

time. No sampling of the exterior components for LBP has occurred since scheduled reuse of the subject parcel is not residential habitation, therefore, the soil sampling requirements mandated in Title X of Public Law 102-550, are not applicable.

- 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 releases of PCB-contaminated dielectric fluids on or in the vicinity of the Property have been reported.
- Ordnance and explosives (OE) archive search investigations show that one potential OE area (the Inland Ranges) lies adjacent (across Eucalyptus Road) to the reservoir area of the Property. The reservoir area is detached from the golf courses and is not open to public access. Access routes into the reservoir area do not pass through any potential OE areas. All potential OE areas in the vicinity of the reservoir area are fenced and posted with warning signs prohibiting access to unauthorized persons.
- No solid waste management units are present on the Property, and no studies associated with them have been conducted by the Army on the Property.
- Former underground storage tank (UST) 4107-1, which contained mixed gasoline/oil for two-cycle engines, was located on the Property and has been removed (Plate 2). Closure for former UST 4107-1 has been granted by the Monterey County Department of Health (MCDOH). The characterization of former UST 4110 in IRP Site 33 has been completed and this UST is pending closure.
- Aboveground storage tanks (ASTs) are no longer present on the Phase I Property (Plate 2). Three gasoline or diesel fuel ASTs, previously located in the vicinity of Building T-4100, were removed. One gasoline AST and one diesel AST are within IRP Site 33 near Building T-4110; they are contained by a berm and are double walled.
- According to the CERFA report, the Property is located primarily within uncontaminated CERFA Parcel No. 214 and also includes portions of CERFA Parcel No. 216, CERFA Parcels with Qualifiers Nos. 130, 134, 135, and 215, and CERFA Disqualified Parcels Nos. 51 and 52. Parcel No. 51 was CERFA disqualified because of previous hazardous substance and petroleum product storage (see Notice below). Parcel No. 52 includes IRP Site 33 with the petroleum storage tanks and is not part of the Phase I transfer. Because of the 1-acre grid system used in the CERFA assessment, portions of the Property are included within CERFA Parcels with Qualifiers for ACM and LBP associated with buildings on neighboring parcels.
- Seven groundwater monitoring wells are present on the Property (Plate 2). The groundwater samples obtained from these wells do not indicate groundwater contamination beneath the Property. Additionally, one irrigation well for nonpotable water is included with the Property.

On the basis of the above results from the EBS and subsequent investigations, 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. The Property existing on the date of this conveyance contains nonfriable asbestos. 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 that 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 GRANTEE has received certification that the premises are safe 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 HAZARDOUS SUBSTANCE STORAGE. The GRANTOR hereby notifies the GRANTEE of the previous storage and use of hazardous substances for golf course maintenance on the Property. These included small quantities of paint and primer, carburetor cleaner, hydraulic fluid, engine cleaner, gear oil, lube oil, grease, kerosene, 2-cycle oil, cleaning compounds, diesel fuel (500 gallons estimate), and gasoline (500 gallons estimate). The information regarding this storage indicates that it was conducted in a manner that did not pose a threat to human health and the environment. This notice is given pursuant to Comprehensive Environmental Response, Compensation and Liability Act (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 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.

On the basis of the above information, I conclude that the Phase 1 Golf Course Parcel should be assigned Department of Defense of Defense (DoD) Environmental Condition Category 2 and is suitable for transfer. As such, the deed for this transaction will contain the following covenants:

- 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, related to present existing 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.

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

**UNRESOLVED AGENCY COMMENT
GOLF COURSE PARCEL, PHASE I FOST**

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 deleted and that the statutory language be relied on to determine any future liability.

U.S. EPA July 31 1996 Comment

Based on the fact that certain structures (Buildings T-4100, T-4103, T-4104, T-4106, and S-4107) currently located on the Golf Course Parcel were constructed between 1954 - 1973, at a time when lead-based paint was commonly used on the exterior of such structures, lead from lead-based paint may be present in the surrounding soils. The Army, however, has declined to conduct soil sampling to determine whether such soils present a risk to human health and the environment as requested by EPA. For those areas that are being transferred pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) EPA believes that the Army would be unable to include a covenant in the deed of transfer warranting that "all remedial action necessary to protect human health and the environment has been taken".