

**FINDING OF SUITABILITY TO TRANSFER (FOST)
GOLF COURSE PARCEL, PHASE 1
FORMER FORT ORD, CALIFORNIA**

On the authority delegated to me by the Acting Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health (20 July 1995), and on the basis of the Community Environmental Response Facilitation Act (CERFA) Report for Fort Ord, I have determined that the Phase I Golf Course Parcel (Property), at former Fort Ord, California, is suitable for transfer to the City of Seaside for recreational use. The Phase I area to be assigned and transferred includes two golf courses (Black Horse and Bayonet), the golf course irrigation nonpotable water well, golf course water reservoir, and seven buildings on approximately 377 acres (Plate 1).

A determination of the environmental condition of the Property was made by the United States Army by conducting a review of existing environmental documents and making associated visual site inspections. The documents reviewed included the final CERFA Report (April 1994), U.S. EPA Region IX's concurrence to the CERFA Report (Memorandum, 19 April 1994), California DTSC No Further Action letter, 23 July 1996, and various remedial investigation/feasibility studies documents. Comments received from U.S. EPA Region IX and California EPA DTSC (5 March 1996) on the Version 1 FOST for the Golf Course Parcel, Phase I were reviewed and incorporated into this Version 2 FOST. Two unresolved comments, one on Asbestos Indemnification Language and a second on potential Lead Based Paint in soil are attached. The results of this document review indicate that the Property is environmentally suitable for transfer to the City of Seaside for recreational use. The results are as follows:

- Seven buildings, T-4100 (Club House), T-4103 (concession stand), T-4104 (lavatory building), S-4105 (metal storage shed), T-4106 (lavatory building), S-4107 (golf cart storage area), and P-4108 (water pump house), are on the Property (Plate 1). A 200,000-gallon water storage tank (P-8269) is also present on the Property.
- The Property also includes the separate lands around a 2-million-gallon ground reservoir (P-4376) approximately 1,200 feet southeast of the golf course entrance on Eucalyptus Road, and an irrigation well (P-5015) approximately 1,200 feet southwest of the golf courses (Plate 1).
- Installation Restoration Program (IRP) Site 33, Golf Course (maintenance area), is located within the Golf Course's boundaries (Plate 1). However, IRP Site 33 and the two buildings (T-4109, T-4110) associated with this site are not part of the Phase I transfer, but will be transferred later as Phase II.
- Additional sampling on the Property for pesticides and herbicides was recently completed. The sampling was performed to address agency concerns over residual levels of hazardous substances at the site. Analytical data, presented in a letter from the Army dated July 1, 1996, shows that no pesticides or herbicides were detected. California EPA DTSC letter of July 23 1996 concurred with these findings.
- An asbestos survey conducted by the Army indicates that nonfriable asbestos containing material (ACM) is present in good condition in four of the seven buildings surveyed (T-4100, T-4103, T-4104, and S-4107). The other three buildings contain no ACM.
- Buildings T-4100 (1954), T-4103 (1966), T-4104 (1967), T-4106 (1967), and S-4107 (1973) are suspected of containing lead-based paint (LBP) because of their pre-1978 construction dates. Building P-4108 has an unknown date of construction and is therefore presumed to contain LBP. Building S-4105 was constructed in 1988 and is not believed to contain LBP. Physical inspection of the subject buildings found them to have been well maintained including the existing painted surfaces, which are in excellent condition at this time. No sampling of the exterior components for LBP has occurred since scheduled reuse of the subject parcel is not residential habitation, therefore, the soil sampling requirements mandated in Title X of Public Law 102-550, are not applicable.

