



REPLY TO
ATTENTION OF

DAIM-BD-H

DEPARTMENT OF THE ARMY
HAMPTON FIELD OFFICE, ARMY BASE REALIGNMENT AND CLOSURE
3A BERNARD ROAD
FORT MONROE VIRGINIA 23651

OCT 19 2005

MEMORANDUM FOR: Assistant Chief of Staff for Installation Management, (DAIM-BD),
600 Army Pentagon, Washington, D.C. 20310-0600

SUBJECT: Amendment #1 to the Finding of Suitability to Transfer (FOST) 9 at Former Fort
Ord

1. Enclosed for your records is Amendment #1 to FOST 9 to modify Section 2 Subparagraph A(2) (LAND USE RESTRICTIONS, Groundwater Restriction) and Section 6 (NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER) of the Environmental Protection Provisions (EPP, Attachment 5 of the FOST). It is signed by the Director of the BRAC-Hampton Field Office.
2. Hampton Field Office point of contact is Ms. Judy Johnston, DSN: 680-3845 or Commercial (757) 788-3845.

Enclosure

A handwritten signature in cursive script, reading "Thomas E. Lederle".

THOMAS E. LEDERLE

Director, Base Realignment and Closure
Hampton Field Office

CF: (w/encl)
USEPA Region IX
DTSC
RWQCB
CDR, USACE (CESPK-RE-M, Liz Easley)
DAIM-BD-OR (Karen Fisbeck)

**AMENDMENT #1
to the
FINDING OF SUITABILITY TO TRANSFER
(FOST)
FORMER FORT ORD, CALIFORNIA
TRACK 0 PLUG-IN C, TRACK 1 AND TRACK 1 PLUG-IN PARCELS**

October 2005

**AMENDMENT #1
FINDING OF SUITABILITY TO TRANSFER (FOST)
FORMER FORT ORD, CALIFORNIA
TRACK 0 PLUG-IN C, TRACK 1 AND TRACK 1 PLUG-IN PARCELS**

1.0 PURPOSE

The purpose of this Amendment is to modify Section 2 Subparagraph A (2) (LAND USE RESTRICTIONS, Groundwater Restriction) and Section 6 (NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER) of the Environmental Protection Provisions (EPP, Attachment 5 of the FOST) to reflect which notice of the presence of contaminated groundwater is required for the parcels referred to in the EPP's table of Applicable Notices. More specifically this amendment will clarify which parcels of property are within particular "Groundwater Protection Zones" and therefore require a specific notice to be included in the deeds for those parcels.

2.0 BACKGROUND

Because of concerns about the extent of future development at the former Fort Ord, its potential impact on groundwater remedial activities, and protection of public health and the environment, Monterey County promulgated an ordinance in 1999 that established a "Special Groundwater Protection Zone" at the former Fort Ord. Within this zone, property recipients are restricted from drilling new water wells. The Special Groundwater Protection Zone is divided into the "Prohibition Zone," where construction of water wells is prohibited, and the "Consultation Zone," where the County evaluates water well permit applications on a case-by-case basis in consultation with the Army, U.S. EPA Region IX, California Department of Toxic Substances Control (DTSC) and the California Regional Water Quality Control Board (RWQCB). Additionally, the DTSC has required for previous FOSTs the Army to be party to a Covenant to Restrict Use of Property Covenant (CRUP) for each group of properties being transferred that were located within the Special Groundwater Protection Zone.

During development of this FOST, the DTSC determined it only had regulatory authority to enforce CRUPs on property within the Prohibition Zone, but not the Consultation Zone. The Army revised the list of parcels requiring a CRUP accordingly; however, after the FOST was finalized, the Army determined the table of Applicable Notices in the EPP still indicated all parcels within the Special Groundwater Protection Zone required the Notice of Contaminated Groundwater, which describes all such parcels as being included in a CRUP. As a result, the Notice of Contaminated Groundwater was inappropriately included in the draft deeds for property within the Consultation Zone based on the information in the table of Applicable Notices.

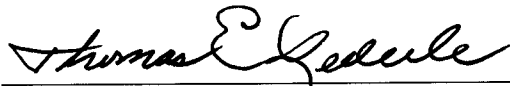
3.0 REGULATORY/PUBLIC COMMENT

OCT 19 2005

A copy of this FOST Amendment will be distributed to the US EPA Region IX, the DTSC and the RWQCB. The Army will include this FOST Amendment as part of its Administrative Record for the former Fort Ord, California.

