

APPENDIX A

**FINDING OF SUITABILITY TO TRANSFER (FOST)
MAIN GARRISON PARCELS, CERCLA 120(h)(3), DoD CATEGORY 3 FOST
FORMER FORT ORD, CALIFORNIA**

Parcels E2b.3, E15.1, L20.16 (Subparcels 3 and 4), LE20.16, and E2d

APPENDIX A

FINDING OF SUITABILITY TO TRANSFER (FOST) MAIN GARRISON PARCELS, CERCLA 120(h)(3), DoD CATEGORY 3 FORMER FORT ORD, CALIFORNIA

Parcels E2b.3, E15.1, L20.16 (Subparcels 3 and 4), LE20.16, and E2d

On the basis of the Environmental Baseline Survey (EBS) for the Main Garrison Parcels at Fort Ord, I have determined that Parcels E15.1, L20.16 (Subparcels 3 and 4), and LE20.16 and portions of Parcels E2b.3 and E2d (the Property; Plate A-1), at former Fort Ord, California, are suitable for transfer. Parcel E15.1 and portions of E2b.3 and E2d are to be transferred to the Fort Ord Reuse Authority (FORA) for economic development. Parcel L20.16 (Subparcels 3 and 4) is to be transferred to the Transportation Authority of Monterey County (TAMC) for support purposes. Parcel LE20.16 is an easement only and will also be used in support of the TAMC (Plate 2).

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 completing associated visual site inspections (3/97; 4/97). 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 study [RI/FS] documents, remedial action reports, and subsequent approval memoranda. The EBS indicated that the Property is environmentally suitable for transfer. The results are as follows:

- The portion of Parcel E2b.3 to be transferred includes 275 buildings on approximately 109 acres. The transfer of Parcel E2b.3 excludes the area immediately surrounding Building 1060 (former location of underground storage tanks [USTs] 1060.1, 1060.2, and 1060.3). The portions of Parcel E2d to be transferred includes 29 buildings on approximately 57 acres. The transfer of Parcel E2d excludes the area immediately surrounding the former location of UST 3004A.1 and that portion of ordnance and explosive (OE) Site 2 that overlies the parcel. Parcel L20.16 (Subparcel 3) includes 5 buildings on 3.8 acres. Parcel E15.1 consists of approximately 49 acres. Parcel L20.16 (Subparcel 4) consists of 0.1 acres. Parcel LE20.16 (easement) consists of 0.4 acres. No buildings or structures are within Parcels E15.1, L20.16 (Subparcel 4), and LE20.16 (Plate 1).
- Asbestos surveys have been completed for the 309 buildings on the Property as part of a facility-wide asbestos survey. These surveys show that 298 of the buildings contain friable and nonfriable asbestos-containing materials (ACM). Of the 298 buildings, 123 contain ACM rated 1, 2, or 3 (immediate total removal; immediate repair, short-term removal; and immediate repair, long-term removal recommended; respectively). One hundred seventy-five buildings contain ACM rated 6 to 13. Eleven buildings contain no ACM. The Army does not intend to remove the ACM in any of these buildings, but only discloses its existence and condition. Recommended inspection of ACM present in these buildings is the responsibility of the recipients.
- All buildings on the Property are presumed to contain lead-based paint (LBP) because they were constructed prior to 1978 (1940 through 1976). In accordance with the Residential Lead-Based Paint Reduction Act of 1992, the Army does not intend to abate the LBP presumed to be present in these buildings because they are not intended to be used as residences. No sampling for lead in soil has

