058 PARCEL
FORMER FORT ORD, CALIFORNIA**

On the basis of the Community Environmental Response Facilitation Act (CERFA) for Fort Ord, I have determined that the Building 2058 Parcel (L2.1), at former Fort Ord, California (the Property), is suitable for transfer to the State Highway Department for maintenance and support. The Property to be transferred includes two buildings on 4.54 acres (Plate 1).

A determination of the environmental condition of the Property was made by the United States Army by reviewing existing environmental documents and making associated visual site inspections (9/27/96). The documents reviewed included the final CERFA Report (April 1994), U.S. EPA Region IX's concurrence to the CERFA Report (19 April 1994), and various remedial investigation/feasibility study documents, remedial action reports, and subsequent approval memoranda. The results of this document review indicate that the Property is environmentally suitable for transfer to the State Highway Department. The results are as follows:

- Two buildings (2056 and 2058) are located on the Property (Plate 1). Building 2058 was previously used as a self-service support center and is currently in use as an administrative office for the installation food services. Building 2056 is a lavatory.
- An asbestos survey conducted by the Army shows that Building 2058 contains nonfriable ACM rated 13 and in good condition. No ACM was found in Building 2056. The Army does not intend to remove or repair the ACM in Building 2058, but rather only discloses the condition. Any recommended inspection of ACM present in the building is the responsibility of the recipient.
- Buildings 2056 and 2058 were constructed in 1941, and are presumed to contain LBP. The Army does not intend to abate the LBP presumed to be present in these buildings, but rather only discloses the condition. The paint on Building 2056 is in good to excellent condition. The paint on Building 2058 is in poor to good condition. Appropriate LBP notice is provided herein.
- No radon levels above 4 picocuries per liter (pCi/L) were detected on the Property during a 1990 survey.
- No radiological surveys were conducted within the buildings because radioactive commodities were reportedly not used or stored in the buildings.
- No solid waste management units, underground or aboveground storage tanks, were present on the Property.
- There have been no reported releases of polychlorinated biphenyl (PCB)-contaminated dielectric fluids on the Property.
- 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 no OE locations within or adjacent to the Property. 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.

- The Property is immediately adjacent to IRP Site 13. The Site 13 investigation, which was conducted under the Fort Ord RI/FS program, focused on potential contamination along the railroad right-of-way. An area near Building 2053 (south of the Property), where chemicals were reported to have been discarded, was also investigated. Site characterization activities consisted of a soil gas survey at two locations adjacent to Building 2053 and drilling 29 soil borings along the right-of-way. Based on the results of site characterization activities, Site 13 was categorized as a No Action Site. The "plug-in" No Action Record of Decision (NoAROD) for all No Action sites was signed by the regulatory agencies in the spring of 1995. Documentation that site-specific no action criteria were met is provided through the Approval Memoranda process. The overall process is referred to as the "plug-in" process because the Approval Memoranda plug into the NoAROD. The No Action Approval Memorandum for Site 13 was approved by the regulatory agencies in the fall of 1995.
- The final CERFA report identifies the property as being within CERFA Disqualified Parcel 8 and CERFA with qualifier Parcel 100. CERFA Parcel 8 was disqualified due to the storage of hazardous substances in Buildings 2030, 2031, 2032, 2033, and 2034. None of these buildings are located on the Property. Parcel 100 was deemed CERFA with qualifier because of the presence of ACM, probable LBP and the potential storage and use of radioactive commodities. As stated above radioactive commodities were reportedly not used or stored in Buildings 2056 or 2058.
- No groundwater monitoring wells are present on the Property.

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 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 Building 2058 Parcel, 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 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 to properly 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. There are only two buildings (2056 and 2058) on the Property; these buildings were constructed in 1941 and are assumed to contain LBP. 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 and assigns shall not permit the use as 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 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 and one regarding lead-based paint which are attached as unresolved comments.

