

**FINDING OF SUITABILITY TO TRANSFER (FOST)  
PG&E SUBSTATION PARCEL  
FORT ORD, CALIFORNIA**

On the authority delegated to me by the Acting Deputy Assistant Secretary of the Army for Environment, Safety, and Occupational Health. (20 Jul 95), and based on an Environmental Baseline Survey (EBS) and regulatory agency comments on the EBS. I have determined that the Pacific Gas and Electric Company (PG&E) Substation Parcel, at Fort Ord, California (Property), is suitable for transfer to PG&E for electrical utility and transmission purposes. The area to be assigned and transferred includes approximately 1.5 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 (VSI). The documents reviewed included the final Fort Ord Community Environmental Response Facilitation Act (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 the EBS indicated that the Property is environmentally suitable for transfer to PG&E. The results of the EBS are as follows:

- The Property has historically been used as an electrical substation. Three buildings (4428, 4429, 4429A) are located on the PG&E Substation Parcel. Because there has been no reported use of underground or above-ground storage tanks and no solid waste management units (SWMUs) are present on the parcel, no studies associated with these potential activities have been conducted by the Army for this parcel. No Installation Restoration Program (IRP) sites have been identified within the Property, and no site investigations are planned by the Army. No radon or radiological surveys have been conducted within the Property because the buildings are not housing or office structures, and they were not used to store radiological materials.
- An asbestos survey conducted by the Army shows that Building 4429A contains nonfriable ACM. The two other nonhousing buildings on the parcel were not surveyed for ACM.
- Lead-based paint surveys of housing structures at Fort Ord have been completed. However, no data specific to the Property are available because no housing structures or barracks are present on the Property. All three structures should be considered to contain LBP because of their known or suspected pre-1978 construction dates.

- Approximately 1,000 electrical transformers at Fort Ord have been examined for PCBs. All transformers, including those on the Property, with PCB concentrations greater than 50 ppm in the dielectric fluid have been replaced. There have been no reported releases of PCB-contaminated dielectric fluids from PG&E-owned transformers present on the Property.
- Ordnance and explosive (OE) surveys show that a potential ordnance training site, Chemical, Biological, and Radioactive (CBR) Training Area 1, is approximately 400 feet from the PG&E Substation Parcel. Fourteen other potential ordnance training sites are within a 1-mile radius of the parcel. Investigation for ordnance-related chemical residues as part of the Fort Ord RI/FS was not warranted for CBR Training Area 1. Site sampling has been completed and no OE removal action has been recommended by the U.S. Army Engineer Division, Huntsville (USAEDH), at CBR Training Area 1.
- The final CERFA report identifies CERFA with qualifier and CERFA disqualified areas within the Property boundary. The Property has been primarily categorized as a CERFA disqualified parcel because a bank of 24 2-volt lead-acid storage batteries used by PG&E as a backup power source is reportedly stored on the parcel in Building 4429. No reported release of hazardous materials from the batteries has occurred on the Property. A thin strip of land at the northern end of the parcel was categorized as part of a CERFA with qualifier parcel for ACM, LBP, radon, and radiological sources because of adjacent property categorization under the 1-acre grid system used in the CERFA report. However, no contamination by these substances is known to exist on the Property.

On the basis of the above results from the EBS and subsequent investigations, certain terms, conditions, reservations, restrictions, and notifications are required. Use restrictions and disclosure of conditions are specific to the Property and are described below. These use restrictions and disclosures will be included in the transfer documents (deed).

**NOTICE OF THE PRESENCE OF ASBESTOS.** The Property existing on the date of this conveyance is known to contain certain amounts of asbestos in the roof penetration mastic of the buildings.

The GRANTEE covenants and agrees, on behalf of it, its successors and assigns, that in its use and occupancy of the Property, it will comply 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, alterations, renovations, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the Property described in this Deed, regardless of 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-BASED PAINT.** The GRANTEE is hereby informed and does acknowledge that any Property existing on the date of this Deed which was constructed or rehabilitated prior to 1978 is presumed to contain lead-based paint.

The GRANTEE, its successors and assigns, shall not permit the use of any such structure for residential habitation unless the GRANTEE has received certification from GRANTOR or others that the premises are safe or GRANTEE has eliminated the hazards of lead-based paint by treating any defective lead-based paint surface in accordance with all applicable laws and regulations. Residential structures are defined as any house, apartment, or structure intended for human habitation, including but 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.

**NOTICE OF POLYCHLORINATED BIPHENYLS (PCBs).** The Property contains in-use electrical transformers that may contain PCBs at concentrations between 5 and 50 parts per million. The GRANTEE will be responsible for the testing and proper disposal of transformers that are removed from service.


**NOTICE OF HAZARDOUS SUBSTANCE STORAGE.** The GRANTOR hereby notifies the GRANTEE of the current storage of hazardous substances (24 2-volt lead-acid batteries) on the Property. 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 CERCLA §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 reasonable 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.

