

FINDING OF SUITABILITY TO TRANSFER
GOLDEN GATE UNIVERSITY PARCEL
FORT ORD, CALIFORNIA

Based on the Fort Ord Community Environmental Response Facilitation Act (CERFA) Report, comments to this FOST, associated remedial investigation/feasibility studies and other documentation, I have determined that the Golden Gate University (GGU) Parcel, hereinafter called "the Property", at Fort Ord, California, as described in the deed, is suitable for assignment to the U.S. Department of Education and for transfer to GGU for educational purposes. This transfer includes approximately 7 acres (Plate 1).

A determination of the environmental condition of the Property was made by the United States Army by conducting a review of environmental documentation associated with the Property and a visual site inspection. The review included the Fort Ord CERFA Report and U.S. Environmental Protection Agency (EPA) Region IX's concurrence to the Fort Ord CERFA Report (memorandum, 19 April 1994), associated remedial investigation/feasibility study documents, and comments to this FOST. With the April 19, 1994 memorandum and the February 2, 1995 memorandum, EPA concurred that the property was "uncontaminated" pursuant to CERCLA Section 120 (h)(4). However, groundwater monitoring data indicating the suspected presence of the 1 part per billion isocontour line for TCE in the upper-180-foot aquifer underlying the property recently became available. Based upon this, EPA has determined that the property cannot be considered "uncontaminated" pursuant to CERCLA Section 120 (h) (4). The property, however, is suitable for transfer under CERCLA Section 120 (h)(3) based upon approval of an Explanation of Significant Differences (ESD) to the Fort Ord Landfills (OU-2) Record of Decision (ROD) regarding the remediation goals for groundwater contamination in the upper-180-foot aquifer.

The findings of the CERFA Report and applicable documents are summarized below:

- The CERFA report categorized the majority of the Property as CERFA Parcel 212 (Plate 2). No evidence was observed during the CERFA assessment to indicate storage, release, or disposal of hazardous substances or petroleum products or their derivatives on the Property. Based on the review of available information, this Property is not expected to be threatened by activities on adjacent or surrounding properties.
- Less than 1 acre in the northern end of the Property was categorized as a part of CERFA Disqualified Parcel 4 due to the potential for hazardous materials to be present on an adjacent parcel undergoing investigation (Interim Action Site 15). This area was considered CERFA disqualified because of the 1-acre grid system used in the CERFA Report and not due to contamination on the Property (Plate 2). No evidence was observed during the CERFA assessment to indicate storage, release, or disposal of hazardous substances or petroleum products or their derivatives in the northern portion of the site.
- Approximately 3 acres in the southern portion of the GGU parcel with structures having asbestos containing material (ACM) and potentially lead-based paint (LBP) were considered part of CERFA with Qualifier Parcel 114 (Plate 2). Nonfriable ACM in good condition was found in the six buildings on the property: 4800, 4801, 4802, 4803, 4804, and 4810. LBP is assumed to be present in these six structures on the Property based on their pre-1978 construction dates.

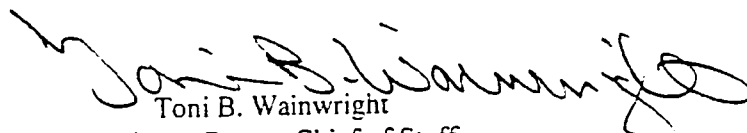
- According to the results of December 1994 groundwater monitoring at Fort Ord, the 1 part per billion (ppb) isoconcentration contour for trichloroethylene (TCE) in the upper 180-foot aquifer may extend beneath the Property. The ESD establishes the TCE remediation goal for this portion of the upper 180-foot aquifer at approximately 5 ppb. Therefore, with completion of the ESD, the Property is suitable for transfer to GGU. However, based upon the presence of 1 ppb TCE underlying the property, USEPA rescinded concurrence to the classification of this parcel as "uncontaminated" pursuant to CERCLA Section 120 (h) (4). The property is, however, suitable for transfer under CERCLA Section 120 (h) (3).

