

**FINDING OF SUITABILITY TO TRANSFER (FOST)  
GOODWILL INDUSTRIES PARCEL  
FORMER FORT ORD, CALIFORNIA**

On the basis of the final Community Environmental Response Facilitation Act (CERFA) Report for Fort Ord, I have determined that the Goodwill Industries Parcel (the Property), at former Fort Ord, California, is suitable for transfer to Goodwill Industries for job training and placement services. The area to be assigned and transferred includes four buildings on approximately 4 acres (Plate 1).

A determination of the environmental condition of the Property was made by the United States Army by reviewing existing environmental documents and making associated visual site inspections. The documents reviewed included the final CERFA Report (April 1994), U.S. EPA Region IX's concurrence to the CERFA Report (Memorandum, 19 April 1994), and various remedial investigation/feasibility studies documents. The results of this document review, which indicate that the Property is environmentally suitable for transfer to Goodwill Industries, are as follows:

- Four buildings (T-2661, 2662, 2663, T-2987) are located on the Property. Buildings T-2661, 2662, and T-2987 are the unit chapel, Red Cross building, and recreation building, respectively. Building 2663 is a garage. Buildings 2662 and 2663 were built by the Red Cross on property leased to it by the Army and are not addressed in this FOST.
- The Property is located adjacent to IRP Site 28. Site 28, which was investigated under the Fort Ord RIFS program, was categorized as a No Action site. Additionally, the OU 2 groundwater remediation plume underlies the area immediately adjacent to the Property.
- An asbestos survey conducted by the Army shows that Buildings T-2661 and T-2987 contain friable and nonfriable asbestos. The asbestos was given a condition rating of 8 to 13. The Army does not plan to remove the asbestos but rather only disclose. The friable asbestos does not represent a health concern because the buildings are not currently occupied.
- Buildings T-2661 and T-2987 should be considered to contain lead-based paint (LBP) because of their pre-1978 construction dates. The Army does not plan to abate the LBP but rather only disclose.
- No elevated radon levels were detected on the Property during a 1990 survey.
- Radiological surveys have not been conducted within the Property because the buildings were reportedly not used to store radiological materials.
- No releases of PCB-contaminated dielectric fluids on the Property have been reported.
- Ordnance and explosives (OE) investigations, consisting of the Archive Search Report and Supplement No. 1 (November 1994), Data Summary and Work Plan (February 1994), OE contractor After Action Reports (December 1994, November 1995), working maps, Fort Ord Training facilities Map and associated interviews from various ordnance-related community relations activities identified no potential OE locations within or immediately adjacent to the Property.

- No underground or above ground storage tanks or solid waste management units are known to have existed on the Property, and no studies associated with them have been conducted by the Army for this parcel.
- The final CERFA report identifies the Property as being within CERFA Disqualified Parcel No. 4. The parcel is considered to be CERFA disqualified because of its inclusion within Installation Restoration Program (IRP) Site 28 and the parcel's proximity to groundwater contamination resulting from the Fort Ord Landfills (OU 2). No hazardous substances associated with Site 28 are known to have been present on the Property itself. The "plug-in" No Action Record of Decision (NoAROD) for all No Action sites, including Site 28, was signed by the regulatory agencies in the spring of 1995. Documentation that site-specific no action criteria were met is provided through the Approval Memoranda process. This process is referred to as the "plug-in" process because as the Approval Memoranda are approved they are inserted into the NoAROD. The No Action Approval Memorandum for Site 28 was approved by the regulatory agencies in September and October of 1995. The Army received concurrence from U.S. EPA (4 January 1996) that the pump-and-treat system for remediation of the OU 2 groundwater plume is in place and operating "properly and successfully."
- The Baseline Risk Assessment for OU 2 indicates that the groundwater does not pose a threat to occupants of this Parcel provided that groundwater from the contaminated aquifer is not used for drinking water. This use will be prohibited.
- One groundwater monitoring well (MW-OU2-33-A) is located on or near the western boundary of the parcel.

National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by the analysis conducted in the June 1993 Fort Ord Disposal and Reuse EIS.