- No elevated radon levels were detected on the Property during a 1990 survey at Fort Ord.
- No radiological surveys have been conducted within the Property because these buildings were not used to store radiological materials.
- No releases of PCB-contaminated dielectric fluids on or in the vicinity of the Property have been reported.
- Ordnance and explosives (OE) archive search investigations show that one potential OE area (the Inland Ranges) lies adjacent (across Eucalyptus Road) to the reservoir area of the Property. The reservoir area is detached from the golf courses and is not open to public access. Access routes into the reservoir area do not pass through any potential OE areas. All potential OE areas in the vicinity of the reservoir area are fenced and posted with warning signs prohibiting access to unauthorized persons.
- No solid waste management units are present on the Property, and no studies associated with them have been conducted by the Army on the Property.
- Former underground storage tank (UST) 4107-1, which contained mixed gasoline/oil for two-cycle engines, was located on the Property and has been removed (Plate 2). Closure for former UST 4107-1 has been granted by the Monterey County Department of Health (MCDOH). The characterization of former UST 4110 in IRP Site 33 has been completed and this UST is pending closure.
- Aboveground storage tanks (ASTs) are no longer present on the Phase I Property (Plate 2). Three gasoline or diesel fuel ASTs, previously located in the vicinity of Building T-4100, were removed. One gasoline AST and one diesel AST are within IRP Site 33 near Building T-4110; they are contained by a berm and are double walled.
- According to the CERFA report, the Property is located primarily within uncontaminated CERFA Parcel No. 214 and also includes portions of CERFA Parcel No. 216, CERFA Parcels with Qualifiers Nos. 130, 134, 135, and 215, and CERFA Disqualified Parcels Nos. 51 and 52. Parcel No. 51 was CERFA disqualified because of previous hazardous substance and petroleum product storage (see Notice below). Parcel No. 52 includes IRP Site 33 with the petroleum storage tanks and is not part of the Phase I transfer. Because of the 1-acre grid system used in the CERFA assessment, portions of the Property are included within CERFA Parcels with Qualifiers for ACM and LBP associated with buildings on neighboring parcels.
- Seven groundwater monitoring wells are present on the Property (Plate 2). The groundwater samples obtained from these wells do not indicate groundwater contamination beneath the Property. Additionally, one irrigation well for nonpotable water is included with the Property.

National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by a Record Of Consideration based on analysis conducted in the June 1993 Fort Ord Disposal and Reuse Environmental Impact Statement (EIS).

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

NOTICE OF THE PRESENCE OF ASBESTOS. The Property existing on the date of this conveyance contains nonfriable asbestos. The GRANTEE covenants and agrees, on behalf of it, its successors and assigns, that in its use and occupancy of the Property, it will comply with all applicable laws relating to asbestos, and that the GRANTOR assumes no liability for damages for personal injury, illness, disability or death, to the GRANTEE, its successors or

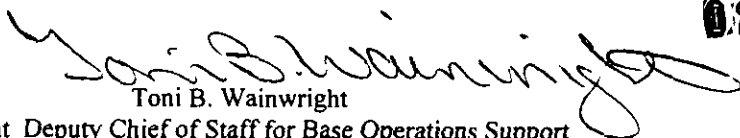
assigns, or to any other person including members of the general public, arising from or incident to the purchase, transportation, removal, handling, alterations, renovations, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the Property described in this Deed, regardless of whether the GRANTEE, its successors or assigns have properly warned or failed properly to warn the individual(s) injured.

NOTICE OF THE PRESENCE OF LEAD-BASED PAINT. The GRANTEE is hereby informed and does acknowledge that any Property existing on the date of this Deed that was constructed or rehabilitated prior to 1978 is presumed to contain lead-based paint. The GRANTEE, its successors, and assigns, shall not permit the use of any such structure for residential habitation unless GRANTEE has received certification that the premises are safe in accordance with all applicable laws and regulations. Residential structures are defined as any house, apartment, or structure intended for human habitation, including but not limited to a non-dwelling facility commonly used by children under 6 years of age such as a child care center, elementary school, or playground.

NOTICE OF HAZARDOUS SUBSTANCE STORAGE. The GRANTOR hereby notifies the GRANTEE of the previous storage and use of hazardous substances for golf course maintenance on the Property. These included small quantities of paint and primer, carburetor cleaner, hydraulic fluid, engine cleaner, gear oil, lube oil, grease, kerosene, 2-cycle oil, cleaning compounds, diesel fuel (500 gallons estimate), and gasoline (500 gallons estimate). The information regarding this storage indicates that it was conducted in a manner that did not pose a threat to human health and the environment. This notice is given pursuant to Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) §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.

On the basis of the above information, I conclude that the Phase I Golf Course Parcel should be assigned Department of Defense of Defense (DoD) Environmental Condition Category 2 and is suitable for transfer. As such, the deed for this transaction will contain the following covenants:

- 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
- Any remedial action under CERCLA found to be necessary after the date of transfer, related to present existing conditions, shall be conducted by the United States
- The United States will be granted access to the Property in any case in which response action or corrective action under CERCLA is found to be necessary after the date of transfer.