occurred on the Property. As agreed upon in an agency meeting on August 29, 1997, lead analytical results from soil samples collected adjacent to buildings on the Peninsula Outreach and the Marina Sports Center parcels will be used to represent lead concentrations in soil around the buildings on the Main Garrison parcels which were constructed of similar materials and during similar time periods. Average concentrations of lead detected in soil around the buildings on the Peninsula Outreach and Marina Sports Center parcels were 99.4 and 228 mg/kg, respectively. The maximum background concentration for lead in soil at Fort Ord is 51.8 mg/kg (Harding Lawson Associates, *Draft Final Basewide Background Soil Investigation, Fort Ord, California [HLA, 1993]*, dated March 15, 1993). The federal Preliminary Remediation Goal (PRG) for residential soil is 400 mg/kg. On the basis of these results, the BRAC Cleanup Team decided that, with regard to LBP in soil on the Property, no further action was necessary (August 29, 1997). 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 at Fort Ord.
- Storage and/or use of radioactive commodities was suspected in 90 buildings on the Property. Representative buildings were surveyed and sampled in 1994 by the U.S. Army Environmental Hygiene Agency (AEHA; currently known as U.S. Army Center for Health Promotion and Preventive Medicine [USACHPPM]). No radiological health hazards associated with these buildings were identified by AEHA. The California Department of Health Services (DHS) released 42 of the buildings for unrestricted use in a letter dated June 4, 1997. Release of the remaining 48 buildings is pending.
- Routine application of pesticides occurred around the residential areas on the former Fort Ord, based on available pesticide application records which date from 1985 to the present. The records show the type of pesticide used, location and date of application, final application concentration, and the name of the applicator. All pesticides were used in accordance with labeled instructions. The following is a list of the pesticides applied in residential areas of Fort Ord during this time. These pesticides are still in use today and are considered safe for use in residential or outdoor areas.
 - Carbamates: methylcarbamates (Ficam, Baygon); carbaryl (Sevin); propoxur (Terminate)
 - Chlorpyrifos (Dursban, Empire)
 - Combination Pesticides: Purge (diazinon, pyrethrin, piperonyl butoxide); ULD-100 and Drione (pyrethrin, piperonyl butoxide, and petroleum distillate); Precore (methoprene and permethrin)
 - Diazinon
 - Herbicides: glyphosate (Round-up, Rodeo); 2-4D; Amitrole; sulfometuron methyl (Oust)
 - Propetamphos (Safrothin)
 - Pyrethrum and synthetic Pyrethroids: pyrethrin; phenothrin; resmethrin; cypermethrin (Demon); cyfluthrin (Tempo)
 - Rodenticides: chlorofacinone; strychnine; brodifacoum; zinc phosphide
 - Thurgicide (Dipel)

- Three former USTs (2999.1, 3000A.1, and 3039A.1) were located on the Property (Plate 4; Main Garrison EBS). All of the former USTs have been removed and the Monterey County Department of Health has granted closure. USTs 3000A.1 and 3039A.1 were granted closure in a letter dated January 3, 1994; UST 2999.1 was granted closure in a letter dated April 6, 1994.
- No aboveground storage tanks were present on the Property.
- One inactive solid waste management unit (SWMU) is located on the Property. The inactive SWMU, FTO-022 (IRP Site 25), was used for storing decommissioned equipment including electrical transformers. A release occurred at FTO-022 and a site investigation, which included soil sampling, was completed. A risk assessment performed (based on results of the site investigation) indicated that chemicals detected are below levels of concern, and no further action is recommended.
- Except as noted above, there are no polychlorinated biphenyl (PCB) transformers on the Property and there have been no reported releases of 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 conducted during various ordnance-related community relations activities, show no OE locations within the Property. One potential OE location (OE Site 2) is in the eastern portion of Parcel E2d; however, this portion of E2d is not included in this transfer. The OE site boundaries are based on the latest information from the information sources described above. Early preliminary surveys, including the Archive Search Report (ASR), ASR Supplement, which included interviews with former Fort Ord employees, resulted in identification of a number of OE sites. Some of the sites were identified by more than one source, which resulted in multiple site boundaries for many of the OE sites. Subsequently, the Army has conducted more focused studies including RI/FS studies (associated with former OE use), field work by the Army, other field activities by Army contractors (including OE sampling, mapping, global positioning system [GPS] surveys, and OE removal actions, and the expanded ASR process as part of the Phase I and II EE/CAs), have resulted in a refinement of the OE site boundaries. The current approximate extent of each OE site within the Main Garrison parcels is shown on Plate 3 of the Main Garrison EBS. 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.
- Portions or all of three Installation Restoration Program (IRP) Sites (13, 20, and 25) are located on the Property.
 - The investigation of Site 13 focused on potential spills along the railroad right-of-way and reports of disposal around Building 2053. On the basis of the investigation, Site 13 was categorized as a No Action Site. The No Action ROD (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. This process is

referred to as the "plug-in" process, because the Approval Memorandum plug into the NoAROD. The No Action Approval Memorandum for Site 13 was approved by the the U.S. Environmental Protection Agency (EPA) on August 2, 1995, and the Department of Toxic Substances Control (DTSC), on August 18, 1995.

