

**FINDING OF SUITABILITY TO TRANSFER (FOST)
BUILDING 1021 PARCEL
FORMER FORT ORD, CALIFORNIA**

On the basis of the Community Environmental Response Facilitation Act (CERFA) Report for Fort Ord, I have determined that the Building 1021 Parcel (the Property), at former Fort Ord, California, is suitable for transfer to Monterey County for emergency management purposes. The Property to be transferred (Parcel E38) includes 1 building and comprises approximately 2 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 (4/18/96; 11/6/96). 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 study documents. The results of this document review indicate that the Property is environmentally suitable for transfer to Monterey County. The results are as follows:

- There is one structure (Building 1021) located on the Property. The building was previously used by the Criminal Investigation Command (CID) for law enforcement purposes.
- An asbestos survey was completed for Building 1021 as part of a facility-wide asbestos survey. The survey shows the building contains nonfriable asbestos-containing materials (ACM). The nonfriable ACM (floor tile mastic) was rated 13 (of lowest concern) with a recommended 2-year (biannual) inspection cycle. The Army does not intend to remove the ACM in this building, but rather only discloses its condition. The recommended inspection of ACM present in this building is the responsibility of the recipient.
- Lead-acid batteries, used as a backup power source for lighting, are present in the building. They are in good condition with no signs of deterioration or release.
- Building 1021 was constructed in 1986, and is therefore not considered to contain lead-based paint.
- No radon levels above 4 picocuries per liter (pCi/L) were detected in the building during a 1990 survey at Fort Ord.
- No radiological surveys were conducted within the building because radioactive commodities were reportedly not used or stored in the building.
- There have been no reported releases of PCB-contaminated dielectric fluids from any transformers in the vicinity of the Property.
- Ordnance and explosives (OE) investigations, consisting of the Archive Search Report and Supplement No. 1 (December 1993 and November 1994, respectively), Site 39 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, show no OE locations within or immediately adjacent to the Property. However, because OE were used throughout the history

of Fort Ord, the potential for OE to be present on the Property exists. This notice will be included in the deed.

- No underground or aboveground storage tanks or solid waste management units are present on the Property, and no studies associated with them have been conducted by the Army for this Property.
- No Installation Restoration Program (IRP) sites are located on the Property.
- The final CERFA report identifies the Property as being within CERFA Parcel 211.
- No groundwater monitoring wells are present on the Property.

National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by a Record of Consideration based on analysis conducted in the June 1993 Fort Ord Disposal and Reuse Environmental Impact Statement (EIS).

Clean Air Act General Conformity Rule requirements for this transfer were satisfied by a Record of Non-Applicability based upon an exemption for property transfers where 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 information, certain terms, conditions, reservations, restrictions, and notifications are required. Disclosure of conditions and use restrictions are described below and will be included in the deed.

NOTICE OF THE PRESENCE OF ASBESTOS

- A. The Grantee is hereby informed and does acknowledge that nonfriable asbestos or asbestos-containing materials (ACM) have been found on the Property, as described in the Diagnostic Environmental Inc. report, *Asbestos Survey Report, U.S. Army Corps of Engineers - Fort Ord Installation, Fort Ord, California*, dated April 26, 1993.
- 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 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.

NOTICE OF THE POTENTIAL FOR THE PRESENCE OF ORDNANCE AND EXPLOSIVES

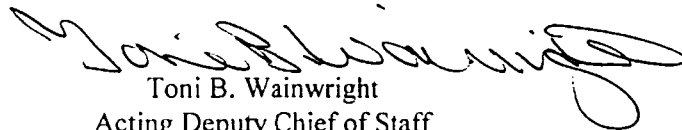
Ordnance and explosives (OE) investigations indicate that OE is not likely on this Property. However, because this is a former military installation with a history of OE use there is a potential for OE to be present on the property. In the event Grantee, its successors, and assigns, should discover any ordnance on the Property, it shall not attempt to remove or destroy it, but shall immediately notify the local Police Department and the Directorate of Law Enforcement at the Presidio of Monterey. Competent

U.S. Army Explosive Ordnance personnel will be dispatched promptly to dispose of such ordnance properly at no expense to the Grantee.

