

**FINDING OF SUITABILITY TO TRANSFER (FOST)
CHILDREN'S SERVICES INTERNATIONAL PARCEL
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) for the McKinney Homeless Act Group A Parcels, I have determined that the Children's Services International (CSI) Parcel, at former Fort Ord, California (Property), is suitable for transfer to CSI for the purposes of child care and support services. The Property to be transferred includes one habitable building (3070) on approximately 6 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 to the CERFA Report (19 April 1994), and various remedial investigation/feasibility studies documents. Comments received from U.S. EPA Region IX (10 July 1995) and California EPA DTSC (11 July 1995) on the 31 May 1995 Version 1 EBS/FOST/FOSL for the McKinney Group A Parcels have been reviewed and incorporated where possible. Comments received from the U.S. EPA Region IX and California EPA (26 February 1996) on the 18 January 1996 Version 1 FOST for the CSI Parcel have also been incorporated where appropriate. All comments received were resolved. The results of the EBS indicates that the Property is environmentally suitable for transfer to CSI. The results of the EBS are as follows:

- One building (3070) is located on the Property. Building 3070 housed a child care facility for Patton Park Family Housing Area.
- An asbestos survey conducted by the Army shows that Building 3070 does not contain asbestos.
- Building 3070 is not considered to contain LBP because of its post-1973 (1990) construction date.
- 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 the building was 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 identified no potential OE locations are within or adjacent to the Property.
- No underground or aboveground storage tanks, hazardous materials storage, or solid waste management units are present on the Property, and no studies associated with them have been conducted by the Army for this Property.
- The final CERFA report identified the Property as a CERFA-disqualified parcel because of its location above the Fort Ord Landfills (OU 2) groundwater contamination plume; remediation of the contaminated groundwater is under way. 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." The total estimated concentration of volatile organic compounds (VOCs) in groundwater beneath the Property is approximately 20 micrograms per liter. A table listing the maximum VOC concentrations elsewhere in the OU 2 plume is attached (Table 1).

- The Baseline Risk Assessment for OU 2 indicates that the groundwater does not pose a threat to occupants of the CSI Parcel provided that groundwater from the contaminated aquifer is not used for drinking water. This use will be prohibited.
- No groundwater wells are present on the Property.

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).

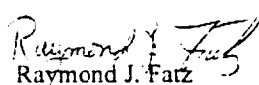
Clean Air Act General Conformity Rule requirements for this transfer were satisfied by a Record of Non-Applicability based upon an exemption for property transfers where National Environmental Policy Act (NEPA) documentation was completed prior to 31 January 1994.

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 CONTAMINATED GROUNDWATER. The groundwater beneath the Property on the date of this conveyance is contaminated with volatile organic compounds (VOCs), primarily trichloroethene (TCE), at estimated concentrations of up to 20 micrograms per liter. This notice is provided pursuant to Sections 120(h)(1) and (3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A pump-and-treat groundwater remediation system is in place and shown to be operating properly and successfully. Drilling of water wells, or use or access to groundwater from 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 CSI Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 4 and is suitable for transfer. As such, the deed for this transaction will contain the following covenants as well as the above deed restrictions on groundwater and the associated pump and treat system.