On the basis of the above results, certain terms, conditions, reservations, restrictions, and notifications appropriate to the GGU Parcel are required. Use restrictions and disclosure of conditions are described below and will be included in the transfer documents.

- **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 floor tile, linoleum and associated mastic, asbestos-containing pipe and tank insulation, heating, ventilating and air conditioning vibration joint cloths, exhaust flues, acoustic ceiling treatment, siding, drywall, drywall compound, debris in some of the buildings and incidental amounts in the window putty or gasketing. 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 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, alteration, renovation, use disposition or other activity causing or leading to contact of any kind whatsoever with asbestos on the property described in this FOST, regardless of 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.** 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 the GRANTOR or others that the premises are safe or the 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 7 years of age such as a child care center, elementary school or playground.

All comments received during review were resolved with the exception of one concerning asbestos indemnification language. The comment on asbestos is attached to this document. It is our opinion that the comment is not relevant to the determination of suitability to transfer. USEPA also agrees that the lack of resolution does not preclude transfer.

Based on the above, I conclude that this property is transferable under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 120(h)(3) and is classified as Category 3 according to Department of Defense (DOD) Environmental Condition Categories (Table 1). Notice requirements of Section 120(h)(1) are found in Worksheet A and B (see attached). The deed for this transaction will contain the covenants required by CERCLA Section 120(h)(3).



Toni B. Wainwright
Assistant Deputy Chief of Staff
for Base Operations Support

28 AUG 1995

GGU

GOLDEN GATE UNIVERSITY PARCEL
UNRESOLVED COMMENTS

U.S. Environmental Protection Agency's concern regarding page 2, third paragraph:

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 indemnifies 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. We request that the Army look into whether the FOST text is consistent with the required indemnification and suggest that this paragraph should explicitly cite public law 103-160, with an explanation of the intent of this law, in order to ensure full disclosure to the transferee on the issue of indemnification.

WORKSHEET A: REVIEW OF STORAGE OR RELEASE OF HAZARDOUS SUBSTANCES AND PETROLEUM PRODUCTS

STORAGE SITE OR AREA	SUBSTANCES STORED OR RELEASED	(UG/L)	1	R/S/D	2
GROUNDWATER UPPER AQUIFER	1,1,1-TRICHLOROETHANE	31		R	
GROUNDWATER UPPER AQUIFER	1,1,2,2-TETRACHLOROETHANE	0.8		R	
GROUNDWATER UPPER AQUIFER	1,1-DICHLOROETHANE	12		R	
GROUNDWATER UPPER AQUIFER	1,1-DICHLOROETHENE	4.6		R	
GROUNDWATER UPPER AQUIFER	1,2-DICHLOROBENZENE	3.7		R	
GROUNDWATER UPPER AQUIFER	1,2-DICHLOROETHANE	6.9		R	
GROUNDWATER UPPER AQUIFER	1,2-DICHLOROPROPANE	8.6		R	
GROUNDWATER UPPER AQUIFER	1,4-DICHLOROBENZENE	4.3		R	
GROUNDWATER UPPER AQUIFER	BENZENE	2.6		R	
GROUNDWATER UPPER AQUIFER	BROMODICHLOROMETHANE	3.1		R	
GROUNDWATER UPPER AQUIFER	BROMOFORM	3.1		R	
GROUNDWATER UPPER AQUIFER	CARBON TETRACHLORIDE	0		R	
GROUNDWATER UPPER AQUIFER	CHLOROFORM	18		R	
GROUNDWATER UPPER AQUIFER	CHLOROMETHANE	0		R	
GROUNDWATER UPPER AQUIFER	cis-1,2-DICHLOROETHANE	54		R	
GROUNDWATER UPPER AQUIFER	cis-1,3-DICHLOROPROPENE	0		R	
GROUNDWATER UPPER AQUIFER	DIBROMOCHLOROMETHANE	4.2		R	
GROUNDWATER UPPER AQUIFER	ETHYLBENZENE	0		R	
GROUNDWATER UPPER AQUIFER	METHYLENE CHLORIDE	130		R	
GROUNDWATER UPPER AQUIFER	TETRACHLOROETHENE	8.2		R	
GROUNDWATER UPPER AQUIFER	TOLUENE	0		R	
GROUNDWATER UPPER AQUIFER	trans-1,2-DICHLOROETHANE	41		R	
GROUNDWATER UPPER AQUIFER	TRICHLOROETHENE	80		R	
GROUNDWATER UPPER AQUIFER	TRICHLOROFLUOROMETHANE	52		R	
GROUNDWATER UPPER AQUIFER	VINYL CHLORIDE	6		R	

