

**FINDING OF SUITABILITY TO TRANSFER
(FOST)**

TRACK 0 AND TRACK 0 PLUG-IN B PARCELS

May 2005

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**FINDING OF SUITABILITY TO TRANSFER
TRACK 0 AND TRACK 0 PLUG-IN B PARCELS
FORMER FORT ORD, CALIFORNIA**

May 2005

1.0 PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability of certain parcels or property (the Property) at the former Fort Ord, California for transfer to the Fort Ord Reuse Authority (FORA), Monterey County, York School, Marina Coast Water District (MCWD), California Department of Parks & Recreation and California Department of Transportation (Caltrans) for a variety of uses. These uses are consistent with Department of Defense (DOD) and United States Army (Army) policy and include education, state park facilities, roads and road improvements, habitat management, mixed use and development (Table 1). In addition, the FOST identifies use restrictions as specified in the Environmental Protection Provisions necessary to protect human health or the environment (Attachment 1).

2.0 PROPERTY DESCRIPTION

The Property proposed for transfer consists of twenty-nine (29) parcels (approximately 232 acres) of developed and undeveloped land on the former Fort Ord (Plates 1, 2 and 3). The 29 parcels are within “Track 0” areas, which are areas that contain no evidence of munitions and explosives of concern (MEC) and have never been suspected as having been used for military munitions-related activities of any kind. The Final Track 0 Record of Decision (ROD; June 19, 2002) addresses selected land parcels and provides a “plug-in” process to address future land parcels that are considered eligible for inclusion into the Track 0 process. In this FOST there are two (2) parcels addressed in the Track 0 ROD (E5a.2 and L5.10.2, formerly E5a and L5.10, respectively). The remaining 27 parcels have been addressed through the plug-in process in the *Track 0 Plug-in Approval Memorandum, Selected Parcels – Group B*, (March 23, 2005). The Property is to be transferred to the listed recipients for a variety of uses as described in Table 1. Site maps of the Property are provided in Plates 4 through 10.

3.0 ENVIRONMENTAL CONDITION OF PROPERTY

The Army made a determination of the Environmental Condition of the Property (ECP) by reviewing existing environmental and military munitions¹ response-related documents and making an associated visual site inspection of the Property. The documents reviewed are listed in Attachment 2 and the site inspection was conducted in January 2005.

3.1 Environmental Condition of Property Categories

On the basis of environmental condition, parcels are placed in one of seven Community Environmental Response Facilitation Act (CERFA)/DOD Environmental Condition of Property

¹ Terminology describing military munitions and related names, places, actions and conditions is presented in Attachment 3.

(ECP) Categories.² Only parcels in ECP Categories 1 through 4 are suitable for transfer through a FOST. Table 2 lists the parcels in this FOST, the corresponding ECP Category, and brief descriptions of necessary remedial actions that have been taken. The ECP Categories and the corresponding parcels in this FOST are as follows:

ECP Category 1 Parcels: E11a.1, E18.2.1, E18.2.2, E18.3, E20c.1.2, E20c.2.2, E29b.3, E29e, E5a.2, L20.13.1.1, L20.13.2, L20.13.3.2, L20.13.4, L20.7.1, L20.7.2, L20.7.3, L20.7.4, L20.7.5, L3.1, L35.5, L5.10.2, S3.2.1, S3.2.2, S4.2.1, S4.2.2, S4.2.3, S4.2.4, and S4.3

ECP Category 2 Parcels: No parcels in this FOST are in this category.

ECP Category 3 Parcels: No parcels in this FOST are in this category.

ECP Category 4 Parcel: E2d.3.1

ECP Category 5 Parcels: No parcels in this FOST are in this category.

ECP Category 6 Parcels: No parcels in this FOST are in this category.

ECP Category 7 Parcels: No parcels in this FOST are in this category.

A summary of the ECP Categories for the Property is provided in Table 2 – Environmental Condition of Property.

3.1.1 Community Environmental Response Facilitation Act (CERFA) Report

The Final CERFA Report, Fort Ord, Monterey, California (April 1994) summarized the CERFA investigation conducted at the former Fort Ord and classified Fort Ord property as “Uncontaminated,” “Qualified³,” or “Disqualified⁴.” Qualified areas were identified based on the potential presence of unexploded ordnance (UXO), radon, radionuclides (contained within products being used for their intended purposes), asbestos (contained within building materials), or lead-based paint (present on building material surfaces). Disqualified areas were identified

² ECP Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent area).

ECP Category 2: Areas where only release or disposal of petroleum products has occurred.

ECP 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.

ECP 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.

ECP Category 5: Areas where release, disposal, and/or migration of hazardous substances has occurred, and removal or remedial actions are underway, but all required actions have not yet been taken.

ECP Category 6: Areas where release, disposal, and/or migration of hazardous substances has occurred, but required actions have not yet been implemented.

ECP Category 7: Areas that have not been evaluated or require additional evaluation.

³ CERFA parcel with qualifier – A portion of the installation real property for which investigation revealed no evidence of a release or disposal of CERCLA hazardous substances, petroleum, or petroleum derivatives and no evidence of the parcel being threatened by migration of such substances from outside the parcel. The parcel does however contain environmental, hazard, or safety issues, including asbestos contained in building materials or lead-based paint applied to building material surfaces.

⁴ CERFA disqualified parcel – A portion of the installation real property for which investigation revealed evidence of a release or disposal of CERCLA hazardous substances, petroleum, or petroleum derivatives or the parcel being threatened by migration of such substances from outside the parcel.

based on evidence of release, disposal, or storage for more than one year of a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substance, petroleum, or petroleum derivative; or a portion of the installation threatened by such release or disposal. US EPA concurred with the Army's determination of "uncontaminated" for 60 CERFA parcels at the former Fort Ord in a letter dated April 19, 1994. In this letter, U.S. Environmental Protection Agency (US EPA) specifically concurred that parcels having buildings with probable lead-based paint (LBP) could be considered uncontaminated because the information in the CERFA Report did not indicate that there are residual levels of LBP on these parcels presenting a threat to human health or the environment. Under the DOD Authorization Act for 1997, the U.S. Congress expanded the definition of "Uncontaminated Property" to include the storage of hazardous substances, petroleum products and their derivatives provided there was no release or disposal of these materials. Table 2 includes a list of the Track 0 and Track 0 Plug-In B Parcels, the CERFA classification assigned, and rationale.