All comments received during review were resolved with the exception of one concerning asbestos indemnification language. The comment on asbestos is attached to this document. It is our opinion that the comment is not relevant to the determination of suitability to transfer. USEPA also agrees that the lack of resolution does not preclude transfer.

On the basis of the above, I conclude that the PG&E Substation Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 2 and is transferable under Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). It is proposed for transfer under CERCLA §120(h)(3) because it is a CERFA disqualified parcel due to the presence of hazardous substances (lead-acid batteries) stored at the site. The deed for this transaction will contain:

- Notice under CERCLA §120(h)(1) that hazardous substances or petroleum products or their derivatives were stored for one year or more, known to have been released, or disposed of on the property.

- The covenant under CERCLA §120(h)(3)(B)(i) warranting that all remedial action necessary to protect human health and the environment with respect to this hazardous substance remaining on the Property has been taken
- The covenant under CERCLA §120(h)(3)(B)(ii) any remedial action found to be necessary after the date of transfer shall be conducted by the United States, except to the extent to which PG&E is a potentially responsible party. PG&E is a potentially responsible party for PCB and lead acid contamination found on or migrated from the Property.
- The clause under CERCLA §120(h)(3)(C) 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 such transfer.



Toni B. Wainwright

Assistant Deputy Chief of Staff for Base Operations Support 27 OCT 1995

PG&E SUBSTATION PARCEL  
UNRESOLVED COMMENTS

U.S. Environmental Protection Agency's concern regarding page 2, fifth full paragraph:

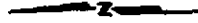
Public law 102-484, as amended by public law 103-160, provides for indemnification by the military services when property on closing military bases is transferred. This law provides that the military indemnify persons and entities acquiring ownership or control of property at a closing military base 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. We request that the Army look into whether the FOST text is consistent with the required indemnification and suggest that this paragraph should explicitly cite public law 103-160, with an explanation of the intent of this law, in order to ensure full disclosure to the transferee on the issue of indemnification.

**EXPLANATION**

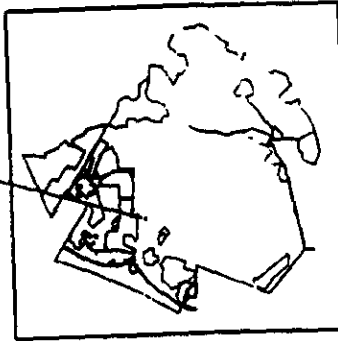
--- PARCEL BOUNDARY

- - - - - APPROXIMATE EXTENT OF POTENTIAL LIQUID TRAINING AREA

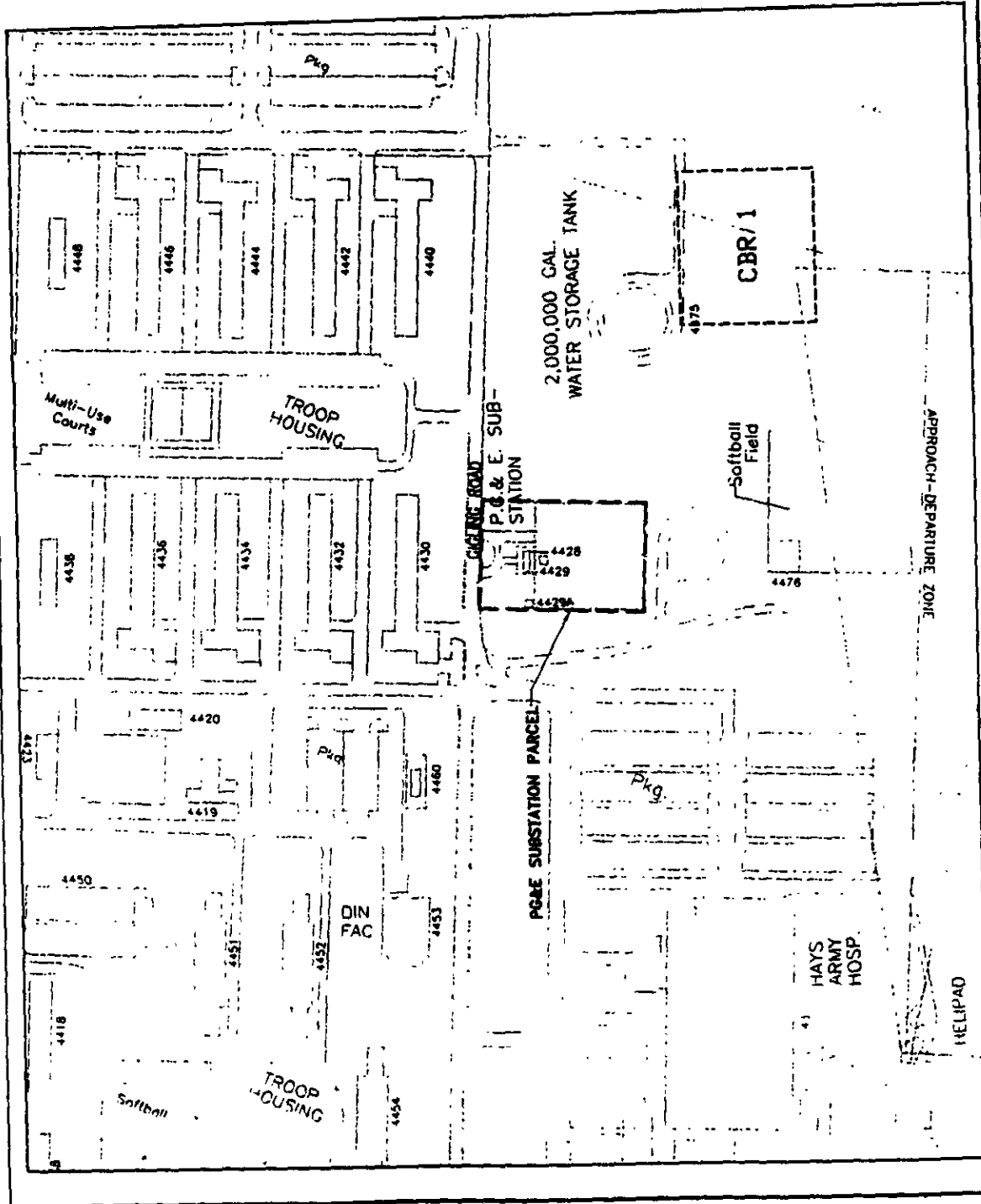
CBR 1  
CHEMICAL, BIOLOGICAL, OR RADIOLOGICAL AREA (USACERH SITE NO. 48)



