

FINDING OF SUITABILITY TO TRANSFER (FOST)
HAYES PARK PARCEL
FORMER FORT ORD, CALIFORNIA

On the authority delegated to me by the Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health (20 July 1995), and on the basis on the Community Environmental Response Facilitation Act (CERFA) Report for Fort Ord, I have determined that the Hayes Park Parcel at former Fort Ord, California (Property), is suitable for transfer to the City of Seaside for medium-density housing. The area to be assigned and transferred includes 365 buildings on approximately 100 acres (Plate 1).

A determination of the environmental conditions of the Property was made by the United States Army by reviewing existing environmental documents and making associated visual site inspections. The documents reviewed included the final CERFA Report (April 1994), U.S. EPA Region IX's concurrence to the CERFA Report (19 April 1994), and various remedial investigation/feasibility studies documents. The results of this document review indicate that the Property is environmentally suitable for transfer to the City of Seaside. The results are as follows:

- Three hundred sixty-five buildings are located on the Property. The buildings were previously the Hayes Park Family Housing area. It is the Army's understanding that the existing buildings will be demolished and replaced with townhouses by the City of Seaside.
- An asbestos survey conducted by the Army shows that all the buildings contain nonfriable asbestos containing material (ACM) in good condition. The Army does not intend to remove or repair the ACM in these structures.
- All of the buildings are suspected to contain lead-based paint (LBP) because they were constructed prior to 1978 (1952 and 1959).
- Soil testing for lead was conducted at five buildings of the Hayes Park Family Housing area with results ranging from less than 9.90 mg/kg to 36.0 mg/kg. These results are well below EPA recommendations (40 CFR 745; Proposed Rule) which considers concentrations below 400 ppm to be of no hazard. Since all buildings on this property are of similar construction and very likely followed a similar maintenance schedule, we assume these soil samples to be representative of all of Hayes Park.

- No elevated radon levels were detected on the Property during a 1990 survey or 1994 retesting.
- No radiological surveys have been conducted on the Property because the buildings were not used to store radiological materials.
- No releases of PCB-contaminated dielectric fluids on the Property have been reported.
- Ordnance and explosives (OE) archive search investigations identified no potential OE locations are within or adjacent to the Property.
- No underground or aboveground storage tanks or solid waste management units are present on the Property and no studies associated with them have been conducted by the Army for the Property.
- The final CERFA report identifies the Property as a CERFA with qualifiers parcel (125, 126, 130) because of the presence of ACM. The U.S. EPA concurred with the CERFA Report that the Property is considered to be "CERFA Uncontaminated."
- No groundwater monitoring wells are present on the Property.

National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by the analysis conducted in the September 1996 Fort Ord Disposal and Reuse Supplemental Environmental Impact Statement (EIS), and the June 1993 Fort Ord Disposal and Reuse EIS.

Clean Air Act General Conformity Rule requirements for this transfer were satisfied by a Record of Non-Applicability based upon an exemption for property transfers where the proposed action is a transfer of ownership, interest and title in the land, facilities, and associated real and personal property.

On the basis of the above results, 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. Additionally, the following reports pertaining to lead-based paint and/or lead-based paint hazards have been provided to the Grantee: McKinney Parcel A, Salvation Army Lead-Based Paint Assessment, June 21, 1996. 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.

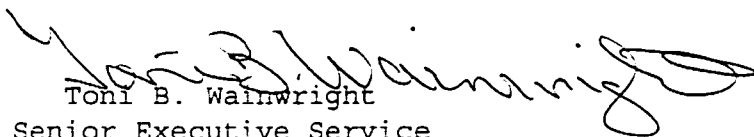
The Grantee and its successors and assigns shall not permit the occupancy of any target housing without first abating and eliminating lead-based paint hazards by treating any defective lead-based paint surface in accordance with all available laws and regulations.

Comments received from U.S. EPA Region IX and California EPA DTSC on the Version 1 FOST 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.