4.0 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, as modified (Attachment 5).



OCT 19 2005

Thomas E. Lederle
Director, Hampton Field Office
Army BRAC

Enclosure

Attachment 5, Environmental Protection Provisions Sections 2 and 6 as amended.

ATTACHMENT 5

ENVIRONMENTAL PROTECTION PROVISIONS

2. LAND USE RESTRICTIONS

A. The United States Department of the Army (Army) has undertaken careful environmental study of the Property and concluded that the land use restrictions set forth below are required to ensure protection of human health and the environment. The Grantee, its successors or assigns, shall not undertake nor allow any activity on or use of the property that would violate the land use restrictions contained herein.

- 2) **Groundwater Restriction.** As described in the NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER, the Grantee is hereby informed and acknowledges that the groundwater under portions of the Property and associated with the Sites 2 and 12 (Sites 2/12) groundwater plume and the Operable Unit 2 (OU2) groundwater plume is contaminated with volatile organic compounds (VOCs), primarily trichloroethene (TCE). In accordance with the provisions of Section 6 of the Environmental Protection Provisions, the Grantee, its successors and assigns shall not access or use groundwater underlying the Property for any purpose. For the purpose of this restriction, "groundwater" shall have the same meaning as in section 101(12) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

6. NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER

For Parcels E2a, E4.1.2.1, E4.1.2.2, E4.1.2.3, E4.3.1.2, E4.3.2.1, E4.6.1, E4.6.2, E8a.1.1.2, L5.6.1, L5.6.2, L9.1.1.2, L9.1.2.2, S3.1.1 and S4.1.1:

A. The groundwater beneath portions of the Property is contaminated with volatile organic compounds (VOCs), primarily trichloroethene (TCE). The most recent data available (Annual Report of Quarterly Monitoring, October 2003 through September 2004) indicates that:

- 1) Parcel S4.1.1 overlies the Sites 2/12 groundwater plume where the concentration of TCE in groundwater equals or exceeds 5.0 micrograms per liter ($\mu\text{g/L}$). For the Sites 2/12 groundwater plume area the maximum TCE concentration in the groundwater beneath the Property (Parcel S4.1.1) is between 5.0 $\mu\text{g/L}$ and 10 $\mu\text{g/L}$ and depth to groundwater is 68 to 75 feet below ground surface.
- 2) Parcels E4.3.1.2, E4.3.2.1, E4.6.1, E4.6.2, E8a.1.1.2, L5.6.1 and L5.6.2 overlie the OU2 groundwater plume where the concentration of TCE in groundwater exceeds 5.0 $\mu\text{g/L}$. For the OU2 groundwater plume area the maximum TCE concentration in the groundwater beneath the Property (Parcel E4.3.1.2) is 26 $\mu\text{g/L}$ as measured in groundwater extraction well EW-OU2-12A and depth to groundwater is 125 to 175 feet below ground surface.

B. The maximum concentrations of the chemicals of concern (associated with the OU2 and Sites 2/12 groundwater plumes) detected in the groundwater monitoring or extraction wells on the Property (September 2004) are listed below. The quantity released of these compounds is unknown. The OU2 and Sites 2/12 groundwater aquifer cleanup levels (ACLs), presented in the OU2 Fort Ord Landfills Record of Decision (ROD) (July 1994) and Basewide Remedial Investigation Sites ROD (January 1997), are provided for comparison.

Chemicals of Concern in Groundwater and Aquifer Cleanup Levels
(OU2 and Sites 2/12 Plumes)

