

0-2-1210



DEPARTMENT OF THE ARMY

**HEADQUARTERS UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND
FORT MONROE, VIRGINIA 23651-5000**

REPLY TO
ATTENTION OF

ATBO-SE

16 JUL 1997

MEMORANDUM FOR Assistant Secretary of the Army for Environment,
Safety, and Occupational Health, 110 Army
Pentagon, Washington, D.C. 20310-0110

SUBJECT: Final Finding of Suitability to Transfer (FOST) for the
Marina Sports Center Parcel at the Former Fort Ord, California

1. Enclosed document is provided for your records. It was signed by HQ TRADOC Acting Deputy Chief of Staff for Base Operations Support on 16 July 1997. Document is in final form, having received MACOM Legal, BRACO, Environmental, and Real Estate review. A single unresolved comment and a Record of Non-Applicability to the General Conformity Rule are also attached to the document.

2. Point of contact is Mr. Aiken, TRADOC Environmental, DSN 680-2299 or commercial (757) 727-2299.

Encl

GEORGE W. MORGAN
Director
Safety, Ammunition, Fire
Protection, and Environment

CF (w/encl):
ACSIM
HQDA (DAIM-BO/DAIM-ED-R)
Cdr, DLIFLC&POM (ATZP-GC)
Cdr, USACE (CERE-C)

**FINDING OF SUITABILITY TO TRANSFER (FOST)
MARINA SPORTS CENTER PARCELS
FORMER FORT ORD, CALIFORNIA**

On the basis of the Community Environmental Response Facilitation Act (CERFA) Report for Fort Ord, I have determined that the Marina Sports Center Parcels, at former Fort Ord, California (Property), is suitable for transfer to the City of Marina for recreational purposes. The area to be assigned and transferred includes 72 buildings on 23.018 acres (Plate 1). The Property includes three parcels, Parcel L5.4.1 (5.564 acres), Parcel L5.4.2 (13.453 acres) and Parcel L5.5 (4.001 acres).

A determination of the environmental condition of the Property was made by the United States Army by reviewing existing environmental documents and making associated visual site inspections (VSIs) (7/96; 8/96; 9/96; 1/97). The documents reviewed included the final CERFA Report (April 1994), U.S. EPA Region IX's concurrence to the CERFA Report (Memorandum, 19 April 1994), and various remedial investigation/feasibility studies (RI/FS) documents. The results of this document review indicated that the Property is environmentally suitable for transfer to the City of Marina. The results are as follows:

- Seventy-two buildings are located on the Property. A list of building numbers is provided in Table 1. The area around the Swimming Pool (2237) and Sports Arena (2248) is paved while the remainder of the parcel is paved or landscaped.
- An asbestos survey conducted by the Army has been completed for the 72 buildings on the Property. The survey shows that 71 buildings contain friable and nonfriable asbestos-containing materials (ACM). Five buildings (1713, 1714, 1716, 1753, and 1755) contain friable ACM [hot water storage tank insulation, heating ventilation and air conditioning (HVAC) flexible connectors and furnace gaskets] rated 1 (immediate total removal recommended). Three buildings (1712, 1715, and 2248) contain friable ACM (HVAC flexible connectors, gasket material/rope) rated 2 (immediate repair, short-term removal recommended). Eighteen buildings (1732, 2233, 2286, 2153, 2169 through 2176, and 2210 through 2215) contain nonfriable ACM (damaged floor tile, HVAC flexible connectors) rated 2. One building (1756) contains no ACM. The remaining buildings contain friable and nonfriable ACM rated 6 to 13 (not in need of immediate repair). The Army does not intend to remove or repair the ACM in any of these structures, but rather only discloses the condition. Prior to occupancy recipient must remediate ACM rated 1 through 5. Recommended inspection of ACM present in the buildings is the responsibility of the recipient. Prior to demolition, Building 1752 was surveyed and found to contain friable ACM (hot water storage tank insulation) rated 2. According to the Army, ACM was removed prior to building demolition in 1993. Demolition was conducted under a State demolition project with State personnel providing oversight during actual demolition of the structure.
- Seventy-one of the 72 buildings (and former Building 1752) were constructed prior to 1978 and are presumed to contain lead-based paint (LBP). The Army does not intend to abate the LBP presumed to be present in these structures because (in accordance with the Residential Lead-Based Paint Hazard Reduction Act of 1992) they are not intended to be used as residences. Eight composite soil samples were collected and analyzed for lead from several locations around buildings on parcel L5.4.2 (Plate 1). This sampling was conducted at the request of the U.S. Army to assess the presence of lead in soil associated with lead-based paint. The buildings selected for sampling (2170, 2190, 2191, 2212, and the location of former Building 2192) were chosen, because the condition of the painted surfaces of these buildings were thought to be representative of all buildings on the Property.

