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FINDING OF SUITABILITY TO TRANSFER (FOST)  
HOUSING AUTHORITY OF MONTEREY COUNTY PARCEL  
(10 BUILDINGS)  
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 July 1995), and on the basis of an Environmental Baseline Survey (EBS) for the McKinney Homeless Act Group C Parcels, I have determined that the Housing Authority of Monterey County (HAMC) Parcel at former Fort Ord, California (Property), is suitable for transfer to the HAMC for transitional housing. The area to be assigned and transferred includes 10 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 (19 April 1994), and various remedial investigation/feasibility studies documents. Comments received from U.S. EPA, Region IX (15 December 1995), and California EPA DTSC (18 December 1995) on the 13 November 1995 Version 1 EBS/FOST for the McKinney Group C Parcels have been reviewed and incorporated where possible. U.S. EPA Region IX further concurred that the property was CERFA "uncontaminated" on 7 May 1996. A single unresolved comment from EPA Region IX on asbestos indemnification is attached. The EBS indicated that the Property is environmentally suitable for transfer to the HAMC. The results of the EBS are as follows:

- Ten buildings (6234, 6235, 6237-6242, 6245, and 6246) are located on the Property. The buildings were previously part of the Abrams Park Housing Area and will be used for transitional housing.
- An asbestos survey conducted by the Army shows that all the buildings contain nonfriable asbestos containing material (ACM) in good condition. At this time the Army does not intend to remove or repair the ACM in these structures.
- None of the 10 buildings is suspected to contain lead-based paint (LBP) based on representative testing for LBP in Abrams Park, and because they were constructed after 1978 (1980 through 1982).
- 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 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.
- The final CERFA report identifies the Property as a CERFA with qualifiers parcel because of the presence of ACM. The U.S. EPA concurred with the CERFA report that the Property is considered to be CERFA "Uncontaminated."

- No groundwater monitoring wells are present on the Property.

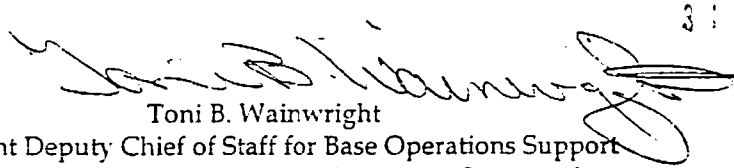
On the basis of the above results from the EBS and subsequent investigations, certain terms, conditions, reservations, restrictions, and notifications are required. Disclosure of conditions and use restrictions are described below and will be included in the deed.

**NOTICE OF THE PRESENCE OF ASBESTOS.** The Property existing on the date of this conveyance may contain certain amounts of nonfriable asbestos. 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.

National Environmental Policy Act (NEPA) requirements are satisfied by the analysis contained in the June 1993 Fort Ord Disposal and Reuse Final Environmental Impact Statement (FEIS), and December 1993 Record of Decision (ROD).

On the basis of the above information, I conclude that the HAMC Parcel, Buildings 6234, 6235, 6237-6242, 6245, and 6246 should be assigned Department of Defense of Defense (DoD) Environmental Condition Category 1 and is suitable for transfer. As such, the deed for this transaction will contain the following covenants:

- Any response action or corrective action under CERCLA found to be necessary after the date of transfer, for a situation that is attributable to the Army, shall be conducted by the United States.
- The United States will be granted access to the Property in any case which response action or corrective action under CERCLA is found to be necessary after the date of transfer.