On the basis of the above information, I conclude that the Building 1021 Parcel should be assigned Department of Defense (DoD) Environmental Condition Category 1 (area where no release or disposal of hazardous substances or petroleum products has occurred [including no migration of these substances from adjacent areas]) and is transferable under CERCLA Section § 120(h)(4). The deed for this transaction will contain:

- The covenant under CERCLA § 120(h)(4)(D)(i) warranting that any response action under CERCLA or corrective action found to be necessary after the date of transfer shall be conducted by the United States.
- The covenant under CERCLA § 120(h)(4)(D)(ii) granting the United States access to the Property in any case in which response action or corrective action is found to be necessary after the date of transfer.

12 JUN 1997



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

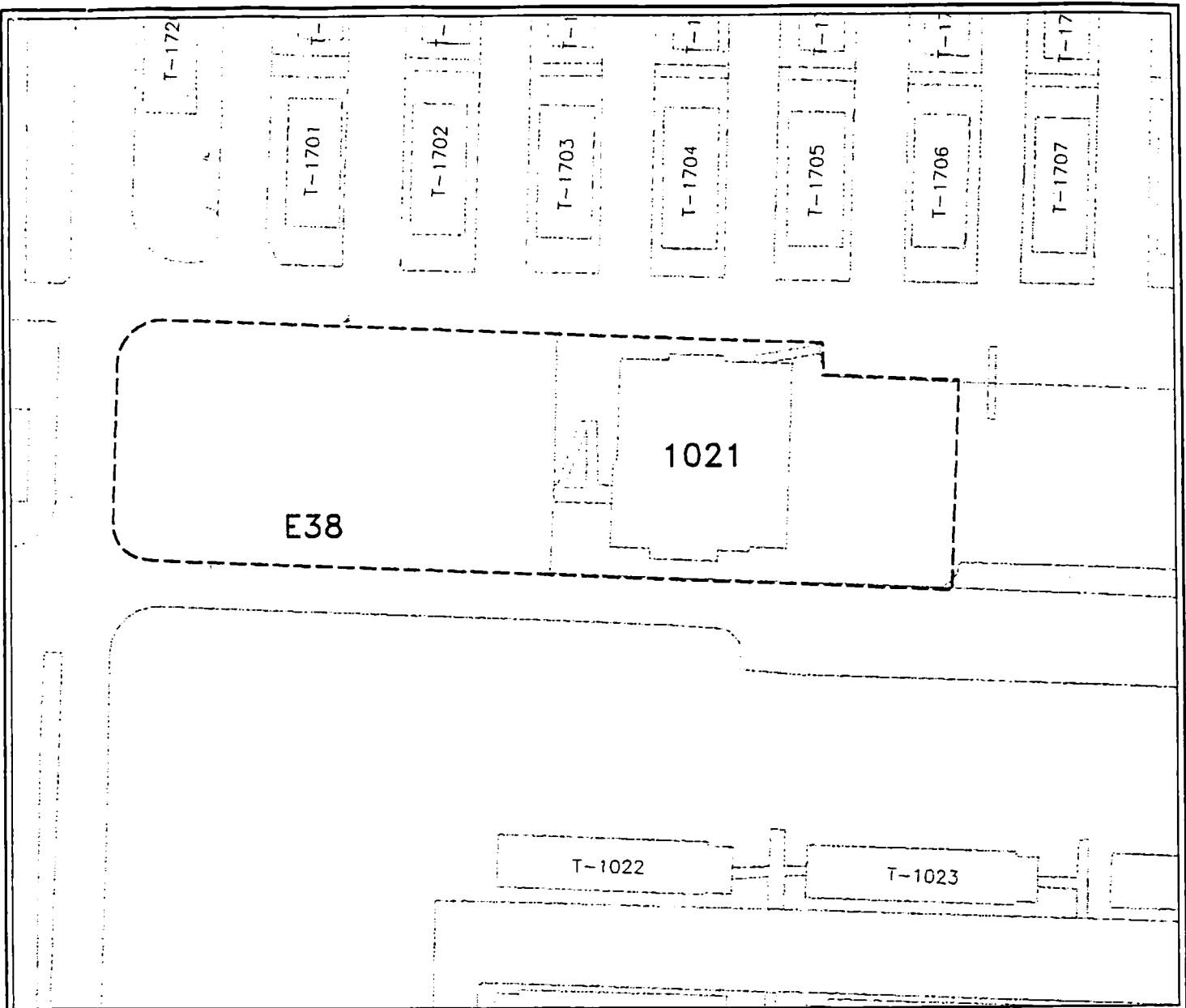
UNRESOLVED AGENCY COMMENTS

US EPA 8 DECEMBER 1995 COMMENT:

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

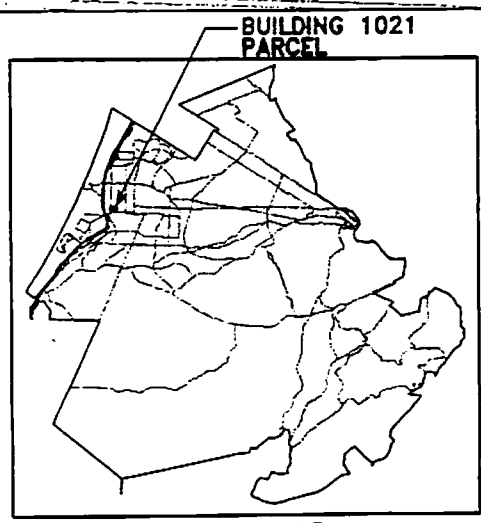
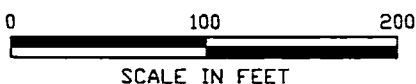
Army Response:

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



EXPLANATION

----- PARCEL BOUNDARY
 E38 PARCEL NUMBER



KEY MAP

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

E3894334 100.0
 19970311.1424



Harding Lawson Associates
 Engineering and
 Environmental Services

Parcel Map
 Building 1021 Parcel
 Finding of Suitability to Transfer
 Former Fort Ord, California

PLATE

