

**FINDING OF SUITABILITY TO TRANSFER
(FOST)**

Former Fort Ord, California

**Track 1 Plug-In Parcel E20c.1, Yadon's Parcel
E29b3.1, and Operable Unit 1 Parcel S2.1.2
(FOST 12)**

October 2012

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1. PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability of certain parcels or property at the former Fort Ord, California, for transfer to the Fort Ord Reuse Authority (FORA), and the Monterey Bay Education, Science, and Technology Center of the University of California, Santa Cruz (UCMBEST), consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h) and Department of Defense (DOD) policy. In addition, the FOST includes the CERCLA Notice, Covenant, and Access Provisions and other Deed Provisions and the Environmental Protection Provisions (EPPs) necessary to protect human health or the environment after such transfer.

2. PROPERTY DESCRIPTION

The property (three parcels, which do not contain any buildings), consists of approximately 117 acres of undeveloped land. The property was previously used as a training facility for infantry troops and firefighters. The property is intended to be transferred for mixed use and development, including residential and habitat management. This is consistent with the intended reuse of the property as set forth in the FORA Reuse Plan. Site maps of the property are attached (Attachment 1).

3. ENVIRONMENTAL DOCUMENTATION

A determination of the environmental condition of the property was made based upon the Evaluation of Solid Waste Management Units (*USAEHA, 1988*), the Results of Radon Survey (*Army, 1990*), the Underground Storage Tank Management Plan (*HLA, 1991*), the Asbestos Survey Report (*DEI, 1993*), the Community Environmental Response Facilitation Act (CERFA) Report (*ADL, 1994*), the Industrial Radiation Survey, Facility Close-Out and Termination Studies (*USAEHA, 1994* and *USACHPPM, 1996*), the Aboveground Storage Tank Inventory (*U&A, 1997*), the Revised Archives Search Report (*USACE, 1997a*), the Underground and Aboveground Storage Tank Management Plan Update (*HLA, 1998*), the Literature Review Report, Ordnance and Explosives Remedial Investigation/Feasibility Study (*HLA, 2000a*), the Field Investigation and Data Review, Solid Waste Management Units (*Harding ESE, 2002*), the Comprehensive Basewide Range Assessment Report (*Shaw, 2012*), the Track 0 Group B Plug-In Approval Memorandum (PAM) (*Army, 2005d*), the Track 0 Group C PAM (*Army, 2005e*), and the Track 1 PAM (*Army, 2011*). The information provided is a result of a complete search of U.S. Department of the Army (Army) files during the development of these environmental surveys.

A complete list of documents providing information on environmental condition of the property is attached (Attachment 2).

4. ENVIRONMENTAL CONDITION OF PROPERTY

4.1. ENVIRONMENTAL REMEDIATION SITES

There are two remediation sites located on the property (Parcel S2.1.2). A summary of the environmental remediation sites on the property is as follows:

- Operable Unit 1 (OU1; Attachment 1, Site Map 4), Fritzsche Army Airfield Fire Drill Area (Solid Waste Management Unit [SWMU] FTO-001) – groundwater and soil contamination;
- Operable Unit Carbon Tetrachloride Plume (OUCTP; Attachment 1, Site Map 4) – groundwater contamination.

All environmental soil and groundwater remediation activities on the property have been completed or are in place and operating properly and successfully¹. Parcel S2.1.2 has not been remediated to levels suitable for unrestricted use. The deed and Covenant to Restrict Use of Property (CRUP) for Parcel S2.1.2 will include the following land use restriction: no use of groundwater. See the U.S. Environmental Protection Agency (USEPA) concurrence that the OU1 groundwater remedy is operating properly and successfully (*USEPA, 2011a*), USEPA concurrence that the OUCTP groundwater remedy in the Lower 180-Foot Aquifer is operating properly and successfully (*USEPA, 2011b*), *Record of Decision, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Fort Ord, California* (OU1 ROD; Army, 1996), the *Final Operable Unit Carbon Tetrachloride Plume Remedial Action Work Plan, Former Fort Ord, California* (OUCTP RAWP; Shaw, 2009) and the *Final Operable Unit Carbon Tetrachloride Plume Lower 180-Foot Aquifer Remedial Design, Former Fort Ord, California* (Shaw, 2010) for additional information. A summary of the environmental remediation sites is provided in Table 4 – Notification of Hazardous Substance Storage, Release, or Disposal (Attachment 3).

4.2. STORAGE, RELEASE, OR DISPOSAL OF HAZARDOUS SUBSTANCES

There is no evidence that hazardous substances were stored, released, or disposed of on Parcel E29b.3.1 in excess of the 40 CFR Part 373 reportable quantities. The USEPA concurred with the Army's determination the parcel is uncontaminated (as a portion of CERFA Parcel 229 [see Attachment 3, Table 1 – Description of Property]) in accordance with CERCLA 120(h)(4) (*USEPA, 1994*). The CERCLA 120(h)(4) Notice and Covenant at Attachment 4 will be included in the deed.

Hazardous substances were stored for one year or more and released or disposed of on Parcel S2.1.2 in excess of reportable quantities specified in 40 CFR Part 373. All hazardous substance storage operations have been terminated on the property. Hazardous substances were released in excess of the 40 CFR 373 reportable quantities at the following sites: OU1 and OUCTP. The release or disposal of these hazardous substances is being remediated as part of the Installation Restoration Program (IRP). See Section 4.1 Environmental Remediation Sites for additional information. There is no evidence that non-munitions related hazardous substances were stored, released, or disposed of on Parcel E20c.1 in excess of the 40 CFR Part 373 reportable quantities. Attachment 3, Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal provides a summary of the areas in which hazardous substance

¹ A remedial action is operating “properly” if it is operating as designed and is operating “successfully” if its operation will achieve the cleanup levels or performance goals delineated in the decision document. Additionally, to be “successful,” the remedy must be protective of human health and the environment. At the former Fort Ord, the Army performs a review of groundwater and soil remedies every five years to evaluate whether they are still operating properly and successfully. The next review will occur in 2017.

activities occurred. Attachment 4 provides the CERCLA 120(h)(3) Notice, Description, and Covenant that will be included in the deed.

4.3. PETROLEUM AND PETROLEUM PRODUCTS

4.3.1. Underground and Aboveground Storage Tanks (UST/AST)

- **Current UST/AST Sites** - There are no underground and/or aboveground petroleum storage tanks (UST/AST) currently on the property.
- **Former UST/AST Sites** - There was one 1,000-gallon AST on Parcel S2.1.2 that was removed along with an underground discharge pipe extending from the AST to a discharge nozzle at the center of the OU1 Fritzsche Army Airfield Fire Drill Area, which is part of Parcel S2.1.2. Petroleum product releases occurred from the AST to the OU1 Fritzsche Army Airfield Fire Drill Area for fire fighter training purposes. The release of these petroleum products was remediated as part of AST closure. See the OU1 ROD (*Army, 1996*) for additional information. There is no evidence that petroleum products were stored in underground or aboveground storage tanks on Parcels E20c.1 and E29b.3.1.

A summary of the UST and AST petroleum product activities is provided in Table 3 - Notification of Petroleum Products Storage, Release, or Disposal (Attachment 3).

4.3.2. Non-UST/AST Storage, Release, or Disposal of Petroleum Products

There was non-UST/AST storage of petroleum products in excess of 55 gallons for one year or more on Parcel S2.1.2. The petroleum products were used by the Fort Ord Fire Department for training purposes. All non-UST/AST petroleum product storage operations have been terminated. There was no evidence of petroleum releases in excess of 55 gallons as a result of these activities.

A summary of the non-UST/AST petroleum activities is provided in Table 3 – Notification of Petroleum Products Storage, Release, or Disposal (Attachment 3).

4.4. POLYCHLORINATED BIPHENYLS (PCB)

There is no evidence that PCB-containing equipment is located, or was previously located, on the property.

4.5. ASBESTOS

There is no evidence that buildings or structures with ACM are located on the property.

4.6. LEAD-BASED PAINT (LBP)

There is no evidence that buildings or structures with LBP are located on the property.

4.7. RADIOLOGICAL MATERIALS

There is no evidence that radioactive material or sources were stored or used on the property.

4.8. RADON

There were no radon surveys conducted on the property.

4.9. MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

Based on a review of existing records and available information, the Army represents that, to the best of its knowledge, no MEC are currently present on the property. Notwithstanding this determination, there is a possibility that, due to the former use of the property as a military installation, MEC may exist on the property.

Parcels E29b.3.1 and S2.1.2 are within Track 0 areas at the former Fort Ord, which are areas that contain no evidence of MEC and have never been suspected of having been used for military munitions-related activities of any kind. This includes areas not suspected as having been used for military munitions-related activities of any kind, but where incidental military munitions have been discovered.²

Parcel E20c.1 is a Track 1 area in which munitions responses were completed and no further action is required regarding MEC. See the *Record of Decision, No Further Action Related to Munitions and Explosives of Concern—Track 1 Sites; No Further Remedial Action with Monitoring for Ecological Risks from Chemical Contamination at Site 3 (MRS-22)* (Track 1 ROD; Army, 2005a) and the *Track 1 Plug-In Approval Memorandum, MRS-24A, MRS-24C, and Parcel E20c.1, Former Fort Ord, California* (Track 1 PAM; Army, 2011). The Army used portions of Parcel E20c.1 for training with military munitions, including a practice rifle grenade training area and a live grenade training area that could have resulted in the presence of MEC on the property. The term “MEC” means military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard (see Attachment 6 for definitions of terms related to the Fort Ord Military Munitions Response Program [MMRP]).

From 2003 to 2010, several munitions responses, including site walks, Schonstedt surveys, DGM surveys, etc. covering approximately 80 percent of Parcel E20c.1 were completed on the property. A summary of the munitions response sites (MRSS) on the property is provided below. Details are provided for munitions responses where MEC was encountered.

Parcel E20c.1 (exclusive of MRS-24A and the Investigation Area [see below]; Site Map 2): One M306 series high explosive (HE) 57mm projectile was encountered in the southeastern portion of the E20c.1 during site walks conducted by USACE in 2003. MD observed during the site walks of Parcel E20c.1 included M11 series practice antitank rifle grenades around MRS-24A, MKII hand grenade fragments north of MRS-24A, and one M7 series practice 2.36-inch rocket in the eastern portion of Parcel E20c.1 (Army, 2011).

In 2004, Shaw conducted a systematic geophysical survey with Schonstedt magnetic locators and investigated detected anomalies in ten grids in the center of Parcel E20c.1. There were no MEC and

² On July 13 and July 17, 2000, an expended practice grenade and an expended smoke grenade (munitions debris) were found at Parcel S2.1.2 on the ground surface by a contractor conducting a geophysical study associated with the OU1 groundwater plume. A U.S. Army Corps of Engineers (USACE) unexploded ordnance (UXO) safety specialist removed and disposed of these items. It was concluded these items were discarded at this location and were not related to munitions training in this area (Army, 2005c).

228 MD items recovered. The MD was evaluated to determine its explosives safety status and was determined to be inert. The MD, which was primarily fragments from MKII hand grenades, also included MD from an M17 series parachute rifle ground signal and an M721 illumination mortar 60mm projectile (*Army, 2011*).

USACE conducted a site walk in Parcel E20c.1 and the Investigation Area near MRS-24C in January 2006. During this site walk, MEC was not encountered; however, grenade safety levers were observed (*Army, 2011*).

In October 2006, USACE conducted a grid investigation in the northwestern portion of Parcel E20c.1 in response to agency concerns about the presence of grenade fragments. Although MEC was not encountered during this investigation, MKII fragments (MD items) were encountered in all ten grids investigated. Other MD items observed included a fuze, two levers, and three pins, which were found in one grid near the Investigation Area. The MD was evaluated and determined to be inert (*Army, 2011*).

USACE conducted an additional site walk in January 2008. The site walk was performed with Schonstedt magnetic locators in the central portion of Parcel E20c.1 between grids where Shaw's geophysical survey identified concentrated grenade fragments in 2004. Although MD items (MKII grenade fragments) and expended small arms were observed, there was no MEC observed.

In January 2008, an M306 series target practice 57mm projectile (MEC) was encountered within Parcel E20c.1 north of Eucalyptus Road while FORA was conducting munitions response.

In March 2008, in cooperation with the DTSC, USACE conducted an investigation of anomalies from Shaw's October 2007 digital geophysical mapping (DGM) survey. With the DTSC's input, the Army selected 35 anomalies for intrusive investigation. Only one MD item, a MKII fragment, was related to military munitions.

The Track 1 PAM (*Army, 2011*) concluded there was no evidence that live-fire training occurred on Parcel E20c.1 (exclusive of MRS-24A and the Investigation Area). Based on a review of existing information, MEC is not expected to be present within this parcel; therefore, the Track 1 PAM (*Army, 2011*) determined Parcel E20c.1 (exclusive of MRS-24A and the Investigation Area) meets Track 1, Category 1 criteria (see Attachment 6) and no further munitions response activities are required at Parcel E20c.1.

MRS-24A (Site Map 2): MRS-24A lies within the boundary of Parcel E20c.1 in the southwest corner of the parcel. The boundary of MRS-24A was originally delineated based on a "Practice Rifle Grenade" area depicted in a hand-sketched August 1945 historical range map included in the Archives Search Report (*USACE, 1994 and 1997a*). Based on this boundary, MRS-24A is approximately 13.9 acres in size. Evaluation of aerial photographs indicates the actual range may have been smaller, corresponding to a visible cleared area (*Army, 2011*).

MRS-24A was investigated (sampled) for the presence of MEC in 1996, 1997, and 2000 (see *USA, 2000a*). During these investigations, three MEC items (M2 series ignition cartridge, M83 series 60mm illumination mortar projectile, and M43 series 81mm practice mortar projectile) and MD (two MKII practice hand grenades, five M11 and M29 series practice antitank rifle grenades, one M7 series practice 2.36-inch rocket, two M29 series practice 3.5-inch rockets, one M17 series parachute rifle ground signal, one M181 series practice subcaliber 14.5mm projectile, MKII practice and fragmentation hand grenade

fragments, one flame thrower igniter cartridge, and other unknown fragments³) were removed. All MD, which was evaluated to determine its explosives safety status, was determined to be inert.

On February 23, 2003 and March 5, 2003, the USACE conducted site walks of MRS-24A and Parcel E20c.1. The site walks covered approximately 10.5 miles over the roads and trails in and around Parcel E20c.1. MD that was observed during the site walks in MRS-24A included M11 series practice antitank rifle grenades, and MKII hand grenade fragments (*Army, 2011*).