Clean Air Act General Conformity Rule requirements for this transfer were satisfied by a Record of Non-Applicability based upon an exemption for property transfers where the proposed action is a transfer of ownership, interest and title in the land, facilities, and associated real and personal property.

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

#### NOTICE OF THE PRESENCE OF ASBESTOS

A. The Grantee is hereby informed and does acknowledge that friable and non-friable asbestos or asbestos-containing materials (ACM) have been found on the Property, as described in the environmental baseline survey. The ACM on the Property does not currently pose a threat to human health or the environment. All friable asbestos that posed a risk to human health has either been removed or encapsulated.

B. The Grantee covenants and agrees that its use and occupancy of the Property will be in compliance with all applicable laws relating to asbestos; and that the Grantor assumes no liability for damages for future remediation of asbestos or personal injury, illness, disability, or death, to the Grantee, its successors or assigns, or to any other person, including members of the general public, arising from or

incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the Property described in this transfer, whether the Grantee, its successors or assigns have properly warned or failed to properly warn the individual(s) injured. The Grantee, its successors and assigns shall be responsible for any remediation of asbestos on the property found to be necessary after this conveyance.

#### **NOTICE OF THE PRESENCE OF LEAD-CONTAINING PAINT**

Every purchaser of any interest in residential real property (target housing) on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage including learning disabilities, reduced intelligence quotient, behavioral problems and impaired memory. Lead poisoning also poses particular risk to pregnant women. The seller of any interest in target housing is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase. "Target housing means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling.

Available information concerning known lead-based paint and/or lead-based paint hazards, the location of lead-based paint and/or lead-based paint hazards, and the condition of painted surfaces is contained in the "Community Environmental Response Facilitation Act (CERFA) Report, dated April 1994," which has been provided to the Grantee, and the Finding of Suitability to Transfer. No other records or reports pertaining to lead-based paint or lead-based paint hazards are available. The Grantee hereby acknowledges receipt of the information described in this paragraph and the federally required lead hazard pamphlet.

The Grantee acknowledges that it has received the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards as required by law or regulation.

The Grantee and its successors and assigns shall not permit the occupancy of any target housing without first abating and eliminating lead-based paint hazards by treating any defective lead-based paint surface in accordance with all applicable laws and regulations. The Grantee, its successors and assigns shall be responsible for any remediation of lead based paint hazards on the property found to be necessary after this conveyance.

Comments received from U.S. EPA Region IX and California EPA DTSC on the Version 1 FOST were reviewed and incorporated where possible into this Version 2 FOST. All comments were resolved with the exception of one concerning certain language regarding asbestos, and two concerning the possibility of LBP in the soil. These are attached as unresolved comments.

#### **NOTICE OF THE PRESENCE OF CONTAMINATED GROUNDWATER**

The groundwater beneath the Property on the date of this conveyance is contaminated with volatile organic compounds (VOCs), primarily trichloroethene (TCE), at estimated concentrations up to 20 micrograms per liter. This notice is provided pursuant to Section 120(h)(1)(3) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). A pump-and-treat groundwater

*Remediation*

~~Remediation~~ system is in place and shown to be operating properly and successfully. Drilling of water wells or use of groundwater from beneath the Property is prohibited.

~~Without~~ *Without* the express written consent of the Grantor in each case first obtained, neither the Grantee, its ~~Successors~~ *Successors* or assigns, nor any other person or entity acting for or on behalf of the Grantee, its successors ~~Assigns~~ *Assigns*, shall interfere with any response action being taken on the Property by or on behalf of the ~~Grantor~~ *Grantor*, or interrupt, relocate or otherwise interfere with any Remediation System now or in the future ~~located~~ *located* on, over, through or across any portion of the property.

