

APPENDIX A
AGENCY COMMENTS TO DRAFT EBS
AND RESPONSES



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105-3901

March 30, 1994

Ms. Gail Youngblood, Department of the Army
H.Q., U.S. Army Garrison
Attn: AFZW-DPW-ENR (Youngblood)
Fort Ord, CA 93941

Re: EBS for California State University (CSU) Parcel

Dear Ms. Youngblood:

EPA is in receipt of both the draft EBS for the California State University ("CSU") Parcel dated February 18, 1994 and its cover letter dated February 25, 1994 which notes the Notice of Intent to sign a FOST for "the designated Phase I portion of the parcel" at Fort Ord. EPA appreciates that the Army submitted a parcel-specific EBS for the CSU parcel.

With respect to the Notice of Intent, two issues must be addressed. First, the EBS does not designate the boundaries of the Phase I Portion. Although an 8.5" by 11" map was faxed to EPA on March 3 indicating the general vicinity of the Phase I areas, the quality of this map is poor. Second, both the EBS and the CERFA Report (dated December 6, 1993), which should provide the basis for the findings contained in the FOST, are still in draft form. Additionally, EPA has not received a draft Finding of Suitability to Transfer. Until the Phase I Portion is clearly designated and these draft documents have been completed, EPA cannot comment on the suitability for transfer.

With respect to the draft EBS, please address the following comments:

GENERAL COMMENTS

Categories of Property to be Transferred --

Transfer of property at federal facilities requires the demonstration that either all necessary remedial action has been taken [CERCLA §120(h)(3)] or the parcel can be identified as "uncontaminated" [CERCLA §120(h)(4)]. It is not clear from the Draft EBS or any available FOST document that areas comprising the CSU parcel satisfy either of these requirements. For purposes of evaluating whether individual parcels can be transferred, it would be helpful if both the EBS text and maps designate parcels according to the mechanism by which they are

proposed for transfer: (1) transferable under §120(h)(4) as "uncontaminated"; (2) transferable under §120(h)(3) as satisfying the requirements of the covenant that all remedial action has been taken; or (3) not transferable at this time.

Draft CERFA Report --

As of this date, EPA has not received a final CERFA report. It is our understanding that certain areas in the CSU parcel will be identified as "uncontaminated" under § 120(h)(4) of CERFA. Only after the 120(h)(4) determinations are submitted for EPA's concurrence, will EPA be able to determine that such property is suitable for transfer under this mechanism.

Pesticides --

The Draft EBS for CSU does not discuss the use of pesticides on the base and how this may impact the characterization of property. EPA's comments on the Draft CERFA Report noted that the use of pesticides may affect the status of parcels which are proposed as uncontaminated under CERFA. As a result, pesticides may also affect a parcel's eligibility for transfer. If the Army intends to sign a FOST for areas which are likely to have been subjected to the use of pesticides and herbicides, EPA Region 9 requests that the Army include information about the pesticides and herbicides used on these areas, and the frequency and amounts of pesticide and herbicide use.

NPL Site Terminology --

The term "NPL site" or "Non-NPL site" is used consistently in the text in reference to certain activity being undertaken, e.g., interim action, no action, RI/FS investigations. The use of these terms is confusing to the extent that they imply that Fort Ord consists of both NPL and non-NPL sites, when in fact the entire base is listed on the NPL. Please replace these references to "NPL sites" with a more accurate term.

SPECIFIC COMMENTS

P. 3 "The EBS addresses ... certain substances not regulated under CERCLA, such as petroleum products, asbestos, and lead-based paint in structures." In certain instances, CERCLA regulates each of these substances. It is our understanding that in the revised CERFA report, the Army will be revising this description. The EBS should be similarly revised.

P. 7 "Limitations": The Draft EBS designates the Army Corps of Engineers as the only intended beneficiary of the draft document. We note that the final EBS should not include such a limitation, in that the final EBS is intended to be a publicly-available document for the purpose of facilitating reuse.

p. 14, 15 Please revise references to the NPL; see general comments.

p. 17 Sites under investigation as part of the RI/FS program: how might any of these sites affect finding of suitability for CSU?

p. 19 Approach to Conducting Environmental Baseline Surveys: This section discusses a number of ongoing environmental programs at Fort Ord which may lead to the development of new information in the future. Of specific concern to EPA is the investigation for additional SWMUs. EPA expects that information regarding SWMUs will be finalized prior to submission of the FOSTs

p. 23 Procedures for management of hazardous materials and waste should include information about storage, mixing, and application of pesticides. [See general comment above.]

P. 25 Revise reference to NPL sites. [See general comments.]

p. 29 Since not all asbestos survey information will be completed prior to the completion of the EBS, it is advisable that the final EBS indicate which areas were not surveyed at the date of publication, and when and where this final survey information will be made available to EPA and the public. In EPA's view, the presence of these materials should be disclosed to the public and to potential future users of the property.

p. 39 "Six UXO sites were identified within or immediately adjacent to the CSU parcel." As of this date, the Army has proposed property containing UXO for CERFA eligibility under its "CERFA With Qualifiers" definition, although U.S. EPA Region 9 does not intend to concur with this decision. It is EPA Region 9's opinion that the presence of UXO disqualifies a parcel from transfer under §120(h)(4).