- Site 20 was categorized as an Interim Action (IA) site. The interim action, which was completed in 1995, included soil excavation, soil sampling, and excavation backfilling; the IA area is not located on the Property, but was adjacent to Parcel E15.1. The Site 20 Confirmation Report was submitted to the regulatory agencies in July 1996; agency approval is pending.
- Site 25 (FTO-022) was categorized as a Remedial Investigation (RI) Site. PCBs, pesticides, metals, and petroleum hydrocarbons were detected at Site 25 in shallow soil. Human health and ecological risk assessments for chemical detected in soil were performed at Site 25. On the basis of the risk assessments, no further action was required at the site. IRP Site 25 is included in the RI Sites Record of Decision (ROD). The RI sites ROD was signed by the DTSC on January 16, 1997 and by EPA on January 17, 1997.
- The final CERFA report indicates that the Property is included in CERFA Disqualified Parcels 11 and 21, CERFA Qualified Parcels 4 through 10, 12 through 14, and 100, and CERFA Parcels 206 and 211.

The final CERFA report identifies the Property as being within CERFA Disqualified Parcel 11 because a portion of the Property is included in IRP Site 13. As described above, Site 13 was designated as a No Action Site. The CERFA report also identifies the Property as being within CERFA Disqualified Parcel 21 because a portion of the Property is included in IRP Site 20. As described above, Site 20 was designated as an IA Site; however, the IA area is not within the Property.

The final CERFA report identifies the Property as containing CERFA Qualified Parcels 4 through 10, 12 through 14, and 100 because of (1) the friable and nonfriable ACM observed within the buildings, and (2) the probable existence of LBP based on the construction dates of the buildings within this Property.

- One groundwater monitoring well (MW-02-06-180) is located on the Property. Historically, no organic compounds have been detected in this monitoring well. The deed will reserve a non-exclusive easement to allow continued access for the Army (or its designated contractor) and the regulatory agencies to permit necessary groundwater monitoring at the well on the Property. Furthermore, the deed will prohibit all others from tampering with the groundwater monitoring well.

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.

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 friable and nonfriable asbestos or asbestos-containing materials (ACM) have been found on the Property, as described in the Diagnostic 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 future remediation of asbestos or damages for personal injury, illness, disability, or death, to the Grantee, its successors or assigns, sublessees, 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, whether the Grantee, its successors or assigns have properly warned or failed to properly warn the individual(s) injured. The Grantee agrees to be responsible for any future remediation of asbestos found to be necessary on this Property.

NOTICE OF THE PRESENCE OF LEAD-BASED PAINT

A. The Grantee is hereby informed and does acknowledge that all buildings on the Property, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in Residential Real Property on which a residential dwelling was built prior to 1978 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 a particular risk to pregnant women. The seller of any interest in residential real property 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. "Residential Real Property" means any housing constructed prior to 1978, except housing for the elderly (households reserved for and composed of one or more persons 62 years of age or more at the time of initial occupancy) 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.

B. Available information concerning known LBP and/or LBP hazards, the location of LBP or LBP hazards, and the condition of painted surfaces is contained in the Environmental Baseline Survey, which has been provided to the Grantee. All purchasers must also receive the federally-approved pamphlet on lead poisoning prevention. No sampling for lead in soil has occurred on the Property. As agreed upon in an regulatory agency meeting on August 29, 1997, lead analytical results from soil samples collected adjacent to the Peninsula Outreach parcel and the Marina Sports Center parcel will be used to represent lead concentrations in soil around the Main Garrison parcels which were constructed of similar materials and during similar time periods. Average concentrations of lead detected in soil around the Peninsula Outreach parcel and Marina Sports Center parcel was 99.4 and 228 mg/kg, respectively. The maximum

background concentration for lead in soil at Fort Ord is 51.8 mg/kg (Harding Lawson Associates, *Draft Final Basewide Background Soil Investigation, Fort Ord, California [HLA, 1993]*, dated March 15, 1993). The federal PRG for residential soil is 400 mg/kg. On the basis of these results, the BRAC Cleanup Team decided that, with regard to LBP in soil on the Property, no further action was necessary (August 29, 1997). 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 acknowledges receipt of the information described in this subparagraph.