The Track 1 PAM (*Army, 2011*) concluded MRS-24A was used for training with practice rifle grenades, which are inert, and no MEC associated with practice rifle grenade training are expected; therefore, the Track 1 PAM (*Army, 2011*) determined MRS-24A meets Track 1, Category 3 criteria (see Attachment 6) and no further investigations for military munitions at MRS-24A are required.

Investigation Area (Site Map 2): The Investigation Area lies partially within the boundary of Parcel E20c.1 south of MRS-24C. A review of aerial photography indicated the former range associated with MRS-24C (see Section 5, Adjacent Property Conditions) was likely located south of the MRS-24C boundary as depicted in the Archives Search Report (*USACE, 1994 and 1997a*); therefore, further investigations were focused in the Investigation Area. The Army investigated 100 percent of the acreage comprising the Investigation Area, which was most likely the live-grenade training area associated with MRS-24C (*Army, 2011*).

USA Environmental, Inc. (USA) conducted an intrusive investigation in a portion of the Investigation Area south of MRS-24C in 1997. This investigation was conducted in a single grid that comprised a large portion of the southern half of the Investigation Area, and extended outside of the southwest corner of the Investigation Area. There was no MEC encountered within the Investigation Area (*Army, 2011*).

USACE conducted a site walk in Parcel E20c.1 and the Investigation Area near MRS-24C in January 2006. There was no MEC encountered during the site walk; however, grenade safety levers were located (*Army, 2011*).

Shaw completed two DGM surveys at two grids within the Investigation Area associated with MRS-24C. Approximately 0.38 acre of the Investigation Area is within Parcel E20c.1. According to the Fort Ord Military Munitions Response Program (MMRP) database, of the 235 targets detected and intrusively investigated in the portion of the Investigation Area within Parcel E20c.1, 191 were MD items (one partial grenade ring, one M21 practice hand grenade, and 189 MKII hand grenade fragments). The remaining targets were identified as other debris that was not related to military munitions (*Army, 2011*).

The Track 1 PAM (*Army, 2011*) concluded that, although field investigations of the Investigation Area indicated evidence of past training involving military munitions, MEC is not expected to be present at the site; therefore, the Track 1 PAM (*Army, 2011*) determined the Investigation Area is a Track 1, Category 3 variant site⁴ and no further investigations for military munitions at the Investigation Area are required.

³ “Unknown fragments” is the original field-assigned description (*Army, 2011*).

⁴ The results of historical research and field investigations indicate previous training with military munitions at the site; however, per Army policies observed at the time, any dud or discarded grenades would have been removed and destroyed, therefore it is unlikely a MEC hand grenade would be present at the site. During the most recent

Details on these MRSs and a summary of MEC discovered on the property are provided in Table 4 – Notification of Munitions and Explosives of Concern (Attachment 3). Given the property's past use, the deed will include Table 4 – Notification of MEC (Attachment 3) and a MEC Notice (Attachment 5).

4.10. OTHER PROPERTY CONDITIONS

There are no other hazardous conditions on the property that present an unacceptable risk to human health and the environment.

5. ADJACENT PROPERTY CONDITIONS

Parcel E20c.1 (Site Map 2): The following other potentially hazardous conditions exist on adjacent property: MRS-15 SEA 04, MRS-24B, MRS-24C, MRS-44EDC, MRS-49 and IRP Site 39 (HA-115) lie adjacent to Parcel E20c.1.

MRS-15 SEA 04 is south of Parcel E20c.1 on the opposite side of Eucalyptus Road. MRS-15 SEA 04 included firing points and some targets associated with two small arms ranges (Ranges 18 and 46) and firing points for a mortar and antitank weapons range (Range 48). During munitions response, the Army removed 205 MEC, 380 MD items, and an additional 311.9 pounds of MD (*Parsons, 2006; FORA, 2008 and 2011*). All MD removed was evaluated and determined to be inert. MRS-15 SEA 04 is also within IRP Site 39 and, for the Basewide Range Assessment (BRA), MRS-15 SEA 04 was identified as Historical Area 115 (HA-115). HA-115 included portions four ranges: Range 18/HA-18D (small arms), Range 46/HA-46D (small arms), Range 48/HA-48D (small arms, anti-tank weapons), and HA-50D (identified as "Booby Traps Training Area" on a 1945 training facilities map).

MRS-24B is 14.2 acres in size, and is located on the south side of the northern extent of Parcel E20c.1. For the BRA, MRS-24B was identified as HA-127. Historical training maps indicate the MRS/HA was used as a practice hand grenade range in the 1940s (*USACE, 1994 and 1997a*). A munitions response (investigation) was conducted in 1997, with a single M228 practice hand grenade fuze, which was determined to be inert (i.e., MD) recovered.

MRS-24C is located on the north side of the southern extent of Parcel E20c.1. For the BRA, MRS-24C was identified as HA-128. A munitions response (investigation) was completed in the vicinity of MRS-24C in 1997. Detected anomalies were excavated at various depths down to 2 feet. Within the boundary of MRS-24C, 40 MD (38 grenade fragments and 2 grenade fuzes) were recovered (*Army, 2011*). The MD was evaluated and determined to be inert. MRS-24C meets the Track 1, Category 1 criteria because there is no evidence to indicate military munitions were used at the site (suspected training did not occur).

MRS-44EDC is located on the east side of Parcel E20c.1. For the BRA, MRS-44 was identified as HA-174. To facilitate the transfer of property, MRS-44 was divided into MRS-44EDC and MRS-44PBC. Twelve MEC and 53 MD items were removed from MRS-44EDC. MEC items included an MK1 illuminating hand grenade, M82 percussion primers, one M10 hand grenade fuze, and an MK I unfuzed 75mm shrapnel projectile (*Army, 2011; FOR A, 2008*).

MRS-49 is approximately 28 acres in size and is located on the north side of Parcel E20c.1. For the BRA, MRS-49 was identified as HA-179. The site was reportedly used as a rifle grenade range in the

investigation that covered the entire Investigation Area, no MEC item was found, while MD from HE hand grenades (fragments and empty grenade bodies) was found (*Army, 2011*).

1940s and 1950s with use ending when the Officers' Club was built (*Army, 2005e*). Several MD items were found during munitions response: an expended smoke signal, an expended smoke grenade, the candle housing for a 105mm illumination projectile, and live and expended small arms ammunition. MRS-49 was categorized as a Track 1 site and evaluated in the Track 1 RI/FS, which recommended no further action regarding munitions response at MRS-49 (*MACTEC, 2004*).

The presence of these sites on property adjacent to Parcel E20c.1 does not present an unacceptable risk to human health and the environment because:

- Munitions responses (e.g., investigation, removal) were performed with all MEC detected removed. Based on the results of the removal actions, no further removal activities are recommended for all adjacent sites described above except MRS-15 SEA 04 and MRS-44EDC, which will be evaluated for munitions response actions through the remedial investigation/feasibility study (RI/FS) process per the provisions of the Fort Ord Federal Facility Agreement (FFA; *FFA, 1990*), as amended (*FFA, 2007*), and as part of the ongoing former Fort Ord MMRP. This evaluation will consider the future reuse of the MRS.
- Where applicable for these sites, land use restrictions necessary for protection of human health and the environment are included in the deeds and CRUPs for adjacent property.
- Based on the results of site reconnaissance, site investigations, and/or remediation, the Comprehensive Basewide Range Assessment Report (*Shaw, 2012*) recommends no further action for chemical contamination (metals, explosive compounds and total petroleum hydrocarbons [TPH]) related to military munitions for these sites.

Parcel E29b.3.1 (Site Map 3): There are no conditions adjacent to the property that present an unacceptable risk to human health and the environment. IRP Site 39 is adjacent to Parcel E29b.3.1 on the northeast boundary; however, no remedial activities associated with IRP Site 39 were required immediately adjacent to Parcel E29b.3.1.

Parcel S2.1.2 (Site Map 4): There are no conditions adjacent to the property that present an unacceptable risk to human health and the environment. IRP Site 34 is adjacent to Parcel S2.1.2 on the eastern boundary; however, the interim action (IA) at IRP Site 34 was completed in 1997 (*U&A, 1998*) and no further action is necessary (*USEPA, 2002* and *DTSC, 2002*).

6. ENVIRONMENTAL REMEDIATION AGREEMENTS

The following environmental orders/agreements are applicable to the property: the FFA (effective November 19, 1990) and the Fort Ord Part A Hazardous Waste Permit. All remediation activities on the property required by the FFA are complete or in place and operating properly and successfully (see Section 4.1 Environmental Remediation Sites). In addition, the Army has submitted a request to the DTSC to make a determination that no further Resource Conservation and Recovery Act (RCRA) corrective action is required on these parcels and to modify the Fort Ord Part A Hazardous Waste Permit to remove these parcels from the RCRA permitted facility boundary. The deed will include a provision reserving the Army's right to conduct remediation activities (Attachment 4).

7. REGULATORY/PUBLIC COORDINATION

The USEPA Region IX, the DTSC, and the public were notified of the initiation of this FOST. The thirty-day public review period was from August 25, 2012 to September 24, 2012. Regulatory/public comments received during the public comment period were reviewed and incorporated, as appropriate. A copy of the regulatory/public comments and the Army Response are included in Attachments 7 and 8, respectively.

8. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

The environmental impacts associated with the proposed transfer of the property have been analyzed in accordance with the National Environmental Policy Act (NEPA). The results of this analysis are documented in the *Final Environmental Impact Statement Fort Ord Disposal And Reuse* (June 1993), associated Record of Decision (December 1993), *Supplemental Environmental Impact Statement Fort Ord Disposal And Reuse* (June 1996) and associated Record of Decision (*Army, 1997b*). Table 5 – Disposal (Army Action) Impacts and Mitigation Measures (Attachment 3) lists the encumbrances/mitigation measures⁵ identified in the NEPA analysis and how they are addressed in the FOST to protect human health or the environment.

9. LAND USE RESTRICTIONS

A portion of the former Fort Ord lies within a “Special Groundwater Protection Zone” as defined by Monterey County Code Title 15 – Public Services, Chapter 15.08 – Water Wells (the County Code). Parcel S2.1.2 is within the “Prohibition Zone” of the Special Groundwater Protection Zone and the County Code prohibits the construction of water wells within the Prohibition Zone, which is identified on the “Former Fort Ord Special Groundwater Protection Zone Map” (the Map) on file with the County of Monterey. The CRUP, to be entered into by the Army and the State of California, also prohibits the construction of water wells and further prohibits any other activity on the Property that would interfere with or adversely affect the Army’s groundwater remediation systems or result in the creation of a groundwater recharge area, unless the Army and the DTSC provide written approval prior to such activity. Additionally, use of groundwater is prohibited on Parcel S2.1.2 as will be described in the land use restrictions to be included in the deed for Parcel S2.1.2 (EPPs, Attachment 5). Provided the restrictions of the County Code, the CRUP and the deed are adhered to, no actual or potential hazard exists on the surface of Parcel S2.1.2 from groundwater contamination or from possible soil gas volatilization resulting from groundwater contamination underlying Parcel S2.1.2. As groundwater remediation progresses, the Army may update the Map in consultation with the USEPA, the DTSC and the California Regional Water Quality Control Board, Central Coast Region (RWQCB); therefore, in the future Parcel S2.1.2 may be outside the boundary of the Prohibition Zone and restrictions may be modified as described in the EPPs (Attachment 5).

10. SCHOOL PROPERTIES

Should any portion of the Property be considered for the proposed acquisition and/or construction of school properties utilizing State funding, a separate environmental review process in compliance with the California Education Code 17210 et seq. will need to be completed and approved by the DTSC.

⁵ For the purposes of the FOST, “encumbrances” include mitigations necessary to protect human health and the environment from impacts associated with the disposal of property at the former Fort Ord.

11. FINDING OF SUITABILITY TO TRANSFER

Based on the information above, I conclude that Parcel E29b.3.1 of the property qualifies as CERCLA 120(h)(4) uncontaminated property and is transferable under that section. In addition, all Department of Defense requirements to reach a finding of suitability to transfer have been met, subject to the terms and conditions in the Environmental Protection Provisions (Attachment 5) that shall be included in the deed for the property. The deed will include the CERCLA 120(h)(4) Notice, Covenant, and Access Provisions and Other Deed Provisions for this parcel. Whereas no hazardous substances or petroleum products were stored for one year or more, or known to have been released or disposed of on the parcel, a hazardous substance or petroleum notification is not required for this parcel.

Based on the above information, I conclude that all removal or remedial actions necessary to protect human health and the environment have been taken and that Parcels E20c.1 and S2.1.2 of the property are transferable under CERCLA Section 120(h)(3). In addition, all Department of Defense requirements to reach a finding of suitability to transfer have been met for these parcels, subject to the terms and conditions set forth in the Environmental Protection Provisions (Attachment 5) that shall be included in the deed. The deed will also include the CERCLA 120(h)(3) Notice, Covenant, and Access Provisions and Other Deed Provisions. Finally, the hazardous substance notification (Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal [Attachment 3]) and the MEC notification (Table 4 – Notification of MEC [Attachment 3]) shall be included in the deed as required under CERCLA Section 120(h) and DOD FOST Guidance.