PG&E SUBSTATION PARCEL



**KEY MAP**



Manning Lawson Associates  
Engineers and  
Environmental Services



DATE 5/95

JOB NUMBER 25894 0017715

SCALE CN

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



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94108-3801

October 13, 1995

Raymond Pats  
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 - Transfer of Pacific Gas and Electric (PG&E)  
Substation Parcel under CERCLA §120(h)(3)

Dear Mr. Pats:

The U.S. Environmental Protection Agency, Region IX (EPA) is in receipt of the October 4, 1995 Finding of Suitability to Transfer (FOST) prepared by the U.S. Army with respect to the property identified as Pacific Gas and Electric (PG&E) Substation Parcel, Fort Ord, California.

When entering into a deed for transfer under §120(h)(3) of the 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 has reviewed the PG&E Substation Parcel FOST dated October 4, 1995; the Environmental Baseline Survey for the PG&E Substation Parcel dated July 28, 1995; the Fort Ord CERCLA report dated April 8, 1994; EPA's concurrence letter on the CERCLA report dated April 19, 1994; 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 PG&E Substation Parcel has been taken. The review of the Documentation was completed pursuant to §120(h)(3)(b)(i) and §120(h)(4)(b), 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 EPA, the State of California, and the Army. The undersigned

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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 FOBT.

If you have any questions, please call John Chesnut, EPA Remedial Project Manager for the Fort Ord Site, at (415)744-2393.

Sincerely,



Julie Anderson, Director  
Federal Facilities Cleanup Office

cc: David Wang, California Department of Toxic Substances Control  
Gail Youngblood, Fort Ord BRAC Environmental Coordinator



ATZP-EP

19 October 1995

## 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 to Pacific Gas and Electric Company (PG&E).

1. **Scope Definition:** The Department of the Army is considering the granting of a parcel of land located at the former Fort Ord, California to Pacific Gas and Electric Company. Subject parcel is currently operated as an electrical substation by PG&E encompassing approximately 1.5 acres and containing electrical transmission equipment owned by PG&E, and three buildings, two which are owned by PG&E.
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 reuse of the subject parcel by grantee following proposed real property transfer, is the continuance as an electrical substation for electrical utility and transmission purposes.
4. Proposed action is exempt from preparing a conformity determination in accordance with the provisions in Section 51.853 of the Clean Air Act Amendment of 1990, based on the following criterion:
  - a. Total foreseeable direct and indirect emissions caused by this action are presumed to be less than de minimis levels established in the General Conformity Rule.
  - b. Ownership, interest and title in the subject parcel will be transferred.
  - c. Emissions are not reasonably foreseeable from existing operational activities by the grantee involving the transmission of electric energy.
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.



**MARK G. REESE**  
 Air Pollution Environmental Coordinator  
 Directorate Environmental and Natural  
 Resources Management

**MACOM STAFFING MATRIX FOR FOSTs/FOSLS**

**DOCUMENT: PACIFIC GAS & ELECTRIC (PG&E) (FOST)**

	STAFF ACTIVITY	POC NAME	OFFICE SYMBOL	DATE	PHONE NUMBER
TRADOC	BRACO	Maj W. Key	ATCS-OR	19-Oct-95	727-3849
	ENVIRONMENT	Mr R. aiken	ATBO-SE	26-Oct-95	727-2299
	REAL ESTATE	Mr L. Blanchard	ATBO-GP	12-Oct-95	727-2569
	LEGAL	Maj K. Judkins	ATJA	25-Oct-95	727-2060
	PUBLIC AFFAIRS	G. Parks.	ATPA	16-Oct-95	727-3661