C. 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 prior to execution of this Transfer.

D. The Grantee covenants and agrees that it shall not permit the occupancy or use of any buildings or structures on the Property as Residential Real Property without complying with this section and all applicable federal, state, and local laws and regulations pertaining to lead-based paint and/or lead-based paint hazards. Prior to permitting the occupancy of Residential Real Property, if required by law or regulation, the Grantee, at its sole expense, will: (1) inspect for the presence of lead-based paint and or lead-based paint hazards; (2) abate and eliminate lead-based paint hazards in accordance with all applicable laws and regulations; and (3) comply with all applicable notice and disclosure requirements under applicable federal and state law. The Grantee covenants and agrees to be responsible for any remediation of lead-based paint or lead-based paint hazards on the Property found to be necessary after the date of conveyance to the Grantee.

E. The Army assumes no liability for remediation or damages for personal injury, illness, disability, or death, to the Grantee, its successors or assigns, sublessees or to any other person, including members of the general public, arising from lead-based paint or lead-based paint hazards on the Property. The Grantee further agrees to indemnify and hold harmless the Army, its officers, agents and employees, from and against all suits, claims, demands or actions, liabilities, judgments, costs and attorneys' fees arising out of, or in any manner predicated upon, personal injury, death or property damage resulting from, related to, caused by or arising out of lead-based paint or lead-based paint hazards on the Property.

NOTICE OF HAZARDOUS SUBSTANCE STORAGE, RELEASE OR DISPOSAL

The Grantor hereby notifies the Grantee of the former storage of hazardous substances on the Property. The items typically stored on the Property are listed below. The information regarding this storage indicates that it was conducted in a manner that would not pose a threat to human health and the environment. A release occurred at IRP Site 25/FTO-022. Soil samples collected from the site contained petroleum hydrocarbons, metals, pesticides, and PCBs. Human health and ecological risk assessments were performed for the chemicals detected in soil at the site. On the basis of these risk assessments, no further action is required at this site. This notice is given pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section (§)120(h)(1) and (3), and no additional action is necessary under CERCLA to protect human health and the environment. CERCLA requires the Grantor to reserve a right of access to the Property in any case in which the potential for a response action or corrective action is found to be necessary. The Grantor shall give Grantee responsible notice of action requiring access to the Property, and Grantor shall, consistent with feasible methods for complying with these actions, endeavor to minimize the disruption of the Grantee's use of the Property.

Location	Typical Material Stored/Quantity	Duration	Release/Disposal
Building 1040	Flammable Materials/Unknown	Unknown	None/None
Building 1730	Flammable Materials/Unknown	Unknown	None/None
Building 1741	Flammable Materials/Unknown	Unknown	None/None
Between Buildings 1747 and 1767	Flammable Materials/Unknown	Unknown	None/None
Building 1894	Flammable Storage/Unknown	Unknown	None/None
Between Buildings 1925 and 1945	Flammable Materials/Unknown	Unknown	None/None
Building 2022	Poison and Flammable Materials/Unknown	Unknown	None/None
Building 2024	Poison and Flammable Materials/Unknown	Unknown	None/None
Building 2084	Drums, Portable Tanks, Flammable Materials/Unknown	Unknown	None/None
Building 2030	Flammable Materials/Unknown	Unknown	None/None
Building 2031	Flammable Materials/Unknown	Unknown	None/None
Building 2032	Flammable Materials/Unknown	Unknown	None/None
Building 2033	Flammable Materials/Unknown	Unknown	None/None
Building 2034	Hazard Materials/Unknown	Unknown	None/None
Building 2038	Petroleum Storage/Two 12,000-gallon USTs	1941 to June 1995	None/None
IRP Site 25/FTO-022	Electrical Transformers/Unknown	Unknown	Yes/None

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.

On the basis of the above information, I conclude that the Property should be assigned Department of Defense (DoD) Environmental Condition Category 3 (areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response) and is transferable under 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 remedial action under CERCLA found to be necessary after the date of transfer shall be conducted by the United States.
- The clause under CERCLA §120(h)(3)(C) granting the United States access to the Property in any case in which remedial action or corrective action is found to be necessary after the date of transfer.

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