1

DRAWN BWH	JOB NUMBER 25894 0017616	APPROVED	DATE 3/97	REVISED DATE
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

April 7, 1997

Beu →
Toni B. Wainwright
Acting Deputy Chief of Staff *4/24/97*
Base Operations Support
Installations Logistics and Environment
110 Army Pentagon
Washington, D.C. 20310-0110

*SAFE
ENVIR DIV
R. Aiken*

Subj: Fort Ord Superfund Site
Transfer of the Building 1021 Parcel
under CERCLA h(4)

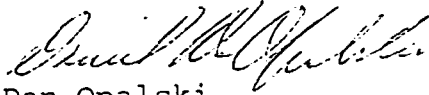
Dear Mr. Wainwright:

EPA is in receipt of your Finding of Suitability to Transfer (FOST) dated April 1, 1997 requesting our concurrence that the Building 1021 Parcel meets the requirements for identification as "uncontaminated" property in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 120(h)(4).

Based on our review of the CERFA Report, EPA Region 9's April 1994 concurrence letter to the CERFA Report, the Draft FOST for the Building 1021 Parcel, a recent site inspection (March 25, 1997), and without any independent investigation or verification of the information contained therein, EPA concurs that the Building 1021 Parcel referenced above meets the requirements for identification of "uncontaminated" property pursuant to Section 120(h)(4) of CERCLA. We expressly reserve all rights and authorities relating to information not contained in Army documents listed above, whether such information is known as of this date, or is discovered in the future.

If you have any questions, please contact EPA's Remedial Project Manager, Lida Tan, at (415)744-2212.