1 LARGEST QUANTITY STORED OR RELEASED
 2 R/S/D- RELEASE, STORAGE, DISPOSAL. IF RELEASE HAS OCCURED SEE WORKSHEET B

LENGTH OF TIME OF STORAGE OF SUBSTANCES IS UNKNOWN

UG/L=MICROGRAMS

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P. 3

WORKSHEET A: REVIEW OF STORAGE OR RELEASE OF HAZARDOUS SUBSTANCES AND PETROLEUM PRODUCTS

STORAGE SITE OR AREA	UGAL 1	R/S/DY 2
SUBSTANCES STORED OR RELEASED	UGAL 1	R/S/DY 2
1,1,1-TRICHLOROETHANE	0.6 R	
1,1,2,2-TETRACHLOROETHANE	0 R	
1,1-DICHLOROETHANE	0 R	
1,1-DICHLOROETHYLENE	0 R	
1,2-DICHLOROBENZENE	0.6 R	
1,2-DICHLOROETHANE	0 R	
1,2-DICHLOROPROPANE	1 R	
1,4-DICHLOROBENZENE	0 R	
BENZENE	1.4 R	
BROMODICHLOROMETHANE	0 R	
BROMOFORM	0 R	
CARBON TETRACHLORIDE	0.7 R	
CHLOROFORM	1.6 R	
CHLOROMETHANE	0.5 R	
CIS-1,2-DICHLOROETHANE	4.8 R	
CIS-1,3-DICHLOROPROPENE	1.8 R	
DIBROMOCHLOROMETHANE	0 R	
ETHYLBENZENE	1.2 R	
METHYLENE CHLORIDE	1.2 R	
TETRACHLOROETHENE	1.8 R	
TOLUENE	0.6 R	
TRANS-1,2-DICHLOROETHANE	1.8 R	
TRICHLOROETHENE	50 R	
TRICHLOROFLUOROMETHANE	0 R	
VINYL CHLORIDE	1.2 R	