Parcels located within areas originally identified as CERFA Qualified or Disqualified, but through additional site investigation were determined to be Uncontaminated (ECP Category 1) are described below.

Parcel E18.2.1

Portions of the parcel (Plate 7) were categorized as CERFA Qualified because of the presence of asbestos containing material (ACM), LBP and the storage, use or repair of equipment containing Nuclear Regulatory Commission (NRC) licensed materials, in buildings that are adjacent to the parcel; however, no buildings are present on Parcel E18.2.1. Portions of the parcel were categorized as CERFA Disqualified due to the former storage of diesel fuel and hazardous substances; however, under the expanded definition of "Uncontaminated Property," Parcel E18.2.1 meets the definition of CERFA Uncontaminated property.

Parcel E18.2.2

A portion of the parcel (Plate 7) was categorized as CERFA Qualified because of the presence of ACM and probable LBP in a building adjacent to the parcel; however, no buildings are present on Parcel E18.2.2. A portion of the parcel was categorized as CERFA Disqualified due to petroleum storage; however, under the expanded definition of "Uncontaminated Property," Parcel E18.2.2 meets the definition of CERFA Uncontaminated property.

Parcel E18.3

A portion of the parcel (Plate 7) was categorized as CERFA Qualified due to the presence of ACM and probable LBP in buildings that are adjacent to the parcel; however, no buildings are present on Parcel E18.3. This parcel meets the definition of CERFA Uncontaminated property.

Parcel E20c.2.2

A portion of the parcel (Plate 7) was categorized as CERFA Qualified because of the presence of ACM and probable LBP, and its proximity to the "Officers' Club Foxhole," where military munitions items (smoke grenade and M-1 ammunition) were discovered in 1993. Because no other military munitions items have been discovered and the presence of water supply and satellite television infrastructure, it is unlikely that training occurred on Parcel E20c.2.2. A

portion of the parcel was categorized as CERFA Disqualified due to petroleum storage in Building 4373; however, under the expanded definition of “Uncontaminated Property,” Parcel E20c.2.2 meets the definition of CERFA Uncontaminated property. USTs formerly on the parcel (4373.1 and 4373.2) were removed in 1991.

Parcel E29b.3 and E29e

Portions of these parcels (Plate 8) were categorized as CERFA Uncontaminated. The remainders of the parcels were categorized as CERFA Qualified because of proximity to the former Impact Area. These parcels lie on the southwest side of South Boundary Road and are located outside of the fenced Impact Area. No evidence was observed during the CERFA assessment to indicate storage, release, or disposal of hazardous substances or petroleum products or their derivatives within these parcels. Therefore, Parcels E29b.3 and E29e meet the definition of CERFA Uncontaminated property.

Parcels L20.13.2, L20.13.3.2, L20.13.4, L20.7.1, L20.7.2, L20.7.3, L20.7.4, and L20.7.5

These parcels (Plates 8 and 9) were categorized as CERFA Qualified because of their proximity to the former Impact Area; however, these parcels comprise South Boundary Road and are located outside of the fenced Impact Area. No evidence was observed during the CERFA assessment to indicate storage, release, or disposal of hazardous substances or petroleum products or their derivatives within these parcels. Therefore, these parcels meet the definition of CERFA Uncontaminated property.

Parcels L3.1, S4.2.1, S4.2.2, S4.2.3, and S4.2.4

These parcels (Plates 8 and 9) were categorized as CERFA Qualified because of their proximity to the former Impact Area. These parcels lie on the south side of South Boundary Road and are located outside of the fenced Impact Area. No evidence was observed during the CERFA assessment to indicate storage, release, or disposal of hazardous substances or petroleum products or their derivatives within these parcels. Therefore, these parcels meet the definition of CERFA Uncontaminated property.

Parcel L5.10.2

This parcel (Plate 5) was categorized as CERFA Disqualified because of its proximity to Installation Restoration Program (IRP) Site 34. A release of hydrocarbons associated with a former vehicle wash rack and underground storage tank occurred at IRP Site 34; however, the release of hydrocarbons did not occur on this parcel. An interim action including excavation and removal of hydrocarbon impacted soil was conducted. The US EPA and the DTSC concurred that no further action is necessary at IRP Site 34 in letters dated February 2, 2002 and October 23, 2002, respectively.

This parcel is a portion of a parcel previously identified as Parcel L5.10 (Reservation Road). Parcel L5.10 was evaluated for MEC, identified as Track 0, and included in the Track 0 ROD. Because the former Parcel L5.10 was evaluated for the presence of MEC, and the former parcel encompasses Parcel L5.10.2, the identification of Parcel L5.10 as Track 0 also applies to Parcel L5.10.2. Parcel L5.10.2 meets the definition of CERFA Uncontaminated property.

Parcel S3.2.1

A portion of this parcel (Plate 4) was categorized as CERFA Disqualified due to its proximity to IRP Site 20 (South Parade Ground, 3800 and 519th Motor Pools) and CERFA Qualified because of the presence of a machine gun square formerly located on the parcel. No impact to parcels adjacent to IRP Site 20 was identified during site characterization activities. No evidence was observed during the CERFA assessment to indicate storage, release, or disposal of hazardous substances at the machine gun squares. Machine gun squares were used for the practice of setting up and aiming weapons or dry fire. No evidence was found during the literature review to support the use of live ammunition at the machine gun squares. Therefore, Parcel S3.2.1 meets the definition of CERFA Uncontaminated property.

Parcel S3.2.2

A portion of the parcel (Plate 4) was categorized as CERFA Disqualified due to its proximity to IRP Site 20 (South Parade Ground, 3800 and 519th Motor Pools). No impact to parcels adjacent to IRP Site 20 was identified during site characterization activities. Therefore, Parcel S3.2.2 meets the definition of CERFA Uncontaminated property.