On the basis of the above information, I conclude that the Hayes Park Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 1 and is suitable for transfer under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section (§)120(h)(4). As such, the deed for this transaction will contain the following covenants:

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

26 SEP 1996



Toni B. Wainwright

Senior Executive Service
Acting Deputy Chief of Staff
for Base Operations Support

United State Army Training and Doctrine Command

UNRESOLVED AGENCY COMMENT

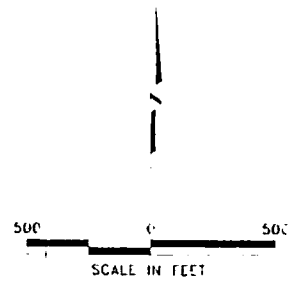
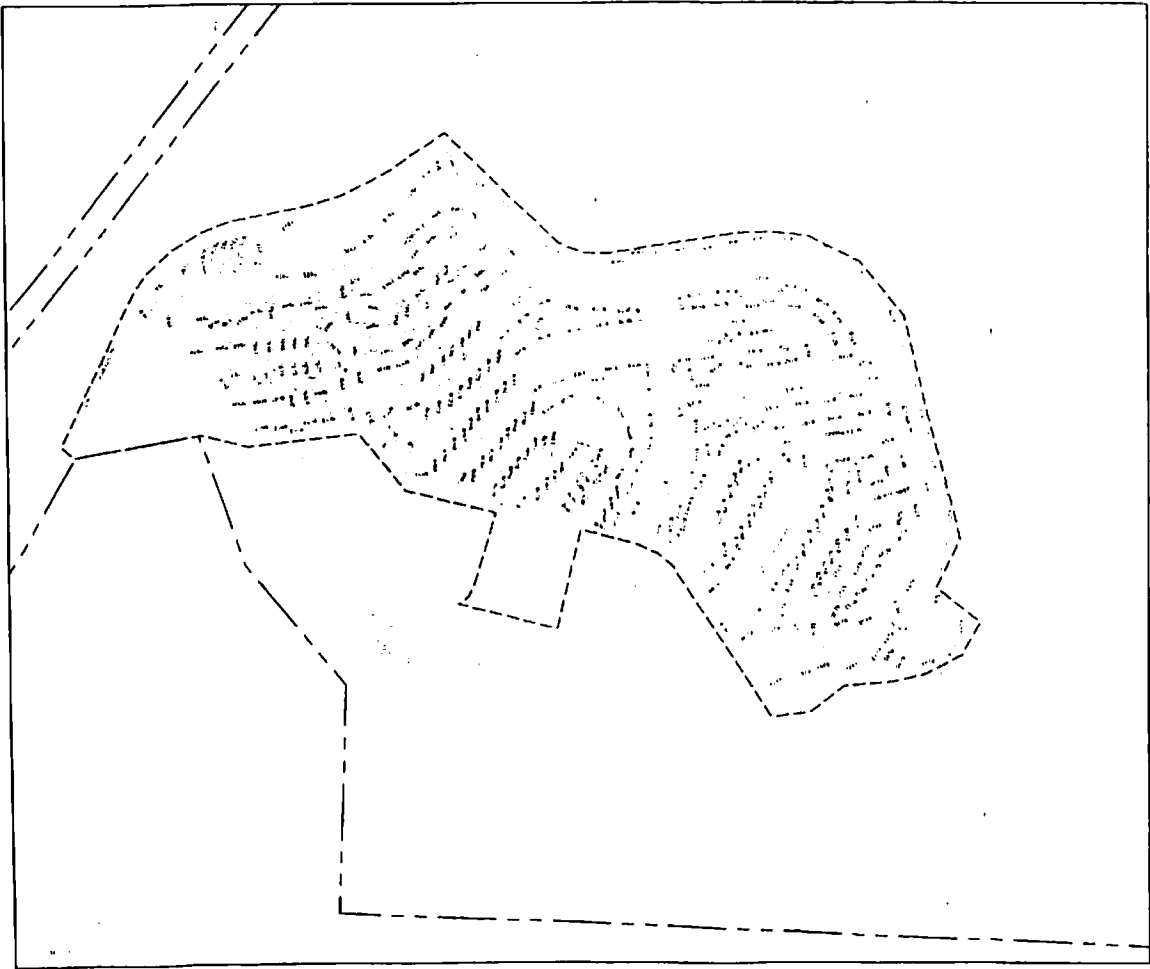
Region IX EPA Comment:

Public law 102-484, as amended by Public Law 103-160, provides for indemnification by the military services when property is transferred or leased. 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. The Army's statement in the FOST may conflict with the required indemnification. We recommend that the Army delete this paragraph and rely on the statutory language to determine any future liability as a result of exposure to asbestos.

