

**FINDING OF SUITABILITY TO TRANSFER (FOST)  
CALIFORNIA STATE UNIVERSITY MONTEREY BAY  
PARCEL 9  
FORMER FORT ORD, CALIFORNIA**

In my capacity as the Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health, and on the basis of an Environmental Baseline Survey (EBS) conducted for the California State University Monterey Bay (CSUMB) Parcel, I have determined that CSUMB Parcel 9 at former Fort Ord, California (Property), is suitable for transfer to CSUMB for educational purposes. The area to be assigned and transferred includes six buildings on approximately ~~7.5~~<sup>6.945</sup> acres (Plate 1).

A determination of the environmental condition of the Property was made by the United States Army by conducting an EBS that included reviewing existing environmental documents and making associated visual site inspections. 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 studies documents. Comments received from U.S. EPA Region IX and California EPA DTSC on the Version 1 FOST for the CSUMB Parcel 9 were reviewed and incorporated where possible into this Version 2 FOST. All comments were resolved with the exception of one concerning certain language regarding asbestos, which is attached as an unresolved comment. The results of the EBS and other more recent documents indicate that the Property is environmentally suitable for transfer to CSUMB. The results are as follows:

- Six buildings (4855 through 4860) are located on the Property (Plate 1). The buildings were part of the former 707th Battalion Maintenance Facility and were used for vehicle maintenance and supply storage. Three minor structures are present on the Property: 4850 was a former fueling station; 4851 was a general storage shed; and 4852 was a former fueling station and hazardous materials storage area for motor vehicle related products and solvents (see discussion below).
- An asbestos survey conducted by the Army shows that Buildings 4855 through 4860 contain nonfriable asbestos. Building 4858 contains suspected nonfriable ACM in the form of HVAC flexible connectors. Although this ACM was rated 2 (immediate repair or short-term removal recommended), these HVAC connectors were apparently in good condition but could not be sampled because of the ceiling height. The nonfriable ACM in the other five buildings was in good condition. At this time, the Army does not intend to remove or repair the ACM in these structures.
- Buildings 4855 through 4860 are presumed to contain lead-based paint (LBP) because of their pre-1978 (1953) construction dates. The Army does not intend to abate the LBP presumed to be present in these structures because they are not intended to be used as residences and appropriate LBP notice is provided herein.
- 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 reported releases of PCB-contaminated dielectric fluids on the Property have been reported.
- Ordnance and explosives (OE) archive search investigations show that no potential OE locations are within or adjacent to the Property.
- Seven USTs were on the Property (Plate 2). Six were 5,000-gallon unleaded gasoline tanks and one was a 550-gallon waste oil tank. The Monterey County Department of Health (MCDOH) has granted closure for the six removed gasoline USTs. Undocumented removal of UST 4855, the waste oil tank, occurred in 1988. Subsequent remediation of contaminated soil around the tank as part of the Site 14

investigation has been completed under the Installation Restoration Program (IRP). No aboveground storage tanks (ASTs) are present on the Property.