Chemical Name	Regulatory Synonym	CASRN*	RCRA Waste Number	Parcel	Well (EW-OU2)	Maximum Concentrations (µg/L)	ACL (µg/L)
Benzene	Benzol	71432	U019	E4.3.1.2	-10-A	0.3	1.0
Carbon Tetrachloride	Methane, tetrachloro-	56235	U211			ND	0.5
Chloroform	Methane, trichloro-	67663	U044	E4.3.1.2	-12-A	2.3	2.0
1,1-Dichloroethane	Ethane, 1,1-dichloro-	75343	U076	E4.3.1.2	-10-A	6.9	5.0
1,2-Dichloroethane	Ethane, 1,2-dichloro-	107062	U077	E4.3.1.2	-10-A	1.5	0.5
1,1-Dichloroethene	Ethene, 1,1-dichloro-	75354	U078			ND	6.0
Cis-1,2-Dichloroethene	Ethene, 1,2-dichloro(E)	156605	U079	E4.3.1.2	-10-A	8.9	6.0
1,2-Dichloropropane	Propane, 1,2-dichloro-	78875	U083	E4.3.1.2	-12-A	1.3	1.0
Total 1,3-Dichloropropene	Propene, 1,3-dichloro-	542756	--			ND	0.5
Methylene Chloride	Methane, dichloro-	75092	U080			ND	5.0
Tetrachloroethene	Ethene, tetrachloro-	127184	U210	E4.3.1.2	-10-A	5.4	3.0
Trichloroethene	Ethene, trichloro-	79016	U228	E4.3.1.2	-12-A	26	5.0
Vinyl chloride	Ethene, chloro-	75014	U043	E4.3.1.2	-10-A	0.7	0.1

*Chemical Abstract Services Registry Number

C. Restrictions and Conditions

- 1) The property is within the "Prohibition Zone" of the "Special Groundwater Protection Zone." A Covenant to Restrict the Use of Property (CRUP) for the property will be established between the United States Army and the State of California (DTSC and the California Regional Water Quality Control Board, Central Coast Region). The Prohibition Zone encompasses the area overlying or adjacent to the four identified groundwater contamination plumes at the former Fort Ord. The Prohibition Zone is identified on the "Former Fort Ord Special Groundwater Protection Zone Map" (the Map), which is on file with the County of Monterey (the County). County Ordinance No. 04011 prohibits the construction of water wells within the Prohibition Zone.

- 2) The Grantee covenants for itself, its successors, and assigns not to access or use groundwater underlying the Property for any purpose. For the purpose of this restriction, “groundwater” shall have the same meaning as in section 101(12) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).
- 3) The Grantee covenants for itself, its successors, and assigns that neither the Grantee, its successors or assigns, nor any other person or entity acting for or on behalf of the Grantee, its successors or assigns, shall interfere with any response action being taken on the Property by or on behalf of the Grantor, or interrupt, relocate, or otherwise interfere or tamper with any remediation system or monitoring wells now or in the future located on, over, through, or across any portion of the Property without the expressed written consent of the Grantor in each case first obtained.
- 4) The Grantee covenants for itself, its successors, or assigns, that it will not undertake nor allow any activity on or use of the Property that would violate the restrictions contained herein. These restrictions and covenants are binding on the Grantee, its successors and assigns; shall run with the land; and are forever enforceable.

For Parcels E11a, E11b.6.2, E15.2, E20c.2.1, L20.14.1.1, L20.14.2, L20.15, S3.1.2, S3.1.3, and S3.1.4:

- A. The Property is within the “Consultation Zone” of the “Special Groundwater Protection Zone.” The Consultation Zone includes areas surrounding the “Prohibition Zone” where groundwater extraction may impact or be impacted by the four identified groundwater contamination plumes at the former Fort Ord. The Consultation Zone is also identified on the “Former Fort Ord Special Groundwater Protection Zone Map,” which is on file with the County of Monterey (the County). County Ordinance No. 04011 requires consultation with the Grantor, the US EPA, the DTSC, the RWQCB and the County for proposed water well construction within the Consultation Zone.
- B. The Grantee covenants for itself, its successors, and assigns not to access or use groundwater underlying the Property for any purpose without the prior written approval of the Grantor, the US EPA, the DTSC, the RWQCB and the County. For the purpose of this restriction, “groundwater” shall have the same meaning as in section 101(12) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).
- C. The Grantee covenants for itself, its successors, and assigns that neither the Grantee, its successors or assigns, nor any other person or entity acting for or on behalf of the Grantee, its successors or assigns, shall interfere with any response action being taken on the Property by or on behalf of the Grantor, or interrupt, relocate, or otherwise interfere or tamper with any remediation system or monitoring wells now or in the future located on, over, through, or across any portion of the Property without the expressed written consent of the Grantor in each case first obtained.
- D. The Grantee covenants for itself, its successors, or assigns, that it will not undertake nor allow any activity on or use of the Property that would violate the restrictions contained

herein. These restrictions and covenants are binding on the Grantee, its successors and assigns; shall run with the land; and are forever enforceable