

**FINDING OF SUITABILITY TO TRANSFER (FOST)
SURPLUS II PARCELS, AREA A (Parcels E37 and L30)
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 E37 and L30 (the Property), at former Fort Ord, California, are suitable for transfer. Parcel E37 (roadway) will continue to be used as a road and Parcel L30 will include a gasoline station and mini-mart. The area to be assigned and transferred is shown on Plate A-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 with 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:

- Parcel E37 consists of 2.3 acres of roadway. Parcel L30 includes one building on 5.5 acres. No structures are within Parcel E37 (Plate A-1).
- Asbestos surveys have been completed for the one structure on the Property as part of a facility-wide asbestos survey. This survey showed that the building contained nonfriable asbestos-containing materials (ACM) that were rated 13 (management with 2-year inspection cycle recommended). The Army does not intend to remove the ACM in the building, but only discloses its existence and condition. Recommended inspection of ACM present in this building is the responsibility of the recipients.
- The building present in the parcel was constructed in 1990 and is not expected to contain lead-based paint.
- No radon levels above 4 picocuries per liter (pCi/L) were detected on the Property during a 1990 survey at Fort Ord.
- No radiological surveys have been conducted within the building because radioactive commodities were reportedly not stored or used in the building.
- Three former USTs (7850.1 through .3) were located on the Property (Plate 4; Surplus II EBS). All three USTs were removed in January 1997 and were granted closure by the Monterey County Department of Health in a letter dated November 6, 1997.
- No aboveground storage tanks (ASTs) are present on the Property.
- No Installation Restoration Program (IRP) sites or solid waste management units (SWMUs) are located on the Property.
- 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, consisting of the Archives Search Report (ASR), ASR Supplement No. 1 and the draft Revised ASR (December 1993, November 1994, and December 1997, 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 from various ordnance-related community relations activities, show no OE locations within the Property. Although no ordnance sites are located on the Property, the potential exists for OE to be present because OE was used throughout the history of Fort Ord. This notice will be included in the deed.
- The final CERFA report indicates that the Property (excluding Parcel E37) is included in CERFA Disqualified Parcel 47 and CERFA Parcels 134, 205 and 206. Parcel E37 was not included in the CERFA assessment.

Parcel 47 was disqualified because of hazardous substance or petroleum storage. No releases of these substances were noted from these storage areas on the Property. As described above, USTs formerly present on the property have been removed. Based on recent changes to the comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in the DoD Authorization Act for Fiscal Year 1997, this area of storage only is available for transfer under CERCLA Section (§)120 (h)(4) as uncontaminated property.

CERFA Parcels 134, 205, and 206 were determined to be uncontaminated in the final CERFA report. The U.S. EPA concurred with this categorization in a letter dated April 18, 1994. In a letter dated September 30, 1998, the U.S. EPA agreed that transfer Parcel E37 and CERFA Parcel 47 were transferable under CERCLA (§) 120(h)(4). The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) concurred that the Property required no response action in September 1998.

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, the *Supplemental Environmental Impact Statement, Fort Ord Disposal and Reuse*, dated June 1996, and associated Records of Decision (RODs).

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 AND COVENANT

1. The Grantee is hereby informed and does acknowledge that nonfriable asbestos or asbestos-containing material (ACM) have been found on the Property, as described in the EBS and referenced asbestos surveys. The interior asbestos does not present a "release or threat of release into the environment" as defined by CERCLA.

2. The Grantee shall understand and agree that its use and occupancy of the Property shall 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 ACM, as identified in the FOST or found within buildings or structures on the Property.

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.

RESOLUTION OF COMMENTS

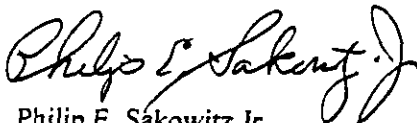
Comments received from U.S. EPA Region IX and California EPA DTSC on the Version 1 FOST were reviewed and incorporated where possible in the Version 2 FOST. All comments were resolved.

CERCLA COVENANTS

On the basis of the above information, I conclude that the Property should be assigned Department of Defense (DoD) Environmental Condition Category 1 (areas where no release or disposal of hazardous substances or petroleum products has occurred [including no migration of these substances from adjacent areas]) and is transferable under CERCLA § 120(h)(4). The deed for this transaction will contain:

- The covenant under CERCLA §120(h)(4)(D)(i) 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)(4)(D)(ii) 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.

19 MAR 1999



Philip E. Sakowitz Jr.
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