p. 40 Pete's Pond: "Potential contamination relative to chemical residues from explosives will be addressed as part of the site 16 and 17 investigations." How might this contamination and the evidence for "potential subsurface UXO" affect the adjacent CSU parcel? A statement later in the text (p. 72) indicates that the Pete's Pond site is not adjacent to the CSU parcel but it also overlaps it in one place, so part of the CSU parcel does not appear to be suitable for transfer. Is this particular area located in Phase I?

p. 41-42 100-Pound Bomb Site: Ordnance-related chemical residues are associated with this area, as are assorted practice mines, booby traps, grenades, etc. Was this ordnance removed? It is not clear whether this site affects the Phase I area.

p. 42 Mine and Booby Trap Area: Was this ordnance removed? It

is not clear whether this site affects the Phase I area.

p. 56 The discussion of SWMUs notes that 2 of the 23 units located within the CSU parcel required sampling. Have the results of sampling been evaluated, and did they present concerns? Were these SWMUs located within the Phase I area?

p. 57 Until the information from the CERFA report is submitted as final and has received regulatory concurrence, it should not be relied upon as a determination that property is uncontaminated.

p. 59-60 As noted in the comments to the Draft CERFA Report, EPA does not agree with the use of the "CERFA with Qualifiers" category. As stated in the General Comments above, EPA believes that it will streamline the process at the FOST stage if the EBS simply identifies whether a parcel will be transferred under 120(h)(3) or (h)(4).

p. 62, 63 "The southern edge of the OU 2 groundwater plume extends beneath a portion of the CSU parcel." It is unclear whether this plume is located under the Phase I Portion, but before the property can be transferred to CSU, the proposed pump-and-treat system must meet the criteria set forth in §120(h)(3) for construction of the remedy. Similarly, the proposed landfill cap must be completed in fulfillment of §120(h)(3) prior to the property being transferred.

p. 63 Revise reference to NPL site. [See general comment]

p. 64 Interim Action sites: Sites proposed for interim action should be completed and the requisite confirmation reports signed before these areas can be transferred. It is not clear whether these areas are included in Phase I, but it is premature to consider them suitable for transfer at this date.

p. 66-67 Since sites 16 and 17 warrant further investigation, it is premature to consider them suitable for transfer at this date. It is not clear whether these areas are included in Phase I.

p. 75 When will lead-based paint surveys become available? We recommend that such surveys be made accessible to EPA and the public when completed.

p. 77 "CERFA with Qualifiers" category: see comment for pp. 59-60.

p. 78 "NPL sites" and "non-NPL areas": see general comments.

p. 78 Regarding Interim Action sites (please spell out the acronym), the Interim Action ROD was finalized in March 1994

(please revise the June 1994 reference). Also, the IA sites -- 14, 15, 20, 22, and 23 -- should be referred to as "preliminarily identified" because they have not yet completed the Approval Memorandum process as outlined in the IA ROD. Regarding No-Action sites -- 18 and 38 -- these should also be preliminarily categorized, given that the No-Action ROD has not yet been finalized. Please identify a "NOFAROD" as a No-Action ROD for consistency with the actual document being drafted.

Thank you for the opportunity to comment on this EBS. If you have any questions about these comments, please contact me at (415) 744-2387, or Deirdre Nurre, Base Closure Specialist, at (415) 744-2466.

Sincerely,



John Chesnutt
Remedial Project Manager
Federal Facilities Cleanup Office

cc: Ms. Mary Rose Cassa, CA DTSC Reg 2
Mr. David Eisen, CRWQCB Central Coast Reg
Mr. Harvey Don Jones, US Army COE, Sacramento

Responses to United States Environmental Protection Agency (USEPA) Comments on CSUMB EBS

INTRODUCTORY COMMENTS

Comment - The Environmental Baseline Survey (EBS) does not identify the CSU Phase I area.

Response - CSUMB Phase I parcel boundaries were not defined at the time the CSUMB EBS was issued. The EBS was used to define the CSUMB Phase I area. In addition, upon delineation of Phase I boundaries, all reviewing agencies and repositories were sent a map showing the boundaries of the Phase I area. The FOST also contains a map of the CSUMB Phase I area.

Comment - The EBS and Comprehensive Environmental Response Facilitation Act (CERFA) reports are in draft form. The USEPA cannot comment on the suitability for transfer until these documents are finalized.

Response - The final CERFA Report was issued by the Department of the Army (DA) on April 1, 1994. Department of Defense (DOD) guidance requires that the regulatory agencies be notified of the intent to sign a FOST. Our current understanding of DOD guidance on EBS preparation is that an EBS is a dynamic document and finalization of an EBS is not required to facilitate property transfer. Future EBS's will reflect EBS revision numbers, not draft and final documents.

Comment - USEPA has not received a draft Finding of Suitability to Transfer (FOST)

Response - Our current understanding of FOST guidance is that agency review of FOSTs is not required. DOD guidance states that the Army will include the agencies in



Harding Lawson Associates
Engineering and Environmental Services
105 Digital Drive, Novato CA 94949
P.O. Box 6107, Novato, CA 94948
(415) 883-0112

the process and will notify them of the Army's intent to sign a FOST. It is also our understanding that this guidance is in flux and may change in the near future to include agency review of draft FOSTs. Preliminary coordination with USAEC on this point is that FOSTs should be shared with the regulatory agencies, but that such guidance is not in writing. In accordance with the verbal direction from USAEC, it is our intention to share FOSTs with the agencies.