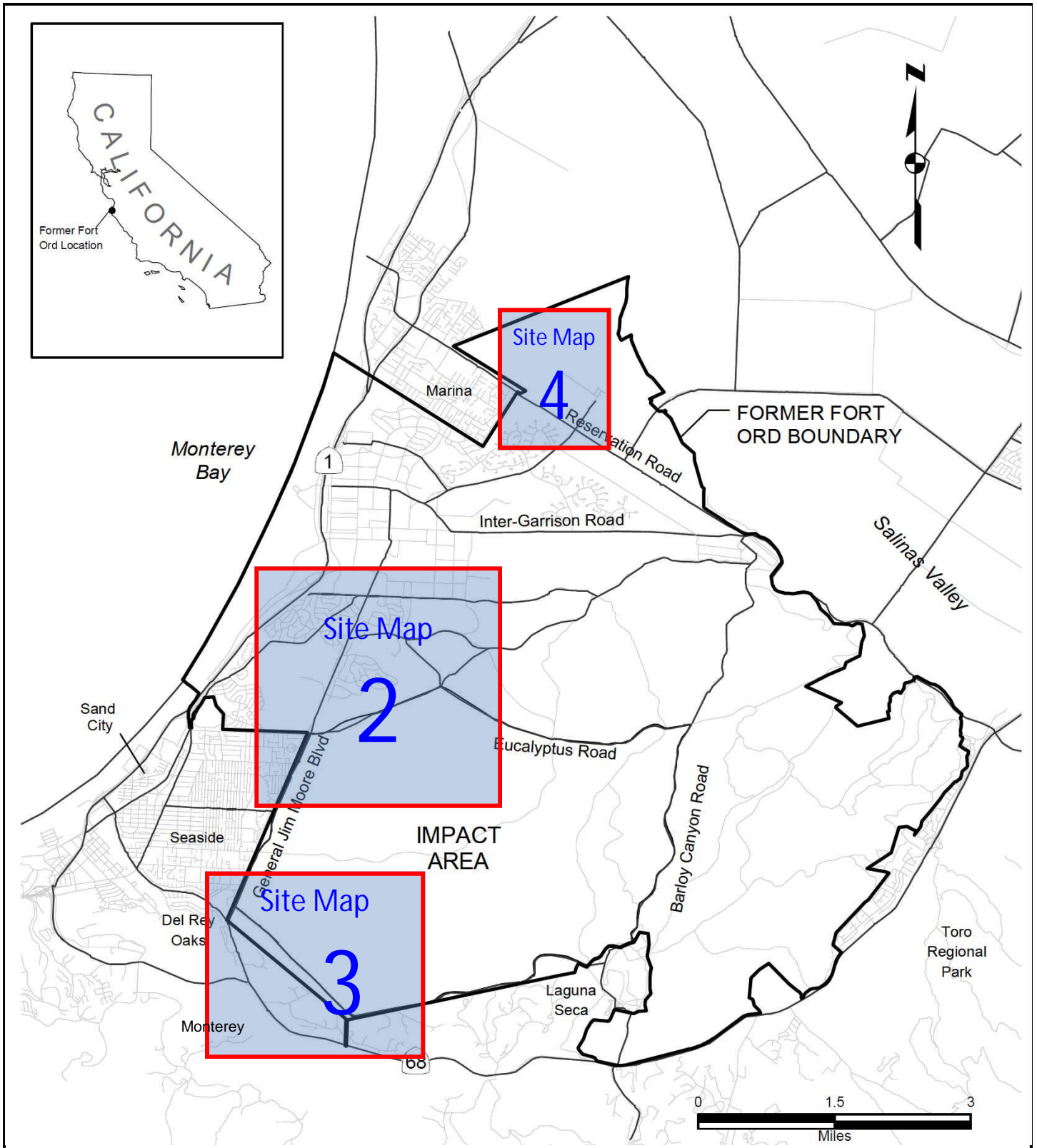
Thomas E. Lederle
Deputy
Base Realignment and Closure Division
U.S. Department of the Army

14 Dec 2012

Date

ATTACHMENT 1

SITE MAPS OF THE PROPERTY

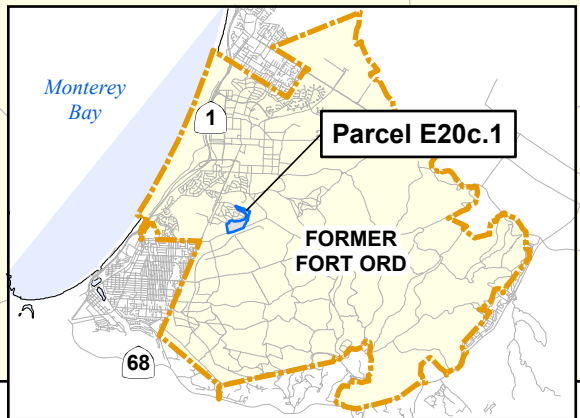
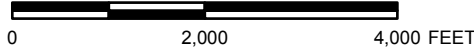
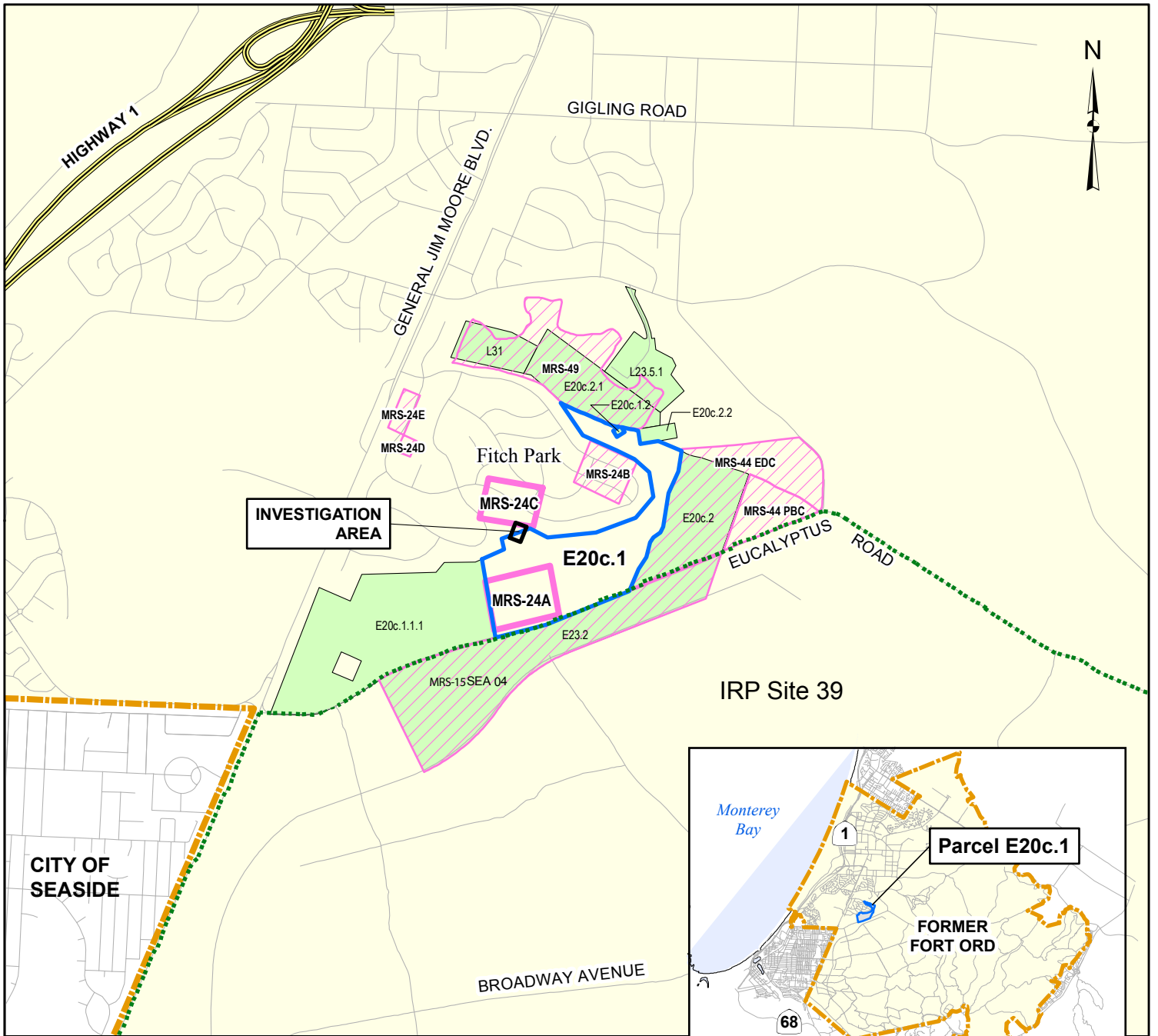


Site Location Map

Finding of Suitability to Transfer, Former Fort Ord, California, Track 1 Plug-In Parcel E20c.1, Yadon's Parcel E29b3.1, and Operable Unit 1 Parcel S2.1.2 (FOST 12)

Site Map

1



Legend

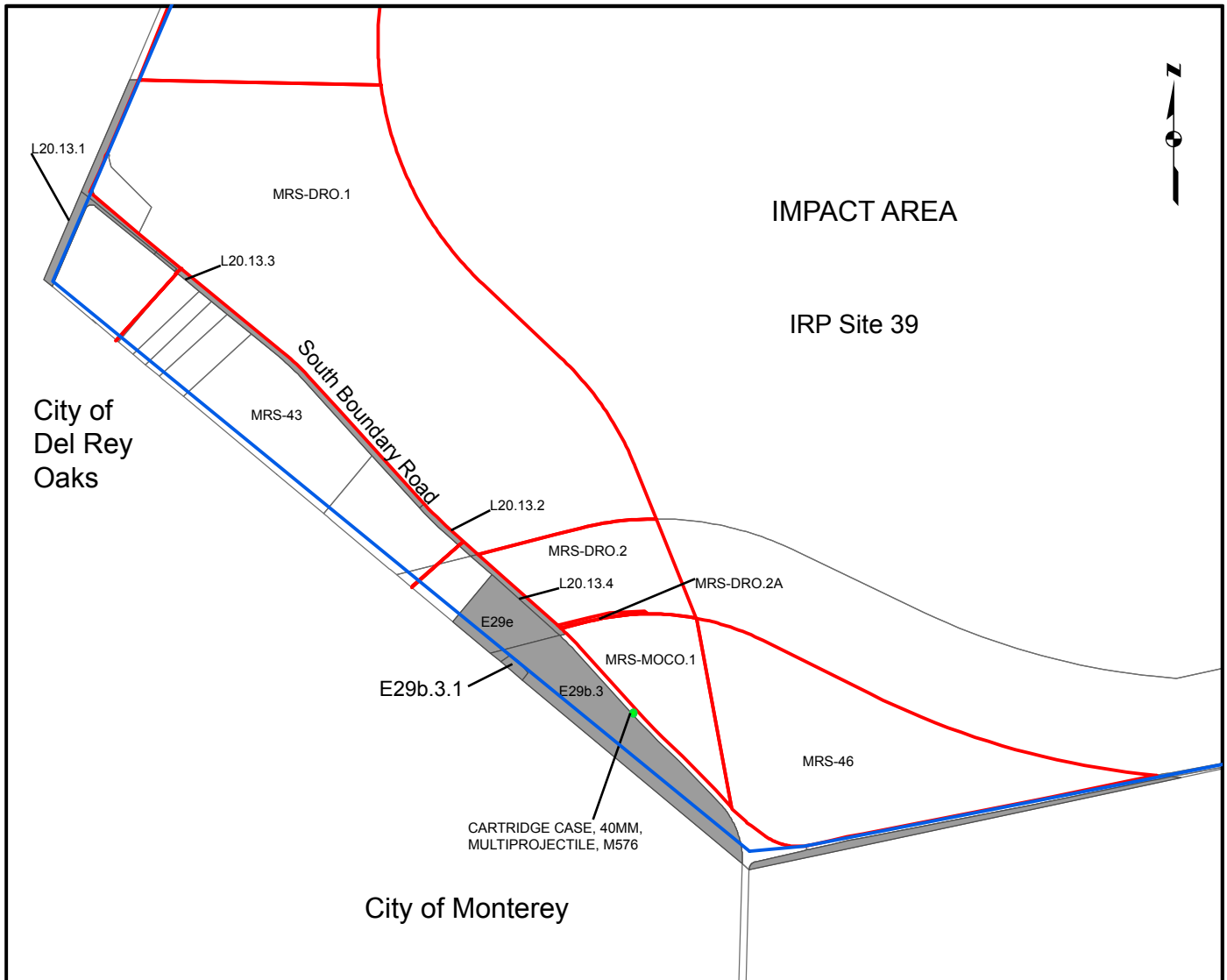
- Parcel E20c.1
- Munitions Response Site (from ASR)
- Boundary of Former Fort Ord
- Other Parcels Track 0/1
- Other Munitions Response Sites
- Boundary of IRP Site 39



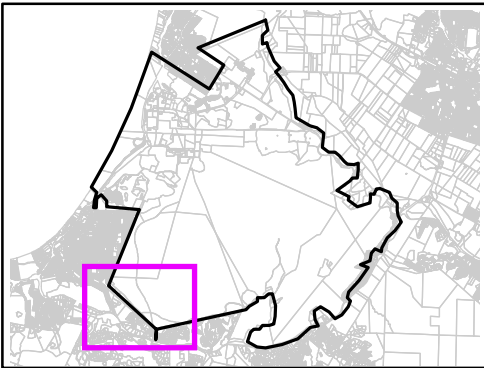
Location Map—Parcel E20c.1

Finding of Suitability to Transfer, Former Fort Ord,
California, Track 1 Plug-In Parcel E20c.1, Yadon’s Parcel
E29b3.1, and Operable Unit 1 Parcel S2.1.2 (FOST 12)





Site Map

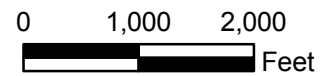


AREA SHOWN ON SITE MAP OUTLINED



EXPLANATION

-  TRACK 0 PLUG-IN B PARCEL
-  INSTALLATION RESTORATION PROGRAM SITE
-  MUNITIONS RESPONSE SITE
-  MUNITIONS AND EXPLOSIVES OF CONCERN