3.2 Storage, Release, or Disposal of Hazardous Substances

Hazardous substances were released on the Property in excess of the reportable quantities listed in 40 Code of Federal Regulations (CFR) Part 373. These hazardous substances were remediated as part of the installation restoration program (IRP). All necessary response actions have been taken and are described in this section and Section 4.0. A summary of the areas in which hazardous substance releases occurred is provided in Table 3.

3.2.1 Solid Waste Management Units (SWMUs)

One former SWMU (FTO-022) is located on the Property. FTO-022 was located on Parcel E2d.3.1, and was used by the Defense Reutilization and Marketing Office (DRMO) as a storage area.

SWMU FTO-022 was used to store decommissioned equipment, including transformers containing polychlorinated biphenyls (PCBs). This use was reported to have occurred from approximately 1950 to 1972. SWMU FTO-022 was inspected in 1988 and was described as an approximately 1 acre open field. The 1988 inspection reported that storage included drums, transformers and scrap metal. No records were available detailing the specific storage activities at this SWMU. No evidence of a release was observed during the inspection; however, soil sampling was recommended. SWMU FTO-022 was investigated (soil samples collected) as part of the Basewide Installation Restoration Program (IRP Site 25 – Former DRMO). The Basewide ROD, which includes a recommendation of no further action at IRP Site 25 (SWMU FTO – 022), was signed by the DTSC on January 16, 1997 and by the US EPA on January 17, 1997. A discussion of investigation at SWMU FTO – 022 is provided in Section 3.2.2.

3.2.2 Installation Restoration Program (IRP)

All or portions of two IRP sites are located on the Property within Parcel E2d.3.1 (Site 18 and Site 25/SWMU FTO – 022 [Plates 4 and 6]). The investigation of the IRP sites was conducted under the Fort Ord Basewide Remedial Investigation/Feasibility Study (RI/FS) program.

Site 18 was categorized as a No Action Site. The “plug-in” No Action Record of Decision (NoA ROD) 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. The overall process is referred to as the “plug-in” process because the Approval Memoranda plug into the NoA ROD. Agency concurrence that Site 18 met the criteria for No Action was granted by the DTSC on March 12, 1998 and by the US EPA on March 18, 1998.

Site 25 was categorized as Remedial Investigation (RI) Site. The Basewide Record of Decision (ROD) and recommended no further action at Site 25 based on a site-specific risk assessment. The Basewide ROD was signed by the DTSC on January 16, 1997, by the US EPA on January 17, 1997, and by the Regional Water Quality Control Board (RWQCB) on January 22, 1997. The remedial action conducted at Site 31 and evaluation of Site 25 are discussed below.

RI Site 25, Former DRMO, was used to store decommissioned equipment, including transformers containing PCBs (SWMU FTO – 022). Other materials that may have been stored at this location include waste oil, diesel fuel, and solvents. IRP Site 25 was investigated (soil samples collected) as part of the Basewide Installation Restoration Program. Low levels of PCBs (less than one part per million) and pesticides and metals above background concentrations were detected in shallow soil. No semi-volatile or volatile compounds, except for acetone, were detected. Low-level pesticide detections were consistent with levels observed in areas where routine application of pesticides has occurred for pest control. Human health and ecological risk assessments were performed to evaluate exposure of chemicals of potential concern to human health under a residential reuse and construction worker scenario, and to plants and animals present at this site. The results of the risk assessments indicated that there are no unacceptable risks to human health and the environment associated with the presence of chemicals at this site and no further action was recommended in the *Record of Decision, Basewide Remedial Investigation Sites, Fort Ord, California*, dated January 13, 1997.

3.2.3 Groundwater Contamination

A groundwater contamination plume containing predominantly carbon tetrachloride (CT) lies adjacent to Parcels E5a.2 and L5.10.2.⁵ The Army is currently conducting a Remedial Investigation/Feasibility Study (RI/FS) for the CT study area (now called Operable Unit Carbon Tetrachloride Plume [OU CTP]), the results of which will be documented in a Record of Decision (ROD). Well drilling and use of groundwater will be prohibited. Restriction and notification for groundwater contamination are detailed in the attached Environmental Protection Provisions (Attachment 1).

⁵ Portions of Track 0 Parcels E5a and L5.10 overlay the CT plume. To facilitate transfer, these parcels were subdivided into ones overlying the CT plume (Parcels E5a.1 and L5.10.1) and ones not overlying the CT plume (E5a.2 and L5.10.2) based on the latest groundwater monitoring data available in the *Draft Annual Report of Quarterly Monitoring, October 2003 through September 2004, Former Fort Ord, California, Groundwater Monitoring Program* (March 2005). As such, no part of the E5a.2 and L5.10.2 overlie the CT plume and are suitable for transfer. Parcels E5a.1 and L5.10.1, which do overlie the CT plume, are excluded from transfer and not part of this FOST.

3.3 Petroleum and Petroleum Products

3.3.1 Storage, Release, or Disposal of Petroleum Products

Based on a review of existing records and available information, there is no evidence that petroleum products in excess of 55 gallons at one time were stored, released, or disposed of on the Property as the result of non-underground or aboveground storage tanks (UST/AST) petroleum activities. Accordingly, there is no need for notification regarding non-UST/AST petroleum product storage, release, or disposal.

3.3.2 Aboveground and Underground Storage Tanks (AST/UST)

No storage of petroleum products in aboveground storage tanks (ASTs) occurred on the Property.

There were two underground storage tanks (USTs) on the Property used for storage of petroleum products (4373.1 and 4373.2). The USTs were removed in 1991 and closure was granted by the Monterey County of Health (MCDOH) in a letter dated April 6, 1994. A summary of the petroleum product storage is provided in Table 4.

3.4 Polychlorinated Biphenyls (PCB)

There are no PCB-containing transformers or other PCB-containing equipment, with the exception of possible PCB-containing light ballasts, located on the Property. Based on a review of existing records and available information, PCB-containing light ballasts may be located on the Property. Fluorescent light ballasts manufactured or installed prior to 1978 may contain PCBs in the potting material. PCB-containing light ballasts do not pose a threat to human health and the environment when managed properly. The deed will include the PCB notification and covenant contained in the Environmental Protection Provisions (Attachment 1).