~~On the~~ *On the* basis of the above information, I conclude that the Goodwill Industries Parcel should be assigned ~~Location of~~ *Location of* Department of Defense (DoD) Environmental Condition Category 4 and is suitable for transfer. The ~~Parcel~~ *Parcel* this transaction will contain the following covenants:

- The covenant under CERCLA §120(h)(3)(B)(i) warranting that all remedial action under CERCLA necessary to protect human health and the environment with respect to hazardous substances remaining on the Property has been taken.
- The covenant under CERCLA §120(h)(3)(B)(ii) warranting that any remedial action under CERCLA found to be necessary after the date of transfer shall be conducted by the United States.
- The clause under CERCLA §120(h)(3)(C) granting the United States access to the Property in any case in which remedial action or corrective action is found to be necessary after the date of transfer.

*Richard E. Fatz*

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

## UNRESOLVED AGENCY COMMENTS

### US. EPA Comment:

Public law 102-484, as amended by Public Law 103-160, provides for indemnification by the military services when property is transferred. This law provides that the military indemnify persons and entities acquiring ownership or control of property at a closing military base from liability for personal injury and property damages resulting from the release or threatened release of a hazardous substance (such as asbestos), unless the person or entity acquiring the property contributed to the release. It is unclear whether the FOST's statements on the Army not assuming liability for the transferee's contact with asbestos are consistent with the indemnification required by law. To avoid confusion over the indemnification that the Army is required to provide, EPA recommends that the mention of future liability be deleted and that the statutory language be deleted and that the statutory language be relied on to determine any future liability.

### Army Response:

Army believes that the standard Army indemnification language is legally sufficient.

### U.S. EPA Comment:

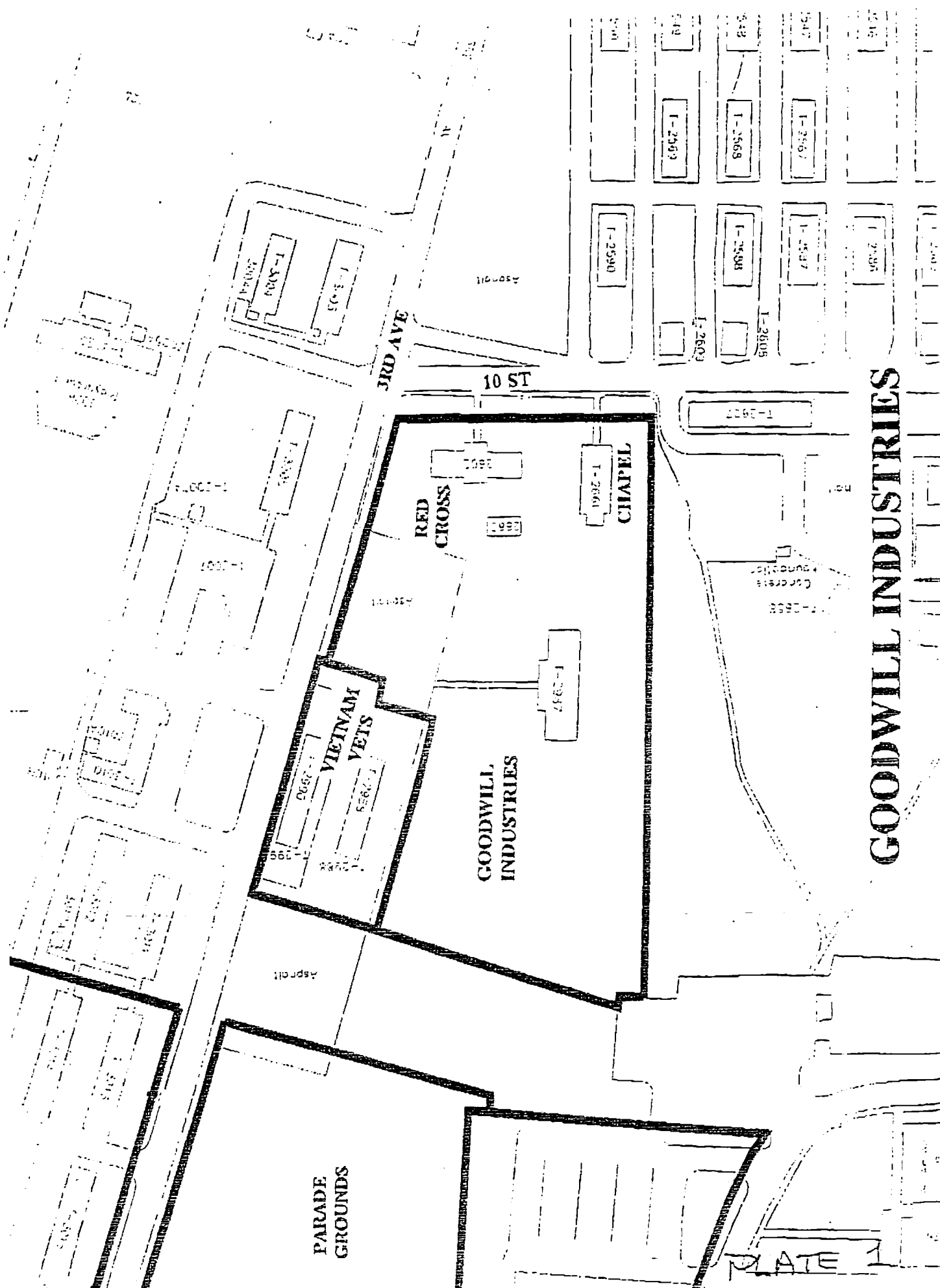
Based on the fact that Building T-2987 and T-2661 were constructed before 1978, at a time when lead-based paint was commonly used on the exterior of such structures, lead from lead-based paint may be present in the surrounding soils. The Army, however, has declined to conduct soil sampling to determine whether such soils present a risk to human health and the environment as requested by EPA. For those areas that are being transferred pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) EPA believes that the Army would be unable to include a covenant in the deed of transfer warranting that "all remedial action necessary to protect human health and the environment has been taken".