GENERAL COMMENTS

Comment - Transfer of property at federal facilities requires the demonstration that either all necessary remedial action has been taken [CERCLA 120(h)(3)] or the parcel can be identified as uncontaminated [CERCLA 120(h)(4)]. It is not clear from the draft EBS or any available FOST document that areas comprising the CSU parcel satisfy either of these requirements. Please include maps depicting the following three areas in accordance with the mechanism for their transfer:

1. transferable under CERCLA 120(h)(4) as uncontaminated;
2. transferable under CERCLA 120(h)(3) as satisfying the requirements of the covenant that all remedial action has been taken;
3. not transferable at this time.

Response - The Army's approach is to transfer pursuant to CERCLA 120(h)(3), not 120(h)(4). Our understanding is that the identification of uncontaminated property under CERCLA 120(h)(4) provides additional information to support the appropriateness of transfer under CERCLA 120(h)(3), but that transfers will not be made under 120(h)(4). Areas not considered transferrable at this time include the areas within the CERCLA sites.

Comment - Only after the final CERFA report is submitted to USEPA, can a determination of uncontaminated under CERCLA 120(h)(4) be made to support property transfer under this mechanism.

Response - Our understanding is that meeting the requirements of CERCLA 120 (h)(3) determines the suitability of the property for transfer. Meeting the requirements of CERCLA 120(h)(4) do not determine the suitability of property transfer, except in those cases where an approved remedial action is demonstrated to be properly and effectively operational.

Comment - The draft CSU EBS does not discuss the use of pesticides on the base and how this may impact the characterization of property.

Response - After being placed on the NPL, basewide investigations, both in documentation and field sampling, were undertaken to assess areas on the installation where pesticide use above that which would be considered normal was conducted. Those areas of above normal pesticide use have been identified and are being investigated under the NPL program. There are three areas that are being investigated for possible above normal pesticide use. These include Site 15, Site 24, and Site 33. Site 15 is adjacent to the CSUMB footprint. Site 24 is located within the CSUMB footprint. Site 33 is several thousand feet south of CSUMB at the Golf Course. None of these areas are being proposed for transfer at this time.

Comment - NPL site terminology is confusing.

Response - The use of the terms 'NPL site' and 'Non-NPL site' has been a common practice for several years and are used to distinguish sites for which an investigation is being conducted under CERCLA from those areas being investigated under separate programs, such as those in the underground storage tanks program. Three types of NPL sites, RI/FS sites, Interim Action Sites, and No Further Action Sites, have been identified

in coordination with the regulatory agencies. These terms, including the use of the NPL site terminology, have been in common use for some time and help distinguish the various investigative activities being conducted simultaneously by the Army.

SPECIFIC COMMENTS

Page 3: Under certain circumstances, CERCLA regulates substances such as petroleum products, asbestos, and lead-based paint.

Response - It is understood that under certain circumstances, these materials may be considered regulated under CERCLA. In accordance with existing Army guidance, these substances have been surveyed and/or investigated. The EBS for CSUMB provides a status in time of those investigations. Where appropriate, results have been included in the EBS in accordance with full disclosure requirements under CERCLA.

Page 7: The draft CSU EBS should be modified to eliminate the 'Limitations' section. According to USEPA, the EBS is intended to be a publicly-available document for the purpose of facilitating reuse.

Response - DOD guidance on EBS preparation, as currently understood, requires the EBS be prepared prior to property transfer. The purpose of an EBS is to document the existing environmental conditions of the property and to provide for informed Department of Army decisions on the suitability of the property for transfer. In addition, the EBS aids in the Army's preparation of deed covenants, if required. The EBS was not prepared to directly support any other purpose beyond Department of the Army decision making. Our current understanding of EBS/FOST guidance does place the EBS in locations to make it available for public review prior to property transfer. In addition, the Army is required to publish a Notice of Intent to sign a FOST that announces where a public 30-day review period may be conducted.

Pages 14 and 15: Please revise references to the NPL.

Response - See Army response in General Comments above.

Page 17: How might sites under investigation as part of the RI/FS program affect the finding of suitability for transfer for CSU?

Response - In accordance with CERCLA 120(h)(3), no sites under investigation as part of the RI/FS program are being proposed for transfer at this time. Because none of the RI/FS sites (NPL sites) are proposed for transfer under CSUMB Phase I, these sites do not affect the finding of suitability to transfer the Phase I area. However, these sites are the principal reason that other portions of the CSUMB parcel are not being recommended for transfer at this time.

Page 19: USEPA expects that information about SWMUs will be finalized prior to submission of FOSTs.

Response - Department of the Army is investigating all SWMUs at Fort Ord for inclusion in basewide RI/FS report under RCRA/CERCLA interface requirements. No SWMUs are within the current boundary of CSUMB Phase I area, and none are located within areas being proposed for transfer at this time.

Page 23: The discussion of procedures for management of hazardous materials and waste should include information about storage, mixing, and application of pesticides.

Response - See response to General Comment above.

Page 25: Revise references to NPL sites.

Response - See Army response to General Comment above.

Page 29: Buildings where asbestos surveys have not been completed and the source of future information about asbestos should be identified in the EBS.