1 LARGEST QUANTITY STORED OR RELEASED
 2 R/S/D-RELEASE, STORAGE, DISPOSAL, IF RELEASE HAS OCCURRED SEE WORKSHEET B.

LENGTH OF TIME OF STORAGE IS UNKNOWN

UGL=MICROGRAMS

WORKSHEET A: REVIEW OF STORAGE OF HAZARDOUS SUBSTANCES AND PETROLEUM PRODUCTS

STORAGE SITE OR AREA	SUBSTANCES STORED	UG/L	1	2	3	4	5
GROUNDWATER 400-FT AQUIFER	1,1,1-TRICHLOROTHANE	2.2					
GROUNDWATER 400-FT AQUIFER	1,1,2,2-TETRACHLOROETHANE	0					
GROUNDWATER 400-FT AQUIFER	1,1-DICHLOROETHANE	0					
GROUNDWATER 400-FT AQUIFER	1,1-DICHLOROETHENE	0					
GROUNDWATER 400-FT AQUIFER	1,2-DICHLOROBENZENE	0					
GROUNDWATER 400-FT AQUIFER	1,2-DICHLOROETHANE	0					
GROUNDWATER 400-FT AQUIFER	1,2-DICHLOROPROPANE	0					
GROUNDWATER 400-FT AQUIFER	1,4-DICHLOROBENZENE	0					
GROUNDWATER 400-FT AQUIFER	BENZENE	0					
GROUNDWATER 400-FT AQUIFER	BROMODICHLOROMETHANE	0					
GROUNDWATER 400-FT AQUIFER	BROMOFORM	0					
GROUNDWATER 400-FT AQUIFER	CARBON TETRACHLORIDE	0					
GROUNDWATER 400-FT AQUIFER	CHLOROFORM	0					
GROUNDWATER 400-FT AQUIFER	CHLOROMETHANE	0					
GROUNDWATER 400-FT AQUIFER	cis-1,2-DICHLOROETHANE	0					
GROUNDWATER 400-FT AQUIFER	cis-1,3-DICHLOROPROPENE	0					
GROUNDWATER 400-FT AQUIFER	DIBROMODICHLOROMETHANE	0					
GROUNDWATER 400-FT AQUIFER	ETHYLBENZENE	0					
GROUNDWATER 400-FT AQUIFER	METHYLENE CHLORIDE	1.1					
GROUNDWATER 400-FT AQUIFER	TETRACHLOROETHENE	0.9					
GROUNDWATER 400-FT AQUIFER	TOLUENE	2.1					
GROUNDWATER 400-FT AQUIFER	trans-1,2, DICHLOROETHANE	0					
GROUNDWATER 400-FT AQUIFER	TRICHLOROETHENE	0					
GROUNDWATER 400-FT AQUIFER	TRICHLOROFLUOROMETHANE	0					
GROUNDWATER 400-FT AQUIFER	VINYL CHLORIDE	0					

1 LARGEST QUANTITY STORED

2 LENGTH OF TIME OF STORAGE

3 IS NOTIFICATION OF STORAGE REQUIRED UNDER CERCLA 120(h)

4 CATEGORY OF ENVIRONMENTAL CONDITION OF PROPERTY 1 OR 2

5 HAS A RELEASE OCCURRED? (IF YES, SEE WORKSHEET B)

UG/L=MICROGRAMS

WORKSHEET B: REVIEW OF CERCLA, IRP, OR CLEANUP SITES

SITE OR AREA WHERE RELEASE OR DISPOSAL OF CERCLA SUBSTANCES OCCURRED	1 COMMENTS
GROUNDWATER UPPER AQUIFER	3 REMEDY SELECTED, PUMP AND TREAT REMEDY SELECTED
GROUNDWATER 180 FT AQUIFER	3 REMEDY SELECTED, PUMP AND TREAT REMEDY SELECTED
GROUNDWATER 400 FT AQUIFER	3 REMEDY SELECTED, PUMP AND TREAT REMEDY SELECTED