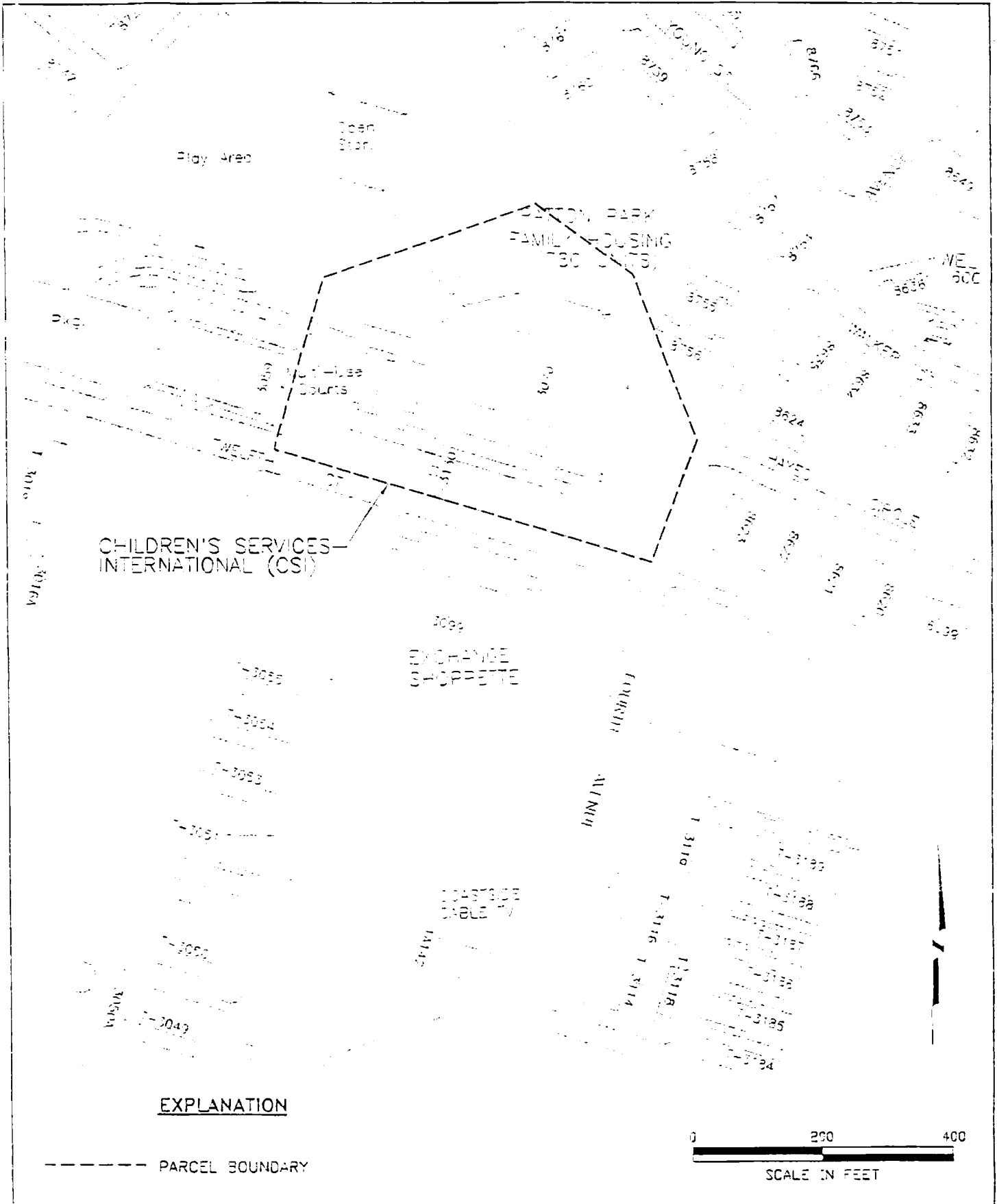
- All remedial action under CERCLA necessary to protect human health and the environment with respect to hazardous substances remaining on the Property has been taken.
- Any remedial action under CERCLA found to be necessary after the date of transfer, caused by United States activities, shall be conducted 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. Farz

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

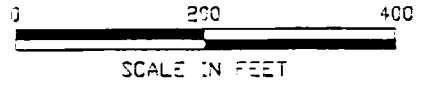
Table 1. Maximum Chemical Concentration by Aquifer Zone
 OU 2 Groundwater Plume
 Former Fort Ord, California

Aquifer Zone	Substance	Concentration (mg/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-Footer Aquifer Zone	1,1,1-trichloroethane	2.2
	methylene chloride	1.1
	tetrachloroethene	0.9
	toluene	2.1



EXPLANATION

----- PARCEL BOUNDARY



Harding Lawson Associates
Engineering and
Environmental Services

Children's Services International (CSI)
Building 3070
Finding of Suitability to Transfer
McKinney Group A Parcels
Former Fort Ord, California

PLATE

1

DRAWN	DATE	APPROVED	DATE	REVISION
1/1/11	1/1/11	[Signature]	1/1/11	1

0101200 00276913
1511 HP/15/16/1

ATZP-EP

2 August 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 McKinney Homeless Group A Parcel. This Action Covers Activities Associated with Land Conveyances Between the U.S. Army and Children's Services International (CSI).