NOTE: SOME INCIDENTAL ITEM LOCATIONS ARE APPROXIMATE - BASED ON FIELD OBSERVATIONS

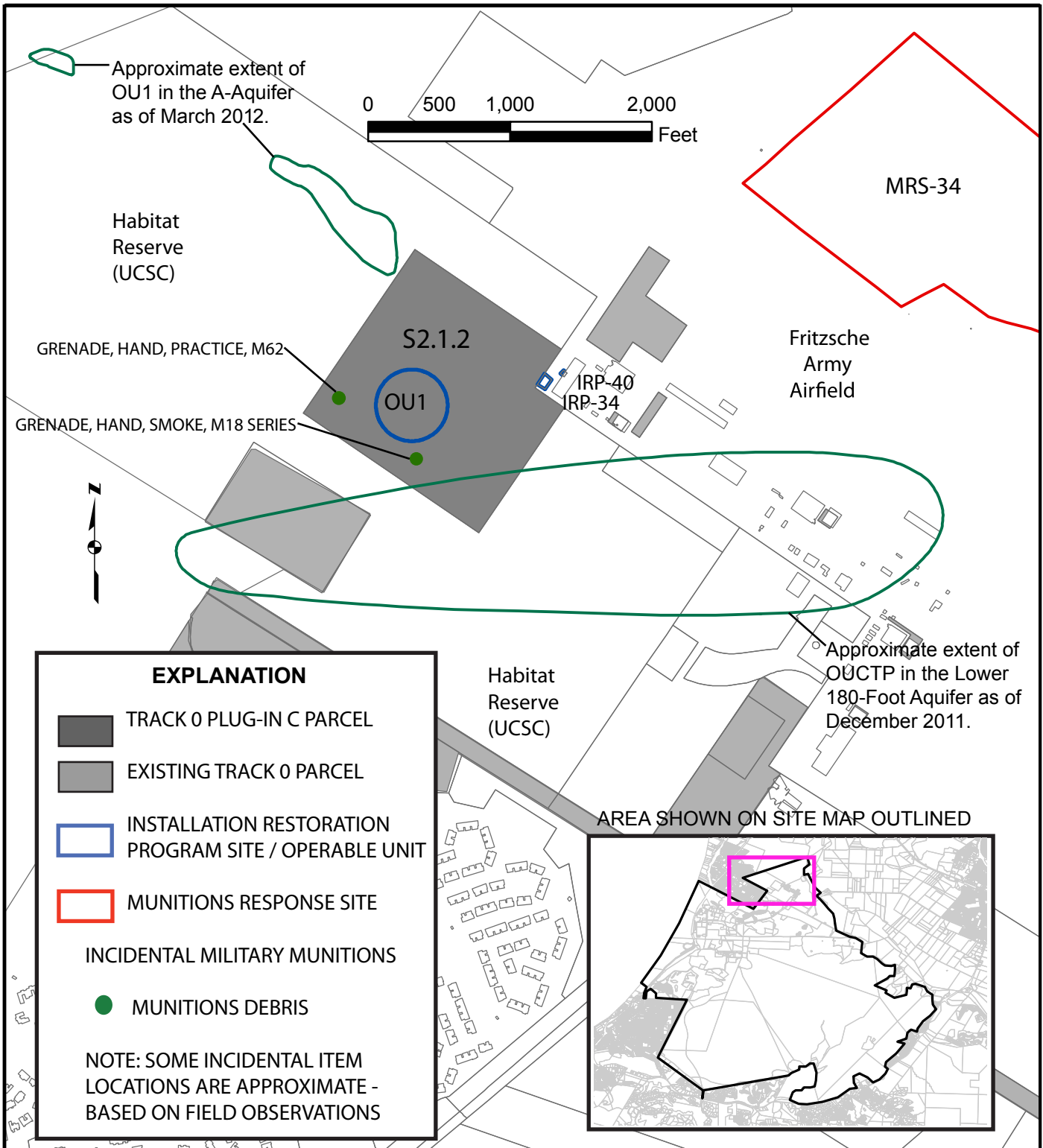


Location Map—Parcel E29b.3.1

Finding of Suitability to Transfer, Former Fort Ord, California, Track 1 Plug-In Parcel E20c.1, Yadon's Parcel E29b3.1, and Operable Unit 1 Parcel S2.1.2 (FOST 12)

Site Map

3



Location Map—Parcel S2.1.2

Finding of Suitability to Transfer, Former Fort Ord, California, Track 1 Plug-In Parcel E20c.1, Yadon's Parcel E29b3.1, and Operable Unit 1 Parcel S2.1.2 (FOST 12)

Site Map

4

ATTACHMENT 2

ENVIRONMENTAL DOCUMENTATION

ENVIRONMENTAL DOCUMENTATION^{1,2}

Ahtna Engineering Services, Inc./AMEC Environment & Infrastructure, Inc. (Ahtna/AMEC), 2012a. *Draft Annual Report of Quarterly Monitoring, October 2010 through September 2011, Groundwater Monitoring Program, Sites 2 and 12, OU2, OUCTP, and OU1 Off-Site, Former Fort Ord, California*. July 25. BW-2626

Ahtna/AMEC, 2012b. *Report of Quarterly Monitoring, October through December 2011, Groundwater Monitoring Program, Sites 2 and 12, OU2, OUCTP and OU1 Off-Site, Former Fort Ord, California*. June 1. BW-2629

Arthur D. Little, Inc. (ADL), 1994. *Final Community Environmental Response Facilitation Act (CERFA) Report, Fort Ord, Monterey, California*. April. BW-1658

California Department of Health Services (DHS), 1997. Memorandum documenting that, with respect to radiological issues, the buildings listed in the memorandum are acceptable for unrestricted release. October 1.

California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), 1998. *Completion of Interim Actions for Installation Restoration Sites 36, 40, and Outfalls 34 and 35, Former Fort Ord, California*. July 23. IAFS-209

DTSC, 2002. *DTSC Concurs Remedial Action Objectives have been met, Interim Action Confirmation Report, Site 34 – Fritzsche Army Airfield Fueling Facility, Former Fort Ord, California*. October 23. IAFS-221A

DTSC, 2005a. *Concurrence with Finding of Suitability to Transfer (FOST) and Determination of No Further Action For Track 0 and Track 0 Plug-in B Parcels, Former Fort Ord, Monterey, California*. June 23. OTH-222F

DTSC, 2005b. *DTSC concurs that the Selected Parcels - Group C described in the Track 0 Plug-In Approval Memorandum Selected Parcels - Group C document can be designated as Track 0*. July 22. OE-527G.1

DTSC, 2006. *DTSC concerns have been addressed and concurs that the designated areas in the Track 1 Plug-in Approval Memorandum Multiple Sites, Groups 1 - 5 are Track 1 and require no further action regarding munitions and explosives of concern*. July 26. OE-591E.1

¹ In accordance with the Fort Ord Federal Facility Agreement, documents pertaining to the environmental cleanup at the former Fort Ord are initially issued by the Army in "Draft," subject to review and comment by the regulatory agencies and the public. Following receipt of comments on a particular Draft document, the Army will respond to comments received and issue a "Draft Final" document subject to dispute resolution. The Draft Final document will become the "Final" document either thirty (30) days after the issuance of a draft final document if dispute resolution is not invoked or as modified by decision of the dispute resolution process. Typically, all comments are resolved upon issuance of the Draft Final document and that version becomes the Final document without modification; therefore, a Final document will often still be titled "Draft Final."

² At the end of references included in the Fort Ord Administrative Record are the Record Numbers (e.g. BW-1234). The Record Number may be entered in the search tool at: <http://www.fortordcleanup.com/adminrec/arsearch.asp> to find the referenced document. Please note the referenced documents were available in the Fort Ord Administrative Record at the time this document was issued; however, some may have been superseded by versions that are more current and were subsequently withdrawn.

ENVIRONMENTAL DOCUMENTATION

DTSC, 2011. Letter acknowledging designated areas described in the “*Track 1 Plug-In Approval Memorandum, MRS-24A, MRS-24C, and Parcel E20c.1, Former Fort Ord, California*” require no further action regarding munitions response. October 31. OE-0741A.4

Diagnostic Environmental, Inc., 1993. *Asbestos Survey Report U.S. Army Corps of Engineers, Fort Ord Installation, Fort Ord, California*. April 26.

Federal Facility Agreement (FFA), 1990. *United States Environmental Protection Agency Region 9 and the State of California and the United States Army, Federal Facility Agreement under CERCLA Section 120. In the Matter of: The United States Department of the Army, Fort Ord, Headquarters, Seventh Infantry Division (Light)*. November 19. BW-0119

FFA, 2007. *United States Environmental Protection Agency Region 9 and the State of California and the Department of the Army, Federal Facility Agreement, CERCLA Section 120, Amendment No. 1 Related to Early Transfer Property Referenced in FOSET 5. In the Matter of: The United States Department of the Army, Fort Ord*. July 26. BW-0119B

Fort Ord Reuse Authority (FORA), 2008. *Final Technical Information Paper, Phase II Seaside Munitions Response Area Roadway Alignment and Utility Corridor (Pollution Report and Removal Action Activity Report), Former Fort Ord, Monterey County, California*. September 26. ESCA-0117

FORA, 2011. *Final Technical Information Paper, Phase II Seaside Munitions Response Area Outside Roadway Alignment and Utility Corridor (Pollution Report and Removal Action Activity Report), Former Fort Ord, Monterey County, California*. March 25. ESCA-0251B

Harding ESE, 2002. *Draft Final Field Investigation and Data Review, Solid Waste Management Units, Fort Ord, California*. July 30. BW-1496A

Harding Lawson Associates (HLA), 1986. *Remedial Investigation/Feasibility Study of Soil Contamination, Fritzsche Army Airfield Fire Drill Area, Fort Ord, California*. April 14. OU1-044

HLA, 1987a. *Addendum, Remedial Investigation/Feasibility Study of Soil Contamination, Fritzsche Army Airfield Fire Drill Area, Fort Ord, California*. June 1. OU1-059

HLA, 1987b. *Remedial Investigation/Feasibility Study of Groundwater Contamination, Fritzsche Army Airfield Fire Drill Area, Fort Ord, California*. June 5. OU1-060

HLA, 1989. *Construction Report, Groundwater and Soil Treatment System, Fritzsche Army Airfield Fire Drill Area, Fort Ord, California*. May 16. OU1-114

HLA, 1991. *Underground Storage Tank Management Plan, Fort Ord Complex, Monterey County, California*. October 30-31. BW-0193, BW-0194 and BW-0195

HLA, 1997. *Interim Action Confirmation Report, Site 40 - Fritzsche Army Airfield Defueling Area, Fort Ord, California*. January 2. IAFS-132

HLA, 1998. *Underground And Aboveground Storage Tank Management Plan Update, Former Fort Ord and Presidio of Monterey, Monterey County, California*. March 13.

HLA, 2000a. *Draft Final Literature Review Report, Ordnance and Explosives Remedial Investigation/Feasibility Study, Former Fort Ord, California*. January 4. OE-0245H

ENVIRONMENTAL DOCUMENTATION

- HLA, 2000b. *Track 0 Technical Memorandum, Ordnance and Explosives Remedial Investigation/Feasibility Study, Former Fort Ord, California*. January 21. OE-0258F
- HydroGeoLogic, Inc. (HGL), 2011. *Final Rebound Evaluation Report, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Former Fort Ord, California*. September. OU1-559D
- HGL, 2012a. *2012 First Quarter Groundwater Monitoring Report, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Former Fort Ord, California*. May 29. OU1-596
- HGL, 2012b. *Final 2011 Annual and Third Quarter Groundwater Monitoring Report, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Former Fort Ord, California*. July 25. OU1-595A
- MACTEC Engineering and Consulting, Inc. (MACTEC), 2004. *Final Track 1 Ordnance and Explosives Remedial Investigation/Feasibility Study, Former Fort Ord, California*. June 21. OE-0421M
- MACTEC/Shaw Environmental, Inc. (MACTEC/Shaw), 2008. *Draft Final Post Remediation Risk Assessment, Seaside Parcels 1 through 4, Former Fort Ord, California. Revision 0*. June 27. BW-2447E
- Parsons, 2006. *Final Technical Information Paper MRS-SEA.1-4, Time-Critical Removal Action and Phase I Geophysical Operations, Former Fort Ord, Monterey, California, Military Munitions Response Program*. February 11. OE-0495K
- Shaw Environmental, Inc. (Shaw), 2005. *Draft Final Remedial Action Confirmation Report, Site 39, Ranges 18 and 19, Basewide Remediation Sites, Former Fort Ord, California, Revision 0*. February. BW-2222F
- Shaw, 2009. *Final Operable Unit Carbon Tetrachloride Plume Remedial Action Work Plan, Former Fort Ord, California, Revision 0*. August 28. OUCTP-0036K
- Shaw, 2010. *Final Operable Unit Carbon Tetrachloride Plume Lower 180-Foot Aquifer Remedial Design, Former Fort Ord, California, Revision 0*. October 6. OUCTP-0036R
- Shaw, 2012. *Final Comprehensive Basewide Range Assessment Report, Former Fort Ord, California, Revision 2*. January 17. BW-2300L
- Uribe & Associates (U&A), 1997. *Above Ground Storage Tank Inventory, Former Fort Ord Complex*. February 21.
- U&A, 1998. *Final Interim Action Confirmation Report, Site 34 – Fritzsche Army Airfield Fueling Facility, Former Fort Ord, California*. September 8. IAFS-215
- USA Environmental, Inc. (USA), 2000a. *Final OE Sampling After Action Report, Inland Range Contract, Former Fort Ord, California, Site OE-24A*. December 28. OE-0263A
- USA, 2000b. *Final After Action Report, GridStats/SiteStats OE Sampling, Inland Range Contract, Former Fort Ord, California, Sites OE-24B-E and OE-39*. December 30. OE-0264A
- USA, 2001. *Final 100% Grid Sampling, 4' OE Removal After Action Report, Inland Range Contract, Former Fort Ord, California, Site OE-15 Seaside 1-4, DRO.02 and MoCo 1 & 2*. October 13. OE-0338

ENVIRONMENTAL DOCUMENTATION

U.S. Department of the Army (Army), Fort Ord Directorate of Engineering and Housing (DEH), 1990. *Results of Radon Survey conducted during FY89/FY90 at Fort Ord (FO), Presidio of Monterey (POM), and Fort Hunter Liggett, Memorandum AFZW-DE-P (200-1c) from Wesley A. Ludwig, COL, EN, DEH.*

Army, 1993. *Fort Ord, California Disposal and Reuse Environmental Impact Statement, Record of Decision.* December 23. BW-0486

Army, 1996. *Record of Decision, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Fort Ord, California.* March 18. OU1-362

Army, 1997a. *Record of Decision, Basewide Remedial Investigation Sites, Fort Ord, California.* January 13. RI-025

Army, 1997b. *Record of Decision, Fort Ord, California, Disposal and Reuse Supplemental Environmental Impact Statement.* June 18. BW-1790

Army, 2002a. *Final Record of Decision, No Action Regarding Ordnance-Related Investigation, Former Fort Ord, California.* July 2. OE-0406

Army, 2002b. *Draft Final Five-Year Review Report, First Five-Year Review Report for Fort Ord Superfund Site, Monterey, California.* September 4. BW-2167G

Army, 2004. *Finding of Suitability to Lease (FOSL), The First Tee Project.* May 5. OTH-215

Army, 2005a. *Record of Decision, No Further Action Related to Munitions and Explosives of Concern – Track 1 Sites; No Further Remedial Action with Monitoring for Ecological Risks from Chemical Contamination at Site 3 (MRS-22); Former Fort Ord, California.* April 6. OE-0526

Army, 2005b. *Explanation of Significant Differences, Final Record of Decision, No Action Regarding Ordnance-Related Investigations (Track 0 ROD), Former Fort Ord, California.* April 26. OE-0406D

Army, 2005c. *Munitions Response Site (MRS) Security Program (formerly Ordnance and Explosives (OE) Site Security 2002 Program Summary), Former Fort Ord, California.* April. OE-0422D

Army, 2005d. *Track 0 Plug-In Approval Memorandum, Selected Parcels – Group B, Former Fort Ord, California.* May 27. OE-525F

Army, 2005e. *Track 0 Plug-In Approval Memorandum, Selected Parcels – Group C, Former Fort Ord, California.* July 1. OE-527C

Army, 2006. *Track 1 Plug-In Approval Memorandum, Multiple Sites, Groups 1-5, Former Fort Ord, California.* July 19. OE-0591