- Two solid waste management units (SWMUs) were formerly present on the Property (Plate 2). FTO-004, consisted of two locked hazardous materials storage cages located near Buildings 4855 and 4860, each with a 600-gallon waste oil AST. These storage areas and ASTs were dismantled in the late 1980s, and hazardous material storage moved to an upgraded facility near Building 4885 north of the Property. No hazardous materials are presently stored on the Property.
- The final CERFA report identifies the Property as being within CERFA Disqualified Parcel No. 4 because of (1) the location of the Property above the Fort Ord Landfills (OU 2) groundwater contamination plume, and (2) the inclusion of the Property in IRP Site 14 (see below). Remediation of the contaminated groundwater is underway. The Army has received concurrence from the U.S. EPA (4 January 1996) that the pump-and-treat system for remediation of the OU 2 groundwater plume is in place and operating "properly and successfully". One shallow groundwater monitoring well, MW-14-04-A, is on the Property (Plate 2). Samples from this well do not contain detectable concentrations of volatile organic compounds (VOCs). The total estimated concentration of VOCs, primarily trichloroethene (TCE) in deeper groundwater beneath the Property is approximately 5 micrograms per liter. Table 1 (attached) shows maximum VOC concentrations elsewhere in the OU 2 groundwater plume.
- The Baseline Risk Assessment for OU 2 indicates that the groundwater does not pose a threat to occupants of the Property provided that groundwater from the contaminated aquifer is not used for drinking water. Well drilling and use of groundwater will be prohibited.
- The Property is contained within IRP Site 14, the 707th Maintenance Battalion Facility (Plate 2). Site 14 was characterized as an Interim Action (IA) site. The interim actions completed in 1995 included soil excavation, soil sampling, and backfilling of the excavation at waste oil UST 4855, and additional soil sampling at three grease racks not on the Property. The Draft Final Site Characterization Report for Site 14 was submitted to the U.S. EPA and DTSC in November 1994; the IA approval memorandum was submitted to and approved by the U.S. EPA in March 1995. The Site 14 IA Confirmation Report was submitted to the regulatory agencies in February 1996. The DTSC issued a letter of no further action for the Property and the U.S. EPA concurred that all necessary remedial action has been completed, in May 1996.

National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by 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 information, certain terms, conditions, reservations, restrictions, and notifications are required. Disclosure of conditions and use restrictions are described below and will be included in the deed.

#### **NOTICE OF THE PRESENCE OF ASBESTOS.**

A. The Grantee is hereby informed and does acknowledge that friable and non-friable asbestos or asbestos-containing materials (ACM) has been found on the Property, as described in the environmental baseline survey. The ACM on the Property does not currently pose a threat to human health or the environment. All friable asbestos that posed a risk to human health has either been removed or encapsulated.

B. The Grantee covenants and agrees that its use and occupancy of the Property will be in compliance with all applicable laws relating to asbestos; and that the Grantor assumes no liability for 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, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the Property described in this transfer, 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-CONTAINING PAINT**

### **LEAD-BASED PAINT WARNING AND COVENANT:**

Every purchaser of any interest in residential real property (target housing) on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage including learning disabilities, reduced intelligence quotient, behavioral problems and impaired memory. Lead poisoning also poses particular risk to pregnant women. The seller of any interest in target housing is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase. "Target housing means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

Available information concerning known lead-based paint and/or lead-based paint hazards, the location of lead-based paint and/or lead-based paint hazards, and the condition of painted surfaces is contained in the Community Environmental Response Facilitation Act (CERFA) Report for Fort Ord, Dated April 94 which has been provided to the Grantee, and the Finding of Suitability to Transfer. No other records or reports pertaining to lead-based paint or lead-based paint hazards are available. The Grantee hereby acknowledges receipt of the information described in this paragraph and the federally required lead-hazard pamphlet.

The Grantee acknowledges that it has received the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards as required by law or regulation.

The Grantee and its successors and assigns shall not permit the occupancy of any target housing without first abating and eliminating lead-based paint hazards by treating any defective lead-based paint surface in accordance with all available laws and regulations.

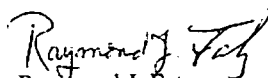
**NOTICE OF HAZARDOUS SUBSTANCE STORAGE.** The GRANTOR hereby notifies the GRANTEE of the former storage of hazardous substances for vehicle maintenance on the Property. These typically included: waste oil (three 550- to 600-gallon tanks), miscellaneous lubricants, hydraulic fluid, solvents, antifreeze, oil filters, and asbestos-containing brake shoes placed in 55-gallon drums prior to disposal. Unleaded gasoline was formerly stored on the Property in six 5,000-gallon underground storage tanks. Storage of hazardous substances on the Property ceased after 1991. The information regarding this storage indicates that it was conducted in a manner that would not pose a threat to human health and the environment. This notice is given pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section (§)120(h)(1) and (3), and no additional action is necessary under CERCLA to protect human health and the environment.

**NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER.** The groundwater beneath the property is contaminated with volatile organic compounds (VOCs), primarily trichloroethene (TCE). The maximum estimated total VOC concentration in the groundwater beneath the Property is

5 micrograms per liter. This notice is provided pursuant to CERCLA § 120(h)(1) and (3). A pump-and-treat groundwater remediation system is in place and shown to be operating effectively. Drilling of water wells or use or access to groundwater beneath the property is prohibited. Without the express written consent of the Grantor, 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 with any Remediation System now or in the future located on, over, through or across any portion of the property.

On the basis of the above information, I conclude that the CSUMB Parcel 9 should be assigned Department of Defense (DoD) Environmental Condition Category 4 and is suitable for transfer. The following covenants and access clause required in CERCLA 120(h)(3) must be placed in the deed as well as the deed restrictions and/or notifications contained within this FOST on asbestos, lead-based paint, and groundwater.

- 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, caused by the United States, 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.

  
Raymond J. Fatz

Deputy Assistant Secretary of the Army  
(Environment, Safety and Occupational Health)  
OASA (I,L&E)

**Table 1. Maximum Chemical Concentration by Aquifer Zone  
OU 2 Groundwater Plume  
Former Fort Ord, California**

Aquifer Zone	Substance	Concentration (µg/L)
Upper Aquifer Zone	1,1,1-trichloroethane	31
	1,1,2,2-tetrachloroethane	0.6
	1,1-dichloroethane	12
	1,1-dichloroethene	4.6
	1,2-dichlorobenzene	3.7
	1,2-dichloroethane	6.9
	1,2-dichloropropane	8.6
	1,4-dichlorobenzene	4.3
	benzene	2.6
	bromodichloromethane	3.1
	bromoform	3.1
	chloroform	16
	cis-1,2-dichloroethane	54
	dibromochloromethane	4.2
	methylene chloride	130
	tetrachloroethene	8.2
	trans-1,2-dichloroethane	4.1
	trichloroethene	80
	trichlorofluoromethane	52
	vinyl chloride	8
180-Foot Aquifer Zone	1,1,1-trichloroethane	0.6
	1,2-dichlorobenzene	0.6
	1,2-dichloropropane	1
	benzene	1.4
	carbon tetrachloride	0.7
	chloroform	1.6
	chloromethane	0.5
	cis-1,2-dichloroethane	4.6
	cis-1,3-dichloropropene	1.8
	ethylbenzene	1.2
	methylene chloride	1.2
	tetrachloroethene	1.8
	toluene	0.6
	trans-1,2-dichloroethane	1.8
	trichloroethene	50
	vinyl chloride	1.2
	400-Foot Aquifer Zone	1,1,1-trichloroethane
methylene chloride		1.1
tetrachloroethene		0.9
toluene		2.1

## UNRESOLVED AGENCY COMMENTS

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.



Harding Lawson Associates

Engineering and Environmental Services

CSUMB Parcel 9 and IRP Sites and IRP Sites Storage Tanks, SWMUs, Monitoring Wells, PLATE