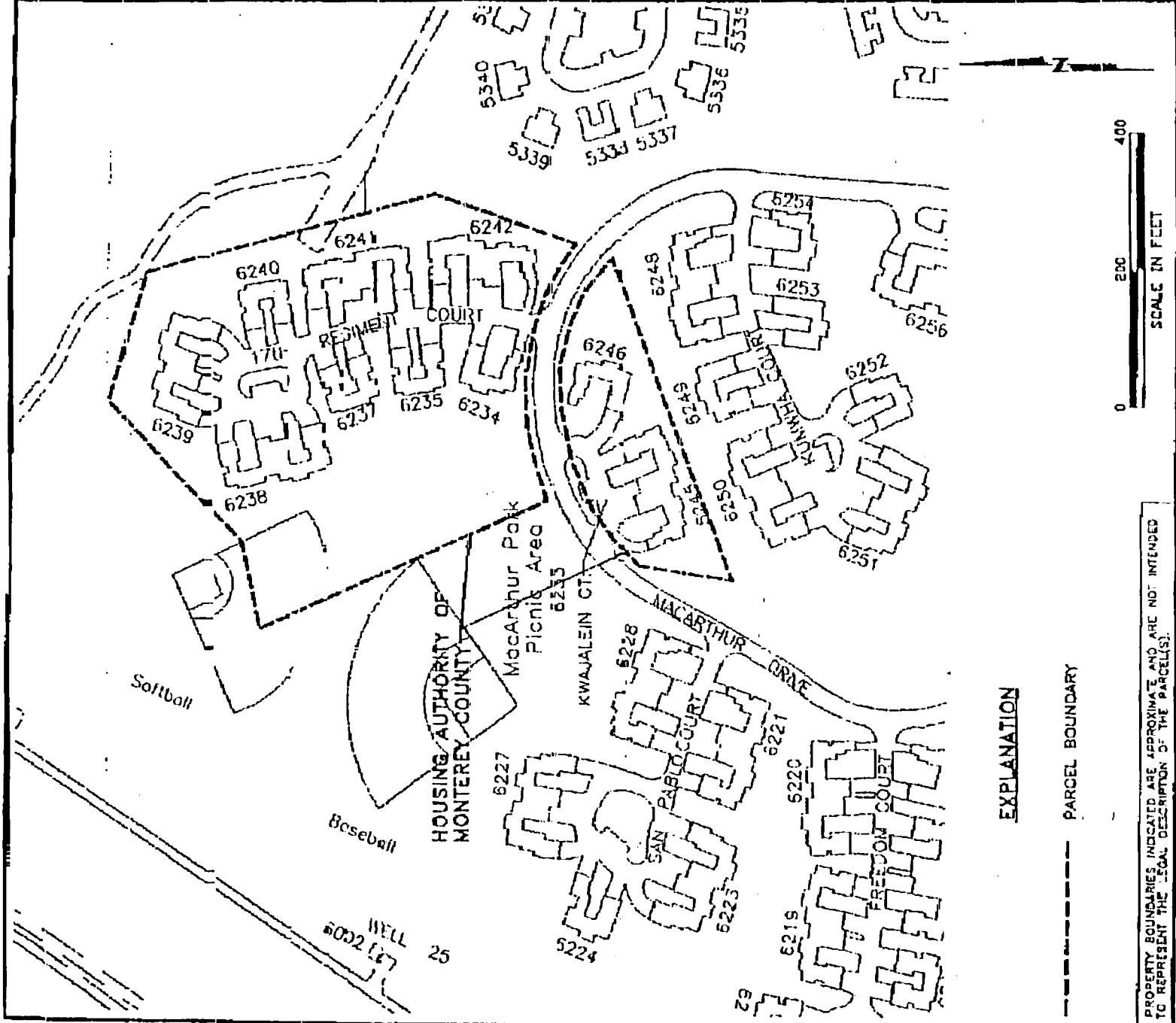
  
Toni B. Wainwright  
Assistant Deputy Chief of Staff for Base Operations Support  
United States Army Training and Doctrine Command

3 : MAY 1996

UNRESOLVED AGENCY COMMENT  
MCKINNEY GROUP C EBS/FOSTs

U.S. EPA 15 December 1995 Comment:

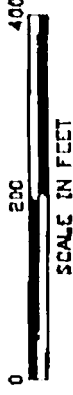
Public law 102-484, as amended by Public Law 103-160, provides for indemnification by the military services when property on closing military bases is transferred. This law provides that the military indemnify persons and entities acquiring ownership or control of property at a closing military base from liability for personal injury and property 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. 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 deleted and that the statutory language be relied on to determine any future liability.



**EXPLANATION**

--- PARCEL BOUNDARY

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



**Herdin Lawson Associates**  
 Engineering and  
 Environmental Services

Housing Authority of Monterey County Parcel Plate  
 (10 Buildings)  
 Finding of Suitability to Transfer  
 McKinney Group C Parcels  
 Former Fort Ord, California

DRAWN  
 CSN

JOB NUMBER  
 25894 0017616

APPROVED  
 [Signature]

DATE  
 10/95

REVISED DATE

**1**

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 19951012.0856

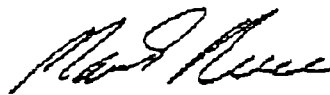
ATZP-EP

29 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 Parcel. This Action Covers Activities Associated with Land Conveyances Between the U.S. Army and Housing Authority of Monterey County (HAMC).