Army, 2007a. *Final Second Five-Year Review Report, Fort Ord Superfund Site, Monterey, California.* September 17. BW-2437

Army, 2007b. *Finding of Suitability for Early Transfer (FOSET), Former Fort Ord, California, Environmental Services Cooperative Agreement (ESCA) Parcels and Non-ESCA Parcels (Operable Unit Carbon Tetrachloride Plume) (FOSET 5).* November 15. FOSET-004J

Army, 2008. *Record of Decision, Operable Unit Carbon Tetrachloride Plume, Former Fort Ord, California.* February 6. OUCTP-0021D

ENVIRONMENTAL DOCUMENTATION

Army, 2010. *Explanation of Significant Differences No. 1, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Former Fort Ord, California*. March 18. OU1-581

Army, 2011. *Final Track 1 Plug-In Approval Memorandum, MRS-24A, MRS-24C, and Parcel E20c.1, Former Fort Ord, California*. September. OE-0741A

U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM), 1996. *Industrial Radiation Study No. 27-83-0981-6-95, Facility Close-Out and Termination Study, Fort Ord, California, 10 January 1994 – 30 September 1995*. May 15. BW-1483

USACHPPM, 1997. Memorandum recommending the properties identified in the USACHPPM Industrial Radiation Historical Data Review No. 27-43-E2HU-1-94, be released for unrestricted use to the general public. May 2. OTH-099

U.S. Army Corps of Engineers (USACE), 1993a. *Final Environmental Impact Statement (EIS) Fort Ord Disposal and Reuse*. June 1. BW-0414, BW-0415 and BW-1348

USACE, 1993b. *U.S. Department of Defense, Base Realignment and Closure, Ordnance and Explosive Waste, Archives Search Report, Fort Ord, California*. December. OE-0005

USACE, 1994. *U.S. Department of Defense, Base Realignment and Closure, Ordnance and Explosive Waste, Archives Search Report (Supplement No. 1) Fort Ord, California, Monterey County, California*. November. OE-0010

USACE, 1996. *Final Supplemental Environmental Impact Statement, Fort Ord Disposal and Reuse*. June. BW-1538

USACE, 1997a. *U.S. Department of Defense, Ordnance and Explosives, Revised Archives Search Report, Former Fort Ord, Monterey County, California*. OE-0022

USACE, 1997b. *Installation-Wide Multispecies Habitat Management Plan (HMP) for Former Fort Ord, California*. April. BW-1787

U.S. Army Environmental Hygiene Agency (USAEHA), 1988. *Interim Final Report, Hazardous Waste Consultation No. 37-26-0176-89, Evaluation of Solid Waste Management Units, Fort Ord, California*. September 18-22.

USAEHA, 1994. *Industrial Radiation Survey Protocol No. 27-43-E2HU-1-94, Seventh Infantry Division and Fort Ord, Fort Ord California, 10 January – 15 April 1994*. BW-2387

USAEHA, 1994. *Industrial Radiation Survey, No. 27-43-E2HU-2-94, Facility Close-Out and Termination Survey, Fort Ord, California, 10 January 1994 – 15 April 1994*. June 6. BW-2386

U.S. Environmental Protection Agency (USEPA) Region IX, 1994. *Fort Ord Uncontaminated Property Identification*. April 19. BW-1658A

USEPA, 1997. *Remedial Action Completion, Operable Unit #3, Site 40 – Fritzsche Army Airfield, Former Fort Ord, California*. January 31. BW-1646

USEPA, 2002. *Remedial Action Completion, Operable Unit #4, Site 34 – Fritzsche Army Airfield Fueling Facility, Former Fort Ord, California*. February 5. IAFS-215C

ENVIRONMENTAL DOCUMENTATION

USEPA, 2005a. *USEPA approves the Army's proposal to "plug-in" the Selected Group B sites included in the Track 0 Plug-In Approval Memorandum Selected Parcels - Group B, Former Fort Ord, California.* June 7. OE-525J.1

USEPA, 2005b. *USEPA approves the Army's proposal to "plug-in" Selected Group C parcels included in the Track 0 Plug-In Approval Memorandum Selected Parcels - Group C, Former Fort Ord, California.* July 19. OE-527F.1

USEPA, 2006. *USEPA approves the Army's proposal to "plug-in" the Groups 1-5 sites/parcels included in the Track 1 Plug-In Approval Memorandum Multiple Sites, Groups 1-5, Former Fort Ord, California.* July 21. OE-591F.1

USEPA, 2011a. *Request for Designation of Operating Properly and Successfully, Operational Unit 1, Trichloroethene Plume, Fort Ord, California.* September 8. OU1-590A

USEPA, 2011b. *Request for Designation of Operating Properly and Successfully, Lower 180 Foot Aquifer, Operable Unit Carbon Tetrachloride Plume (OUCTP), Fort Ord, California.* October 20. OUCTP-50A

USEPA, 2011c. *Letter concurring with the "Track 1 Plug-In Approval Memorandum, MRS-24A, MRS-24C, and Parcel E20c.1, Former Fort Ord, California."* October 20. OE-0741A.3

U.S. Department of the Interior, Fish and Wildlife Service (USFWS), 1999. *Biological and Conference Opinion on the Closure and Reuse of Fort Ord, Monterey County, California (1-8-99-F/C-39R).* March 30. BW-2232A

USFWS, 2002. *Biological Opinion on the Closure and Reuse of Fort Ord, Monterey County, California, as it affects Monterey Spineflower Critical Habitat, (1-8-01-F-70R).* October 22. BW-2233

USFWS, 2005. *Biological Opinion on Cleanup and Reuse of Former Fort Ord, Monterey County, California, as it affects California Tiger Salamander and Critical Habitat for Contra Costa Goldfields, (1-8-04-F-25R).* March 14. BW-2334

USFWS, 2011. *Biological Opinion for the Former Fort Ord Vegetation Clearance Activities and Transfer of Parcel E29b.3.1 (8-8-11-F-39).* August 3. BW-2579

Weston, Roy F., Inc. (Weston), 1990. *Task Order 11, Enhanced Preliminary Assessment, Fort Ord, California, Volume I.* Prepared for U.S. Army Toxic and Hazardous Materials Agency. December. BW-2427

Weston, 1990. *Task Order 11, Enhanced Preliminary Assessment, Fort Ord, California, Volume II, Appendices.* Prepared for U.S. Army Toxic and Hazardous Materials Agency. December. BW-2427A

ATTACHMENT 3

TABLES

TABLE 1 – DESCRIPTION OF PROPERTY

Property Description	EBS Parcel Designation ¹	Remedial Actions ²
<p>Parcel E20c.1 – 70.31-acre development parcel to be transferred to FORA. Includes a portion of Eucalyptus Road. No buildings or structures are on the parcel. This parcel includes MRS-24A (see Table 4 – Notification of MEC).</p>	<p>92 D-HR(P) 134 Q-A(P)/L 166 Q-X(P) 176 Q-X(P) 214 P 226 P</p>	<p>For the Basewide Range Assessment (BRA)³ MRS-24A was identified as HA-126. The investigation of HA-126 included a literature review. Due to the low number of MEC items identified at the site, the BRA recommended no further action for chemical contamination (metals, explosive compounds and total petroleum hydrocarbons [TPH]) related to military munitions.</p> <p>Parcel includes CERFA Parcel 92, which was categorized as disqualified due to a probable release of hazardous substances indicated by the presence of several drums, household refuse and an individual observed during a helicopter survey. The Army investigated the suspected release area, removed the debris, conducted a literature review, and interviewed Army contractors and staff associated with the site. Through this process, the Army determined there was no evidence of storage, release or disposal of hazardous substances on the site and no further action was necessary.</p> <p>Parcel overlapped by CERFA Parcel 134, which was categorized as qualified because of lead-based paint and potential asbestos-containing materials in the Fitch Park housing area adjacent to Parcel E20c.1; however, Parcel E20c.1 is not within nor overlapped by Fitch Park and does not include any buildings or structures.</p> <p>Parcel overlapped by CERFA Parcel 166, which was categorized as qualified due to the potential presence of UXO and/or explosive waste in the “Officers’ Club Foxhole” where military munitions items were discovered in 1993 (smoke grenade and M1 ammunition); however, no other military munitions items have been discovered and the presence of nearby water supply and satellite television infrastructure make it unlikely actual training occurred in this part of Parcel E20c.1.</p> <p>Parcel overlapped by CERFA Parcel 176, which encompasses the Impact Area; however, Parcel E20c.1 is not within nor overlapped by the Impact Area (south of Eucalyptus Road).</p> <p>Parcel overlapped by CERFA Parcel 214, which was designated as uncontaminated; however, U.S. Environmental Protection Agency (USEPA) unable to concur because of potential presence of residual pesticides and herbicides at a golf course located within Parcel 214. Parcel E20c.1 is not within, overlapped by, adjacent to, or associated with the golf course.</p> <p>Parcel overlapped by CERFA Parcel 226, which USEPA concurred is uncontaminated in a letter dated April 19, 1994.⁴</p>
<p>Parcel E29b.3.1 – 0.675-acre development parcel to be transferred to FORA. No buildings or structures are on the parcel.</p>	<p>229 P</p>	<p>Parcel is within CERFA Parcel 229, which the U.S. Environmental Protection Agency concurred is uncontaminated in accordance with CERCLA 120(h)(4) in a letter dated April 19, 1994.⁴</p>

TABLE 1 – DESCRIPTION OF PROPERTY

Property Description	EBS Parcel Designation ¹	Remedial Actions ²
Parcel S2.1.2 (OU1 area) – 45-acre parcel to be transferred to UCMBEST. Includes components of groundwater treatment system.	57 D-HR/PR/PS	<p>Parcel overlapped by CERFA Parcel 57, which included IRP Site 35 (FAAF Aircraft Cannibalization Yard) and OU1 (FAAF Fire Drill Area [FDA]). Only the OU1 FDA is within Parcel S2.1.2. OU1 remedial action objectives for soil and groundwater within Parcel S2.1.2 have been met and no further action is necessary (see Table 2 for additional information). U.S. Environmental Protection Agency (USEPA) concurred with the Army’s determination that OU1 groundwater remedy is operating properly and successfully in a letter dated September 8, 2011.⁵</p> <p>Parcel overlies a portion of Operable Unit Carbon Tetrachloride Plume (OUCTP) in the Lower 180-Foot Aquifer. USEPA concurred with the Army’s determination that OUCTP remedy for the Lower 180-Foot Aquifer is operating properly and successfully in a letter dated October 20, 2011.⁶</p>

Endnotes:

¹ EBS Parcel Designations are from the *Final Community Environmental Response Facilitation Act (CERFA) Report, Fort Ord, Monterey, California*. BW-1658

CERFA Parcel Codes:

- | | | | |
|-----|---|------|--|
| P: | CERFA Parcel [uncontaminated] | PS: | Storage of Petroleum Products |
| D: | Disqualified Parcel | A: | Asbestos-Containing Building Materials |
| Q: | CERFA Parcel with Qualifier | L: | Lead-Based Paint |
| HR: | Release or Disposal of Hazardous Substances | X: | Unexploded Ordnance |
| HS: | Storage of Hazardous Substances | (P): | Probable |
| PR: | Release or Disposal of Petroleum Products | | |

² Munitions Response actions are described in Table 4 – Notification of Munitions and Explosives of Concern.

³ Shaw Environmental, Inc. (Shaw), 2012. *Final Comprehensive Basewide Range Assessment Report, Former Fort Ord, California, Revision 2*. January 17. BW-2300L

⁴ U.S. Environmental Protection Agency (USEPA), 1994. *Fort Ord Uncontaminated Property Identification*. April 19. BW-1658A

⁵ USEPA, 2011a. *Request for Designation of Operating Properly and Successfully, Operational Unit 1, Trichloroethene Plume, Fort Ord, California*. September 8. OU1-590A

⁶ USEPA, 2011b. *Request for Designation of Operating Properly and Successfully, Lower 180 Foot Aquifer, Operable Unit Carbon Tetrachloride Plume (OUCTP), Fort Ord, California*. October 20. OUCTP-0050A

TABLE 2 – NOTIFICATION OF HAZARDOUS SUBSTANCE STORAGE, RELEASE, OR DISPOSAL

Location	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
Parcel S2.1.2	benzene (71432) chloroform (67663) 1,1-dichloroethane (75343) 1,2-dichloroethane (107062) 1,1-dichloroethene (75354) total-1,2-dichloroethene (540590, 156592 and 156605) methyl ethyl ketone (78933) tetrachloroethene (127184) 1,1,1-trichloroethane (71556) trichloroethene (79016) petroleum hydrocarbons 1,3-dichlorobenzene (541731) methylene chloride (75092) toluene (108883) total xylenes (1330207) dioxins (9014420) furans (110009)	1962-1985	<p>Release of volatile organic compounds (VOCs) and petroleum hydrocarbons from Operable Unit 1 (OU1), Fritzsche Army Airfield Fire Drill Area (FDA); Solid Waste Management Unit (SWMU) FTO-001. In 1986, approximately 4,000 cubic yards of soil contaminated with petroleum hydrocarbons was excavated and temporarily stockpiled. Samples collected from excavation sidewalls were below action level of 200 milligrams per kilogram (mg/kg) for total petroleum hydrocarbons (TPH). The excavation area was backfilled to the original ground surface with clean soil. Biotreatment of the excavated soil completed by August 1991. Record of Decision for OU1 FDA¹ determined no further action for soil was necessary.</p> <p>Migration of OU1 groundwater plume containing VOCs at concentrations exceeding Federal and/or State Maximum Cleanup Levels (MCLs) from the FDA. Groundwater extraction and treatment system (GWETS) installed in 1988. GWETS shut down on February 22, 2006.² Continued Long Term Monitoring (LTM) of groundwater in this area has confirmed groundwater meets the cleanup targets defined in OU1 ROD. USEPA, DTSC and RWQCB concurred and signed the OU1 Explanation of Significant Differences (ESD) No. 1³; therefore, OU1 remedial action objectives for groundwater within Parcel S2.1.2 have been met and no further action is necessary. USEPA concurred with the Army's determination that OU1 groundwater remedy is operating properly and successfully in a letter dated September 8, 2011.⁴</p>
Parcel S2.1.2	carbon tetrachloride (56235) 1,2-dichloroethane (107062)	1941-1966	<p>Release of volatile organic compounds (VOCs) from Operable Unit Carbon Tetrachloride Plume (OUCTP). Migration of groundwater plume containing VOCs at concentrations exceeding MCLs. Groundwater remediation system in place. U.S. Environmental Protection Agency concurred with the Army's determination that OUCTP remedy for the Lower 180-Foot Aquifer is operating properly and successfully in a letter dated October 20, 2011.⁵</p>

**TABLE 2 – NOTIFICATION OF HAZARDOUS SUBSTANCE STORAGE,
RELEASE, OR DISPOSAL**

* The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or ‘Superfund’) 42 U.S.C. §9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substance’s CERCLA reportable quantity (whichever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substance’s CERCLA reportable quantity. See 40 CFR Part 373.