### CAL EPA Comment:

The Army has declined to conduct soil sampling to determine whether soils surrounding Buildings (constructed prior to 1978) contain lead from lead-based paint at levels which may pose a threat to human health and the environment. Therefore, Cal-EPA is unable determine whether all remedial actions have been taken with respect to potential releases of lead from lead-based paint.

### Army Response:

Army believes that the risk from lead-based paint in the soil around these buildings is negligible because the buildings have been well maintained and are not going to be used for residential habitation. Additionally, Army does not agree that lead-based paint in soil is governed under CERCLA, and no sampling of the exterior components for LBP has occurred since the soil sampling requirements in Title X of Public Law 102-550 are only mandated for property used for residential habitation.



# GOODWILL INDUSTRIES

PARADE GROUNDS

VIETNAM VETS

GOODWILL INDUSTRIES

RED CROSS

CHAPEL

3RD AVE

10 ST

PLATE 1

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

Aquifer Zone	Substance	Concentration (µg/L)
Upper Aquifer Zone	1,1,1-trichloroethane	31
	1,1,2,2-tetrachloroethane	0.6
	1,1-dichloroethane	12
	1,1-dichloroethene	4.6
	1,2-dichlorobenzene	3.7
	1,2-dichloroethane	6.9
	1,2-dichloropropane	8.6
	1,4-dichlorobenzene	4.3
	benzene	2.6
	bromodichloromethane	3.1
	bromoform	3.1
	chloroform	16
	cis-1,2-dichloroethane	54
	dibromochloromethane	4.2
	methylene chloride	130
	tetrachloroethene	8.2
	trans-1,2-dichloroethane	4.1
	trichloroethene	80
	trichlorofluoromethane	52
	vinyl chloride	8
180-Foot Aquifer Zone	1,1,1-trichloroethane	0.6
	1,2-dichlorobenzene	0.6
	1,2-dichloropropane	1
	benzene	1.4
	carbon tetrachloride	0.7
	chloroform	1.6
	chloromethane	0.5
	cis-1,2-dichloroethane	4.6
	cis-1,3-dichloropropene	1.8
	ethylbenzene	1.2
	methylene chloride	1.2
	tetrachloroethene	1.8
	toluene	0.6
	trans-1,2-dichloroethane	1.8
	trichloroethene	50
vinyl chloride	1.2	
400-Foot Aquifer Zone	1,1,1-trichloroethane	2.2
	methylene chloride	1.1
	tetrachloroethene	0.9
	toluene	2.1

ATZP-EP

19 December 1996

MEMORANDUM FOR THE RECORD

SUBJECT: Record of Non-Applicability to the Clean Air Act Amendment, General Conformity Rule, Regarding Activities Associated with Land Conveyance Between the U.S. Army and Goodwill Industries.