Sincerely,



Dan Opalski
Chief

Federal Facilities Cleanup Branch

cc: Gail Youngblood, Fort Ord BRAC
Christine Laswon, Fort Ord BRAC
William Kilgore, DTSC
Theresa McGarry, DTSC Base Closure Team



Cal/EPA

Department of
Toxic Substances
Control

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

April 4, 1997



Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection

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

REVIEW OF THE DRAFT FINDING OF SUITABILITY TO TRANSFER
(FOST), VERSION 2, FOR BUILDING 1021 PARCEL,
DATED APRIL 1, 1997, FORMER FORT ORD

Dear Ms. Lawson:

The Department of Toxic Substances Control (DTSC) has reviewed the FOST for the subject parcel and finds that our comments have been adequately addressed.

If you have any questions, please feel free to contact me at (916) 323-3466 or Bill Kilgore, Project Manager, at (916) 255-3738.

Sincerely,

Theresa McGarry
Environmental Assessment
and Reuse Specialist
Office of Military Facilities

cc: Ms. Lida Tan
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105



Ms. Christine Lawson

April 4, 1997

Page 2

cc: Mr. Grant Himebaugh
California Regional Water Quality Control Board
Central Coast Region
81 Higuera Street, Suite 200
San Luis Obispo, California 93401-5414

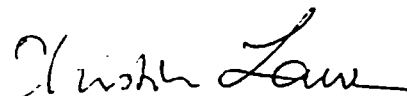
Ms. Gail Youngblood
BRAC Coordinator
Department of the Army
Commander, DLIFC and POM (Fort Ord)
ATZP-EP
Presidio of Monterey, California 93944-5006

Mr. Dan McMindes
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814

MEMORANDUM FOR THE RECORD

SUBJECT: Record of Non-Applicability (RONA) to the Clean Air Act Amendment General Conformity Rule Regarding the Lease of Real Property Designated for Monterey County Emergency Planning. This Action Covers Activities Associated with Lease Activities Between the U.S. Army and Monterey County Emergency Planning .

1. Scope Definition: The Department of the Army is granting a lease for a parcel of land located at former Fort Ord, California for use by Monterey County Emergency Planning. Subject parcel requested was formerly utilized by the U.S. Army for military intelligence operations and administrative purposes.
2. Presidio of Monterey, Defense Language Institute is required to make a review of direct and indirect air emission sources for each criteria pollutant as outlined in 40 CFR 51.853 and 93.153 for federal initiatives located within a region designated as nonattainment to national ambient air quality standards (NAAQS). The analysis is to ensure that federal actions will not delay or prevent an area from achieving attainment status.
3. Intended future reuse of subject parcel by grantee is for administrative purposes .
4. In accordance with Section 51.853 of the General Conformity Rule, subject Federal action is exempt from conformity requirements where proposed action is the granting of leases where activities conducted will be similar in scope and operation to activities currently being conducted.
5. Any utilization of subject parcel by the grantee influencing facility emissions not identified in the State Implementation Plan, has neither been disclosed to Army Environmental personnel, nor considered in this determination.



CHRISTINE LAWSON
Air Pollution Environmental Coordinator
Directorate Environmental and Natural
Resources Management