On the basis of the above information, I conclude that the Building 2058 Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 1 (areas where no release or disposal of hazardous substances or petroleum products has occurred [including no migration of these substances from adjacent areas]) and is transferable under Comprehensive Environmental Response, Compensation, and Liability Act (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 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.

112 JUN 1997



Toni B Wainwright
Acting Deputy Chief of Staff
for Base Operations Support
United States Army Training and Doctrine Command

UNRESOLVED COMMENTS

US EPA 15 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 FOSTs 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.

US EPA 3 April 1997 Comment:

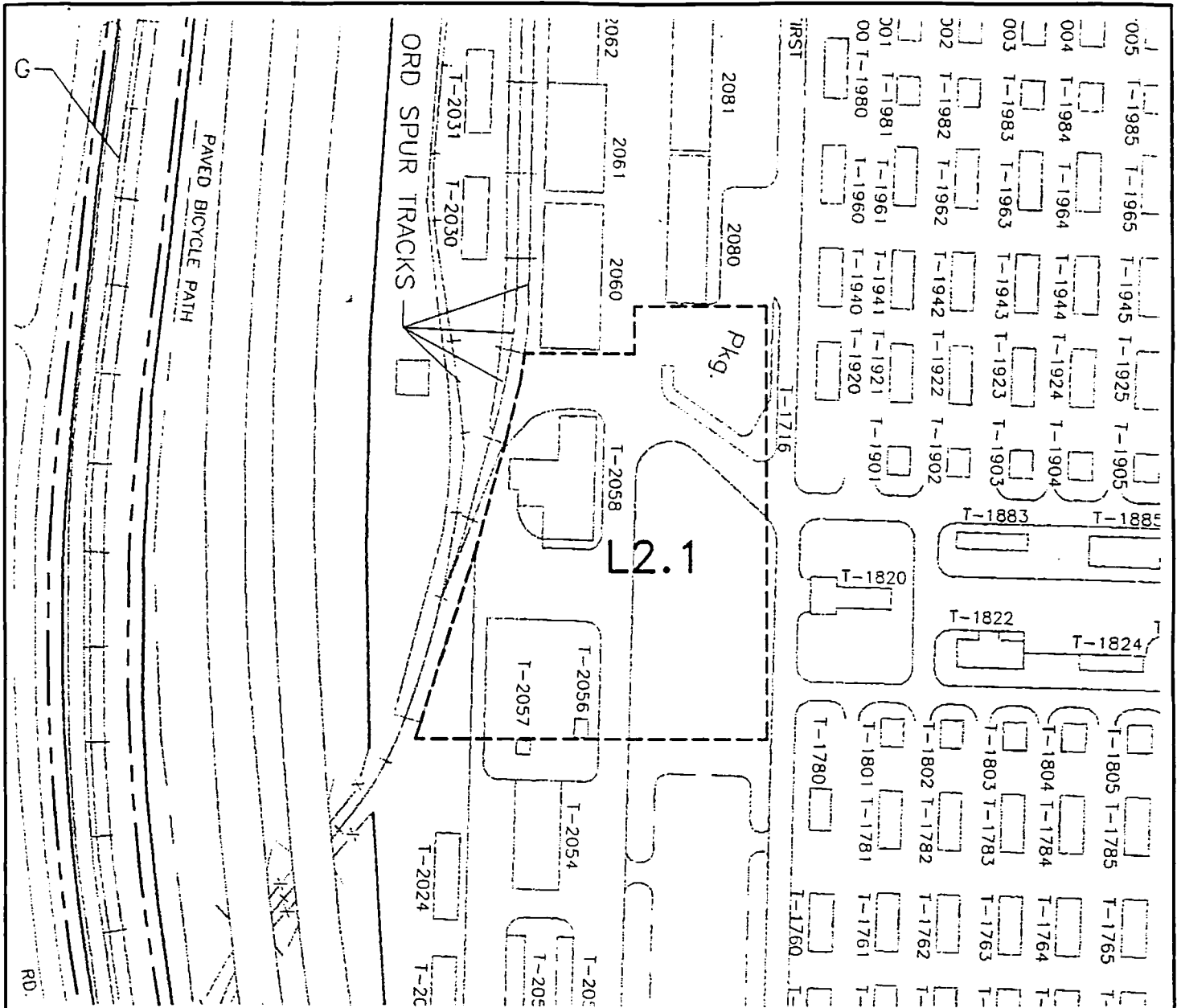
Because EPA has reason to believe, based on the age of the structures, that lead-based paint present in the soils at buildings on the property may pose a risk to human health and the environment, and because the Army does not plan to conduct sampling of the soils prior to transfer, EPA finds that the Army has not made the covenant under CERCLA Section 120(h)(3) that "all necessary remedial action has been taken" with respect to lead remaining on the property at the time of transfer.