Total lead was detected in all eight composite samples at concentrations ranging from 29.2 to 498 milligrams per kilogram (mg/kg) with an average concentration of 228 mg/kg. The highest concentrations were detected in those samples collected from the drip lines of the buildings. Based on these results, the BRAC Cleanup Team decided that, with regard to LBP in soil on the Property, no further action was necessary. Appropriate LBP notice is provided herein. Building 2119 was constructed in 1984 and is not expected to contain LBP.

- No radon levels above 4 picocuries per liter (pCi/L) were detected on the Property during a 1990 survey.
- Eight buildings on the Property (1732, 2111, 2112, 2115, 2119, 2195, 2196, and 2217) were identified for radiological survey. The buildings were surveyed and sampled by the U.S. Army Environmental Hygiene Agency (AEHA; currently known as U.S. Army Center for Health Promotion and Preventive Medicine [USACHPPM]) in 1994 (Industrial Radiation Survey No. 27-43-E2HU-3-94 and No. 28-43-0316-86). No radiological health hazards were identified by AEHA associated with these buildings. The Department of Health Services (DHS) issued letters (November 21, 1996 and January 16, 1997) of concurrence of no further action for Buildings 1732, 2111, 2112, 2115, 2119, 2196, and 2217.
- Routine application of pesticides occurred around the residential areas on the former Fort Ord, based on available pesticide applications records which date from 1985 to the present. The records show the type of pesticide used, location and date of application, final application concentration and the name of the applicator. All pesticides were used in accordance with labeled instructions. The following is a list of the pesticides applied in residential areas of Fort Ord during this time. These pesticides are still in use today and are considered safe for use in residential or outdoor areas.
 - Carbamates - methylcarbamates (Ficam, Baygon); carbaryl (Sevin); propoxur (Terminate)
 - Chloropyrifos (Dursban, Empire)
 - Combination Pesticides - Purge (diazinon, pyrethrin, piperonyl butoxide); ULD-100 and Drione (pyrethrin, piperonyl butoxide and petroleum distillate); Precore (methoprene and permethrin)
 - Diazinon
 - Herbicides: glyphosate (Round-up, Rodeo); 2-4D; Amitrole; sulfometuron methyl (Oust)
 - Propetamphos (Safrotin)
 - Pyrethrum and synthetic Pyrethroids-pyrethrin; phenothrin; resmethrin; cypermethrin (Demon); cyfluthrin (Tempo)
 - Rodenticides: chlorophacinone; strychnine; brodifacoum; zinc phosphide
 - Thuricide (Dipel)
- There have been no reported releases of polychlorinated biphenyls (PCB)-contaminated dielectric fluids from any electrical transformer present on the Property.
- Ordnance and explosives (OE) investigations, consisting of the Archive Search Report and Supplement No. 1 (December 1993 and November 1994, respectively), Site 39 Data Summary and Work Plan (February 1994), OE contractor after-action reports (December 1994, November 1995), working maps, Fort Ord Training Facilities Map, and associated interviews from various ordnance-related community relations activities, show no OE locations within or immediately adjacent to the

Property. However, because OE were used throughout the history of Fort Ord the potential for OE to be present on the Property exists. This notice will be included in the deed.