Toni B. Wainwright

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

0:21 AUG 1996

**UNRESOLVED AGENCY COMMENTS
GOLF COURSE PARCEL, PHASE I FOST**

U.S. EPA 5 March 1996 Comment

Public law 102-484, as amended by Public Law 103-160, provides for indemnification by the military services when property is transferred. This law provides that the military indemnify persons and entities acquiring ownership or control of property at a closing military base from liability for personal injury and property damages resulting from the release or threatened release of a hazardous substance (such as asbestos), unless the person or entity acquiring the property contributed to the release. It is unclear whether the FOSTs statements on the Army not assuming liability for the transferee's contact with asbestos are consistent with the indemnification required by law. To avoid confusion over the indemnification that the Army is required to provide, EPA recommends that the mention of future liability be deleted and that the statutory language be relied on to determine any future liability.

Army Response:

Army believes that the standard Army indemnification language is legally sufficient.

U.S. EPA July 31 1996 Comment

Based on the fact that certain structures (Buildings T-4100, T-4103, T4104, T-4106, T-4108, and S-4107) currently located on the Golf Course Parcel were constructed between 1954 - 1973, at a time when lead-based paint was commonly used on the exterior of such structures, lead from lead-based paint may be present in the surrounding soils. The Army, however, has declined to conduct soil sampling to determine whether such soils present a risk to human health and the environment as requested by EPA. For those areas that are being transferred pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) EPA believes that the Army would be unable to include a covenant in the deed of transfer warranting that "all remedial action necessary to protect human health and the environment has been taken."

Army Response:

Army believes that the risk from lead-based paint in the soil around these buildings is negligible because the buildings have been well maintained and are not going to be used for residential habitation. Additionally, Army does not agree that lead-based paint in soil is governed under CERCLA, and no sampling of the exterior components for LBP has occurred since the soil sampling requirements in Title X of Public Law 102-550 are only mandated for property used for residential habitation.

HOWEVER,
NOT
MANDATED
BY ANY LAW
NO LEGISLATIVE
DRIVER FOR
BRAC FUNDING

CONTAMINATION

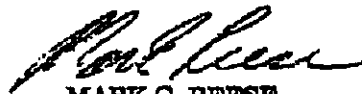
ATZP-EP

8 February 1996

MEMORANDUM FOR THE RECORD

SUBJECT: Record of Non-Applicability (RONA) to the Clean Air Act Amendment General Conformity Rule Regarding the Transfer of Real Property to the City of Seaside, California for Property Known as the Phase I Golf Courses Parcel at Former Fort Ord.

1. **Scope Definition:** The Department of the Army is considering granting a parcel of land located at former Fort Ord, California to the City of Seaside for recreational use. The Phase I area parcel includes two golf courses and seven buildings on approximately 378 acres. Buildings located on the parcel are used as part of the maintenance and support services for the golf courses. In addition, a 200,000-gallon water storage tank and water well irrigation system is present on the property.
2. Presidio of Monterey, Defense Language Institute is required to make a review of direct and indirect air emission sources for each criteria pollutant as outlined in 40 CFR 51.858 and 51.153 for Federal initiatives located within a region designated as nonattainment to National Ambient Air Quality Standards. The analysis is to ensure that Federal actions will not delay or prevent an area from achieving attainment status.
3. Grantee intends to reuse the subject land and buildings for golf course related recreational activities.
4. In accordance with Section 51.853 of the General Conformity Rule, subject Federal action is exempt from conformity requirements, where proposed action is a transfer of ownership, interest and title in the land, facilities, and associated real and personal property.
5. Any utilization of subject parcel by the grantee influencing facility emissions not identified in the State Implementation Plan, has neither been disclosed to U.S. Army Environmental personnel, nor considered in subject General Conformity Rule review.



MARK G. REESE
Air Pollution Environmental Coordinator
Directorate Environmental and Natural
Resources Management
POM, DLIFLC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105

July 31, 1996

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

Re: Finding of Suitability To Transfer (FOST)
Golf Course Parcel, Phase I

Dear Ms. Lawson:

The U.S. Environmental Protection Agency (EPA) has reviewed the
above-referenced Finding of Suitability to Transfer(FOST)
documents dated July 25, 1996.