Cal EPA Comment:

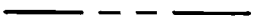

The Army has declined to conduct soil sampling to determine whether soils surrounding Buildings (constructed prior to 1978) contain lead from Lead-Based Paint at levels which may pose a threat to human health and the environment. Therefore, the Department of Toxic Substances Control is unable to determine whether all remedial actions have been taken with respect to potential releases of lead from LBP.

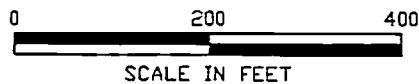
Army Response:

Army believes that the risk from lead-based paint in the soil around these buildings is negligible because the buildings are not going to be used for residential habitation. Additionally, Army does not agree that lead-based paint in soil is governed under CERCLA, and no sampling of the exterior components for LBP has occurred since the soil sampling requirements in Title X of Public Law 102-550 are only mandated for property used for residential habitation.

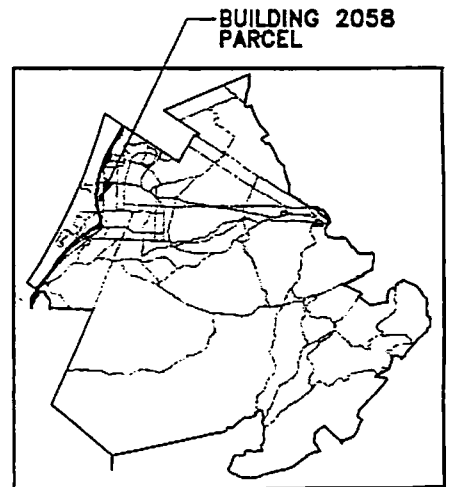


EXPLANATION

-  FORT ORD BOUNDARY
-  PARCEL BOUNDARY
- L2.1** PARCEL NUMBER



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



Harding Lawson Associates
Engineering and
Environmental Services

Parcel Map
Building 2058 Parcel
Finding of Suitability to Transfer
Former Fort Ord, California

PLATE

1

DRAWN
CEG

JOB NUMBER
25894 001761

APPROVED
[Signature]

DATE
11/96

REVISED DATE
4/30/97

44*106307661
 0002 46266961

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 State Highway Department (SHD). This Action Covers Activities Associated with Land Conveyance Between the U.S. Army and SHD .

1. Scope Definition: The Department of the Army is granting parcels of land located at the former Fort Ord, California for use by SHD. Subject parcel requested by SHD was formerly utilized by the U.S. Army as support center.
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 maintenance purposes .
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

011 101



Cal/EPA

Department of
Toxic Substances
Control

May 5, 1997

Pete Wilson
Governor

James M. Strick
Secretary for
Environmental
Protection

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)
Presidio of Monterey, California 93944-5006

REVIEW OF THE DRAFT FINDING OF SUITABILITY TO TRANSFER
(FOST), VERSION 1. 2, FOR BUILDING 2058 PARCEL, DATED
APRIL 29, 1997, FORMER FORT ORD, CALIFORNIA

Dear Ms. Lawson:

The Department of Toxic Substances Control (DTSC) has reviewed the subject document and finds that the Army has addressed the majority of our comments and concerns except for the potential release of lead-based paint (LBP) to soils surrounding buildings 2056 and 2058. DTSC's position regarding lead evaluation is summarized below and is also attached to the FOST as an unresolved regulatory comment in accordance with the Department of Defense (DoD) FOST policy.