CSUMB Parcel 9 Finding of Suitability to Transfer former Fort Ord, California

APPROVED DATE 6/95

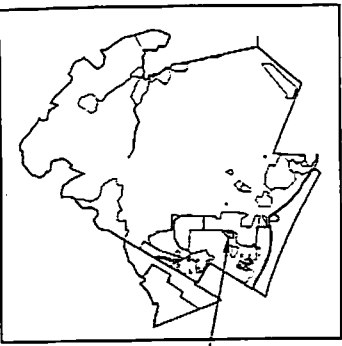
JOB NUMBER 25894 001773

DRAWN CSN

REVISED DATE

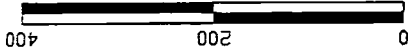
2

KEY MAP



CSUMB PARCEL 9

SCALE IN FEET



NPL SITE - INTERIM ACTION

SOLID WASTE MANAGEMENT UNIT

BUILDING SURVEYED FOR RADIOLOGICAL MATERIALS

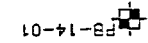
UNDERGROUND STORAGE TANK

UNDERGROUND STORAGE TANK

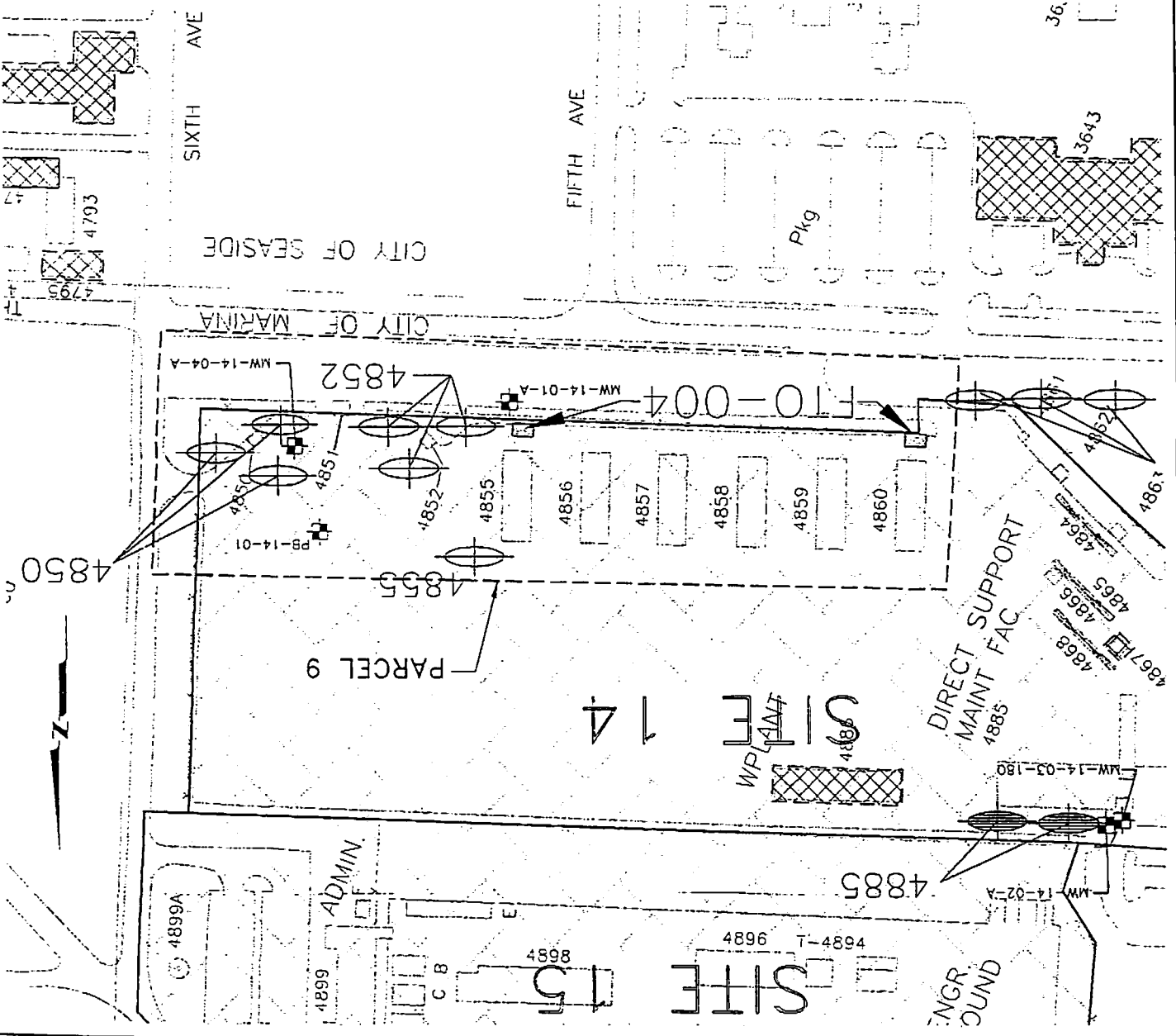
LOCATION OF REMOVED

GROUNDWATER MONITORING WELL

PARCEL BOUNDARY



EXPLANATION



SIXTH AVE

FIFTH AVE

CITY OF SEASIDE

CITY OF MARINA

PARCEL 9

SITE 14

SITE 15

DIRECT SUPPORT MAINT FAC

UNGR GROUND





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-2901

January 4, 1996

Raymond Fatz  
Acting Deputy Assistant Secretary of the Army  
(Environment, Safety and Occupational Health)  
Installations Logistics and Environment  
110 Army Pentagon  
Washington, D.C. 20310-0110