- No underground or aboveground storage tanks or solid waste management units are known to have existed on the Property, and no studies associated with them have been conducted by the Army for this parcel. Chemicals related to swimming pool and general maintenance are stored and used in Buildings 2236 and 2239. No releases of these substances have been reported.
- A portion of the Property is located within Installation Restoration Program (IRP) Site 28. Site 28, which was investigated under the Fort Ord RI/FS program, focused on potential contamination at Buildings 2000, 2842, 2850, and 2353 (none of which are on the Property). Based on the results of site characterization activities at these buildings (including soil gas and soil sampling), Site 28 was categorized as a No Action Site. The No Action Record of Decision (NoAROD) 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. This process is referred to as the "plug-in" process, because the Approval Memoranda plug into the NoAROD. The No Action Approval Memorandum for Site 28 was approved by the U.S. Environmental Protection Agency on August 10, 1995 and by the Department of Toxic Substances Control on October 10, 1995.
- The final CERFA report identifies the Property as being within CERFA Disqualified Parcels 4, 6, 42, and 48, CERFA with Qualifier Parcel 100 and CERFA Parcel 209. The CERFA disqualified parcels were categorized as such primarily because of the on-site storage of hazardous substances and due to the parcels partial inclusion within IRP Site 28. The CERFA report noted that hazardous substances were stored between Buildings 2193 and 2194, between Buildings 2194 and 2195, and in Building 2235. No evidence of hazardous substance storage was observed during the VSIs at these locations. The CERFA report also noted partially buried drums between Buildings 2112 and 2132 and flammable materials in Building 2239. Further investigation determined that the drums were being used as traffic barriers as well as a barbecue pit. All hazardous substances(except for those related to swimming pool and general maintenance in Buildings 2236 and 2239, respectively), have been removed from the Property. No hazardous substances associated with Site 28 are known to have been present on the Property. CERFA with Qualifier Parcel 100 was categorized based on the presence of friable asbestos, radiological source usage and storage, and the suspected presence of LBP.
- 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 June 1993 Fort Ord Disposal and Reuse Environmental Impact Statement (EIS), the December 1993 Record of Decision (ROD), the June 1996 Supplemental EIS, and the June 1996 ROD.

Clean Air Act General Conformity Rule requirements for this transfer were satisfied by a Record of Non-Applicability (RONA) 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 nonfriable asbestos or asbestos-containing materials (ACM) have been found on the Property, as described in the Diagnostic Environmental Inc. report, *Asbestos Survey Report, U.S. Army Corps of Engineers - Fort Ord Installation, Fort Ord, California*, dated April 26, 1993.
- B. Prior to occupancy, the Grantee must remediate ACM rated 1 to 5. 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. The Grantee agrees to be responsible for any future remediation of asbestos found to be necessary on this Property.

NOTICE OF THE PRESENCE OF LEAD-BASED PAINT

A. The Grantee is hereby informed and does acknowledge that all buildings on the Property, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in Residential Real Property 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 a particular risk to pregnant women. The seller of any interest in residential real property 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 know lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase. "Residential Real Property" means any housing constructed prior to 1978, except housing for the elderly (households reserved for and composed of one or more persons 62 years of age or more at the time of initial occupancy) 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. Residential Real Property structures may including but are not limited to a non-dwelling facility commonly used by children under 6 years of age such as a child care center, elementary school, or playground.

B. 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 has been provided to the Grantee. Buildings constructed prior to 1978 are assumed to contain lead-based paint. Buildings constructed after 1977 are assumed to be free of lead-based paint. Eight composite soil samples were collected and analyzed for lead from several locations around buildings on parcel L5.4.2. This sampling was conducted at the request of the U.S. Army to assess the presence of lead in soil associated with lead-based paint. The buildings selected for sampling (2170, 2190, 2191, 2212, and the location of former Building 2192) were chosen, because the condition of the painted surfaces of these buildings were thought to be representative of all buildings on the Property. Total lead was detected in all eight composite samples at concentrations ranging from 29.2 to 498 milligrams per kilogram (mg/kg) with an average concentration of 228 mg/kg. No other surveys or studies assessing the possible presence of lead-based paint in former or existing buildings on the Property was performed by the Army.

All purchasers must also receive the federally-approved pamphlet on lead poisoning prevention. The Grantee hereby acknowledges receipt of all of the information described in this subparagraph.