- 1. Scope Definition: The Department of the Army is considering granting a parcel of land located at the former Fort Ord, California for use by Goodwill Industries. Buildings T-2661, T-2662, T-2663, and T-2987 situated within subject parcel were formerly utilized by the U.S. Army as a unit chapel, Red Cross, and recreation building, respectively.
- 2. Presidio of Monterey, Defense Language Institute is required to make a review of direct and indirect air emission sources for each criteria pollutant as outlined in 40 CFR 51.853 and 93.153 for federal initiatives located within a region designated as nonattainment to National Ambient Air Quality Standards. The analysis is to ensure that federal actions will not delay or prevent an area from achieving attainment status.
- 3. Grantee intends to reuse subject buildings for job training and placement services.
- 4. In accordance with Section 51.853 of the General Conformity Rule, subject federal action is exempt from conformity requirements, where proposed action is a transfer of ownership, interest and title in the land, facilities, and associated real and personal property.
- 5. Any utilization of subject parcel by the grantee influencing air emissions not identified in the State Implementation Plan, has neither been disclosed to Army environmental personnel, nor considered in subject General Conformity Rule review.

MARK G. REESE  
Chief, Environmental Management Division  
Directorate Environmental and Natural  
Resources Management  
POM, DLIFLC



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

September 25, 1995

Department of the Army  
 Commander, DLIFLC and POM (Fort Ord)  
 ATTN: ATZP-EP (Gail Youngblood)  
 Presidio of Monterey, CA 93944-5006

Re: Fort Ord, CA Superfund Site  
 No Action Approval Memoranda for Sites 26, 28, and 29  
 dated August 10, 1995

Dear Ms. Youngblood:

Pursuant to your September 13, 1995 letter to EPA forwarding a comment letter received during the public comment period on the above-referenced documents, EPA has reviewed the comment letter and the No Action Approval Memoranda for Fort Ord Sites 26, 28, and 29, and approves the Army's proposal to "plug-in" these sites into the *No Action Plug-In Record of Decision for Fort Ord*. The sites appear to meet the criteria for No Action.

With regard to Site 29, EPA emphasizes that this no action determination covers all areas of Site 29 with the exception of the fenced DRMO area itself. We acknowledge that the Army is preparing a closure plan for this RCRA-regulated unit and ask that the Army provide a copy of the closure plan to the entire BRAC Cleanup Team, since any closure sampling and corrective action will likely be integrated into the CERCLA process pursuant to Section 17 of the Fort Ord Federal Facility Agreement. If you have any questions or comments, please contact me at 415-744-2387.

Sincerely,

John D. Chesnut  
 Remedial Project Manager  
 Federal Facilities Cleanup Office

cc: Mr. Dan McMindes, USACE - Sacramento  
 Mr. David Eisen, USACE - Ft Ord  
 Mr. James Austing, CA DTSC Reg 1  
 Mr. Grant Himsbeugh, CRWQCB Central Coast Reg

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

78 Hawthorne Street  
San Francisco, CA 94102-3601

JANUARY 4, 1996

Raymond FATE  
Acting Deputy Assistant Secretary of the Army  
(Environment, Safety and Occupational Health)  
Installations Logistics and Environment  
110 Army Pentagon  
Washington, D.C. 20310-0110

Re: Fort Ord - CERCLA §120(h)(3) Transfer of Property  
Overlying OU-2 (Landfills) Groundwater Plume

Dear Mr. Fate:

The U.S. Environmental Protection Agency, Region IX (EPA) received on December 8, 1995, a document entitled "Technical Memorandum: Demonstration of Groundwater Plume Capture, Operable Unit (OU-2) Groundwater Remedy, Fort Ord, California" (Technical Memorandum), dated December 7, 1995 and prepared by IT Corporation on behalf of the Army. The purpose of the memorandum is to demonstrate to EPA that the OU-2 groundwater remedy is constructed and operating properly and successfully for purposes of satisfying property transfer requirements under §120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9620.