Response - The EBS for CSUMB presents information available at the time the EBS was prepared and represents a snap-shot of the environmental conditions, based on those available data. At the time the EBS for CSUMB was prepared, asbestos surveys had been completed for most of the non-housing buildings. Plate 4 of the EBS for CSUMB shows building-specific information about asbestos, including (1) the location of buildings for which asbestos surveys had been completed and the condition of the asbestos in those buildings and (2) the location of buildings for which asbestos surveys not been completed as of the time the report was issued. The Department of the Army, through the Sacramento District COE, is currently conducting those additional asbestos surveys for buildings not previously surveyed. Results of those surveys will be made available for review to new property owners upon completion.

Page 39: UXO disqualifies a parcel for transfer under CERCLA 120(h)(4).

Response - The CSUMB Phase I area was surveyed and sampled for UXO by the Huntsville Division COE (COE Center of Expertise for Ordnance and Explosive Waste). Huntsville COE located no OEW within the CSUMB Phase I area.

Page 40: How does UXO-related contamination at Site 16 affect the adjacent CSU parcel? Is any part of Site 16 located in CSU Phase I?

Response - The extent of UXO-related contamination within Site 16 is being addressed in the Site 16 investigation. The results of that investigation will identify impacts to adjacent portions of the CSUMB parcel. Currently, no adverse environmental conditions associated with potential UXO within Site 16 are known to affect the CSUMB Phase I area. No part of Site 16 occurs within CSUMB Phase I area.

Page 41-42: It is not clear whether ordnance-related chemical residues associated with the 100-Pound Bomb Site affects the CSU Phase I area. Was ordnance removed from this site?

Response - The 100-Pound Bomb Site is not located within the CSUMB Phase I area. No adverse environmental conditions associated with this site are known to affect the CSUMB Phase I area. The installation indicates that the 100-Pound Bomb site was identified, the UXO was removed and subsequently destroyed at Range 36A by appropriate EOD representatives. The installation also indicates that the occurrence of UXO at this site was an anomalous event and not associated with planned training activities at a specified training area.

Page 42: Was ordnance removed from Mine and Booby Trap Area? Does this area affect Phase I?

Response - The Mine and Booby Trap area was surveyed and sampled for UXO by the Huntsville Division COE (COE Center of Expertise for Ordnance and Explosive Waste). Ordnance items have been found and removed by Huntsville COE personnel. The Mine and Booby Trap area is not within the CSUMB Phase I area. Thus, the locations of the items found by Huntsville COE does not affect the CSUMB Phase I area.

Page 56: Have the results of sampling of two of the 23 SWMUs located within the CSU parcel been evaluated and did they present a concern? Were these SWMUs located within the Phase I area?

Response - Department of the Army is investigating all SWMUs at Fort Ord for inclusion in basewide RI/FS report under RCRA/CERCLA interface requirements. No SWMUs are within the current boundary of CSUMB Phase I area, and none are located within areas being proposed for transfer at this time. FTO-025 and FTO-026 are not located within the CSUMB Phase I area.

Page 57: The draft CERFA report cannot be relied upon as a determination that property is uncontaminated.

Response - The final CERFA report was issued on April 1, 1994. Regulatory agencies have provided concurrence or commented on the final CERFA report.

Page 59-60: The USEPA does not agree with the use of "CERFA with Qualifiers" category.

Response - The CERFA with Qualifiers category was developed by Department of the Army for the CERFA program as one of four categories. The CERFA report is considered the base report for all EBS-related activities and parcel-specific EBSs incorporate information from CERFA documentation.

Page 62 and 63: Does the groundwater plume from OU 2 extend beneath a portion of the CSU Phase I area? Property transfer cannot occur until the pump-and-treat system meet the criteria set forth in CERCLA 120(h)(3). Similarly, the proposed landfill cap must be completed in fulfillment of CERCLA 120(h)(3) prior to the property being transferred.

Response - The CSUMB Phase I area does not include any portions of the OU 2 groundwater plume nor any landfilled areas.

Page 63: Revise reference to NPL site.

Response - See Army response to General Comment above.

Page 64: It is premature to consider Interim Action Sites as suitable for transfer at this time.

Response - Our approach for EBS development considers the entire, known parcel to be transferred to a potential reuser. Review of all environmental input to the EBS results in phasing of the total parcel to be transferred to accommodate the requirements of CERCLA and the emphasis on assisting the economic recovery of the local community. Consistent with the approach, Interim Action sites are not included in CSUMB Phase I area.

Page 66-67: It is premature to consider Sites 16 and 17 as suitable for transfer at this time.

Response - Our approach for EBS development considers the entire, known parcel to be transferred to a potential reuser. Review of all environmental input to the EBS results in phasing of the total parcel to be transferred to accommodate the requirements of CERCLA and the emphasis on assisting the economic recovery of the local community. Consistent with the approach, Sites 16 and 17 are not included in CSUMB Phase I area.

Page 75: When will information from lead-based paint surveys be available? This information should be made available to the USEPA and the public when available.

Response - Lead-based paint surveys are currently underway. Information from these surveys will be made available through the EBS process or will be made available for review to the potential property recipient. However, when definitive lead-based paint survey information was not available, our approach was to conservatively estimate the likelihood of the presence of lead-based paint based on building construction information. Buildings constructed prior to 1979 were assumed to contain lead-based paint.

Page 77: See previous USEPA comments on "CERFA with Qualifiers" category for Pages 59-60.

Response - See Army response for Pages 59-60 above.