3.5 Asbestos

Based on the *Asbestos Survey Report, For U.S. Army Corps of Engineers, Fort Ord Installation* (April 26, 1993), asbestos containing materials (ACM) were identified within buildings or structures on the Property (Parcels E2d.3.1, E20c.1.2, and E20c.2.2). Eight of the buildings or structures located on the Property contain ACM. Detailed descriptions of the asbestos type, location, and condition rating (at the time of survey) are provided in the Asbestos Survey Report and are summarized in the Fort Ord CERFA Report. A list of the buildings and a description of the ACM is provided below.

| Building Number | ACM Friability | ACM Condition* | Material** |
|-----------------|--------------------|----------------|---------------------|
| 1443 | Nonfriable | G | B, D, G, J, K |
| 2992 | Nonfriable | G | A, D, E |
| 2994 | Nonfriable | G | B, D, E, L |
| 2995 | Friable/Nonfriable | G | A, B, C, D, E, I, M |
| 2996 | Nonfriable | G | A, B, D, E, N |
| 4371 | Nonfriable | G | E |
| 4372 | Nonfriable | G | B |
| 4373 | Nonfriable | G | B, H |

*Condition:

G = Good

**Material:

A = Joint Compound

B = Roof Penetration Mastic

C = Pipe Fitting Insulation

D = Resilient Floor Tile

E = Transite Pipe

F = Sheet Flooring and Mastic

G = Roof Cap Sheet

H = Roofing Mastic

I = Acoustic Tile Mastic

J = Floor Tile Mastic

K = Window Putty

L = Transite Sheet Material

M = Pipe Run Insulation

N = Paint/Coating

As noted in the *Asbestos Survey Report*, Building 2995 contains friable ACM in good condition. Friable ACM may pose a health risk if not managed properly. Friable ACM can be effectively managed in place, provided the proper precautions are taken to minimize or eliminate exposure of personnel to airborne asbestos. The Army does not intend to remove or repair the ACM present in the buildings, but discloses its existence and condition. The friable asbestos that has not been removed or encapsulated will not present an unacceptable risk to human health because it will be managed by the Grantee as described in Section 8 of the Environmental Protection Provisions. Any recommended inspection of ACM present in these buildings will be the responsibility of the recipient. Appropriate asbestos notice is given herein and will be included in the deed. The deed will include the asbestos warning and covenant included in the Environmental Protection Provisions (Attachment 1).

3.6 Lead-Based Paint (LBP)

Based on the age of the buildings (constructed before 1978) or because the construction date is unknown, most buildings on the Property are presumed to contain lead-based paint (LBP). The Army does not intend to remove or repair the LBP in the buildings or remove lead possibly in the soil surrounding the buildings. Residential or child-occupied use of the buildings is prohibited unless all LBP hazards have been abated. The deed will include the lead-based paint warning and covenant provided in the Environmental Protection Provisions (Attachment 1).

3.7 Radiological Materials

One building on the Property (1443, Parcel E2d.3.1) was among 230 former Fort Ord buildings that were suspected to have contained/stored radioactive commodities at some point in the past, but for which no documented evidence was found. The use of radioactive commodities at former Fort Ord was limited to those under the control of a specific Nuclear Regulatory Commission (NRC) license, or those authorized and managed under Department of the Army authorization. Twenty percent of the 230 buildings were randomly sampled by the U.S. Army Environmental Hygiene Agency (AEHA; reorganized in 1994 as the U.S. Army Center for Health Promotion and Preventive Medicine [USACHPPM]). No radiological health hazards were identified for the twenty percent sampled, and USACHPPM, recommended that all 230 buildings be released for unrestricted use (memorandum dated May 2, 1997). In a memorandum dated October 1, 1997, the California Department of Health Services (DHS) released all buildings with documented or suspected use or storage of radioactive commodities (including Building 1443) for unrestricted use.

3.8 Radon

Radon was not detected exceeding the US EPA residential action level of 4 picocuries per liter (pCi/L) in buildings on the Property during a 1990 former Fort Ord radon survey.

3.9 Military Munitions Response Program (MMRP)

A review of existing records and available information, including the Archive Search Report (ASR), ASR Supplement No. 1 and the draft Revised ASR (December 1993, November 1994 and December 1997, respectively), the *Site 39 Data Summary Work Plan* (February 1994), the *Draft Final Literature Review Report* (January 2000), the *Final Track 0 Record Of Decision, No Action Regarding Ordnance-Related Investigation* (June 19, 2002), the *Final Track 1 OE RI/FS* (June 21, 2004), the *Track 0 Plug-In Approval Memorandum Selected Parcels – Group B* (March 23, 2005), military munitions contractor after-action reports, working maps, Fort Ord Training Facilities Maps, and associated interviews from various ordnance-related community relations activities, indicates that no munitions response sites are present on the Property. All parcels included in this FOST lie on Property identified as non-munitions response sites, or areas at the former Fort Ord that contain no evidence of munitions and explosives of concern (MEC) and have never been suspected as having been used for military munitions related activities of any kind (Track 0). The Track 0 process addresses single or grouped areas of land at the former Fort Ord that have no history of military munitions use and for which No Action is necessary to protect human health and the environment. The Track 0 No Action ROD Plug-In process addresses the parcels included in this FOST. The Track 0 ROD was signed on July 2, 2002. An evaluation of two of the parcels included in this FOST was completed in the Track 0 Technical Memorandum and ROD (E5a.2 and L5.10.2, formerly E5a and L5.10). An evaluation of other parcels included in this FOST was completed through the Track 0 Plug-In Approval Memorandum process.

Investigations at MRS-46 and MRS-57 have included an evaluation of two adjacent Track 0 Parcels: L35.5 and L3.1. The investigations and results are summarized below.