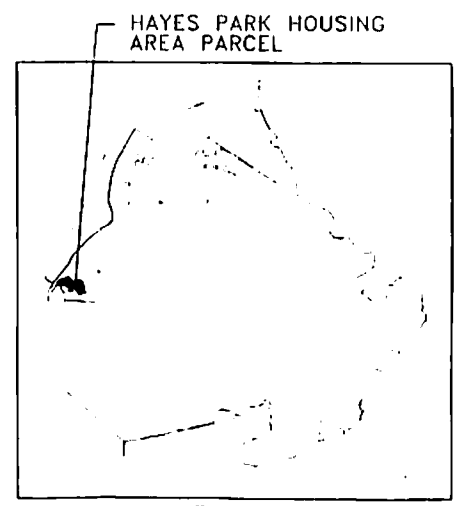
Response:

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

4923 5000
2024.12.24



- EXPLANATION**
- FORT ORD BOUNDARY
 - PARCEL BOUNDARY



KEY MAP

FOST FOSL COMPLETION CHECK LIST

TYPE: FOST

NAME: FORT ORD - HAYES HOUSING

INITIAL REVIEW	COMPLETE
REGULATOR REVIEW	COMPLETE
FINAL REVIEW	COMPLETE
IDENTIFY PROPERTY	365 BLDGS/100 ACRES
IDENTIFY DOD CATEGORY	L
IDENTIFY CONTAMINANTS	LBP/ASBESTOS
IDENTIFY REMEDIATION STANDARDS	N/R
IDENTIFY REMEDIATION	N/R
IDENTIFY REUSE	HOUSING
IDENTIFY RESTRICTIONS	LBP/ASBESTOS
EPA LETTER ATTACHED	N/R
STATE LETTER ATTACHED	N/R
UNRESOLVED COMMENTS ATTACHED	ASBESTOS LANG.
SATISFY NEPA REQUIREMENTS	1996 SEIS
SATISFY CLEAN AIR ACT REQS	RONA

COORDINATION		PHONE	NAME	DATE
BRACO	ATCS-OR	727-3849	MS JOHNSTON	9/13/96
ENVR	ATBO-SE	727-2299	MR AIKEN	9/26/96
REAL ESTATE	ATBO-GP	727-2569	MR BLANCHARD	9/12/96
LEGAL	ATJA	727-2773	MRJ EGAN	9/12/96
PAO	ATPA	727-3506	CAPT HENSON	9/18/96

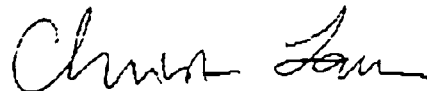
ATZP-EP

September 1996

MEMORANDUM FOR THE RECORD

SUBJECT: Record of Non-Applicability (RONA) to the Clean Air Act Amendment General Conformity Rule Regarding the Transfer of Real Property Designated for Hayes Housing (Hayes). This Action Covers Activities Associated with Land Conveyance Between the U.S. Army and recipient of Hayes Housing (Recipient).

1. Scope Definition: The Department of the Army is granting parcels of land located at the former Fort Ord, California for use by Recipient. Subject parcel requested by Recipient was formerly utilized by the U.S. Army for family housing.
2. Presidio of Monterey, Defense Language Institute is required to make a review of direct and indirect air emission sources for each criteria pollutant as outlined in 40 CFR 51.853 and 93.153 for federal initiatives located within a region designated as nonattainment to national ambient air quality standards (NAAQS). The analysis is to ensure that federal actions will not delay or prevent an area from achieving attainment status.
3. Intended future reuse of subject parcel by grantee is for residential purposes .
4. In accordance with Section 51.853 of the General Conformity Rule, subject Federal action is exempt from conformity requirements; where proposed action is a transfer of ownership, interest and title in the land, facilities, and associated real and personal property.
5. Any utilization of subject parcel by the grantee influencing facility emissions not identified in the State Implementation Plan, has neither been disclosed to Army Environmental personnel, nor considered in this determination.



CHRISTINE LAWSON
Air Pollution Environmental Coordinator
Directorate Environmental and Natural
Resources Management