Page 78: See previous USEPA comments on "NPL Sites" and "non-NPL areas."

Response - See Army response to General Comments above.

Page 78: Please note that the Interim Action ROD was signed in March 1994. Also, please indicate that IA Sites 14, 15, 20, and 23 are 'preliminarily identified' because the Approval Memorandum process has not been prepared for these sites. Sites 18 and 38 should be identified as preliminarily categorized No-Action Sites.

Response - Your comment is noted. Our approach for EBS development considers the entire, known parcel to be transferred to a potential reuser. Review of all environmental input to the EBS results in phasing of the total parcel to be transferred to accommodate the requirements of CERCLA and the emphasis on assisting the economic recovery of the local community. Consistent with the approach, no preliminarily identified Interim Action or No-Action sites are included in CSUMB Phase I area.

STATE OF CALIFORNIA—ENVIRONMENTAL PROTECTION AGENCY

PETE WILSON, Governor

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

400 P Street, 4th Floor
P.O. Box 806
Sacramento, CA 95812-0806
(916) 255-2009

Signed version ;
Unsigned version
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SMF



March 30, 1994

Mr. Joe Cochran
BRAC Environmental Coordinator (BEC)
Commander U.S. Army Garrison and Fort Ord
Attention: AFZW-DPW-ENR
Fort Ord, California 93941-5000

Dear Mr. Cochran:

Thank you for the opportunity to review the Environmental Baseline Survey (EBS) for the California State University (CSU), Monterey Bay, Parcel.

Comments from the Regional Water Quality Control Board are incorporated into our response below:

GENERAL COMMENTS:

We understand that the CSU parcel may not be transferred in its entirety initially. Therefore, we expect to see a parcel-specific EBS/Finding of Suitability to Transfer (FOST) which provides the specific property boundaries and a legal description of the property to be transferred.

Please include in the prospective parcel-specific FOST all existing environmental conditions which pose constraints in the use of property. Also, please list the specific use restrictions as they relate to the environmental constraints present at the installation. At a minimum, constraints associated with the following areas should be addressed in the FOST: Asbestos; polychlorinated biphenyl (PCB); lead-based paint; radon; hazardous substances stored, released or disposed; tank storage; pesticides; biomedical wastes; unexploded ordnance; relationship of transferred site to the Installation Restoration Program sites.

The EBS states that building surveys for asbestos, lead-based paint, radon and radiological decommissioning are not all complete. We expect that these surveys will be completed before any property is considered suitable for transfer. Please clarify.

SPECIFIC COMMENTS:

Page VII, Executive Summary. Please modify the text to state that regulatory agencies have the opportunity to review and comment on the EBS/FOST and any unresolved comments are attached to the FOST.



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Page Two

Page 1. The text states that a number of parcel specific FOSTs may be prepared for portions of the CSU parcel. We expect to have the opportunity to review and comment on any parcel-specific FOST document before it is signed.

Page 2, Section 1.1. We are interested in knowing when the final Department of Defense Guidance for the EBS/FOST will be available. Can you provide that information?

Page 4-7, Sections 1.2, 1.3, and 1.4. General information on procedures for EBS and FOST may be more suited to an appendix, rather than being included in the main text of a parcel-specific EBS. The appendix could be reproduced for each EBS.

Page 13, Section 2.4., CSU Parcel Description. At a recent project managers' meetings, we were informed that the CSU intends to develop the parcel in three phases. Section 2.4, should identify the timing of each phase. Please identify the land utilization for each of the proposed phases on Plate 3.

Page 17, Section 2.6., Historical Uses on Property Adjacent to Parcel. The first bullet under the sentence, "The undeveloped properties surrounding the CSU parcel include:..." is incorrect; Operable Unit 2 (OU2) and the Fort Ord Landfill are the same site. Please correct the text.

Page 19, Section 3.0., Approach to Conducting Environmental Baseline Surveys. This section could be included as an appendix to the EBS.

Page 20, Records Search. Please state whether any existing county, state and federal inspection reports were reviewed. Review of such documents should be accomplished if any exist.

Page 35, Section 4.3.2 and page 76, Section 5.0. Please modify the text to specify which two buildings (number and description) within the CSU parcel had results above four pCi/l and are being retested.

Page 48, Section 4.7.1., Summary of Program. The condition of the above-ground storage tanks should be determined and presented in the EBS. Also, please provide information as to whether these tanks pose any potential environmental impacts.

Page 56, Section 4.8.3., Solid Waste Management Units (SWMU's) Within the CSU Parcel. Please clarify whether there were any environmental releases from the two SWMU's. Also, please indicate whether visual inspections, records review, and interviews were accomplished since the last assessments for the SWMU's.

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Page Three

Page 59, Section 4.9.1.2., Program Status and EBS Results. The text states "Plate 7 shows a number of areas within the CSU parcel that have been categorized as uncontaminated or Community Environmental Response Facilitation Act (CERFA) Parcels, as defined by CERFA." Please state that regulatory concurrence on these parcels has not been obtained.

Page 62, Section 4.9.2.2, Program Status and EBS Results. The text states that Plate 6 shows the OU2 ground water plume as defined by the "approximate position of the one part per billion (ppb) contour for Trichloroethene" (TCE) in ground water. Ground water samples have been obtained during the last six months. Regulatory staff have not reviewed or agreed on any recent ground water contour maps showing a one ppb contour line. Please use recent ground water sampling data to justify the one ppb contour for TCE in ground water. In addition, please identify on Plate 6, the ground water contamination plume associated with National Priorities List (NPL) Site 12.