Endnotes:

¹ U.S. Department of the Army (Army), 1996. *Record of Decision, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Fort Ord, California*. March 18. OU1-362

² HydroGeoLogic, Inc. (HGL), 2011. *Final Rebound Evaluation Report, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Former Fort Ord, California*. September. OU1-559D

³ Army, 2010. *Explanation of Significant Differences No. 1, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Former Fort Ord, California*. March 18. OU1-581

⁴ U.S. Environmental Protection Agency (USEPA), 2011a. *Request for Designation of Operating Properly and Successfully, Operational Unit 1, Trichloroethene Plume, Fort Ord, California*. September 8. OU1-590A

⁵ USEPA, 2011b. *Request for Designation of Operating Properly and Successfully, Lower 180 Foot Aquifer, Operable Unit Carbon Tetrachloride Plume (OUCTP), Fort Ord, California*. October 20. OUCTP-0050A

**TABLE 3 – NOTIFICATION OF PETROLEUM PRODUCT STORAGE,
RELEASE, OR DISPOSAL**

Tank Number	Name of Petroleum Product(s)	Date of Storage, Release, or Disposal	Remedial Actions
627 (Parcel S2.1.2)	Jet Fuel (JP4) Waste Oil Hydraulic Fluid Lube Oil Gasoline Diesel	1962 to 1985	Approximately 1,000-gallon AST removed in 1988 along with eighty-seven (87) 55-gallon drums, and underground discharge pipe extending from the AST to a discharge nozzle at the center of the Operable Unit 1 (OU1) Fritzsche Army Airfield Fire Drill Area (FDA). Petroleum product releases occurred from the AST to the OU1 Fritzsche Army Airfield FDA for fire fighter training purposes. The release of these petroleum products was remediated as part of AST closure. Approximately 4,000 cubic yards of petroleum-contaminated soil was excavated and bioremediated. Excavation was backfilled with clean soil. Biotreatment of excavated soil completed by August 1991. Record of Decision for FDA (OU1) determined no further action for soil was necessary. ¹

¹ U.S. Department of the Army (Army), 1996. *Record of Decision, Operable Unit 1, Fritzsche Army Airfield Fire Drill Area, Fort Ord, California*. March 18. OU1-362

TABLE 4 – NOTIFICATION OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
MRS-24A (Parcel E20c.1)	MEC MD	1941 – 1953 (estimated)	<p>MRS-24A was evaluated in the MR RI/FS as a Track 1 Plug-In site. MRS-24A lies within the boundary of Parcel E20c.1 in the southwest corner of the parcel. The boundary of MRS-24A was originally delineated based on a “Practice Rifle Grenade” area depicted in a hand-sketched August 1945 historical range map included in the Archives Search Report.^{1,2} Based on this boundary, MRS-24A is approximately 13.9 acres in size. MRS-24A was investigated (sampled) for the presence of MEC in 1996, 1997, and 2000. Three MEC items (M2 ignition cartridge, M83 series 60mm illumination mortar, and M43 series 81mm practice mortar) and MD items (two MKII practice hand grenades, five M11 and M29 series practice antitank rifle grenades, one M7 series practice 2.36-inch rocket, two M29 series practice 3.5-inch rockets, one M17 series parachute rifle ground signal, one M181 series practice sub caliber 14.5mm projectile, MKII practice and fragmentation hand grenade fragments, one flame thrower igniter cartridge, and other unknown fragments) were removed.</p> <p>On February 13, 2003, a site walk was conducted in accessible areas of MRS-24A. No MEC was found during the site walk.³</p> <p>On February 23, 2003 and March 5, 2003 site walks were conducted in MRS-24A and Parcel E20c.1. The site walks covered approximately 10.5 miles over the roads and trails in and around Parcel E20c.1. MD identified during the site walks included M11 series practice antitank rifle grenades in and around MRS-24A, and MKII hand grenade fragments in and north of MRS-24A.³</p> <p>A digital geophysical mapping (DGM) survey with an EM61 MK2 time-domain metal detector in the central portion of Parcel E20c.1 (a portion of which overlaps MRS-24A) was conducted in October 2007 as a response to agency concerns about grenade fragment distribution. Some isolated anomalies were detected, but there was no indication of widespread or concentrated fragments.</p> <p>MRS-24A was used for training with practice rifle grenades, which are inert, and no MEC associated with practice rifle grenade training are expected. The Army determined no further investigations for military munitions at MRS-24A are required.³ The USEPA concurred with and the DTSC acknowledged this determination in letters dated October 20 and October 31, respectively.^{4,5}</p>
Investigation Area	MD	1941 – 1953 (estimated)	<p>The Investigation Area lies partially within the boundary of Parcel E20c.1 south of MRS-24C. A review of aerial photography indicated the range associated with MRS-24C (see FOST Section 5, Adjacent Property Conditions) was likely located south of the MRS-24C boundary as depicted in the Archives Search Report^{1,2}; therefore, further investigations were focused in the Investigation Area. One hundred percent of the acreage comprising the Investigation Area, likely the live grenade training area associated</p>

TABLE 4 – NOTIFICATION OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			<p>with MRS-24C, was investigated.³</p> <p>Sampling was conducted in a portion of the Investigation Area south of MRS-24C in 1997. No MEC was identified within the Investigation Area.³</p> <p>A site walk was conducted in Parcel E20c.1 and the Investigation Area near MRS-24C in January 2006. No MEC was identified during the site walk; however, grenade safety levers were located.³</p> <p>Two DGM surveys were completed at two grids within the Investigation Area associated with MRS-24C. Approximately 0.38 acre of the Investigation Area is within Parcel E20c.1. According to the Fort Ord Military Munitions Response Program (MMRP) database, of the 235 targets detected and intrusively investigated in the portion of the Investigation Area within Parcel E20c.1, 191 were MD items (one partial grenade ring, one M21 practice hand grenade, and 189 MKII hand grenade fragments). The remaining targets were identified as other debris that was not related to military munitions.³</p> <p>The Army concluded field investigations in the Investigation Area and identified evidence of past training involving military munitions; however, MEC is not expected to be present at the site; therefore, the Army determined the Investigation Area is a Track 1, Category 3 variant site⁶ and no further investigations for military munitions at the Investigation Area are required.³ The USEPA concurred with and the DTSC acknowledged this determination in letters dated October 20 and October 31, respectively.^{4,5}</p>
Parcel E20c.1	MD	No evidence of past military munitions use ³	<p>Parcel E20c.1 was evaluated in the MR RI/FS as a Track 1 Plug-In site. The Army, USEPA and DTSC conducted a site walk in accessible areas of Parcel E20c.1 on February 13, 2003. No MEC was found during the site walk.³</p> <p>On February 23, 2003 and March 5, 2003 the Army conducted site walks in Parcel E20c.1 and MRS-24A. The site walks covered approximately 10.5 miles over the roads and trails in and around Parcel E20c.1. One M306 series HE 57mm projectile found in the southeastern portion of the E20c.1 during these site walks, which is not consistent with the past use of the parcel. MD identified during the site walks included M11 series practice antitank rifle grenades in and around MRS-24A, MKII hand grenade fragments in and north of MRS-24A, and one M7 series practice 2.36-inch rocket.³</p> <p>In 2004, the Army conducted a systematic subsurface investigation in ten grids in the center of Parcel E20c.1. No MEC were found during the investigation and 228 MD items, primarily fragments from MKII hand grenades, were found. MD from M17 series parachute rifle ground signal and M721 illumination mortar 60mm projectile was also identified.³</p> <p>The Army conducted a site walk in Parcel E20c.1 and the</p>

TABLE 4 – NOTIFICATION OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			<p>Investigation Area near MRS-24C in January 2006. No MEC was identified during the site walk; however, grenade safety levers were located.</p> <p>In October 2006, the Army conducted a grid inspection in the northwestern portion of Parcel E20c.1 in response to agency concerns about the presence of grenade fragments. Ten grids in two clusters of five grids were inspected with Schonstedt magnetic locators to evaluate the presence of MKII grenade fragments. The western cluster was located around the Investigation Area associated with MRS-24C. No MEC was found during the inspection. MKII fragments were identified in all ten grids inspected. One fuze, two levers, and three pins (all MD) were found in one grid in the western cluster near the Investigation Area.³</p> <p>A digital geophysical mapping (DGM) survey was conducted with an EM61 MK2 time-domain metal detector in the central portion of Parcel E20c.1 (a portion of which overlaps MRS-24A) in October 2007 as a response to agency concerns about grenade fragment distribution. Some isolated anomalies were detected, but there was no indication of widespread or concentrated fragments.³</p> <p>The Army performed an additional site walk with Schonstedt magnetic locators in January 2008 in the central portion of Parcel E20c.1 between grids where concentrated grenade fragments were identified in the 2004 grid sampling. MKII grenade fragments and expended small arms were observed, but no MEC was identified.</p> <p>From December 2007 to July 2008, the Fort Ord Reuse Authority (FOR A) conducted munitions responses in Parcel E20c.1 as part of a roadway alignment project for Eucalyptus Road.⁷ In January 2008, an M306 series target practice 57mm projectile (MEC) was identified within Parcel E20c.1 north of Eucalyptus Road. The item is not consistent with the past use of the parcel; however, 57mm items have been found in the Impact Area south of Eucalyptus Road during previous investigations. Therefore, the item is considered an incidental item potentially associated with training activities conducted in the adjacent Impact Area south of Eucalyptus Road.</p> <p>In March 2008, in cooperation with the DTSC, the Army conducted an investigation of anomalies from the October 2007 DGM survey. Thirty-five anomalies were selected for investigation with the DTSC's input, and were reacquired and excavated. One MKII fragment was found in addition to other debris not related to military munitions.</p> <p>Two DGM surveys were completed at two grids within the Investigation Area associated with MRS-24C. The initial survey took place in October 2009 in a grid located at the north end of the Investigation Area. The area of investigation was then expanded and an additional survey was conducted in February</p>

TABLE 4 – NOTIFICATION OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)*

Munitions Response Site	Type of Military Munitions	Date of Military Munitions Use	Munitions Response Actions
			<p>2010 in a grid comprising the remaining portion of the Investigation Area. During the combined DGM surveys, 335 targets were identified and investigated. Of the 335 targets, 222 targets were MKII hand grenade fragments and six targets were empty MKII hand grenade bodies (two grenade bodies were collocated at one target, for a total of seven grenade bodies found). The remaining targets were identified as cultural debris. The majority of the targets were identified in the northern portion of the Investigation Area outside of Parcel E20c.1.³</p> <p>The Track 1 PAM (<i>Army, 2011</i>) determined Parcel E20c.1 (exclusive of MRS-24A and the Investigation Area) meets Track 1, Category 1 criteria (see Attachment 6) and no further investigations for military munitions at Parcel E20c.1 are required.</p> <p>The Army concluded no evidence of past training involving military munitions was found on Parcel E20c.1 (exclusive of MRS-24A and the Investigation Area) and, based on review of existing information, MEC is not expected; therefore, the Army determined no further investigations for military munitions at Parcel E20c.1 are required.³ The USEPA concurred with and the DTSC acknowledged this determination in letters dated October 20 and October 31, respectively.^{4,5}</p>
<p>*Munitions and Explosives of Concern (MEC). This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means: (A) Unexploded Ordnance (UXO), as defined in 10 §101(e)(5); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.</p>			

TABLE 4 – NOTIFICATION OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)*

Endnotes:

¹ U.S. Army Corps of Engineers (USACE), 1994. *U.S. Department of Defense, Base Realignment and Closure, Ordnance and Explosive Waste, Archives Search Report (Supplement No. 1) Fort Ord, California, Monterey County, California*. November. OE-0010

² USACE, 1997a. *U.S. Department of Defense, Ordnance and Explosives, Revised Archives Search Report, Former Fort Ord, Monterey County, California*. OE-0022

³ U.S. Department of the Army (Army), 2011. *Final Track 1 Plug-In Approval Memorandum, MRS-24A, MRS-24C, and Parcel E20c.1, Former Fort Ord, California*. September. OE-0741A

⁴ U.S. Environmental Protection Agency (USEPA), 2011. Letter concurring with the “*Track 1 Plug-In Approval Memorandum, MRS-24A, MRS-24C, and Parcel E20c.1, Former Fort Ord, California*.” October 20. OE-0741A.3

⁵ California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), 2011. Letter acknowledging designated areas described in the “*Track 1 Plug-In Approval Memorandum, MRS-24A, MRS-24C, and Parcel E20c.1, Former Fort Ord, California*” require no further action regarding munitions response. October 31. OE-0741A.4

⁶ The results of historical research and field investigations indicate previous training with military munitions at the Investigation Area; however, per Army policies observed at the time, any dud or discarded grenades would have been removed and destroyed, therefore it is unlikely a MEC hand grenade would be present at the site. During the most recent investigation that covered the entire Investigation Area, no MEC item was found, while MD from HE hand grenades (fragments and empty grenade bodies) was found (see Endnote 3).

⁷ Fort Ord Reuse Authority (FORA), 2008. *Final Technical Information Paper, Phase II Seaside Munitions Response Area Roadway Alignment and Utility Corridor (Pollution Report and Removal Action Activity Report), Former Fort Ord, Monterey County, California*. September 26. ESCA-0117

TABLE 5 – DISPOSAL (ARMY ACTION) IMPACTS AND MITIGATION MEASURES

Issue Area	Impact	Mitigation Measure	How Addressed in FOST¹ and EPPs²
Land Use	Potential temporary land use conflicts between interim uses allowed by Army and necessary remediation activities.	Limit properties that may be out granted and restrict access to remediation areas during remediation activities.	NA – applies only to leased properties.
Air Quality	Exposure of the public to asbestos during building demolition or after transfer of buildings to third parties.	Disclosure of the locations and quantities of buildings with asbestos-containing material (ACM) when transferred.	NA – there is no evidence that buildings or structures with ACM are located on the Property.
Hazardous and Toxic Waste Site Remedial Action	Potential risks to public health and safety associated with hazardous materials.	Continue State-mandated and federally mandated cleanup process and remedial actions; cleanup of wastes is part of the project.	FOST –remedial actions on the property are completed or operating properly and successfully and are described in Sections 4.1 and 4.2, and Tables 2 and 3 (Attachment 3). Completed and ongoing remedial actions adjacent to the property are described in Section 5. EPPs – Land Use Restrictions are described in Section 2. Presence of contaminated groundwater disclosed in Section 6.
Munitions and Explosives of Concern (MEC)	Potential risks to public health and safety associated with MEC.	Continue munitions responses to MEC; preparation of engineering evaluations, community education plan, and site maintenance and emergency response plan; and inform property recipients of the potential for MEC to be present.	FOST – Military Munitions Response Program described in Sections 4.9 and 5.0, and Tables 1 and 4 (Attachment 3). EPPs – Notice for the Potential Presence of MEC in Section 3.
Vegetation, Wildlife, and Wetland Resources	Loss of federal protection for Monterey spineflower.	Develop and coordinate an installation-wide multi-species habitat management plan (HMP). Implement the HMP, including HMP protective covenants in deed transfers.	NA – HMP protective covenants will be included in the deed.

