

**APPENDIX B**

**FINDING OF SUITABILITY TO TRANSFER (FOST)  
SURPLUS II PARCELS E35, L15.1, AND L33 AND A PORTION OF PARCEL L32  
FORMER FORT ORD, CALIFORNIA**

## **APPENDIX B**

### **FINDING OF SUITABILITY TO TRANSFER (FOST) SURPLUS II PARCELS, AREA B (E35, L15.1, L33, AND A PORTION OF L32) FORMER FORT ORD, CALIFORNIA**

On the basis of the Environmental Baseline Survey (EBS) for the Surplus II Parcels at former Fort Ord, I have determined that Parcels E35, L15.1, and L33 and most of Parcel L32 (the Property), at former Fort Ord, California, are suitable for transfer. The area to be assigned and transferred is shown on Plate B-1.

A determination of the environmental condition of the Property was made by the U.S. Department of the Army by conducting an EBS that included reviewing existing environmental documents and completing associated visual site inspections (4/97; 5/97; 6/97). 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 L32 to be transferred includes 54 buildings on approximately 131 acres. Parcel E35 consists of 1.5 acres. No buildings are within Parcel E35, however a water tank structure is present on the parcel (Plate 1). Parcel L15.1 includes one building on 1.7 acres. Parcel L33 includes 27 buildings on 61.3 acres.
- Asbestos surveys have been completed for 82 of the 83 structures on the Property as part of a facility-wide asbestos survey. These surveys show that 65 of the buildings contain friable and nonfriable asbestos-containing materials (ACM). Of the 65 buildings, 20 contain ACM rated 1, 2, or 3 (immediate total removal; immediate repair, short-term removal; and immediate repair, long-term removal recommended; respectively). Forty-five contain ACM rated 6 to 13. Seventeen buildings contain no ACM. The water tower present on Parcel E35 was not surveyed for asbestos. 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.
- Eighty-three structures are presumed to contain lead-based paint (LBP) because they were constructed prior to 1978 (1942 through 1976) or have unknown dates of construction. 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 Marshall and Stilwell Housing area parcels will be used to represent lead concentrations in soil around the buildings on the Surplus II Parcels that were constructed of similar materials and during similar time periods. Average concentrations of lead detected in soil around the buildings on the Marshall and Stilwell Housing area parcels were 33.8 and 44 mg/kg, respectively. The maximum background concentration for lead in soil at Fort Ord is 51.8 mg/kg (*Draft Final Basewide Background Soil Investigation, Fort Ord, California, Harding Lawson Associates*, 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 13 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 all 13 of the buildings for unrestricted use in letters dated June 4 and October 1, 1997.
- 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)
  - Chloropyrifos (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 (Safrotin)
  - Pyrethrum and synthetic Pyrethroids: pyrethrin; phenothrin; resmethrin; cypermethrin (Demon); cyfluthrin (Tempo)
  - Rodenticides: chlorophacinone; strychnine; brodifacoum; zinc phosphide
  - Thurgicide (Dipel)
- Thirteen former USTs (3803.1 through .3, 3855.1 and .2, 4430.1, 4440.1, 4492.1 and .2, 4552.1, and 4493.1 through .3) were located on the Property (Plate 4; Surplus II Parcels EBS). All of the former USTs have been removed and the Monterey County Department of Health has granted closure to 11 of the 13 USTs. USTs 4430.1, 4440.1, 4552.1, and 4493.2 were granted closure in a letter dated January 3, 1994. UST 4493.1 was granted closure in a letter dated April 6, 1994. USTs 4493.3 and 3803.1 through .3 were granted closure in a letter dated August 22, 1996. USTs 3855.1 and .2 were granted closure in a letter dated January 14, 1997. Closure is pending at USTs 4492.1 and .2.
- Aboveground storage tanks (ASTs 4441.1, 4460.1 and .2, and 4492A.1 were identified on the Property (Plate 4; Surplus II Parcels EBS). Three of the ASTs are inactive; the fourth AST (4492A.1) could not be located.
- Two solid waste management units (SWMUs) are located on the Property. SWMU FTO-024, in the former 519th Motor Pool, is at the east end of IRP Site 20, within Parcel L32. FTO-024 comprises two adjacent SWMU structures (Buildings 3896 and 3899). Building 3896 is no longer in use; Building 3899 is still used for fuel and equipment storage in support of RI activities at the installation. The 1996 draft SWMU report recommended no further action for Building 3896. For Building 3899, HLA recommended that when the unit is deactivated, the remaining inventory be

removed and the unit cleaned prior to transfer. The remaining SWMU, FTO-068, at Building 4492, is inactive and was used for personal vehicle maintenance by military personnel that remained onsite after base closure. Because no evidence of this unit remained in 1996, no further action regarding FTO-068 is required.