Page 75, Section 5.0., Findings and Conclusions. Recommend the text be rewritten to clearly convey the message that 41 of the surveyed structures contain no Asbestos Containing Material.

Page 76, PCBs. The text states "No reported spills of transformer fluids have occurred at locations on the CSU parcel...". PCB transformers should be visually inspected to determine whether they are leaking. Please provide this information in the EBS.

Page 77, Section 5.0., Findings and Conclusions. The number of above ground tanks identified on page 77 ("approximately seven") does not agree with the number of tanks identified on page 51 and Table 6 (four tanks). Please clarify how many above ground tanks are located within the CSU parcel.

Page 77. Underground Storage Tanks (USTs) and Aboveground Storage Tanks (ASTs). Please clarify whether the sites where ASTs and USTs are located have been visually inspected for the purpose of preparing the EBS. Please provide the results of any inspections in the EBS.

Page 79. The EBS concluded that the entire CSU parcel could not currently be transferred by deed because Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h)(3), has not been satisfied. However, the EBS concluded that "the requirements of CERCLA Section 120(h)(3), appear to have been met on the CSU parcel, outside of the NPL sites." Please identify the area outside of the NPL Sites on Plate 3 for which the Army believes does meet the requirements of 120(h)(3).

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Page Four

Table 4, Buildings with Planned Radiological Decommissioning. We recommend that you include a column in Table 4 which shows the radioactive materials used in each building.

Table 5, Underground Storage Tank Status. Please include a key to the "Test Results" column (P, F, N).

Table 7, SWMUs. Please include a column in Table 7 identifying the NPL site within which the SWMU is located.

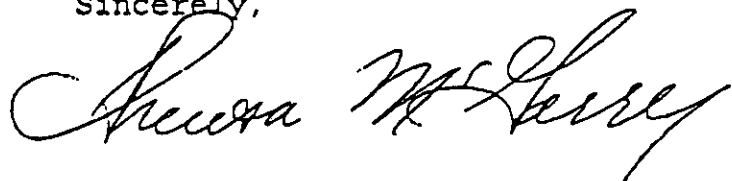
Table 10, SWMUs. Please correct the site description for SWMU FTO-001 to state "Ground water currently being remediated by Fort Ord" and not Harding Lawson Associates.

Appendix B. Please include a legend and title block on the map/plate included in Appendix B. Also, please identify the map as part of the EBS.

Plate 6. Please identify the one ppb contour line (A aquifer and 180-ft aquifer) in the Plate 6 legend. The OU2 plume boundaries should be verified using current data. Please clarify what the purpose is for the dashed line around the main landfills and landfill areas north of Imjin Road. Please identify this line in the legend.

If you would like to discuss these comments further, please do not hesitate to contact me at (916)255-2023.

Sincerely,



Theresa McGarry
Environmental Assessment and
Reuse Specialist

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

Mr. John Chestnut
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

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Page Five

cc: Mr. Harvey Jones
Department of the Army
Corps of Engineers
Sacramento District
1325 J Street
Sacramento, California 95814-2922

Mr. Stephen Farley
Harding Lawson Associates
Engineering and Environmental Services
105 Digital Drive
P.O. Box 6107
Novato, California 94948

State of California Environmental Protection Agency, Department of Toxic Substances Control
on CSUMB EBS

GENERAL COMMENTS RECEIVED

Comment - Parcel-specific EBSs should be prepared providing specific property boundaries and legal description of the property to be transferred.

Response - CSUMB Phase I parcel boundaries were not defined at the time the CSUMB EBS was issued. The EBS was used to define the CSUMB Phase I area. In addition, upon delineation of Phase I boundaries, all reviewing agencies and repositories were sent a map showing the boundaries of the Phase I area. The FOST also contains a map of the CSUMB Phase I area.

Comment - FOSTs should include use restrictions.

Response - As stated in the draft FOST for CSUMB Phase I, "Transfer of the above-described property is in accordance with the provisions of Section 2903, Public Law 103-160, and will be subject to the terms, conditions, reservations, and restrictions, if any, contained in the final deed." Our understanding of current Army guidance concerning FOST preparation indicates that no separate use restrictions will be delineated in the FOST.

Comment - Building surveys for asbestos, lead-based paint, radon, and radiological decommissioning must be completed before any property can be considered suitable for transfer.

Response - The EBS for CSUMB presents information available at the time the EBS was prepared and represents a snap-shot of the environmental conditions, based on those available data. At the time the EBS for CSUMB was prepared, asbestos surveys had been completed for most of the non-housing buildings. Plate 4 of the EBS for CSUMB shows



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Engineering and Environmental Services
105 Digital Drive, Novato CA 94949
P.O. Box 6107, Novato, CA 94948
(415) 883-0112

building-specific information about asbestos, including (1) the location of buildings for which asbestos surveys had been completed and the condition of the asbestos in those buildings and (2) the location of buildings for which asbestos surveys not been completed as of the time the report was issued. The Department of the Army, through the Sacramento District COE, is currently conducting those additional asbestos surveys for buildings not previously surveyed. Results of those surveys will be made available for review to new property owners upon completion.