1. **Scope Definition:** The Department of the Army is considering granting a parcel of land located at the former Fort Ord, California in agreement with the McKinney Homeless Act for use by HAMC. Buildings 6234, 6235, 6237 through 6242, 6245, and 6246 situated within subject parcel was formerly utilized by the U.S. Army as residential housing known as Abrams Park Family Housing area.
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. Grantee intends to reuse subject building for transitional housing.
4. The General Conformity Rule requirements do not apply to subject Federal action under CAA Section 176(c), 40 CFR part 51 subpart W, and pursuant to Section 201(c)(2) of Monterey Bay Unified Air Pollution Control District rule, as incorporated into the State Implementation Plan (SIP); where the National Environmental Policy Act (NEPA) documentation was completed prior to 31 January 1994 (*Fort Ord Disposal and Reuse Final Environmental Impact Statement*, Harding Lawson Associates, June 1993).
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  
POM, DLIFLC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

May 7, 1996

Department of the Army  
Commander, DLIFLC and POM (Fort Ord)  
ATTN: ATZP-EP (Gail Youngblood)  
Presidio of Monterey, CA 93944-5006

Re: Fort Ord Superfund Site  
McKinney Homeless Act Group C Parcels (Interim, Inc Parcel and Housing  
Authority of Monterey County Parcel (10 buildings))

Dear Ms. Youngblood:

EPA is in receipt of your February 29, 1996 letter requesting our concurrence that the McKinney Homeless Act Group C Parcels (Housing Authority of Monterey County Parcel (10 buildings) and Interim, Inc Parcel) meet the requirements for identification as "uncontaminated" property in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 120(h)(4).

The McKinney Homeless Act Group C Submittal originally consisted of a total of four parcels: Housing Authority of Monterey County Parcel (3 buildings), Vietnam Veterans of Monterey County Parcel, Housing Authority of Monterey County Parcel (10 buildings) and Interim, Inc Parcel. The Army is not seeking concurrence from EPA at this time for Housing Authority of Monterey County Parcel (3 buildings) and Vietnam Veterans of Monterey County Parcels.

The remaining two parcels, the Housing Authority of Monterey County Parcel and Interim, Inc Parcel are composed of 10 buildings and approximately 9 acres, and four buildings and 3 acres respectively (see Draft Finding of Suitability to Transfer (FOST) for the two subject Parcels dated February 29, 1996 for more detailed parcel descriptions and maps), some of which EPA has already concurred on in our April 19, 1994 letter as "uncontaminated" property, following our review of the Army's Final Community Environmental Response Facilitation Act (CERFA) Report for Fort Ord (April 1994) and various remedial investigation/feasibility studies documents.

Housing Authority of Monterey County Parcel (10 buildings) was identified as a CERFA with qualified parcel because of the presence of ACM. EPA concurred with the CERFA report that the Property is considered to be CERFA "uncontaminated."

OPTIONAL FORM NO. 7-80

FAX TRANSMITTAL

# OF PAGES 2

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To	Christine Lawson	From	Lida Tam/Rich S.
DEPT/AGENCY	408-242-7929	PHONE #	
FAX #	408-394-6816		215-744 2212

NEN 7840-01-217-7000

Interim, Inc Parcel was disqualified as an uncontaminated parcel in the final CERFA Report due to its proximity to the Fort Ord Landfills (OU 2) groundwater contamination plume. However, recent and historical groundwater sampling indicated that the Property is approximately 2,000 feet from the landfill and approximately 1,600 feet from the northern edge of the groundwater plume exceeding OU 2 cleanup criteria.

Based on our review of the CERFA Report, EPA Region 9's April 1994 concurrence letter to the CERFA Report, the Draft FOSTs for Housing Authority of Monterey County and Interim, Inc Parcels, and current Fort Ord groundwater monitoring data, and without any independent investigation or verification of the information contained therein, EPA concurs that Housing Authority of Monterey County (10 buildings) and Interim, Inc Parcels referenced above meet the requirements for identification of "uncontaminated" property pursuant to Section 120(h)(4) of CERCLA. We expressly reserve all rights and authorities relating to information not contained in Army documents listed above, whether such information is known as of this date, or is discovered in the future.

If you would like to discuss this letter in more detail, please contact the RPM Lida Tan at 415-744-2212 or Deirdre Nurte, Base Closure Programs, at 415-744-2241.

Sincerely,



Julie Anderson, Director  
Federal Facilities Cleanup Office

cc: Bob Carr, EPA-HQ  
Dan McMinder, USACE - Sacramento  
Bill Kilgore, CA DTSC Reg I  
Grant Kimebaugh, CRWQCB Central Coast Regional Water Quality Control Board