Re: Fort Ord - CERCLA §120(h)(3) Transfer of Property  
Overlying OU-2 (Landfills) Groundwater Plume

Dear Mr. Fatz:

The U.S. Environmental Protection Agency, Region IX (EPA) received on December 8, 1995, a document entitled "Technical Memorandum: Demonstration of Groundwater Plume Capture, Operable Unit (OU-2) Groundwater Remedy, Fort Ord, California" (Technical Memorandum), dated December 7, 1995 and prepared by IT Corporation on behalf of the Army. The purpose of the memorandum is to demonstrate to EPA that the OU-2 groundwater remedy is constructed and operating properly and successfully for purposes of satisfying property transfer requirements under §120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 59620.

When entering into a deed for transfer under §120(h)(3) of CERCLA, the Army is required to include in such deed a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property has been taken before the date of transfer, and that any additional remedial action found to be necessary after the date of the transfer shall be conducted by the United States. In the case of a contaminated groundwater plume such as OU-2, the statute provides that the covenant can be given if the construction and installation of an approved remedial design has been completed, and the remedy has been demonstrated to the EPA Administrator to be operating properly and successfully. The ongoing requirement for pumping and treating, or other operation and maintenance, after the remedy has been demonstrated to be operating properly and successfully does not preclude the transfer of the property.



EPA and the Army have established the following conditions with respect to the Fort Ord OU-2 groundwater remedy for demonstrating compliance with §120(h)(3) of CERCLA:

- 1) Construction of an approved remedial design will be considered complete when:
  - a) Construction completed per approved design for the 1) extraction well system, 2) conveyance (piping) system, 3) treatment system, and 4) discharge system
  - b) Army notifies EPA that construction is complete
- 2) Remedy will be considered to be operating properly and successfully when:
  - a) The entire system is activated and is pumping, treating, and discharging per approved design
  - b) Army submits a technical memorandum to EPA describing the results of the following activities:
    - 1) Army collects groundwater elevation data from monitoring well network to demonstrate an inward gradient of the contaminated plume in the Upper and 180-foot aquifers toward the extraction wells.
    - 2) Army conducts sampling at influent and effluent of treatment system to demonstrate that system is meeting discharge requirements.

The Army has demonstrated that the conditions described above have been met based on a brief period of operation and an initial, limited evaluation of performance. However, the performance of the pumping system, particularly in the eastern portion of the 180-foot aquifer, indicates the need for further refinement. As the pump and treat system continues to operate, analyses of plume capture will also continue, and modifications to the existing design may be necessary to increase the effectiveness of the remedy in order to ensure that the remedy will meet the goals and standards established in the OU-2 Record of Decision (ROD) and Explanation of Significant Differences (ESD). These adjustments are an expected part of groundwater remedies, and are described in the ROD. Under the terms of the ROD, the Army remains responsible for continuing evaluation of the remedy and for any modifications necessary to achieve the requirements of the ROD (and ESD).

information was known as of this date, or is discovered in the future.

The undersigned recommends that this document be referenced in Finding of Suitability to Transfer documents, and that it be made available to the public. If you have any questions, please call John Chesnutt, EPA Remedial Project Manager for the Fort Ord Site, at (415) 744-2393.

Sincerely,

*Julie Anderson*

Julia Anderson, Director  
Federal Facilities Cleanup Office

cc: Congressman Sam Farr  
David Wang, California Department of Toxic Substances Control  
Gail Youngblood, Fort Ord BRAC Environmental Coordinator  
Bob Carr, EPA-HQ