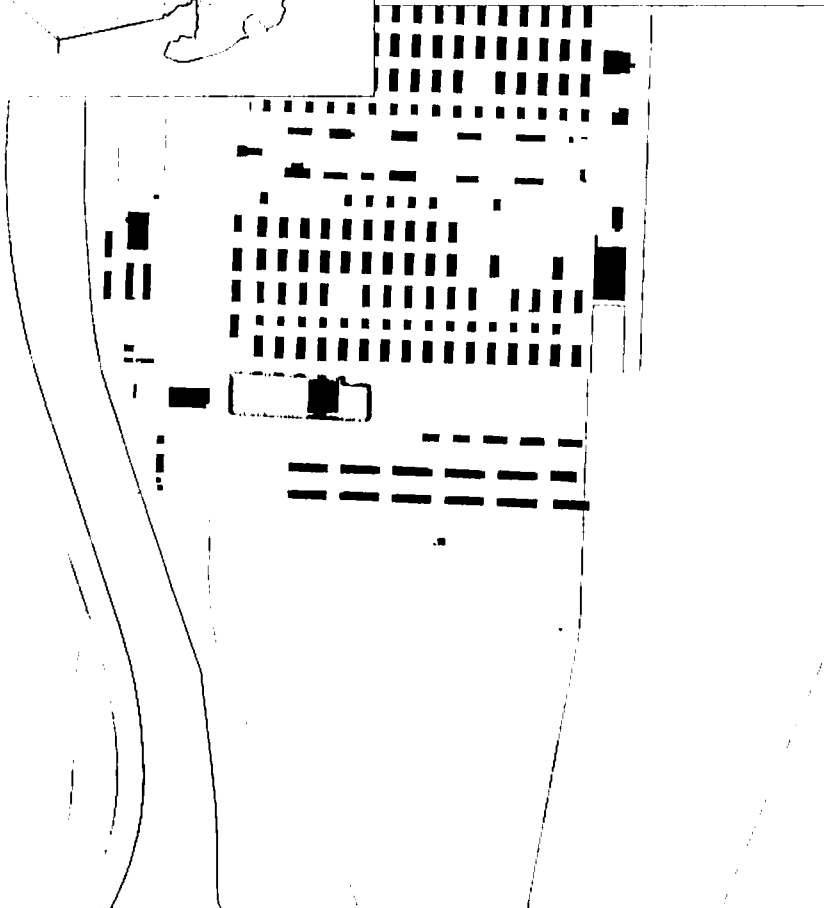
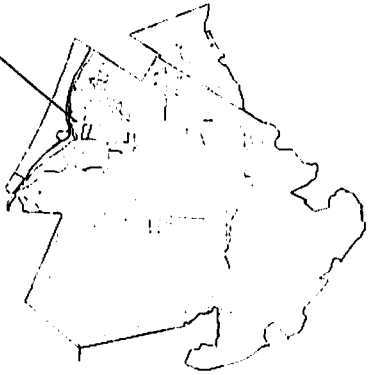
Former Ft. Ord

Building 1021



Parcel Locator Map

Building 1021



No Buildings: 1

No. Sq. Ft.: 14,884

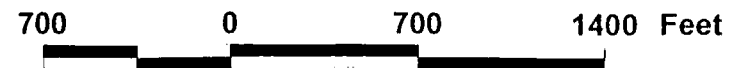
No. Acres: 2.0

DoD Category: 1

Reuse: Emergency Service

Dispatching

Recipient: Monterey County



FOST/FOSL COMPLETION CHECK LIST				
TYPE: FOST				
NAME: BUILDING 1021 PARCEL				
INITIAL REVIEW				COMPLETED
REGULATOR REVIEW				COMPLETED
FINAL REVIEW				6/12/97
IDENTIFY PROPERTY				1 BLDG 2 ACRES
IDENTIFY DOD CATEGORY				CAT 1
IDENTIFY CONTAMINANTS				ASBESTOS
IDENTIFY REMEDIATION STANDARDS				N/A
IDENTIFY REMEDIATION				N/A
IDENTIFY REUSE				OFFICE / EHR MGT
IDENTIFY RESTRICTIONS				N/A (AGE)
EPA LETTER ATTACHED				5/7/97 N/R 120(L)(4)
STATE LETTER ATTACHED				N/R / 4 APR 97
UNRESOLVED COMMENTS ATTACHED				ASBESTOS
SATISFY NEPA REQUIREMENTS				EIS
SATISFY CLEAN AIR ACT REQS				ROMA
COORDINATION	PHONE	NAME	DATE	
BRACO	ATCS-OR	727-3849	MR TAYLOR	5/16-21/97
ENVR	ATBO-SE	727-2299	MR AIKEN	6/11/97
REAL ESTATE	ATBO-GP	727-2569	MR BLANCHARD	5/20/97
LEGAL	ATJA	727-2773	MAJ EGAN	5/20/97
PAO	ATPA	727-3506	NOTIFIED	5/12/97