- No polychlorinated biphenyl (PCB) transformers are on the Property, and no releases of PCB-contaminated dielectric fluids have been reported for the Property.
- Ordnance and explosives (OE) investigations consisted of the Archive Search Report (ASR) and ASR 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. The OE site boundaries are based on the latest information (September 1997 map boundaries) provided by the OE removal contractor and the sources described above. Early preliminary surveys, including the ASR and 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, resulting in multiple site boundaries for many of the potential OE sites. Subsequently, the Army conducted additional focused studies (including RI/FS studies associated with former OE use), an expanded ASR process, as well as OE sampling and removal actions, mapping, and global positioning system (GPS) surveys that were performed as part of the Phase 1 and 2 EE/CAs. These additional studies resulted in a refinement of the potential OE site boundaries. The current approximate extent of each OE site within the Surplus II Parcels is shown on Plate 3 of the Surplus II Parcels EBS. These OE investigations show one potential OE location within the Property (OE-13B, which is in the eastern portion of Parcel L32); however, this portion of L32 is not included in this transfer. Additionally, one training area (Machine Gun Square #5) was located in the central portion of Parcel L32. In a letter to the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), dated February 24, 1997, the Army stated that, although the Machine Gun Squares were identified on training maps through the archive search process, the Machine Gun Squares were not identified as potential ordnance sites. However, because OE was used throughout the history of Fort Ord, the potential exists for OE to be present on the Property. This notice will be included in the deed.
- Portions of Installation Restoration Program (IRP) Sites 20, 22, and 24 are located on the Property.
  - Site 20 (South Parade Ground, 3800 and 519th Motor Pool) was categorized as an Interim Action (IA) site. The interim action, which was completed in 1995, included soil excavation and soil sampling around a former grease rack. This IA area is not located on the Property, but was adjacent to Parcel L33. The Site 20 Confirmation Report was submitted to the regulatory agencies in July 1996; agency approval is pending.
  - Site 22 (4400/4500 Motor Pools) was categorized as an IA site. The interim action, which was completed in 1994, included soil excavation, soil sampling, and excavation backfilling. This IA area is not located on the Property, but was adjacent to Parcel L32. The Site 22 Confirmation Report was submitted to the regulatory agencies in May 1996. The EPA concurred that contamination was adequately remediated at Site 22 in a letter dated September 19, 1996; DTSC concurrence is pending.
  - Site 24 (Old DEH Yard) was categorized as a Remedial Investigation (RI) Site. Four IA areas (A1, A2, B, and C) were identified within IRP Site 24. IA Area A1 is within Parcel L33; IA Areas A2 and B overlap the southeastern boundary of Parcel L33; and Area C is approximately 600 feet east of Parcel L33 (Plate 4; Surplus II Parcels EBS). IA Area A1 is the location of former ASTs; IA Area A2 is the location of a former grease rack. Oil and grease and TPH as extractable unknown hydrocarbons were detected in the soil at IA Areas A1 and A2. Pesticides were detected in a sample collected from a soil boring at IA Area B. Buried drums were found at the

location of IA Area C. Halogenated VOCs and polyaromatic hydrocarbons (PAHs) were detected in soil samples collected at the bottom of the excavation after the drums were removed and soil was subsequently removed from this area. Results of the IA confirmation sampling indicated that soil with concentrations of chemicals above their respective target cleanup concentrations had been removed. The Site 24 Confirmation Report was submitted to the regulatory agencies in January 1997. The EPA concurred that contamination was adequately remediated at Site 24. DTSC concurrence is pending.

- The final CERFA report indicates that the Property is included in CERFA Disqualified Parcels 4, 21, 28, 31, and 34 through 36; CERFA Qualified Parcels 113, 114, and 132; and CERFA Parcels 111, 192, 194, 196 through 198, 213, and 226.