1 CATEGORY OF ENVIRONMENTAL CONDITION OF PROPERTY:
3,4,5,6,7

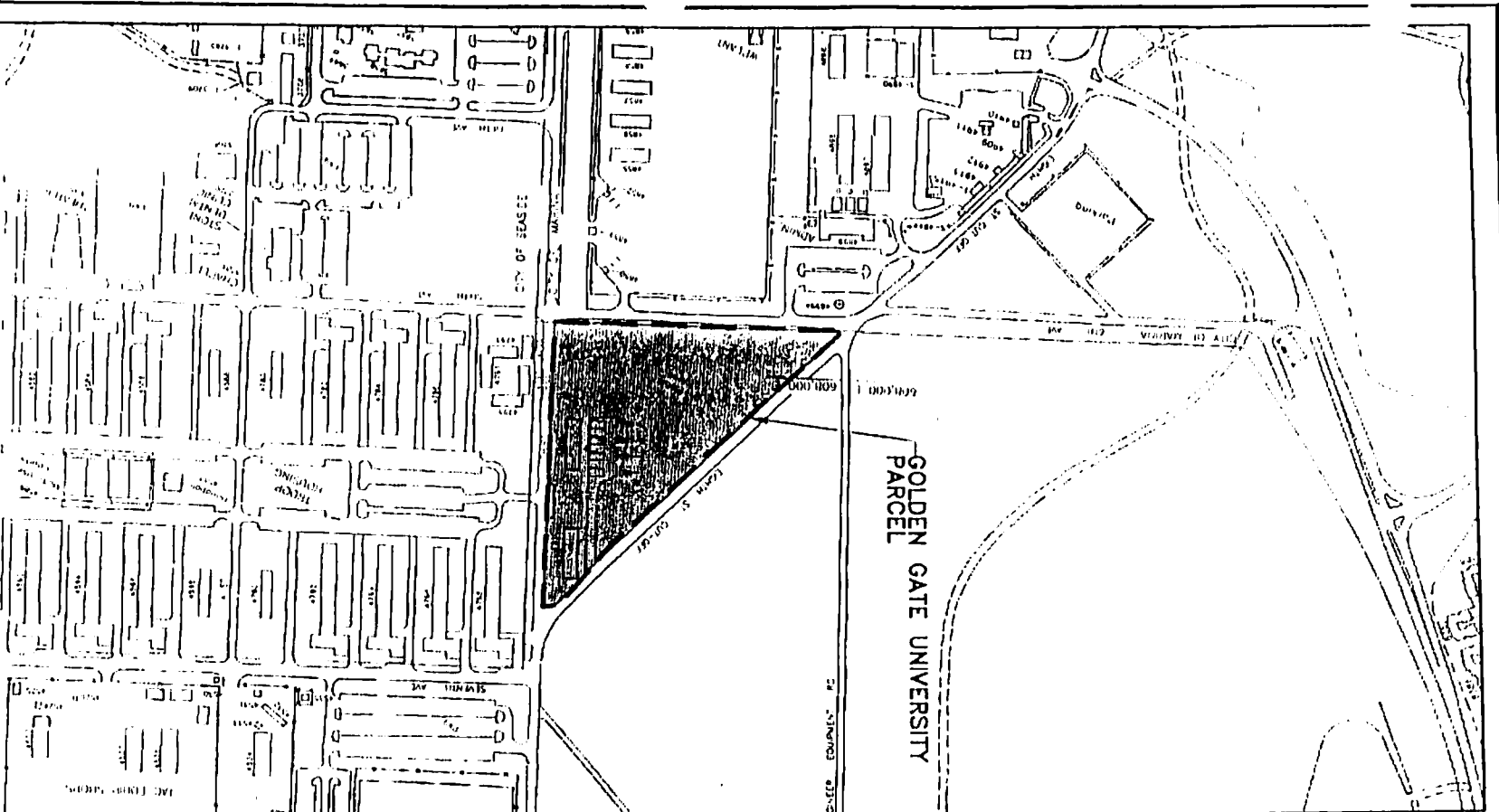
WORKSHEET B: REVIEW OF CERCLA, IRP, OR CLEANUP SITES

SITE OR AREA WHERE RELEASE OR DISPOSAL OF CERCLA SUBSTANCES OCCURRED	1	COMMENTS
GROUNDWATER UPPER AQUIFER	3	REMEDY SELECTED, PUMP AND TREAT REMEDY SELECTED
GROUNDWATER 180 FT AQUIFER	3	REMEDY SELECTED, PUMP AND TREAT REMEDY SELECTED
GROUNDWATER 400 FT AQUIFER	3	REMEDY SELECTED, PUMP AND TREAT REMEDY SELECTED