Parcel L35.5 (Water Tank F) – To confirm that no MEC are present in this area two site reconnaissances were performed. The first site reconnaissance of the general area was conducted

in January 1996 by a U.S. Army Corps of Engineers (USACE) UXO Safety Specialist as part of the Preliminary Assessment/Site Investigation (PA/SI) phase of the Archive Search. The reconnaissance was performed because interviews with a former Fort Ord fire chief identified this general area (Site K11) as a possible target location associated with adjacent MRS-57. During the site reconnaissance munitions debris, including expended flares, signals, and blank small arms ammunition were found in the parcel vicinity. Based on the results of the reconnaissance the USACE UXO Safety Specialist assigned a Risk Assessment Code (RAC) score of 5 for Site K11, which includes Parcel L35.5. A RAC score of 5 indicates that no further military munitions response (MMR) action is necessary. The recommendation of no further action was reviewed by the Ordnance and Explosives Mandatory Center of Expertise (MCX) and Design Center (Army Corps of Engineers Huntsville Division [CEHND]). Based on this evaluation it was determined that no further investigation of Site K11 was necessary.

The second site reconnaissance, completed in October 1999, was a surface site inspection conducted over roads and trails primarily within the U.S. Department of the Interior, Bureau of Land Management (BLM) land adjacent to Parcel L35.5. The reconnaissance was completed by the military munitions contractor who was performing MMR actions at the former Fort Ord at that time. A portion of the area walked included the unimproved roads adjacent to Parcel L35.5. No MEC were found in the parcel vicinity or in the general area. Four expended smoke grenades (munitions debris) were found on the unimproved road adjacent to Parcel L35.5.

Parcel L3.1 (York School South Area) – Prior to the lease of property from the Army to York School, the DTSC and the US EPA requested that this parcel undergo a geophysical investigation to assure that no military munitions were present. A digital geophysical evaluation (sampling) was performed on a portion of Parcel L3.1, which lies on the south side of South Boundary Road between the road and the former Fort Ord installation boundary. For the purposes of the investigation, this area was identified as the York School South Area. The York School South Area was investigated in conjunction with the investigation of a portion of MRS-46, which was also to be leased to York School. The York School South Area investigation included a visual sweep and subsurface investigation using digital geophysical equipment. No MEC were found during sampling. Three munitions debris items (pieces of practice rifle grenades) were found and removed. Based on these results no further action was recommended and the DTSC concurred with this recommendation in a letter dated June 25, 2001.

3.9.1 Adjacent Site Conditions

MRS-2, MRS-4A, MRS-DRO.1, MRS-DRO.2, MRS-MOCO.1, MRS-20, MRS-24B, MRS-27E, MRS-39, MRS-43, MRS-44EDC, MRS-45, MRS-46, MRS-47, MRS-49, MRS-50EXP, MRS-57, and MRS-63 lie adjacent to the Property. A summary of the investigation conducted at each of the adjacent sites is provided below.

MRS-2. MRS-2 lies adjacent to Parcel E2d.3.1 (Plate 4). MRS-2 was identified in the ASR as a chemical training area and a landmine warfare training area. Results of the ASR indicate that MRS-2 was not an impact area. During the archives search it was reported that Chemical Agent Identification Sets (CAIS) may have been buried in the site vicinity along Imjin Road. MRS-2 was sampled for munitions and explosives of concern (MEC) in 1994 and two munitions debris items were found. A portion of MRS-2 overlaps IRP Site 16 and is adjacent to IRP Site 17. During the investigation and remediation of IRP Sites 16 and 17, 468 inert 2.36-inch practice

rockets were removed from burial pits located in former landfill areas within Sites 16 and 17. Landfill areas within MRS-2 were fully excavated in 1997. Although munitions debris items were found at MRS-2, the items were buried in disposal pits and were not associated with military munitions use. Additionally, no evidence of CAIS kits was found during sampling. For these reasons, the portion of MRS-2 that has been fully excavated, backfilled and re-graded (Pete's Pond burial area) is a Special Case Track 0 area, as discussed in the Final Track 0 ROD (June 19, 2002). Any munitions that might not have been located through excavation would most likely have been found during the re-grading process.

MRS-2 was categorized as a Track 1 site, which are sites suspected to have been used for military training with military munitions. Historical research and sampling conducted at this site found no evidence of past training involving military munitions. The adequacy of the sampling conducted at MRS-2 was evaluated in the Track 1 OE RI/FS. The Track 1 OE RI/FS recommended that MRS-2 should be retained in the Track 1 process. Therefore, MRS-2 will be considered as a candidate site for the Track 1 Plug-In process in accordance with criteria identified in the approved Track 1 ROD.

MRS-4A. MRS-4A lies adjacent to Parcels E18.2.1 and E18.2.2 (Gigling Road) (Plate 7). In 1994, Human Factors Applications, Inc. (HFA) completed a subsurface investigation of MRS-4A. Two munitions debris items were found. Based on the sampling results further investigation and confirmatory sampling was recommended.

CMS Environmental, Inc. (CMS) conducted sampling of MRS-4A in 1997. Sampling of this site resulted in the discovery of 70 MEC items, including a high explosive rifle grenade, 2 illumination signals, 67 grenade fuzes found in a burial pit, and 5 munitions debris items. Based on the sampling results, the Army conducted a one-hundred percent (100%) removal to a depth of 4 feet at the site. One MEC item (illumination signal) was found and removed during the removal action. Seven munitions debris items were found, including practice hand grenades, an illumination signal and a grenade fuze. No further military munitions investigation was recommended; however, MRS-4A will undergo additional evaluation in the ongoing former Fort Ord Military Munitions Response Program.

MRS-DRO.1 and MRS-DRO.2. These sites lie on the north side of South Boundary Road and are adjacent to Parcels L20.13.1.1, L20.13.2, L20.13.3.2, L20.13.4, and in close proximity to Parcels E29b.3 and E29e (Plate 8). The boundaries of MRS-DRO.1 and MRS-DRO.2 are based on transfer parcel delineation and not on evidence of munitions use. The investigation of these sites included one-hundred percent (100%) grid sampling, a removal action, and a one-hundred percent (100%) geophysical investigation to support the early transfer of these parcels. Items found and removed included expended practice rockets, practice projectiles, and practice grenades. MRS-DRO.1 and MRS-DRO.2 will undergo additional evaluation in the ongoing former Fort Ord Military Munitions Response Program.