When entering into a deed for transfer under §120(h)(3) of CERCLA, the Army is required to include in such deed a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property has been taken before the date of transfer, and that any additional remedial action found to be necessary after the date of the transfer shall be conducted by the United States. In the case of a contaminated groundwater plume such as OU-2, the statute provides that the covenant can be given if the construction and installation of an approved remedial design has been completed, and the remedy has been demonstrated to the EPA Administrator to be operating properly and successfully. The ongoing requirement for pumping and treating, or other operation and maintenance, after the remedy has been demonstrated to be operating properly and successfully does not preclude the transfer of the property.

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4-Jan-96 5:15p

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

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

EPA has reviewed the Technical Memorandum, the OU-2 ROD signed on August 23, 1994, which includes Final Upper Aquifer and Interim 150-foot Aquifer cleanup standards for treatment and discharge which must be achieved by the remedy, the RSD to the OU-2 ROD, signed on August 23, 1995, which specifies Final 150-foot Aquifer cleanup standards, the Design Analysis for the OU-2 Groundwater Remedy ("100t Design"), approved on December 7, 1995, and various OU-2 related documents including remedial investigation/feasibility study reports, groundwater monitoring reports, and the remedial design/remedial action work plans, operation and maintenance plan, and sampling and analysis plan (collectively, "Documentation").

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

information was known as of this date, or is discovered in the future.

The undersigned recommends that this document be referenced in finding of suitability to transfer documents, and that it be made available to the public. If you have any questions, please call John Chasnett, EPA Remedial Project Manager for the Fort Ord Site, at (415) 744-2151.

Sincerely,

*Julie Anderson*

Julie Anderson, Director  
Federal Facilities Cleanup Office

cc: Congressman SAM FARR  
David Wang, California Department of Toxic Substances Control  
Gail Youngblood, Fort Ord BRAC Environmental Coordinator  
Bob Carr, EPA-HQ



October 29, 1996

Cal/EPA

Department of  
Toxic Substances  
Control

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

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

Pete Wilson  
Governor

James M. Strock  
Secretary for  
Environmental  
Protection

REVIEW OF FINAL VERSIONS OF THE FINDING OF SUITABILITY TO TRANSFER (FOST) DOCUMENTS FOR BROSTRUM PARK PARCEL (DATED OCTOBER 28, 1996), REHABILITATION SERVICES OF NORTHERN CALIFORNIA VALLEY CENTER (RSNC), SALVATION ARMY, MONTEREY PENINSULA CORPS PARCEL - BUILDINGS 8124, 8126 THROUGH 8266, PATTON PARK PARCEL - BUILDINGS 8751 THROUGH 8758 AND 8759 THROUGH 8766, YWCA RESALE PARCEL - BUILDING 3099, YOUNG WOMEN'S CHRISTIAN ORGANIZATION (YWCA) MONTEREY PENINSULA PARCEL - BUILDING T2859, GOODWILL INDUSTRIES PARCEL (ALL OF WHICH WERE DATED OCTOBER 27, 1996) LOCATED AT THE FORMER FORT ORD ARMY BASE.

Dear Ms. Lawson:

Thank you for the opportunity to review the aforementioned FOST documents. The Department of Toxic Substances Control (DTSC) has determined that the Army has adequately addressed the majority of our comments and concerns except for the potential release of lead-based paint (LBP) at the Patton Park parcel, RSNC parcel, YWCA Monterey Peninsula parcel and Goodwill Industries parcel.

The Army has declined to conduct soil sampling to determine whether soils surrounding Buildings (constructed prior to 1978) contain lead from LBP at levels which may pose a threat to human health and the environment. Therefore, DTSC is unable to determine whether all remedial actions have been taken with respect to potential releases of lead from LBP.

If you have any questions, please feel free to contact me at (916) 323-3456.

Sincerely,

Theresa McGarry  
Environmental Assessment and  
Reuse Specialist  
Base Closure and Conversion  
Office of Military Facilities

cc: See next page.