CERFA Disqualified Parcels: Parcel 4 was disqualified because a portion of the Property is included in IRP Site 22. As described above, Site 22 was designated as an IA Site; however, the IA area is not within the Property. Parcel 21 was disqualified because a portion of the Property is included in IRP Site 24. As described above, Site 24 was designated as an IA Site with four identified IA Areas. IA Area A1 is within Parcel L33; IA Areas A2 and B overlap the southeastern boundary of Parcel L33. Parcel 28 was disqualified because IRP Site 10 is present within this parcel but IRP Site 10 is not within the Property. Parcels 31 and 34 through 36 were disqualified because of hazardous substance or petroleum storage. No releases of these substances were noted from these storage areas on the Property.

CERFA Qualified Parcels: 113, 114, and 132 were qualified because (1) friable and nonfriable ACM was observed within the buildings and (2) LBP is probably present, based on the construction dates of the buildings within this Property.

- Four groundwater monitoring wells (MW-24-02-180, MW-24, -03-180, and MW-B-24-180) are located on the Property. Well MW-B-24-180 was dropped from the quarterly sampling program because compounds were either not detected or were detected at concentrations below their maximum contaminant levels (MCLs). Wells MW-24-02-180 and MW-24-03-180 are sampled quarterly. Samples collected from the two wells in the most recent quarterly sampling round were analyzed for volatile organic compounds (VOCs), total recoverable petroleum hydrocarbons (TRPH), and total petroleum hydrocarbon as gasoline (TPHg), diesel (TPHd), and motor oil (TPHmo). The only compounds detected were TPHmo at concentrations of 950 and 7,600 micrograms per liter ( $\mu\text{g/L}$ ) in Wells MW-24-02-180 and MW-24-03-180, respectively, and TRPH at 1,700 and 8,300  $\mu\text{g/L}$  in Wells MW-24-02-180 and MW-24-03-180, respectively. 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 wells on the Property. Furthermore, the deed will prohibit all others from tampering with the groundwater monitoring wells.

National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by the environmental impact analysis conducted in the *Final Environmental Impact Statement, Fort Ord Disposal and Reuse*, dated June 1993 and the *Supplemental Environmental Impact Statement, Fort Ord Disposal and Reuse*, dated June 1996.

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. Lead sampling on similar parcels with like type and age of structures has shown concentrations in soil below levels of concern for residential use. The maximum background concentration for lead in soil at Fort Ord is 51.8 mg/kg (*Draft Final Basewide Background Soil Investigation, Fort Ord, California, Harding Lawson Associates*, dated March 15, 1993). The federal PRG for residential soil is 400 mg/kg. No other surveys or studies assessing the possible presence of lead-based paint in former or existing buildings on the Property were 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. Building 3899 (a portion of FT0-024) is currently used for waste and equipment storage associated with ongoing RI/FS activities at the former Fort Ord. HLA has recommended that when the Building 3899 unit is deactivated, the remaining inventory should be removed and the unit cleaned prior to transfer. 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 actions 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 3877	Flammable Materials/Unknown	Unknown	None/None
Building 3895	Flammable Materials/Unknown	Unknown	None/None
Building 3899	Flammable Materials/Unknown	Still Active	None/None
Building 4456	Flammable Materials/Unknown	Unknown	None/None
Building 4469	Flammable Storage/Unknown	Unknown	None/None
Building 4492	Flammable Materials/Unknown	Unknown	None/None
Former UST 4492.1	Waste oil/4,000 gallons	1986 - unknown	None/None
Former UST 4492.2	Waste solvent/500 gallons	1986 - unknown	None/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 or its successors and assigns should discover any ordnance on the Property, they 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 4 (areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken) 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



**DISTRIBUTION**

Environmental Baseline Survey  
Surplus II Parcels  
Former Fort Ord, California

Version 1

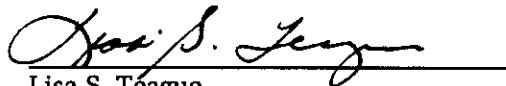
November 17, 1997

Copy No. 8

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Quality Control Reviewer



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RWB/SMF/LST/JC49999-F