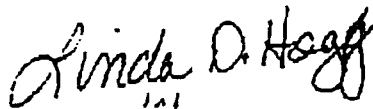
The Army has declined to conduct soil sampling to determine whether soils surrounding buildings (constructed prior to 1978) contain lead from LBP at levels which may pose a threat to human health and the environment. Therefore, DTSC is unable to determine whether all remedial actions have been taken with respect to potential releases of lead from LBP at Building 2058 parcel. Further, DTSC disagrees with this parcel being assigned the DoD Environmental Condition Category 1 (areas where no release or disposal of hazardous substances or petroleum products has occurred) since the parcel has not been evaluated for the potential release of lead, a hazardous substance regulated under federal and state cleanup laws.



Ms Christine Lawson
May 5, 1997
Page 2

If you have any questions, please feel free contact me at (916) 323-3466 or Bill Kilgore, project manager, at (916) 255-3738.

Sincerely,



LH
Theresa McGarry
Environmental Assessment
and Reuse Specialist
Office of Military Facilities

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

Mr. Grant Himebaugh
California Regional Water Quality Control Board
Central Coast Region
81 Higuera Street, Suite 200
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

OHA-109



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 13, 1997

Raymond Fatz
Acting Deputy Assistant Secretary of the Army
Base Operations Support
Installations Logistics and Environment
110 Army Pentagon
Washington, D.C. 20310-0110

Subj: Fort Ord Superfund Site
Transfer of the Building 2058 Parcel

Dear Mr. Fatz:

The U.S. Environmental Protection Agency, Region IX (EPA) has received the draft final FOST for the property identified as the Building 2058 Parcel at Fort Ord, California on April 29, 1997.

EPA has reviewed the draft FOST dated February 13, 1997; the draft final FOST dated April 29, 1997; EPA comments dated April 3, 1997 and comments made during the meeting on April 28, 1997; the Fort Ord CERFA report dated April 8, 1994; and EPA's concurrence letter on the CERFA report dated April 19, 1994 (collectively "Documentation").

The only issue of concern in our review of the draft FOST was regarding the lead-based paint (LBP) on the exterior of Buildings 2058 on the property. EPA recommended the Army conduct soil sampling around the buildings. The Army declined to sample but has attached EPAs comment as an unresolved comment in the draft final FOST. Our comment stated that because hazards associated with LBP have not been evaluated, EPA does not believe that there is an adequate basis for the Army determination that all remedial actions necessary to protect human health and the environment with respect to any hazardous substances remaining within the Building 2058 parcel have been taken. In accordance with CERCLA Section 120(h)(3), if the Army chooses to transfer this parcel, and if at some time sampling data establishes that remedial action, including action relating to LBP risks, is found to be necessary after the date of the property transfer, EPA believes that such action is the responsibility of the Department of Defense.

The review of the Documentation was completed pursuant to section 120(h)(3), without any independent investigation or verification of the information contained herein. EPA reserves all of its rights to address contamination on the Building 2058 Parcel pursuant to the Fort Ord Federal Facility Agreement, and all amendments thereto, entered into by U.S. EPA, the State of California and the Army. The undersigned expressly reserves all rights and authorities relating to information not contained in the Documentation, whether such information is known as of this date, or is discovered in the future.

If you have any questions, please call my staff, Lida Tan, EPA Remedial Project Manager for the Fort Ord Site, at (415)744-2212.