C. 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 prior to execution of this Transfer.

D. The Grantee covenants and agrees that it shall not permit the occupancy or use of any buildings or structures on the Property as Residential Real Property without complying with this section and all applicable federal, state, and local laws and regulations pertaining to lead-based paint and/or lead-based paint hazards. Prior to permitting the occupancy of Residential Real Property, if required by law or regulation, the Grantee, at its sole expense, will: (1) inspect for the presence of lead-based paint and or lead-based paint hazards; (2) abate and eliminate lead-based paint hazards by in accordance with all applicable laws and regulations; and (3) comply with all applicable notice and disclosure requirements under applicable federal and state law. The Grantee covenants and agrees to be responsible for any remediation of lead-based paint or lead-based paint hazards on the Property found to be necessary after the date of conveyance to the Grantee.

E. The Army assumes no liability for remediation or damages for personal injury, illness, disability, or death, to the Grantee, its successors or assigns, sublessees or to any other person, including members of the general public, arising from lead-based paint or lead-based paint hazards on the Property. The Grantee further agrees to indemnify and hold harmless the Army, its officers, agents and employees, from and against all suits, claims, demands or actions, liabilities, judgments, costs and attorneys' fees arising out of, or in any manner predicated upon, personal injury, death or property damage resulting from, related to, caused by or arising out lead-based paint or lead-based paint hazards on the Property

NOTICE OF HAZARDOUS SUBSTANCE STORAGE, RELEASE OR DISPOSAL

The Grantor hereby notifies the Grantee of the storage and use of hazardous substances on the Property.

<u>Location</u>	<u>Material Stored/Quantity</u>	<u>Duration</u>	<u>Release/Disposal</u>
Building 2235	Flammable; chlorine	1940/1995	None/None
Building 2236	Water softener (4.5' x 10" tank)	1996/Present	None/None
	Plastic thermolith batch/5 gals	1996/Present	None/None
	Sulfurized fatty and mineral oils/3 gals	1996/Present	None/None
	Water sealant/5 liters	1996/Present	None/None
	WD-40 (spray can)	1996/Present	None/None
	Waste oil/2 gals	1996/Present	None/None

	Soot remover/50 lbs	1996/Present	None/None
	Carbon cleaner/5 gals	1996/Present	None/None
Building 2239	Chlorine gas/4 90 Lbs cylinders	1944/1995	None/None
	Calcium hypochlorite/100 lbs	1944/1995	None/None
	Soda ash/400 lbs	1944/1995	None/None
	Turf fertilizer/22 50 Lbs sacks	1996/Present	None/None
	Sorbant/33 1/3 lbs	1996/Present	None/None
	Flammable materials	Unknown	None/None
Between Bldgs 2193 and 2194	Unknown	Unknown	None/None
Between Bldgs 2192 and 2195	Unknown	Unknown	None/None

The information regarding this storage indicates that it is conducted in a manner that does 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. CERCLA requires the Grantor to reserve a right of access to the Property in any case in which the potential for a response action or corrective action is found to be necessary. The Grantor shall give Grantee responsible notice of action requiring access to the Property and Grantor shall, consistent with feasible methods for complying with these actions, endeavor to minimize the disruption of the Grantee's use of the Property.

NOTICE OF THE POTENTIAL FOR THE PRESENCE OF ORDNANCE AND EXPLOSIVES

Ordnance and explosives (OE) investigations indicate that OE is not likely on this Property. However, because this is a former military installation with a history of OE use there is a potential for OE to be present on the property. In the event Grantee, its successors, and assigns, should discover any ordnance on the Property, it shall not attempt to remove or destroy it, but shall immediately notify the local Police Department and the Directorate of Law Enforcement at the Presidio of Monterey. Competent U.S. Army Explosive Ordnance personnel will be dispatched promptly to dispose of such ordnance properly at no expense to the Grantee.