Lead-based paint surveys are currently underway. Information from these surveys will be made available through the EBS process or will be made available for potential property recipient review. However, when definitive lead-based paint survey information was not available, our approach was to conservatively estimate the likelihood of the presence of lead-based paint based on building construction information. Buildings constructed prior to 1979 were assumed to contain lead-based paint.

Radon surveys have been recently completed and no radon levels above 4 picocuries/liter were observed.

Radiological surveys of buildings within the CSUMB parcel have been completed, but survey reports have not been completed to date. Individual Memoranda of Agreements between the Army and potential property holders will include use restrictions that allow no occupation of the buildings until final survey results are available or appropriate corrective actions have been taken.

SPECIFIC COMMENTS

Page 1: Please modify the text of the EBS to indicate that the regulatory agencies have the opportunity to review and comment on the EBS and FOST.

Response - Our current understanding of FOST guidance is that agency review of FOSTs is not required. DOD guidance states that the Army will include the agencies in

the process and will notify them of the Army's intent to sign a FOST. It is also our understanding that this guidance is in flux and may change in the near future to include agency review of draft FOSTs. Preliminary coordination with USAEC on this point is that FOSTs should be shared with the regulatory agencies, but that such guidance is not in writing. In accordance with the verbal direction from USAEC, it is our intention to share FOSTs with the agencies.

Page 2: When will final EBS/FOST guidance be available from DOD?

Response - It is not clear when final EBS and FOST guidance will be available from DOD or DA. DOD's Defense Environmental Restoration Task Force has a working group that is apparently developing an EBS Handbook outlining the process for conducting EBSs.

Page 4-7, Sections 1.2, 1.3, and 1.4: Procedures used in conducting the EBS may be more suited to an appendix.

Response - These sections provide an overview of the procedures for conducting an EBS and FOST and are appropriate in the introduction.

Page 13, Section 2.4: The EBS should include more specific information about the phasing of property transfers, including timing of each phase and specific land utilization plans.

Response - The EBS for CSUMB presents information available at the time the EBS was prepared and represents a snap-shot of the environmental conditions, based on those available data. Decisions regarding phasing of property transfers is outside the purpose and scope of an EBS.

Page 17, Section 2.6: Editorial comment requesting clarification of the definition of Operable Unit 2 (OU 2).

Response - OU 2 includes the Fort Ord Landfills and associated groundwater plume.

Page 19, Section 3.0: Include this section as an appendix.

Response - These sections provide a discussion of the procedures for conducting an EBS and FOST and are appropriate in this section.

Page 20, Records Search: Please state whether any county, state, or federal inspection reports were reviewed.

Response - It is not clear what specific inspection reports DTSC is referring to in their comment. However, our approach was to review available information to provide a snapshot of the existing environmental conditions on the property, as appropriate. For example, Monterey County records were reviewed to identify USTs for which the County had granted closure.

Page 35, Section 4.3.2 and Page 76, Section 5.0: Please include in the text the two building numbers for which radon retesting is being conducted.

Response - The building numbers are included in Table 3 and are shown on Plate 4 of the EBS, as referenced on page 35. Retesting results indicate that levels of radon are below 4 picocuries/liter.

Page 48, Section 4.7.1: Please provide additional information for the aboveground storage tanks (ASTs) and whether they pose any potential environmental impacts.

Response - Information made available by the Sacramento District COE indicates that the four ASTs located within the CSUMB parcel are bermed. No direct evidence is known to exist that demonstrates a release from these ASTs has occurred.

Page 56, Section 4.8.3: Status of Solid Waste Management Units (SWMUs) should include a discussion of any releases that have occurred and if any interviews, visual inspections, of records searches have been conducted since the last assessments of the SWMUs.

Response - Department of the Army is investigating all SWMUs at Fort Ord for inclusion in basewide RI/FS report under RCRA/CERCLA interface requirements. No SWMUs are within the current boundary of CSUMB Phase I area, and none are located within areas being proposed for transfer at this time.

Page 59, Section 4.9.1.2: Please indicate in the CSU EBS that regulatory concurrence has not been received on parcels identified in the draft CERFA report.

Response - The final CERFA report was issued on April 1, 1994. Regulatory agencies have provided concurrence or commented on the final CERFA report.

Page 62, Section 4.9.2.2: Additional site-specific groundwater chemistry data is requested for OU 2 and Site 12. The Army was requested to include more recent groundwater chemistry data for OU 2. The Army was also requested to include the extent of groundwater contamination associated with Site 12.

Response - The extent of groundwater contamination in the vicinity of OU 2 was estimated based on information in the OU 2 Final RI/FS report, dated June 1993. Groundwater chemistry data in that report were from June 1992. The State's comment requested that data from the past 6 months be used. However, no data are available for

that period. Groundwater quality monitoring of wells in the vicinity of OU 2 was conducted in March 1994, but data from that sampling round are not currently available. Groundwater contamination associated with Site 12 trends southwest from Site 12 and does not appear to occur beneath the boundaries of the CSUMB Phase I area.

Page 75, Section 5.0: The text should be revised to clearly state that 41 of the surveyed structures contain no asbestos containing material.

Response - Comment noted.

Page 76, PCBs: The text states that no reported spills of transformer fluids have occurred at locations on the CSU parcel. PCB transformers should be visually inspected to determine if they are leaking.