1 CATEGORY OF ENVIRONMENTAL CONDITION OF PROPERTY:
3,4,5,6,7

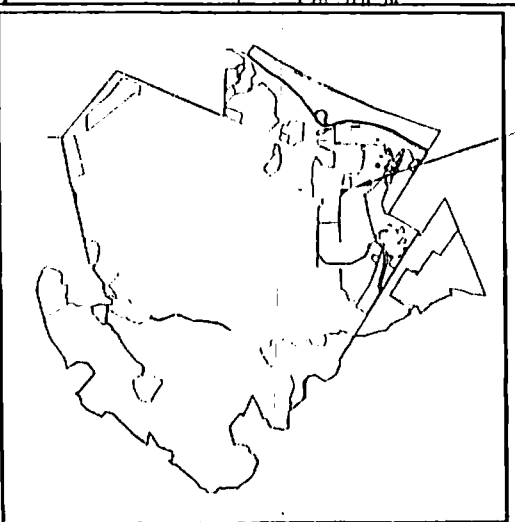
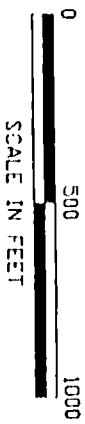
Table 1. DOD Environmental Condition Categories

<i>Category</i>	<i>Definition</i>
1	Areas where no storage, release, and/or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas.)
2	Areas where only storage of hazardous substances and/or petroleum products has occurred (but no release, disposal, or migration from adjacent areas has occurred.)
3.	Areas where storage, release, disposal, and/or migration of hazardous substances or petroleum products has occurred, but at concentrations that do not require a removal or remedial action.
4.	Areas where storage, release, disposal, and/or migration of hazardous substances or petroleum products has occurred, and all remedial actions necessary to protect human health and the environment have been taken.
Study areas in the following DOD categories are not currently available for transfer:	
5.	Areas where storage, release, disposal, and/or migration of hazardous substances or petroleum products has occurred, removal and/or remedial actions are under way, but all required remedial actions have not yet been taken.
6.	Areas where storage, release, disposal, and or migration of hazardous substances or petroleum products has occurred, but response actions have not yet been implemented.
7.	Areas that are unevaluated or require additional evaluation.



EXPLANATION

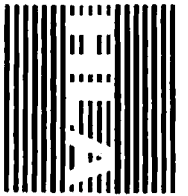
--- REUSE PARCEL BOUNDARY



GOLDEN GATE UNIVERSITY
PARCEL LOCATION

KEY MAP

NOTE: BOUNDARIES INDICATED ARE APPROXIMATE AND ARE NOT INTENDED TO REPRESENT THE LEGAL DESCRIPTION OF THE PARCEL.



Harding Lawson Associates
Engineering and
Engineering Services

Parcel Map
Golden Gate University Parcel
Finding of Suitability to Transfer
Fort Ord, California

1

PLATE

DATE: 03/23/95
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN
REVISED DATE: 5/2/95



Harding Lawson Associates

Engineering and
Professional Services

CERFA Parcel Designations
Golden Gate University Parcel
Finding of Suitability to Transfer
Port Ord, California

2

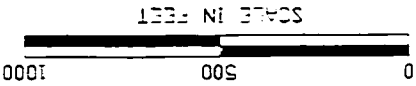
DATE

NOTE: BOUNDARIES INDICATED ARE APPROXIMATE AND ARE NOT INTENDED TO REPRESENT THE LEGAL DESCRIPTION OF THE PARCEL.