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 Marina Sports Center Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 3 (areas where release, disposal, and/or mitigation of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response) and is transferable under CERCLA Section § 120(h)(3). The deed for this transaction will contain:

- The covenant under CERCLA § 120 (h)(3)(B)(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.
- The covenant under CERCLA § 120 (h)(3)(B)(ii) warranting that any response action under CERCLA or corrective action found to be necessary after the date of transfer shall be conducted by the United States.
- The covenant under CERCLA § 120 (h)(3)(C) granting the United States access to the Property in any case in which response action or corrective action is found to be necessary after the date of transfer.

18 JUL 1997



Toni B Wainwright
Acting Deputy Chief of Staff
for Base Operations Support
United States Army Training and Doctrine Command

**TABLE 1. LIST OF BUILDING NUMBERS
FINDING OF SUITABILITY TO TRANSFER (FOST)
MARINA SPORTS CENTER PARCEL
FORMER FORT ORD, CALIFORNIA**

T-1712	T-2129	T-2189
T-1713	T-2130	T-2190
T-1714	T-2131	T-2191
T-1715	T-2132	
T-1716	T-2133	T-2193
	T-2134	T-2194
T-1732	T-2135	T-2195
T-1733	T-2136	T-2196
T-1734		
T-1735	T-2149	T-2209
	T-2150	T-2210
T-1753	T-2151	T-2211
T-1754	T-2152	T-2212
T-1755	T-2153	T-2213
T-1756	T-2154	T-2214
	T-2155	T-2215
T-2109	T-2156	T-2216
T-2110		T-2217
T-2111	T-2169	
T-2112	T-2170	T-2231
T-2113	T-2171	
T-2114	T-2172	T-2233
T-2115	T-2173	
T-2116	T-2174	T-2235
T-2117	T-2175	T-2236
T-2119	T-2176	T-2237 (Pool)
		T-2239
		T-2248
		T-2285
		T-2286

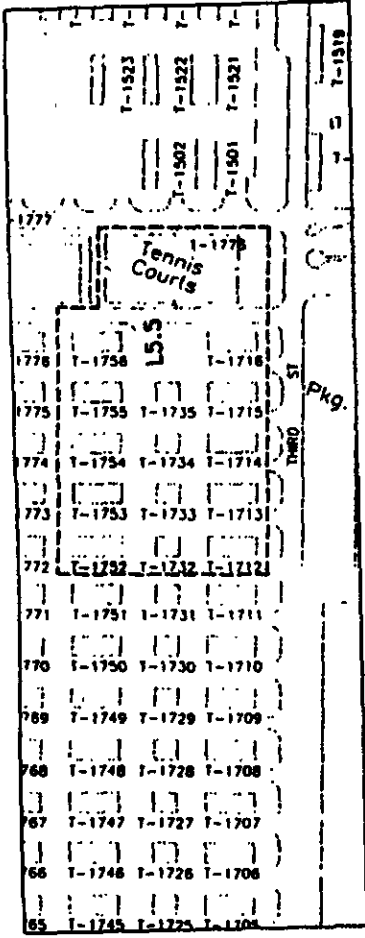
UNRESOLVED AGENCY COMMENTS

US EPA 8 DECEMBER 1995 COMMENT:

Public Law 102-484, as amended by Public Law 103-160, provides for indemnification by the military services when property on closing military bases 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 damage 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 FOST's 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.