MRS-MOCO.1. This site lies on the north side of South Boundary Road and is adjacent to Parcel L20.13.4 and in close proximity to Parcels E29b.3 and E29e (Plate 8). The boundary of MRS-MOCO.1 is based on transfer parcel delineation and not on evidence of munitions use. One hundred percent (100%) grid sampling was performed at MRS-MOCO.1 and no MEC or munitions debris were found. Based on these results no further action was recommended. MRS-

MOCO.1 will undergo additional evaluation in the ongoing former Fort Ord Military Munitions Response Program.

MRS-20. MRS-20 lies approximately 1,300 feet south of Parcel S3.2.1 (Plate 7). MRS-20 was evaluated in the Track 1 OE RI/FS. Based on review of existing information, MEC is not expected to be found at MRS-20. MRS-20 meets the Track 1, Category 1⁶ criteria because historical research and sampling conducted at this site found no evidence of past training involving military munitions. The Track 1 OE RI/FS recommended no further military munitions investigation at MRS-20.

MRS-24B. MRS-24B lies approximately 200 feet southwest of Parcels E20c.1.2 and E20c.2.2 (Plate 7). MRS-24B was evaluated in the Track 1 OE RI/FS. Based on review of existing information, MEC is not expected to be found at MRS-24B. MRS-24B meets the Track 1, Category 1 criteria because historical research and sampling conducted at this site identified evidence of past training involving only practice and pyrotechnic items that are not designed to cause injury. The Track 1 OE RI/FS recommended no further military munitions investigation at MRS-24B.

MRS-27E. MRS-27E lies approximately 200 feet east of Parcel L35.5 (Plate 6). Two site walks of MRS-27E have been conducted. A reconnaissance of a portion of this site was performed as part of the reconnaissance of area K11. As discussed above, expended flares, signals and blank small arms ammunition were found within adjacent MRS-57. The second investigation was conducted as part of the former Fort Ord BRA. The assessment of MRS-27E for potential hazardous and toxic waste related to military munitions included a data review, site reconnaissance, and mapping of portions of the site. Under the BRA MRS-27E was identified as HA-137. A site walk of HA-137 was performed in December 2001. No military munitions or evidence of military training were identified during the site walk and no further action related to chemical contamination was recommended in the BRA.

MRS-39. MRS-39 lies approximately 600 feet north of Parcel E18.3 (Plate 7). MRS-39 was evaluated in the Track 1 OE RI/FS. Based on review of existing information, MEC is not expected to be found at MRS-39. MRS-39 meets the Track 1, Category 3⁷ criteria because historical research and sampling conducted at this site identified evidence of past training involving only practice and pyrotechnic items that are not designed to cause injury. No evidence of military munitions was identified during the sampling of this site. The Track 1 OE RI/FS recommended no further military munitions investigation at MRS-39.

MRS-43. This site lies on the south side of South Boundary Road, adjacent to Parcels L20.13.1.1, L20.13.2, and L20.13.3.2, and in close proximity to Parcels L20.13.4 and E29e (Plate 8). Identified during interviews conducted for the Archives Search, and reported to have

⁶ Category 1: There is no evidence to indicate military munitions were used at the site (i.e., suspected training did not occur).

⁷ Category 3: The site was used for training with military munitions, but military munitions items that potentially remain as a result of that training do not pose an unacceptable risk based on site-specific evaluations conducted in the Track 1 OE RI/FS. Field investigations identified evidence of past training involving military munitions, but training at these sites involved only the use of practice and/or pyrotechnic items that are not designed to cause injury. In the unlikely event that live item of the type previously observed at the site is found, it is not expected that the item would function by casual contact (i.e., inadvertent and unintentional contact).

included a backstop for rifle grenades and shoulder launched projectiles from 1942 to 1944, this site was sampled, and munitions debris (expended projectiles) was removed. Three MEC items (37mm projectiles) were also removed. Additional work was performed at MRS-43 to support the early transfer of property to Del Rey Oaks. The northern portion of the site underwent a 4-foot removal and 100% geophysical investigation. This site will undergo additional evaluation in the ongoing former Fort Ord Military Munitions Response Program.

MRS-44EDC. MRS-44EDC lies approximately 160 feet southeast of Parcel E20c.2.2 (Plate 7). MRS-44EDC was established based on the presence of fragmentation from 37mm HE projectiles found during a site reconnaissance conducted by a USACE UXO Safety Specialist. An investigation of MRS-44EDC was conducted to determine whether a removal action was warranted. The investigation included the sampling of grids randomly distributed throughout the site. Several MEC items were found during sampling at MRS-44EDC; however, none of the MEC items found are penetrating by design and would typically be found on or near the ground surface unless intentionally buried. MRS-44EDC will undergo additional evaluation in the ongoing former Fort Ord Military Munitions Response Program.

MRS-46. This site lies in close proximity to Parcel E29b.3 (Plate 8). The boundary of MRS-46 is based on transfer parcel delineation and not on evidence of munitions use. Sampling of MRS-46 was initially conducted as part of the investigation of the adjacent impact area. During the sampling two MEC items (2.36-inch rockets) were found on the ground surface. The contractor conducting the sampling concluded that the two rockets were discarded military munitions (DMM); however, sampling of the entire site was conducted. No MEC were found during this sampling effort. Ten munitions debris items (various portions of practice rifle grenades) were found and removed. Because a portion of MRS-46 was to be leased to York School for the construction of an athletic field, the entire lease area was re-evaluated (sampled) using digital geophysical equipment. No MEC or munitions debris were discovered and no further action was recommended. MRS-46 will undergo additional evaluation in the ongoing former Fort Ord Military Munitions Response Program.

In 2002, York School completed construction of an athletic field and installation of an irrigation well within the portion of MRS-46 leased to them by the Army. The construction of the athletic field and installation of an underground irrigation system involved significant earth moving and grading. No military munitions were found during the athletic field construction, or installation of the irrigation well and irrigation system.

MRS-47. This site lies immediately adjacent to Parcel L20.7.5 (Plate 9). MRS-47 has undergone two sampling investigations and a removal action. During sampling evidence that the site was used as an impact area was found. The MEC items found included high explosive mortars and projectiles. CMS conducted a 4-foot removal action over the entire site in 1997. Seventy-four MEC and one-hundred and four munitions debris items were found and removed. No further military munitions investigation was recommended. MRS-47 will undergo additional evaluation in the ongoing former Fort Ord Military Munitions Response Program.