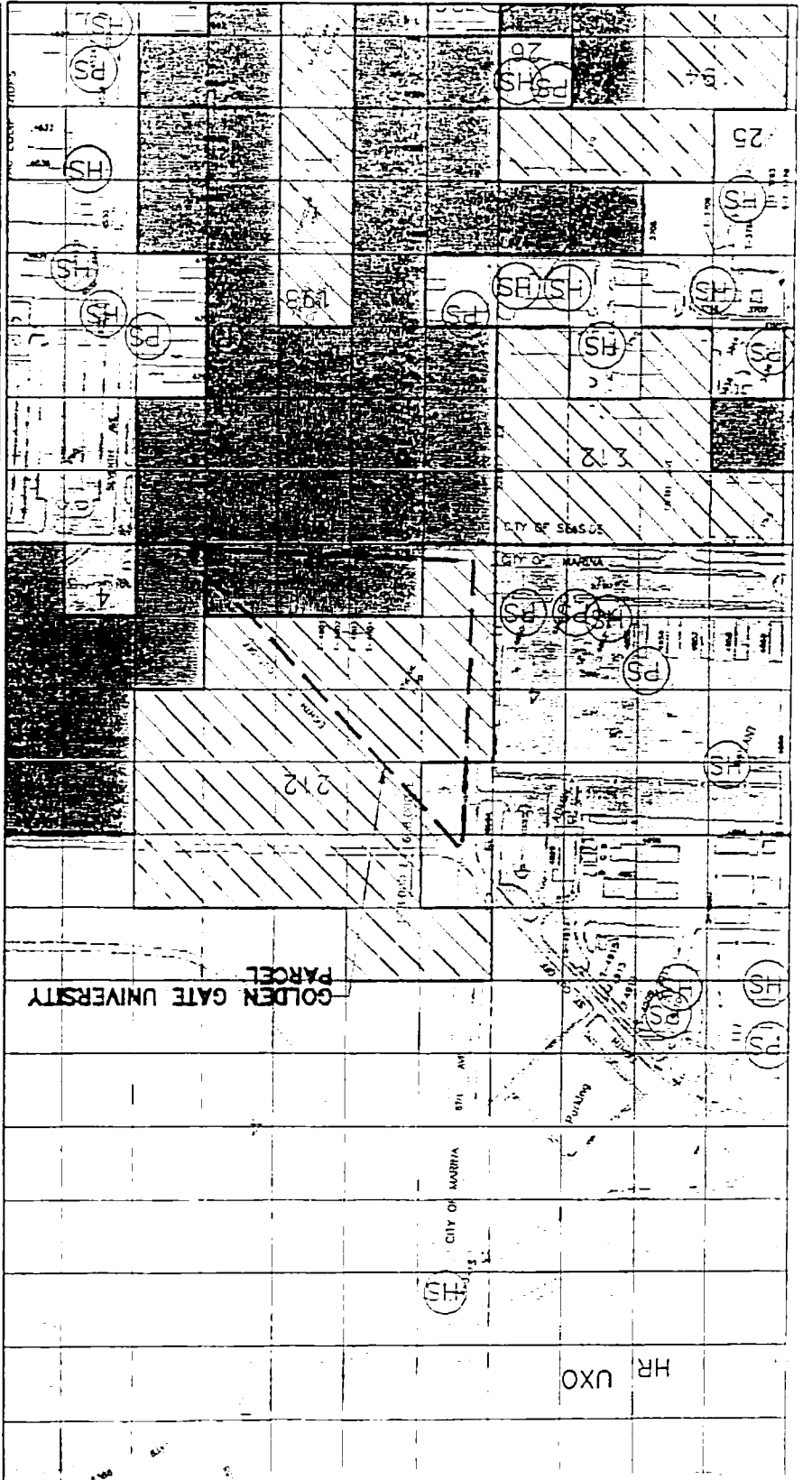
KEY MAP



GOLDEN GATE UNIVERSITY
PARCEL LOCATION



- EXPLANATION**
- CERFA PARCEL BOUNDARY
 - - - REUSE PARCEL BOUNDARY
 - ▨ CERFA PARCEL WITH EPA CONCURRENCE
 - 99 CERFA PARCEL WITH QUALIFIER
 - 4 CERFA DISQUALIFIED PARCEL
 - - - ACRE CERFA STUDY GRID



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