¹ Finding of Suitability to Transfer (FOST), Track 1 Plug-In Parcel E20c.1, Yadon’s Parcel E29b3.1, and Operable Unit 1 Parcel 2.1.2.

² Environmental Protection Provisions (EPPs), Attachment 5.

ATTACHMENT 4

**CERCLA NOTICE, COVENANT, AND ACCESS PROVISIONS
AND OTHER DEED PROVISIONS**

CERCLA NOTICE, COVENANT, AND ACCESS PROVISIONS AND OTHER DEED PROVISIONS

The following CERCLA Notice, Covenant, and Access Provisions, along with the Other Deed Provisions, will be placed in the deeds in a substantially similar form to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities.

I. Property Covered by Notice, Description, Access Rights, and Covenants Made Pursuant to Section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)):

For Parcel E20c.1 of the Property, the Grantor provides the following description:

A. Description of Remedial Action Taken, if Any, Pursuant to Section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)):

Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the property is provided in Exhibit ____ **[FOST Table 4 – Notification of Munitions and Explosives of Concern (Attachment 3) should be included as an exhibit in the final deed]**, attached hereto and made a part hereof.

For Parcel S2.1.2 of the Property, the Grantor provides the following notice and description:

B. Notices Pursuant to Section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)):

Pursuant to section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h), is provided in Exhibit ____ **[FOST Table 2 – Hazardous Substance, Storage, Release or Disposal (Attachment 3) should be included as a deed exhibit]**, attached hereto and made a part hereof.

C. Description of Remedial Action Taken, if Any, Pursuant to Section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)):

Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the property is provided in Exhibit ____ **[FOST Table 2 – Hazardous Substance, Storage, Release or Disposal (Attachment 3) should be included as an exhibit in the final deed]**, attached hereto and made a part hereof.

For Parcels E20c.1 and S2.1.2 of the Property, the Grantor provides the following covenants and retains the following access rights:

D. Covenant Pursuant to Section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B)):

Pursuant to sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(A)(ii) and (B)), the United States warrants that -

1. All remedial action necessary to protect human health and the environment with respect to any hazardous substance identified pursuant to section 120(h)(3)(A)(i)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 remaining on the property has been taken before the date of this deed, and
2. Any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States.

This warranty shall not apply in any case in which the person or entity to whom the Property or any portion thereof is transferred is a potentially responsible party with respect to the Property. For purposes of this warranty, Grantee shall not be considered a potentially responsible party solely due to a hazardous substance remaining on the Property on the date of this instrument. Further, the Grantor shall not be relieved of any obligation under CERCLA to perform any remedial action found to be necessary after the date of this Deed with regard to any hazardous substances remaining on the Property as of the date of this Deed if the Grantee is subsequently determined to be a potentially responsible party with respect to hazardous substances placed on the Property after the date of this Deed.

E. Access Rights Pursuant to Section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)):

1. The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the property, to enter upon the property in any case in which a remedial action or corrective action is found to be necessary on the part of the United States, without regard to whether such remedial action or corrective action is on the property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws related to the Fort Ord Installation Restoration Program (IRP), Military Munitions Response Program (MMRP), or Federal Facility Agreement (FFA), and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee and its successors and assigns and shall run with the land.
2. In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the property and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the property at a reasonable charge to the United

States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee, nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

3. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the Grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

II. Property Covered by Covenant and Access Rights Made Pursuant to Section 120(h)(4)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(4)(D)):

For parcel E29b.3.1 of the Property, the Grantor provides the following covenant and retains the following access rights:

A. Covenant Pursuant to Section 120(h)(4)(D)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(4)(D)(i)):

Pursuant to section 120(h)(4)(D)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(4)(D)(i)), the United States warrants that any response action or corrective action found to be necessary after the date of this deed for hazardous substances existing on the property prior to the date of this deed shall be conducted by the United States.

B. Access Rights Pursuant to Section 120(h)(4)(D)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(4)(D)(ii)):

1. The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the property, to enter upon the property in any case in which an environmental response or corrective action is found to be necessary on the part of the United States, without regard to whether such environmental response or corrective action is on the property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws, related to the Fort Ord Installation Restoration Program (IRP), Military Munitions Response Program (MMRP), or Federal Facility Agreement (FFA) and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee and its successors and assigns and shall run with the land.

2. In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the property and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of

the property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee, nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

3. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the Grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

III. Other Deed Provisions

For the all three parcels of property (the "Property"), the below provisions shall be inserted in all deeds:

A. "As Is"

1. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the subject Property. The Grantee understands and agrees that the Property and any part thereof is offered "AS IS" without any representation, warranty, or guaranty by the Grantor as to quantity, quality, title, character, condition, size, or kind, or that the same is in condition or fit to be used for the purpose(s) intended by the Grantee, and no claim for allowance or deduction upon such grounds will be considered.

2. No warranties, either express or implied, are given with regard to the condition of the Property, including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property, including, without limitation, any asbestos, lead-based paint, or other conditions on the Property. The failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of all or any portion of the Property offered, will not constitute grounds for any claim or demand against the United States.

3. Nothing in this "As Is" provision will be construed to modify or negate the Grantor's obligation under the CERCLA Covenant or any other statutory obligations.

B. Hold Harmless

1. To the extent authorized by law, the Grantee, its successors and assigns, covenant and agree to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS in this deed by the Grantee, its successors and assigns, and (2) any and all any and all claims, damages, and judgments arising out of, or in any manner predicated upon, exposure to asbestos, lead-based paint, or other condition on any portion of the Property after the date of conveyance.

2. The Grantee, its successors and assigns, covenant and agree that the Grantor shall not be responsible for any costs associated with modification or termination of the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS in this deed, including without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, or other condition on any portion of the Property.

3. Nothing in this Hold Harmless provision will be construed to modify or negate the Grantor's obligation under the CERCLA Covenant or any other statutory obligations.

C. Post-Transfer Discovery of Contamination

Grantee, its successors and assigns, as consideration for the conveyance of the Property, agree to release Grantor from any liability or responsibility for any claims arising solely out of the release of any hazardous substance or petroleum product on the Property occurring after the date of the delivery and acceptance of this deed, where such substance or product was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents or contractors, after the conveyance. This paragraph shall not affect the Grantor's responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations, or the Grantor's indemnification obligations under applicable laws.

D. Environmental Protection Provisions

The Environmental Protection Provisions are at Exhibit _____, which is attached hereto and made a part hereof. The Grantee shall neither transfer the Property, lease the Property, nor grant any interest, privilege, or license whatsoever in connection with the Property without the inclusion of the Environmental Protection Provisions contained herein, and shall require the inclusion of the Environmental Protection Provisions in all further deeds, easements, transfers, leases, or grant of any interest, privilege, or license.

ATTACHMENT 5

ENVIRONMENTAL PROTECTION PROVISIONS

ENVIRONMENTAL PROTECTION PROVISIONS

The following conditions, restrictions, and notifications will be attached, in a substantially similar form, as an exhibit to the deed and be incorporated therein by reference in order to ensure protection of human health and the environment.

1. FEDERAL FACILITY AGREEMENT

The Grantor acknowledges that the former Fort Ord has been identified as a National Priorities List (NPL) site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended. The Grantee acknowledges that the Grantor has provided it with a copy of the Fort Ord Federal Facility Agreement (FFA), and any amendments thereto, entered into by the United States Environmental Protection Agency Region IX (USEPA), the State of California, and the Department of the Army, effective on November 19, 1990, and will provide the Grantee with a copy of any future amendments thereto. For so long as the Property remains subject to the FFA, the Grantee, its successors and assigns, agree that they will not interfere with United States Department of the Army activities required by the FFA. In addition, should any conflict arise between the FFA and any amendment thereto and the deed provisions, the FFA provisions will take precedence. The Grantor assumes no liability to the Grantee, its successors and assigns, should implementation of the FFA interfere with their use of the Property.

2. LAND USE RESTRICTIONS

For Parcel S2.1.2 of the Property, the Grantor provides the following notice:

A. The United States Department of the Army (Army) has undertaken careful environmental study of the Property and concluded that the land use restrictions set forth below are required to ensure protection of human health and the environment. The Grantee, its successors or assigns, shall not undertake nor allow any activity on or use of the Property that would violate the land use restrictions contained herein.

Groundwater Restriction. The Grantee is hereby informed and acknowledges that the groundwater under portions of the Property and associated with the Operable Unit Carbon Tetrachloride Plume (OUCTP) is contaminated with volatile organic compounds (VOCs), primarily carbon tetrachloride and 1,2-dichloroethane. Depth to groundwater in the Lower 180-Foot Aquifer is 103 to 164 feet below ground surface. The OUCTP groundwater aquifer cleanup levels (ACLs), presented in the Record of Decision, Operable Unit Carbon Tetrachloride Plume, Former Fort Ord, California (OUCTP-0021D), are 0.5 µg/L for both VOCs.

The Property is within the "Prohibition Zone" of the "Special Groundwater Protection Zone." The Prohibition Zone encompasses the area overlying or adjacent to the four identified groundwater contamination plumes at the former Fort Ord. The Prohibition Zone is identified on the "Former Fort Ord Special Groundwater Protection Zone Map" (the Map), which is on file with the County of Monterey (the County). Monterey County Code Title 15 – Public Services, Chapter 15.08 – Water Wells, prohibits the construction of water wells within the Prohibition Zone. A Covenant to Restrict the Use of Property (CRUP) for the Property established between the Army and the State of California further prohibits construction of water wells and any other activity on the Property that would interfere with or adversely affect the Army's groundwater remediation systems or result in the creation of a groundwater recharge

area, unless the Army and the California EPA Department of Toxic Substances Control (DTSC) provide written approval prior to such activity.

1) The Grantee, its successors and assigns, are restricted from accessing or using groundwater underlying the Property for any purpose. For the purpose of this restriction, "groundwater" shall have the same meaning as in Section 101(12) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

2) The Grantee covenants for itself, its successors, and assigns that 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 or tamper with any remediation system or monitoring wells now or in the future located on, over, through, or across any portion of the Property without the express written consent of the Grantor in each case first obtained.

3) The Grantee covenants for itself, its successors, or assigns, that it will not undertake nor allow any activity on or use of the Property that would violate the restrictions contained herein. These restrictions and covenants are binding on the Grantee, its successors and assigns; shall run with the land; and are forever enforceable.

B. Modifying Restrictions. Nothing contained herein shall preclude the Grantee, its successors or assigns, from undertaking, in accordance with applicable laws and regulations and without any cost to the Grantor, such additional action necessary to allow for other less restrictive use of the Property. Prior to such use of the Property, Grantee shall consult with and obtain the approval of the Grantor, and, as appropriate, the State or Federal regulators, or the local authorities, in accordance with these Environmental Protection Provisions and the provisions of the applicable CRUPs. Upon the Grantee obtaining the approval of the Grantor and, as appropriate, State or Federal regulators, or local authorities, the Grantor agrees to record an amendment hereto. This recordation shall be the responsibility of the Grantee and at no additional cost to the Grantor.

C. Submissions. The Grantee, its successors and assigns, shall submit any requests for modifications to the above restrictions to Grantor, the USEPA, the DTSC, and the California Regional Water Quality Control Board, Central Coast Region (RWQCB), in accordance with the provisions of the CRUP(s), by first class mail, postage prepaid, addressed as follows:

- 1) Grantor: Director, Fort Ord Office
Army Base Realignment and Closure
P.O. Box 5008
Presidio of Monterey, CA 93944-5008
- 2) USEPA: Chief, Federal Facility and Site Cleanup Branch
Superfund Division
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street, Mail Code: SFD-8-3
San Francisco, CA 94105-3901

- 3) DTSC: Branch Chief
Brownfields and Environmental Restoration Program
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3200
- 4) RWQCB: Executive Officer
California Regional Water Quality Control Board
Central Coast Region
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401-7906

3. NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

A. The Grantee is hereby notified that, due to the former use of the Property as a military installation, the Property may contain munitions and explosives of concern (MEC). The term MEC means specific categories of military munitions that may pose unique explosives safety risks and includes: (1) Unexploded Ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (2) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (3) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard. For the purposes of the basewide Military Munitions Response Program (MMRP) being conducted for the former Fort Ord and these Environmental Protection Provisions (EPPs), MEC does not include small arms ammunition (i.e. ammunition, without projectiles that contain explosives (other than tracers), that is .50 caliber or smaller, or for shotguns).

For Parcel E20c.1 of the Property, the Grantor provides the following notices:

B. The property was previously used for infantry training, including live-fire training that included the use of a practice rifle grenade range and a hand grenade range. A summary of munitions responses conducted and MEC discovered on the property is provided in Exhibit __ [Include FOST Table 4 – Notification of Munitions and Explosives of Concern (MEC) as a deed exhibit]. Site maps depicting the locations of munitions response sites are provided at Deed Exhibit _____.

C. Because Track 1 sites do not pose an unacceptable risk to human health and the environment from previous military munitions-related activities, no further action related to MEC is necessary at these sites. For some Track 1 sites, digging or underground “intrusive” activities are planned for the proposed site reuse and development. No actionable risk was identified through the remedial investigation process; however, in the interest of safety, reasonable and prudent precautions should be taken when conducting intrusive operations on the Property. As a basewide effort to promote safety and because of Fort Ord’s history as a military base, the Grantor provides “explosives safety and munitions recognition training” to anyone who requests that training. For specific Track 1 sites and Track 1 areas that overlap the Property (MRS-24A, Investigation Area, and Parcel E20c.1), the Grantor recommends construction personnel involved in intrusive operations at these sites attend the Grantor’s explosives safety and munitions recognition training. To accomplish that objective, the Grantee will notify the Grantor of planned intrusive activities. The Grantor will, in turn, provide explosives safety and munitions recognition training to construction personnel prior to the start of any intrusive work. The Grantor will provide explosives safety and munitions recognition refresher training as appropriate. For

the Track 1 sites and Track 1 areas where explosives safety and munitions recognition training is recommended (MRS-24A, Investigation Area, and Parcel E20c.1), at the time of the next five-year review (2017), the Grantor will assess whether the education program should continue. If information indicates no MEC items have been found in the course of development or redevelopment of the site, it is expected the education program may, with the concurrence of the regulatory agencies, be discontinued, subject to reinstatement if MEC is encountered in the future.