Sincerely,



Dan Opalski
Chief
Federal Facilities Cleanup Branch

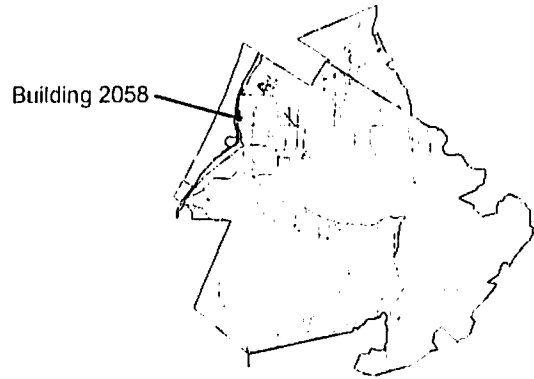
cc: Bill Kilgore, DTSC
Gail Youngblood, Fort Ord BEC
Ms. Theresa McGarry, CA DTSC Base Closure

Former Ft. Ord

Building 2058



Parcel Locator Map



No Buildings: 2

No. Sq. Ft.: 10,425

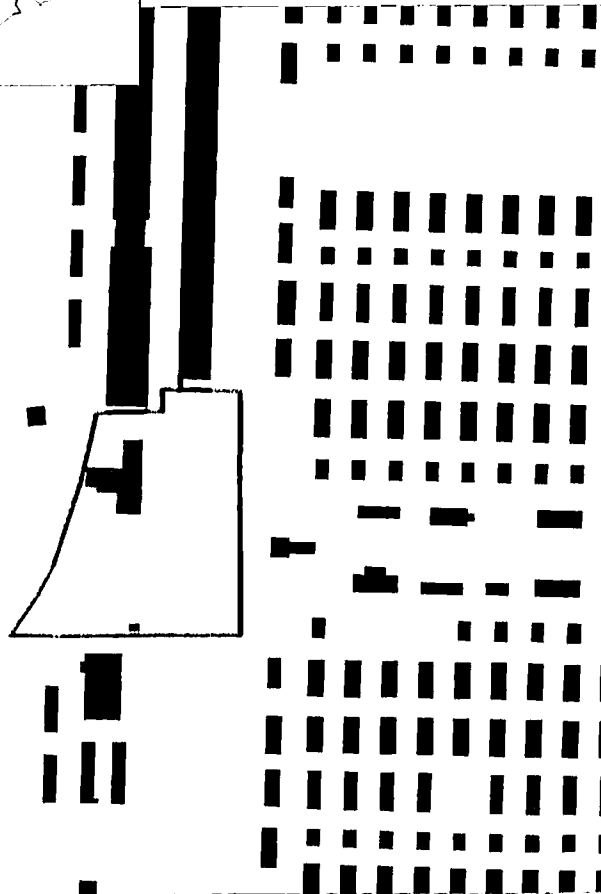
No. Acres: 4.54

DoD Category: 1

Reuse: Maintenance and Support

Recipient: California State

Highway Department



400 0 400 800 Feet

FOST/FOSL COMPLETION CHECK LIST				
TYPE: FOST				
NAME: BUILDING 2058 PARCEL				
INITIAL REVIEW				COMPLETED
REGULATOR REVIEW				COMPLETED
FINAL REVIEW				6/12/97
IDENTIFY PROPERTY				2 BLDGS / 4.54 AC.
IDENTIFY DOD CATEGORY				CAT 1
IDENTIFY CONTAMINANTS				ASBESTOS / LBP
IDENTIFY REMEDIATION STANDARDS				N/A
IDENTIFY REMEDIATION				N/A
IDENTIFY REUSE				Hwy MAINT
IDENTIFY RESTRICTIONS				ASBESTOS / LBP
EPA LETTER ATTACHED				13 MAY 97
STATE LETTER ATTACHED				5 MAY 97
UNRESOLVED COMMENTS ATTACHED				LBP / ASBESTOS
SATISFY NEPA REQUIREMENTS				EIS
SATISFY CLEAN AIR ACT REQS				ROMA
COORDINATION		PHONE	NAME	DATE
BRACO	ATCS-OR	727-3849	MR TAYLOR	6/9/97
ENVR	ATBO-SE	727-2299	R. AIKEN	6/11/97
REAL ESTATE	ATBO-GP	727-2569	MR BLANCHARD	6/12/97
LEGAL	ATJA	727-2773	MRJ EGAN	6/11/97
PAO	ATPA	727-3506	NOTIFIED	6/12/97