EXPLANATION

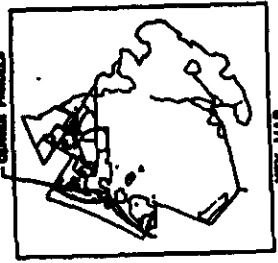
--- PARCEL BOUNDARY

..... PARCEL NUMBER

..... BUILDING NO LONGER PRESENT

L5.4.1

T-1752

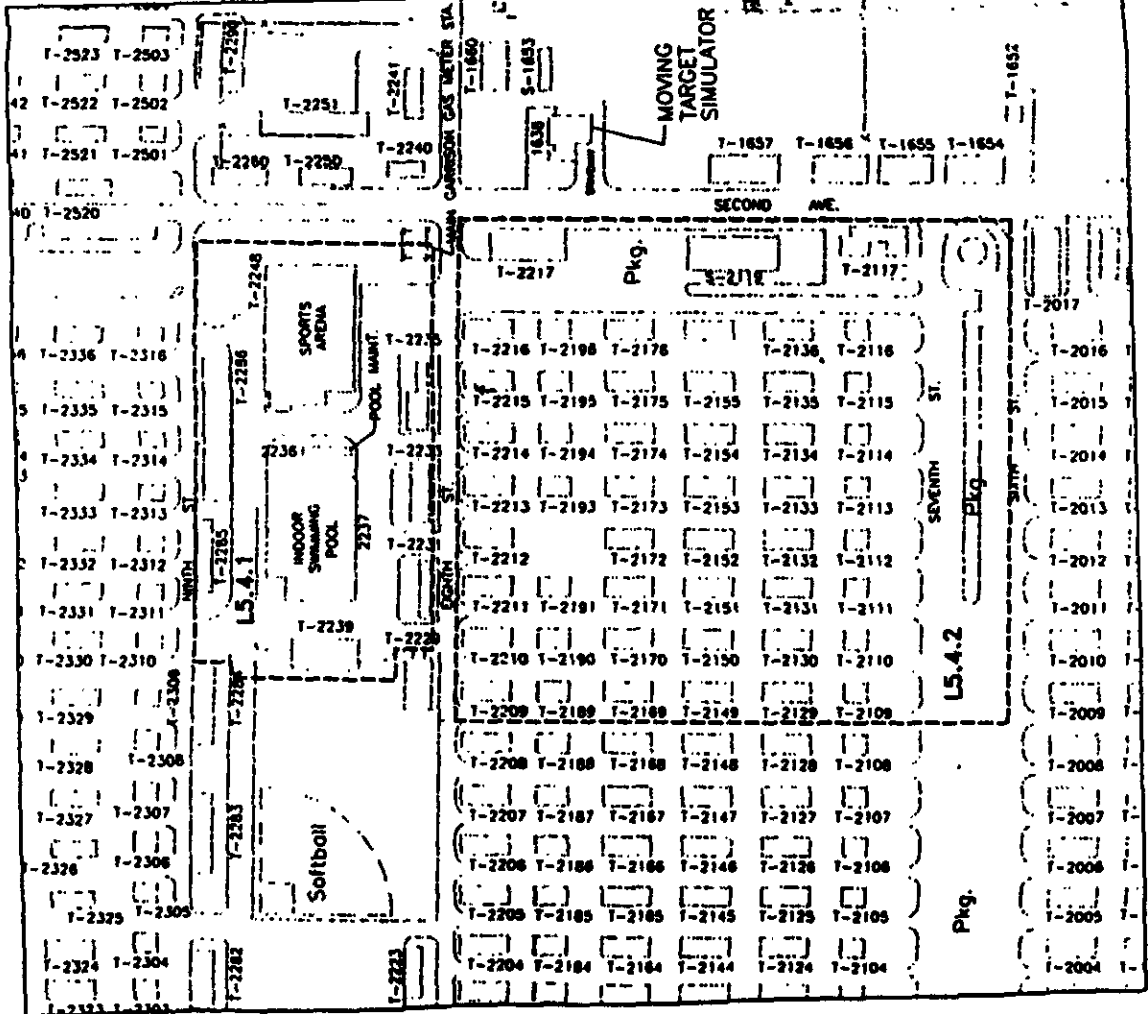


Location Map
Lead Investigation
Marina Sports Center
Former Fort Ord, California

Marching Lawson Associates
Engineering and
Environmental Services

25894 0017720
CEG

3/97



PROPERTY BOUNDARIES INDICATED ARE APPROXIMATE AND ARE NOT INTENDED TO REPRESENT THE LEGAL DESCRIPTION OF THE PARCEL(S).

UNRESOLVED AGENCY COMMENTS

US EPA 8 DECEMBER 1995 COMMENT:

Public Law 102-484, as amended by Public Law 103-160, provides for indemnification by the military services when property on closing military bases 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 damage 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 FOST's 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.

ATZP-EP

July 1997

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 Marina Sports Center (MSC). This Action Covers Activities Associated with Land Conveyance Between the U.S. Army and MSC .