For the Property, the Grantor provides the following notice:

D. The Grantor represents that, to the best of its knowledge, no MEC are currently present on the Property. Notwithstanding the Grantor's determination, the parties acknowledge that there is a possibility that MEC may exist on the Property. If the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove or destroy it, but shall immediately notify the local law enforcement agency having jurisdiction on the Property so that appropriate Explosive Ordnance Disposal (EOD) personnel can be dispatched to address such MEC as required under applicable law and regulations and at no expense to the Grantee. The Grantee hereby acknowledges receipt of the "Ordnance and Explosives Safety Alert" pamphlet.

E. Easement and Access Rights.

1) The Grantor reserves a perpetual and assignable right of access on, over, and through the Property, to access and enter upon the Property in any case in which a munitions response action is found to be necessary, or such access and entrance is necessary to carry out a munitions response action on adjoining property. Such easement and right of access includes, without limitation, the right to perform any additional investigation, sampling, testing, test-pitting, surface and subsurface clearance operations, or any other munitions response action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this deed. This right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

2) In exercising this easement and right of access, the Grantor shall give the Grantee or the then record owner, reasonable notice of the intent to enter on the Property, except in emergency situations. Grantor shall use reasonable means, without significant additional cost to the Grantor, to avoid and/or minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property; however, the use and/or occupancy of the Property may be limited or restricted, as necessary, under the following scenarios: (a) to provide the required minimum separation distance employed during intrusive munitions response actions that may occur on or adjacent to the Property; and (b) if Army implemented prescribed burns are necessary for the purpose of a munitions response action (removal) in adjacent areas. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the grantee nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

3) In exercising this easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the

United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this Paragraph. In addition, the Grantee, its successors and assigns, shall not interfere with any munitions response action conducted by the Grantor on the Property.

F. The Grantee acknowledges receipt of the:

1) Final Record of Decision, No Action Regarding Ordnance-Related Investigation, Former Fort Ord, California. July 2, 2002. OE-0406 (applicable to Parcels E29b.3.1 and S2.1.2).

2) Record of Decision, No Further Action Related to Munitions and Explosives of Concern – Track 1 Sites; No Further Remedial Action with Monitoring for Ecological Risks from Chemical Contamination at Site 3 (MRS-22); Former Fort Ord, California. April 6, 2005. OE-0526 (applicable to Parcel E20c.1).

3) Explanation of Significant Differences, Final Record of Decision, No Action Regarding Ordnance-Related Investigations (Track 0 ROD), Former Fort Ord, California. April 26, 2005. OE-0406D (applicable to Parcels E29b.3.1 and S2.1.2).

4) Track 0 Plug-In Approval Memorandum, Selected Parcels – Group B, Former Fort Ord, California. May 27, 2005. OE-525F (applicable to Parcel E29b.3.1).

5) Track 0 Plug-In Approval Memorandum, Selected Parcels – Group C, Former Fort Ord, California. July 1, 2005. OE-0527C (applicable to Parcel S2.1.2).

6) Track 1 Plug-In Approval Memorandum, MRS-24A, MRS-24C, and Parcel E20c.1, Former Fort Ord, California. September 2011. OE-0741A (applicable to Parcel E20c.1).

ATTACHMENT 6

**DEFINITIONS FOR THE FORMER FORT ORD MUNITIONS RESPONSE REMEDIAL
INVESTIGATION/FEASIBILITY STUDY PROGRAM AND THE MILITARY MUNITIONS RESPONSE PROGRAM**

DEFINITIONS FOR THE FORMER FORT ORD MUNITIONS RESPONSE REMEDIAL INVESTIGATION/FEASIBILITY STUDY PROGRAM

Track 0 – areas at the former Fort Ord that contain no evidence of munitions and explosives of concern (MEC) and have never been suspected of having been used for military munitions-related activities of any kind. This includes areas not suspected as having been used for military munitions-related activities of any kind, but where incidental military munitions have been discovered.

Track 1 – sites at the former Fort Ord where military munitions were suspected to have been used, but based on the results of the MR RI/FS each site falls into one of the following three categories:

- Category 1: There is no evidence to indicate military munitions were used at the site (i.e., suspected training did not occur);
- Category 2: The site was used for training, but the military munitions items used do not pose an explosive hazard (i.e., training did not involve explosive items);
- Category 3: The site was used for training with military munitions, but military munitions items that potentially remain as a result of that training do not pose an unacceptable risk based on site-specific evaluations conducted in the Track 1 OE RI/FS. Field investigations identified evidence of past training involving military munitions, but training at these sites involved only the use of practice and/or pyrotechnic items that are not designed to cause injury. In the unlikely event that a live item of the type previously observed at the site is found, it is not expected that the item would function by casual contact (i.e., inadvertent and unintentional contact).

DEFINITIONS FOR THE MILITARY MUNITIONS RESPONSE PROGRAM⁸

Military Munitions Response Program (MMRP) – DOD-established program to manage environmental, health, and safety issues presented by munitions and explosives of concern (MEC). Small arms ammunition is not addressed by the Fort Ord MMRP.⁹

Discarded Military Munitions (DMM) – Military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include unexploded ordnance, military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of consistent with applicable environmental laws and regulations (10 U.S.C. 2710(e)(2)). (Note: For the purposes of the Fort Ord MMRP and this FOST, DMM does not include small arms ammunition, defined as ammunition without projectiles that contain explosives (other than tracers), that is .50 caliber or smaller, or for shotguns.)

⁸ These are concise definitions. The reader is referred to United States Code as referenced in the definitions above for detailed information.

⁹ Per U.S. Army Engineering and Support Center, Huntsville, Ordnance and Explosives Center of Expertise guidance, small arms ammunition, defined as “ammunition, without projectiles that contain explosives (other than tracers), that is .50 caliber or smaller, or for shotguns,” are considered to pose very low risk to the public because a deliberate effort must be applied (using a tool resembling a firing pin) to a very specific and small point (the primer) to make the round function.

Explosive Hazard – A condition where danger exists because explosives are present that may react (e.g., detonate, deflagrate) in a mishap with potential unacceptable effects (e.g., death, injury, damage) to people, property, operational capability, or the environment.

Explosives Safety – A condition where operational capability and readiness, people, property, and the environment are protected from the unacceptable effects or risks of potential mishaps involving military munitions.

Military Munitions – All ammunition products and components produced for, or used by, the armed forces for national defense and security, including ammunition products or components under the control of the Department of Defense, the U.S. Coast Guard (USCG), the Department of Energy (DoE), and the National Guard. The term includes confined gaseous, liquid, and solid propellants; explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives, and chemical warfare agents; chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, and demolition charges; and devices and components thereof.

The term does not include wholly inert items; improvised explosive devices; and nuclear weapons, nuclear devices, and nuclear components, other than non-nuclear components of nuclear devices that are managed under the nuclear weapons program of the DoE after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed (10 U.S.C. 101(e)(4)(A) through (C)).

Military Munitions Burial Site – A site where military munitions, regardless of configuration, were intentionally buried with the intent to abandon or discard. The term does not include sites where munitions were intentionally covered with earth during authorized destruction by detonation.

Minimum Separation Distance (MSD) – The distance at which personnel in the open must be from an intentional or unintentional detonation.

Munitions Debris – Remnants of munitions (e.g., fragments, penetrators, projectiles, shell casings, links, fins) remaining after munitions use, demilitarization, or disposal.

Munitions and Explosives of Concern (MEC) – This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means: (A) Unexploded ordnance (UXO), as defined in 10 U.S.C. 101(e)(5)(A) through (C); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. 2710 (e)(2); or (C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. 2710 (e)(3), present in high enough concentrations to pose an explosive hazard.

Munitions Constituents (MC) – Any materials originating from unexploded ordnance, discarded military munitions, or other military munitions, including explosive and non-explosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions (10 U.S.C. 2710).

Munitions Response (MR) – Response actions, including investigation, removal actions and remedial actions to address the explosives safety, human health, or environmental risks presented by unexploded ordnance (UXO) or discarded military munitions (DMM), or munitions constituents (MC), or to support a determination that no removal or remedial action is required.

Munitions Response Area (MRA) – Any area on a defense site that is known or suspected to contain UXO, DMM, or MC. A munitions response area is comprised of one or more munitions response sites.

Munitions Response Site (MRS) – A discrete location that is known to require a munitions response.

Other Debris – Debris found on operational or MRSs that may be removed to facilitate a range clearance or munitions response that is not related to munitions or range operations. Such debris includes, but is not limited to, rebar, household items (e.g., refrigerators and washing machines), automobile parts and automobiles that were not associated with range targets, fence posts, and fence wire.

Range – A designated land or water area that is set aside, managed, and used for range activities of the Department of Defense (10 U.S.C. 101(e)(1)(A) and (B)).

Range Activities – Research, development, testing, and evaluation of military munitions, other ordnance, and weapons systems; and the training of members of the armed forces in the use and handling of military munitions, other ordnance, and weapons systems (10 U.S.C. 101(e)(2)(A) and (B)).

Range-Related Debris – Debris, other than munitions debris, collected from operational ranges or from former ranges (e.g., target debris, military munitions packaging and crating material).

Small Arms Ammunition – Ammunition with projectiles that do not contain explosives (other than tracers) that are .50 caliber or smaller, or for shotguns.

Time Critical Removal Action (TCRA) – Removal actions where, based on the site evaluation, a determination is made that a removal is appropriate, and that less than 6 months exist before on-site removal activity must begin (40 CFR 300.5).

Unexploded Ordnance (UXO) – Military munitions that: (A) have been primed, fuzed, armed, or otherwise prepared for action; (B) have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and (C) remain unexploded either by malfunction, design, or any other cause (10 U.S.C. 101(e)(5)(A) through (C)).

ATTACHMENT 7

REGULATORY/PUBLIC COMMENTS

The thirty-day public review period for this FOST was from August 25, 2012 to September 24, 2012. No comments were received from the public. Comments were received during the public review period from the United States Environmental Protection Agency, Region IX (USEPA; attached). Responses to comments on this FOST are provided in Attachment 8.



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

19 September 2012

Ms. Gail Youngblood
BRAC Environmental Coordinator
Fort Ord Base Realignment and Closure Office
P.O. Box 5004
Monterey, CA 93944-5004

Dear Ms. Youngblood:

Enclosed are the comments of the U.S. Environmental Protection Agency (EPA) to the Draft Finding of Suitability to Transfer (FOST) Former Fort, California Track 1 Plug-In Parcel E20c.1, Yadon's Parcel E29b.3.1 and Operable Unit 1 Parcel S2.1.2 (FOST 12)

If you have any questions, please give me a call at (415) 972-3032.

Sincerely,

A handwritten signature in cursive script that reads "Lewis Mitani".

Lewis Mitani
Remedial Project Manager

Enclosure

cc: Mr. Ed Walker, DTSC
Mr. Grant Himebaugh, CRWQCB

**Review of the
Draft Finding of Suitability to Transfer (FOST)
Former Fort, California
Track 1 Plug-In Parcel E20c.1, Yadon's Parcel E29b.3.1 and
Operable Unit 1 Parcel S2.1.2 (FOST 12)**

Page 9, Section 9. Please rewrite the paragraph to make it clear that there are three levels of restriction on the use of GW 1) existing prohibition zone 2) CRUP provision which may reference the PZ and 3) federal deed which may also reference the PZ. In addition to the local restrictions the Army and the regulators will need to approve any activities which would potentially impact GW contamination or ongoing GW remediation.

In writing this text, consider what happens when cleanup goals are met? does the PZ disappear? Do the CRUP and deed restrictions remain? How will they be lifted?

The language on page 1/5 of attachment 5 needs to be revised as well. That section should reflect the fact that the CRUP will have been executed prior to the federal deed. Since this is language to be included in the federal deed, paragraph 1) at the bottom of the page is part of the notice described in the prior paragraph. It should be rewritten to clarify the relationship between the PZ and the CRUP as noted above and should be renumbered to make it distinct from the restrictions which appear on the next page.

ATTACHMENT 8

ARMY RESPONSE

ARMY RESPONSE

ARMY RESPONSE TO COMMENTS SUBMITTED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA), REGION IX, IN A LETTER DATED 19 SEPTEMBER 2012 (ATTACHMENT 7):

USEPA Comment 1: Page 9, Section 9. Please rewrite the paragraph to make it clear that there are three levels of restriction on the use of GW 1) existing prohibition zone 2) CRUP provision which may reference the PZ and 3) federal deed which may also reference the PZ. In addition to the local restrictions the Army and the regulators will need to approve any activities which would potentially impact GW contamination or ongoing GW remediation.

In writing this text, consider what happens when cleanup goals are met? Does the PZ disappear? Do the CRUP and deed restrictions remain? How will they be lifted?

Army Response to USEPA Comment 1: FOST Section 9 was revised to describe the three institutional controls restricting access to groundwater on the Property. Language was also added to describe that any other activity on the Property that would interfere with or adversely affect the Army's groundwater remediation systems or result in the creation of a groundwater recharge area is prohibited, unless the Army and the regulators provide written approval prior to such activity. Language was also added to note that, in consultation with the regulators, the Army can update the Former Fort Ord Special Groundwater Protection Zone Map as conditions change so that, sometime in the future, it is possible the Property will no longer be in the Prohibition Zone and the restrictions may be modified per the requirements of the deed and the CRUP.

USEPA Comment 2: The language on page 1/5 of attachment 5 needs to be revised as well. That section should reflect the fact that the CRUP will have been executed prior to the federal deed. Since this is language to be included in the federal deed, paragraph 1) at the bottom of the page is part of the notice described in the prior paragraph. It should be rewritten to clarify the relationship between the PZ and the CRUP as noted above and should be renumbered to make it distinct from the restrictions which appear on the next page.

Army Response to USEPA Comment 2: Attachment 5 (Environmental Protection Provisions) Section 2.A(1) was revised to indicate the CRUP has been executed (as it will be when the deed is recorded). As suggested in the comment, Paragraph 1) was included as part of the Section 2.A. Notice regarding the groundwater restriction and the subsequent restrictions renumbered accordingly.