In our letter dated March 5, 1996, EPA provided comments on the
draft FOST regarding 1) exterior lead-based paint, 2) Ordnance
and Explosive (OE) areas, 3) residual levels of
pesticide/herbicides and 4) asbestos liability.

1) Lead-based Paint

Our March 5 comments stated "Does the Army suspect that exterior
lead-based paint may have been released to the environment? If
so, please provide information to document whether it could pose
a threat to future users of the property."

In the revised FOST the Army responds that:

"Buildings T-4100, T-4103, T-4104, T-4106, T-4108 and S-4107
are suspected of containing lead-based paint (LBP) because
of their pre-1978 construction dates. Building P-4108 has
an unknown date of construction and is therefore presumed to
contain LBP. Building S-4105 was constructed in 1988 and is
not believed to contain LBP. Physical inspection of the
subject buildings found them to have been well maintained
including the existing painted surfaces, which are in
excellent condition at this time. No sampling of the
exterior components for LBP has occurred since scheduled
reuse of the subject parcel is not residential habitation,
therefore, the soil sampling requirements mandated in Title
X of Public Law 102-550, are not applicable."

OPTIONAL FORM NO (7-83) FAX TRANSMITTAL
To: Christine Lawson, Dept: Agency Fort Ord
From: Sergeyev, Phone # 415-744-2111
Fax # 408-394-0816

Although a physical inspection of the buildings may provide information about the current condition of the buildings, it does not provide information about the lead based paint which may be present in the soil as a result of lead paint applied to the structures since their original construction.

EPA continues to believe that soil sampling would provide information regarding possible releases of lead into the environment. If the Army plans to transfer the area without conducting sampling of the soils near these structures, EPA requests that the following comment be attached to the FOST:

Based on the fact that certain structures (Buildings T-4100, T-4103, T-4104, T-4106, T-4108 and S-4107) currently located on the Golf Course Parcel were constructed between 1954 - 1973, at a time when lead-based paint was commonly used on the exterior of such structures, lead from lead-based paint may be present in the surrounding soils. The Army, however, has declined to conduct soil sampling to determine whether such soils present a risk to human health and the environment as requested by EPA. For those areas that are being transferred pursuant to Section 120(h)(3) of the Comprehensive Environmental Response, Compensation and Liability Act, EPA believes that the Army would be unable to include a covenant in the deed of transfer warranting that "all remedial action necessary to protect human health and the environment has been taken".

2) Ordnance and Explosives (OE)

The revised FOST adequately addresses our concerns about preventing access to areas that have not been cleared of OE.

3) Residual levels of Pesticides/Herbicides

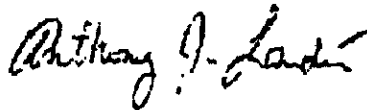
In response to our March 5 and CERFA comments, the Army performed additional sampling for pesticides/herbicides at the golf course property. EPA has reviewed the results of that sampling dated July 1, 1996 and concurs that residual levels of pesticides and herbicides on the property do not pose a significant risk to human health or the environment since sample results are all non-detect. The revised FOST reflects the sampling results and adequately addresses our concerns.

JUL 23 1996 09:04

Ms. Gail Youngblood
July 23, 1996
Page Two

If you have any questions or comments, please contact Mr. William Kilgore, Project Manager, Base Closure Unit, at (916) 255-3738.

Sincerely,



Anthony J. Landis
Chief, Northern California Operations
Office of Military Facilities

cc: Mr. Hector Hernandez
California Regional Water Quality Control Board
Central Coast Region
61 Higuera Street, Suite 200
San Luis Obispo, California 93401-5427

Ms. Lida Tan (H-9-4)
U. S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105

Mayor Don R. Jordan
City of Seaside
P.O. Box 810
Seaside, California 93955

Mr. Tim Brown
City Manager
City of Seaside
P.O. Box 810
Seaside, California 93955

11/23/96 10:45 AM

Ms. Gail Youngblood
July 23, 1996
Page Three

cc: Mr. Edward Ticken
Harding Lawson Associates
105 Digital Drive
Novato, California 94949

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TOTAL P.04