A site walk of portions of MRS-47 was conducted under the BRA in 1999. Other than expended small arms and blank small arms casings, no evidence of training, including the presence of military munitions, was observed.

MRS-49. MRS-49 lies adjacent to Parcels E20c.1.2 and E20c.2.2 (Plate 7). MRS-49 was evaluated in the Track 1 OE RI/FS. Based on review of existing information, MEC is not expected to be found at MRS-49. MRS-49 meets the Track 1, Category 3 criteria because historical research and site walks conducted at this site identified evidence of past training involving only practice and pyrotechnic items that are not designed to cause injury. The Track 1 OE RI/FS recommended no further military munitions investigation at MRS-49.

MRS-50EXP. MRS-50EXP lies adjacent to Parcel E18.3 (Plate 7). MRS-50EXP was not initially identified as a MRS in the ASR, but was created due to the expansion of the removal area associated with MRS-50. MEC and munitions debris were found at the boundary of MRS-50, which warranted an expansion of the investigation area in all directions. The investigation of MRS-50 and its expansion areas included a removal action conducted over the entire site to a depth of 4 feet. During the removal, four hundred and twenty-five MEC items were found and removed from MRS-50EXP. The majority of these items were non-penetrating (e.g., pyrotechnics, grenades, and grenade and projectile fuzes). No high explosive or penetrating military munitions were found within 400 feet of Parcel E18.3. The MEC and munitions debris found within the grids closest to the parcel were pyrotechnic and practice type items (i.e., signals, grenade fuzes, and a grenade cartridge). The investigation of MRS-50EXP included the geophysical sampling of a portion of Parcel E18.3 (the shoulder of Parker Flats Road); however, this sampling was conducted to clear MRS-50EXP up to the edge of the pavement of the surrounding roads and not based on evidence that training occurred at this location. Four military munitions items were found in three of the grids that overlap Parcel E18.3, but were located outside of the parcel. These included a hand grenade fuze (MEC), a practice hand grenade (munitions debris [MD]) and two rifle fired parachute signals (MD). The hand grenade fuze was classified as a discarded military munitions (DMM) item by the contractor conducting the military munitions sampling and removal. Because the MEC item found adjacent to Parcel E18.3 was determined to be DMM, further sampling on the west side of Parcel E18.3 was not warranted. No military munitions items were found within Parcel E18.3. MRS-50-EXP is being evaluated in the Track 2 Munitions Response Remedial Investigation/Feasibility Study.

MRS-57. MRS-57 lies adjacent to Parcel L35.5 (Plate 6). A site reconnaissance conducted in 1996 was completed as part of the PA/SI phase of the archives search for known and suspected munitions response sites at the former Fort Ord. MRS-57 was identified as an area of potential ordnance use based on information gathered during interviews conducted as part of the PA/SI. MRS-57 was identified in those interviews as Site K1, an area that included the use of rifle grenades, smoke grenades and shoulder launched projectiles in the 1940s, 1950s, and 1960s. A USACE UXO Safety Specialist walked a portion of Site K1 visually searching the path walked while simultaneously searching for subsurface military munitions using a magnetometer. Munitions debris, including an expended 75mm shrapnel projectile and expended flares and signals, were found. No evidence of other types of training or use as an impact area was identified as a result of the reconnaissance. Based on the presence of the expended 75 mm shrapnel projectile the USACE UXO Safety Specialist assigned Site K1 a Risk Assessment Code (RAC) score of 4, which includes a recommendation for further military munitions investigation (*USAEDH, 1997*). The recommendation of further investigation was reviewed by the Ordnance and Explosives Mandatory Center of Expertise (MCX) and Design Center (*Army Corps of Engineers Huntsville Division [CEHND]*). The CEHND reviewed the recommendation and agreed further military munitions investigation in the form of site investigation and sampling was

necessary at Site K1 and renamed the location Site OE [MRS]-57 (USAEDH, 1997). MRS-57 will undergo additional evaluation in the ongoing former Fort Ord Military Munitions Response Program.

MRS-63. MRS-63 lies approximately 100 feet north of Parcel S4.3 (Plate 10). MRS-63 was evaluated in the Track 1 OE RI/FS. Based on review of existing information, MEC is not expected to be found at MRS-63. MRS-63 meets the Track 1, Category 3 criteria because historical research and site walks conducted at this site identified evidence of past training involving only pyrotechnic items that are not designed to cause injury. The Track 1 OE RI/FS recommended no further military munitions investigation at MRS-63.

3.9.2 Findings and Recommendations

Although no munitions response sites are located on the Property, the potential exists for military munitions to be present because they were used throughout the history of Fort Ord. Appropriate military munitions notice is given herein and will be included in the deed. The deed will include the MEC warning and covenant included in the Environmental Protection Provisions (Attachment 1, Section 7).

The Army cannot guarantee that all military munitions have been removed; therefore, the Army recommends reasonable and prudent precautions be taken when conducting intrusive operations on the Property and will, at its expense, provide construction worker MEC recognition training. Pursuant to an agreement with the DTSC, the Cities of Marina, Seaside, and Del Rey Oaks have adopted City Ordinances that address the potential MEC risk by requiring permits for certain excavation activities. The Cities of Seaside, Marina, and Del Rey Oaks have designated all real property within their respective land use jurisdictions, which was formerly part of Fort Ord and identified as the possible location of MEC, as an “Ordnance Remediation District” (“District”).

3.10 Installation-Wide Multispecies Habitat Management Plan

Parcels in this FOST are designated as Development Parcels in accordance with the Installation-Wide Multispecies Habitat Management Plan (HMP): The parcels identified as HMP Development Parcels have no HMP resource conservation or management requirements; however, the HMP does not exempt the Grantee from complying with environmental regulations enforced by federal, State, or local agencies. These regulations may include obtaining permits from the U.S. Fish and Wildlife Service (USFWS) as required by the Endangered Species Act (ESA); complying with prohibitions against the removal of listed plants occurring on federal land or the destruction of listed plants in violation of any state laws; complying with measures for conservation of state-listed threatened and endangered species and other special-status species recognized by the California ESA, or California Environmental Quality Act (CEQA); and complying with local land use regulations and restrictions. The deed will include the “Notice Of The Presence Of Threatened And Endangered Species” provided in the Environmental Protection Provisions (Attachment 1).