1. **Scope Definition:** The Department of the Army is considering granting parcels of land located at the former Fort Ord, California in agreement with the McKinney Homeless Act for use by CSI as child care facility. Building on subject parcel was formerly utilized by the U.S. Army as child care facility.
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. Grantee intends to reuse subject building as child care facility.
4. The General Conformity Rule requirements do not apply to subject Federal action under CAA Section 176(c), 40 CFR part 51 subpart W, and pursuant to Section 201(c)2i of Monterey Bay Unified Air Pollution Control District rule, as incorporated in the State Implementation Plan (SIP); where the National Environmental Policy Act (NEPA) documentation was completed prior to 31 January 1994 (*Fort Ord Disposal and Reuse Final Environmental Impact Statement*. Harding Lawson Associates, June 1993).
5. Any utilization of subject parcel by the grantee influencing facility emissions not identified in the SIP, has neither been disclosed to Army Environmental personnel, nor considered in subject General Conformity Rule review.



CHRISTINE LAWSON
 Air Pollution Environmental Coordinator
 Directorate Environmental and Natural
 Resources Management
 POM, DLIFLC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94108-3901

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. §9620.

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.

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EPA and the Army have established the following conditions with respect to the Fort Ord CU-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 CU-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).

EPA is comfortable with an approach utilizing the above conditions to satisfy CERCLA §120(h)(3) at Fort Ord because of the following:

- 1) **Enforceability** - Under the Federal Facility Agreement (FFA) for Fort Ord, entered into by EPA, the State of California, and the Army, the Army has committed to implement the OU-2 groundwater cleanup in accordance with the OU-2 ROD (and ESD), and is obligated to perform any necessary post-land transfer cleanup.
- 2) **Contract Flexibility** - EPA understands that the Army's contract provides for the performance of all work necessary to meet the ROD (and ESD). Thus modifications to the pump and treat system can be easily implemented.
- 3) **Risk to human health and the environment** - There are no current or identified future users of the groundwater, nor does the groundwater contamination impact any environmental receptors.

EPA has reviewed the Technical Memorandum, the OU-2 ROD signed on August 23, 1994, which includes Final Upper Aquifer and Interim 180-foot Aquifer cleanup standards for treatment and discharge which must be achieved by the remedy; the ESD to the OU-2 ROD, signed on August 23, 1995, which specifies Final 180-foot Aquifer cleanup standards; the Design Analysis for the OU-2 Groundwater Remedy ("100% Design"), approved on December 7, 1995; and various OU-2 related documents including remedial investigation/feasibility study reports, groundwater monitoring reports, and the remedial design/remedial action work plans, operation and maintenance plan, and sampling and analysis plan (collectively, "Documentation").

Without independent investigation or verification of certain information contained in the Documentation, the undersigned has evaluated the Army's demonstration and has determined that an approved OU-2 groundwater remedy is operating properly and successfully. The Army continues to be responsible for long-term pumping and treating as well as operation and maintenance of the system until conditions of the FFA, the ROD and the ESD have been satisfied. The review of the Documentation was completed pursuant to CERCLA §120(h)(3) and the sole purpose of this letter is to satisfy the requirements of that provision. This letter shall not modify any obligation, right or authority existing under the Fort Ord FFA, and all amendments thereto, entered into by EPA, the State of California, and the Army, including the Army's obligation to meet the requirements of the OU-2 ROD and ESD. The undersigned expressly reserves all rights and authorities relating to information not contained in the Documentation, whether such

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 Chasnett, EPA Remedial Project Manager for the Fort Ord Site, at (415) 744-2393.

Sincerely,



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