1. **Scope Definition:** The Department of the Army is granting parcels of land located at the former Fort Ord, California for use by MSC. Subject parcel requested by MSC was formerly utilized by the U.S. Army for a Gymnasium, Swimming Pool, Tennis Courts and administrative purposes.
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 Sports Center.
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

TOTAL P.06



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

May 15, 1997

Raymond Fatz
Acting Deputy Assistant Secretary of the Army
Base Operations Support
Installations Logistics and Environment
110 Army Pentagon
Washington, D.C. 20310-0110

Subj: Fort Ord Superfund Site
Transfer of the Marina Sports Center Parcel
under CERCLA Section 120 h(3)

Dear Mr. Fatz:

The U.S. Environmental Protection Agency (EPA) is in receipt of the May 1, 1997 Draft Final Finding of Suitability to Transfer document (FOST) prepared by the U.S. Army with respect to the properties identified as the Marina Sports Center Parcels at former Fort Ord, California.

When entering into a deed for transfer under §120(h)(3) of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9620, 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.

EPA reviewed the draft final FOST dated May 1, 1997 for the Parcel; the draft FOST dated October 29, 1996; the accompanying map dated October 29, 1996; the No-Action Plug-in Memo for IRP Site 28 dated August 10, 1995; the Lead Investigation at Marina Sports Center dated March 20, 1997; and various remedial investigation/ feasibility study documents (collectively, "Documentation").

Without independent investigation or verification of certain information contained in the Documentation, the undersigned concurs, to the extent set forth below, with the Army's determination that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the Marina Sports Center Parcels has been taken. The review of the Documentation was completed pursuant to

§120(h)(3)(b)(I), and the sole purpose of this concurrence is to satisfy the requirements of these provisions. The concurrence shall not be construed in any manner inconsistent with any obligation, right or authority existing under the Fort Ord Federal Facility Agreement, and all amendments thereto, entered into by U.S. EPA, the State of California, and the Army. The undersigned expressly reserves all rights and authorities relating to information not contained in the Documentation, whether such information is known as of this date, or is discovered in the future. The undersigned recommends that this document be made available to the public with the signed FOSTs.

If you have any questions, please contact my staff, Lida Tan at (415)744-2212.

Sincerely,



Dan Opalski
Director
Federal Facilities Cleanup Branch

cc: Ms. Gail Youngblood, Ft Ord BEC
Mr. Bill Kilgore, CA DTSC Region 1
Ms. Theresa McGarry, CA DTSC Base Closure



Cal/EPA

rec'd
5/12/97

Department of
Toxic Substances
Control

May 7, 1997

Pete Wilson
Governor

James M. Siroc
Secretary for
Environmental
Protection

400 P Street,
4th Floor
P.O. Box 806
Sacramento, CA
95812-0806

Ms. Christine Lawson
Department of the Army
Commander, DLIFLC and POM (Fort Ord)
Presidio of Monterey, California 93944-5006

REVIEW OF THE DRAFT FINDING OF SUITABILITY TO TRANSFER
DOCUMENTS FOR BLANCO ROAD PARCEL DATED MAY 2, 1997 AND
MARINA SPORTS CENTER PARCEL DATED APRIL 29, 1997, FORMER
FORT ORD, CALIFORNIA

Dear Ms. Lawson:

The Department of Toxic Substances Control has reviewed
the subject documents and finds that the Army has adequately
addressed State regulatory comments.

If you have any questions, please feel free contact me
at (916) 323-3466 or Bill Kilgore, project manager, at
(916) 255-3738.

Sincerely,

Theresa McGarry
Environmental Assessment
and Reuse Specialist
Office of Military Facilities

cc: Ms. Lida Tan
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105



Ms Christine Lawson
May 7, 1997
Page 2

cc: Mr. Grant Himebaugh
California Regional Water Quality Control Board
Central Coast Region
81 Higuera Street, Suite 200
San Luis Obispo, California 93401-5414

Ms. Gail Youngblood
BRAC Coordinator
Department of the Army
Commander, DLIFC and POM (Fort Ord)
Attn: ATZP-EP
Presidio of Monterey, California 93944-5006

Mr. Dan McMIndes
U.S. Army Corps of Engineers
1325 J. Street
Sacramento, California 95814