On June 18, 2003, a small population of Yadon’s piperia (*Piperia yadoni*) was discovered within Parcel E29b.3 along the southern boundary of the former Fort Ord. The U.S. Fish and Wildlife Service (Service) listed Yadon’s piperia, also known as a rein orchid, as an endangered species on August 12, 1998. The Army is in the process of consulting with the Service as required by

Section 7 of the ESA. Parcel E29b.3 will be transferred following completion of the consultation.

As described above, the designation of Parcel E29b.3 as a development parcel in the HMP does not exempt future landowners from complying with environmental regulations enforced by federal, State, and local agencies; however, implementation of the HMP will simplify future regulatory compliance by allowing the Service and California Department of Fish and Game to issue permits and take authorizations if necessary.

3.11 Other Conditions

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 or leases where the proposed action will be a transfer of ownership, interest and title in the land, facilities, and associated real and personal property as soon as it meets the requirements under CERCLA.

In 2004, a fuel break was established along South Boundary Road from the York School lease area to Laguna Seca. Establishment of the fuel break included the mechanical cutting and removal of all vegetation extending from the shoulder of the road to 55 feet south of the road and on the north side of the road to the existing fire break. This work was conducted within Parcels L20.7.1, L20.7.2, L20.7.4, L20.7.5, L3.1, S4.2.1, S4.2.2, S4.2.3, and S4.2.4 and was completed in July through September of 2004. The vegetation removal was performed with UXO escort. No MEC or munitions debris was found during the vegetation clearance work.

4.0 REMEDIATION

The following environmental remediation orders and agreements are applicable to the Property: The Fort Ord MR RI/FS and the Fort Ord Federal Facility Agreement (*FFA, 1990*). All remediation activities on the property required by the FFA are completed or in place and operating properly and successfully (OPS). The Environmental Protection Provisions will include a provision reserving the Army's right to conduct remediation activities and the regulators' right of access (Attachment 1).

5.0 REGULATORY COORDINATION AND COMMENTS

The US EPA and the DTSC were notified of the initiation of this FOST. The 30-day review period was from March 26, 2005 to April 26, 2005. Comments from regulatory agencies and the public received during development of this FOST were reviewed and incorporated as appropriate.

6.0 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE AND CONSISTENCY WITH LOCAL REUSE PLAN

The environmental impacts associated with the proposed transfer of the Property have been analyzed per the National Environmental Policy Act (NEPA). The results of this analysis have been documented in the "Final Environmental Impact Statement Fort Ord Disposal And Reuse," June 1993, associated Record of Decision, December 1993, "Supplemental Environmental Impact Statement Fort Ord Disposal And Reuse," June 1996 and associated Record of Decision, June 1997. The environmental effects of the activities anticipated under the proposed transfer

were determined not to be significant. In addition, the proposed use of the Property is consistent with the intended reuse of the Property set forth in the Fort Ord Reuse Plan.

7.0 ENVIRONMENTAL PROTECTION PROVISIONS

Based on the above results from the CERFA Report and other environmental studies, and in consideration of the intended use of the Property, certain terms and conditions are required for the proposed transfer. The terms and conditions are set forth in the Environmental Protection Provisions (Attachment 1) and will be included in the deed/easement.

7.1 Covenants to Restrict Use of Property – Environmental Restrictions

A portion of the former Fort Ord installation lies within a “Special Groundwater Protection Zone” as defined by Monterey County Ordinance 04011. Use of groundwater is prohibited on portions of the Property as described in the Covenant to Restrict Use of Property – Environmental Restrictions (Special Groundwater Protection Zone) (CRUP). Provided the restrictions of the CRUP, to be entered into by the Army and the State of California, are adhered to, no actual or potential hazard exists on the surface of the Property from groundwater contamination or from possible soil gas volatilization resulting from groundwater contamination underlying the Property.

These restrictions and notifications are detailed in the attached Environmental Protection Provisions (Attachment 1).

7.2 School Properties

Should this Property be considered for the proposed acquisition and/or construction of school properties utilizing State funding, a separate environmental review process in compliance with the California Education Code 17210 et. Seq will need to be completed and approved by the DTSC.

8.0 FINDING OF SUITABILITY TO TRANSFER

Based on the above information, I have concluded that all DOD requirements to reach a Finding of Suitability to Transfer have been fully met for the Property, subject to the terms and conditions set forth in the Environmental Protection Provisions (Attachment 1).

For ECP Category 1 Parcels:

The deed/easement for this transaction will also contain the following provisions,

- The covenant under CERCLA §120(h)(4)(D)(i) warranting that any response action or corrective action found to be necessary after the date of transfer shall be conducted by the United States.
- A clause as required by CERCLA §120(h)(4)(D)(ii) granting the United States access to the property in any case in which a response action or corrective action is found to be necessary after the date of transfer for the property, or such access is necessary to carry out a response action on adjoining property.

For ECP Category 4 Parcels:

All removal or remedial actions necessary to protect human health and the environment have been taken and the property is transferable under CERCLA Section 120(h)(3). In addition to the Environmental Protection Provisions, the deed/easement for this transaction will also contain:

- The covenant under CERCLA §120(h)(3)(A)(ii)(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 before the date of transfer.
- The covenant under CERCLA §120(h)(3)(A)(ii)(II) warranting that any remedial action under CERCLA found to be necessary after the date of transfer with respect to such hazardous substances remaining on the property shall be conducted by the United States.
- The clause as required by CERCLA §120(h)(3)(A)(iii) 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.

As required under CERCLA Section 120(h) and DOD FOST Guidance, notification of hazardous substance activities shall be provided in the deed/easement (see Table 3 – Notification of Hazardous Substance Storage, Release, or Disposal). Notice of response actions taken will be provided in the deed(s), as appropriate, based on the information contained in Table 2.

Thomas E. Lederle
Director, Hampton Field Office
Army BRAC