Response - As stated in the EBS for CSUMB, the Army conducts visual inspections of PCB transformers in accordance with applicable statutes. No other inspections are necessary.

Page 77, Section 5.0: Please provide an accurate number of aboveground storage tanks (ASTs) for the CSU parcel.

Response - As shown in Table 6 of the EBS for CSUMB, total of four ASTs are present on the CSUMB parcel.

Page 77: Please clarify whether underground storage tanks (USTs) or ASTs have been visually inspected for the purposes of the EBS.

Response - Visual inspections of UST and AST locations were not conducted as part of the EBS. These inspections are conducted in accordance with the UST and AST management programs at Fort Ord.

Page 79: Please identify the area outside of the NPL sites for which the Army believes does meet the requirements of CERCLA 120(h)(3).

Response - CSUMB Phase I parcel boundaries were not defined at the time the CSUMB EBS was issued. The EBS was used to define the CSUMB Phase I area. In addition, upon delineation of Phase I boundaries, all reviewing agencies and repositories were sent a map showing the boundaries of the Phase I area. The FOST also contains a map of the CSUMB Phase I area.

Table 4: Provide a column in Table 4 listing radioactive equipment stored in buildings.

Response - The radiological surveys for buildings are based on materials or equipment previously stored or used in those buildings. Because specific information about the radioactive materials or equipment stored in the buildings will be included in reports presenting the results of the radiological surveys, it is unnecessary to reproduce that information in Table 4 of the EBS for CSUMB.

Table 5: Please include a explanation in Table 5 for the 'Test Results' column.

Response - Test Results for tank testing are as follows: P = Pass; F = Fail; N = No Test Results Available.

Table 7, SWMUs: Please include a column in Table 7 identifying the NPL site within which each SWMU is located.

Response - Plate 6 of the EBS for CSUMB shows the locations of each SWMU and NPL site within the CSUMB parcel.

Table 10, SWMUs: Please indicate on Table 10 that the remediation of OU 1 is being conducted by Fort Ord.

Response - Your comment is noted.

Appendix B: Please include a legend and title block on the map included in Appendix B. Also, please identify the map as part of the EBS.

Response - As indicated on page 21 of the EBS for CSUMB, information from federal and state environmental databases contained in Appendix B were obtained from the draft CERFA report. Because information in Appendix B is from a separate report, the Army believes it inappropriate to modify the information presented in that appendix.

Plate 6: Please identify the one part per billion (ppb) contour line and the main landfill boundary line in the Plate 6 legend. The plume boundary should be verified using current data.

Response - The Army agrees that the requested information should have been included in the legend of Plate 6. Groundwater quality data shown on Plate 6 represent the most recent data available. As noted above, additional groundwater quality sampling was recently completed in March 1994, but were not available at the time the EBS for CSUMB was issued.

Responses to Comments Received from Members of the General Public on the CSUMB EBS

Comments from Mr. Robert W. Shepner, Pebble Beach, California

Mr. Shepner's comments were in response to the Notice of Intent in the Monterey Herald on March 3 and 4, 1994, which indicated the Army's intent to dispose of certain parcels at Fort Ord. In his comments, Mr. Shepner indicated that the transfers are misguided and illegal. Mr. Shepner states that the "...restriction of thousands to only 'uncontaminated' parcels will be impossible.." and that the proposed transfer is illegal because there has been no Environmental Impact Report (EIR) as required by the California Environmental Quality Act (CEQA). According to Mr. Shepner, the disposal of any Fort Ord properties should only be done after the entire useable portion is declared safe.

- The transfer of parcels at Fort Ord requires a covenant in the deed warranting that all necessary remedial action has been completed, in compliance with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 120(h)(3). The Fort Ord Disposal and Reuse Environmental Impact Statement (EIS) prepared under the National Environmental Policy Act (NEPA) satisfies the federal government's requirements to dispose of property.

Comments from Mr. Laurence W. Dickey, Carmel, California

In his letter dated March 9, 1994, Mr. Dickey states he is opposed to the proposal to create another University of California campus to be located at Fort Ord. Attached to Mr. Dickey's letter is a previous letter dated January 19, 1994, which he sent to Senator Feinstein. In both letters, Mr. Dickey cites physical and social impacts, including:

- population growth in the area resulting from campus operations
- California does not need another such facility to produce even more unemployable liberal arts graduates



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- existing and proposed facilities, including the University of California at Santa Cruz and 'the long considered addition in the San Joaquin Valley', can absorb 25,000 more truly qualified undergraduates simply by raising the standards for college admission and/or for high school graduation.

Mr. Dickey states that the alternative of state or national trade or vocational schools would be long term cost effective, new fashioned and an environmentally favorable use of Fort Ord land and facilities.

Additionally, Mr. Dickey states that 'some political "jiggery pokery" is going on' and that release of parcels be delayed until cleanup standards are developed and met on the entire base 'to make it safe for civilian traffic and redevelopment.'

- The CSUMB parcel is being transferred directly from the Department of Defense (DOD) to CSUMB. Section 2903 of Public Law 103-160, the 1994 Defense Authorization Act, allows for economic developmnet conveyance directly from DOD to the potential property holder. Public Law 103-160 was passed pursuant to guidelines in the President's Five Point Plan for Revitalizing Base Closure Communities. The provisions of CERCLA 120(h) shall apply to property transfers under Section 2903.