Department of Toxic Substances Control

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June 23, 2005

Ms. Gail Youngblood
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CONCURRENCE WITH FINDING OF SUITABILITY TO TRANSFER (FOST) AND DETERMINATION OF NO FURTHER ACTION FOR TRACK 0 AND TRACK 0 PLUG-IN, GROUP B PARCELS , FORMER FORT ORD, MONTEREY, CALIFORNIA, MAY 2005

Dear Ms. Youngblood:

The Department of Toxic Substances Control (DTSC) has reviewed the FOST for the subject parcels and concurs that they are suitable to transfer. The parcels, acreage, intended use and recipient are listed in Table 1, attached. This concurrence and No Further Action is contingent upon the Army signing the Land Use Covenant regarding Groundwater Restrictions for Parcels E2d.3.1, E5a.2 and L5.10.2, prior to transfer.

DTSC has determined, based on review of FOST and Army's Technical Memo dated May 2005 for the Track 0 Plug-in Group B Parcels, that No Further Action is necessary, with the exception of the potential release of lead-based paint, for hazardous substances (including Munitions and Explosives of Concern [MEC]) pursuant to California Health and Safety Code (HSC) Section Chapter 6.8.

Please attach the following comment regarding lead-based paint to the FOST as an unresolved regulatory comment:

> *There are buildings on some of these Parcels that probably contain lead-based paint, and this paint may have fallen off the buildings into the soil. Further, the Army did not sample the buildings or the soil for lead-based paint. DTSC's position is that any soils surrounding structures containing lead-based paint should first be evaluated by property owners for releases of lead-based paint to soils prior to the property being used for residential or other sensitive uses.*

The FOST contains a section entitled "Environmental Protection Provisions". These provisions will be part of the deed and include a section on lead-based paint which states that the property recipient shall not permit the occupancy or use any of the buildings or structures on the property as residential real property without complying with applicable federal, state and local laws and regulations pertaining to lead based paint hazards. Please be advised that "lead based paint hazards" include lead contamination in soil from lead based paint. DTSC intends to work with all parties to assure the Army's Environmental Protection Provisions and the State law and regulations are complied with regarding lead contaminated soil on former Fort Ord.

Because Fort Ord operated as a Resource Conservation and Recovery Act (RCRA) hazardous waste facility, the owner is required to conduct corrective action for any release or potential release of hazardous substances on the whole facility. The "facility," defined as the Fort Ord Hazardous Waste Facility, is the entire base within the original base boundary. In order to remove this potential corrective action liability for any current or future owners of former Fort Ord property, DTSC must make a Correction Action Complete Determination and Facility Boundary Modification in accordance with the California Hazardous Waste Control Law. This determination officially recognizes that all releases and potential releases of hazardous substances have been addressed pursuant to RCRA and terminates RCRA liability that could potentially be imposed upon future transferees. The boundary modification removes the property from the Fort Ord Hazardous Waste Facility. While DTSC has recommended that the Army do so, the Army has not requested a RCRA Corrective Action Complete Determination for these parcels. Should a transferee desire not to potentially have RCRA liabilities upon transfer of the property, they should contact DTSC to complete the necessary process. Once the request is received, DTSC would work closely with the requestor to complete the process, which includes modifying the facility boundary.

The FOST states that a groundwater contamination plume containing carbon tetrachloride (CT) lies adjacent to Parcels 5a.2 and L5.10.2. The Army is currently conducting a Remedial Investigation and Feasibility Study for the CT study area. The remedy will be documented in a Record of Decision. DTSC believes that based on the available data, this plume is not well defined and may underlie Parcel E5a.2. The Operable Unit (OU) 2 and OU 2-12 plumes are adjacent to Parcel E2.d.3.1. As stated above, DTSC's concurrence and No Further Action is conditional on the Army signing the Land Use Covenant regarding Groundwater Restrictions for Parcels E2d.3.1, E5a.2 and L5.10.2, prior to transfer.

DTSC reserves the right to address any appropriate environmental or human health related issues should additional information concerning the environmental condition of subject property become available in the future.

Finally, please note that should this property be considered for the proposed acquisition and/or construction of school properties utilizing state funding, a separate environmental review process in compliance with California Education Code 12710 et.seq, will need to be conducted and approved by DTSC.

If you have any questions, please contact me at (916) 255-3732 or Theresa McGarry of my staff at (916) 255-3664.

for Anthony J. Landis, P.E.
Chief
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Attachment

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Table 1 – Description of Property

Parcel Number	Approximate Parcel Acreage	Intended Reuse	Recipient
E11a.1	7	Development / Road Right-of-way	FORA
E18.2.1	4	Gigling Road Right-of-way	FORA
E18.2.2	0.1	Gigling Road Right-of-way	FORA
E18.3	6	Normandy Road Right-of-way	FORA
E20c.1.2	0.3	Cable TV area	FORA
E20c.2.2	2	Water Tanks / pumps	FORA
E29b.3	28	Business Park / Light Industrial / Office Park	FORA
E29e	9	Future Hwy 68 / Office Park / Research & Dev	FORA
E2d.3.1	25	Development / Mixed Use	FORA
E5a.2	15	Development / Mixed Use	FORA
L20.13.1.1	4	General Jim Moore Blvd. / South Boundary Rd. Right-of-way	FORA
L20.13.2	1	South Boundary Road Right-of-way	FORA
L20.13.3.2	3	General Jim Moore Blvd. / South Boundary Rd. Right-of-way	FORA
L20.13.4	2	South Boundary Road / Future Hwy 68 Right-of-way	FORA
L20.7.1	3	South Boundary Road Right-of-way	Monterey County
L20.7.2	7	South Boundary Road Right-of-way	Monterey County
L20.7.3	1	South Boundary Road Right-of-way	Monterey County
L20.7.4	1	South Boundary Road Right-of-way	Monterey County
L20.7.5	4	South Boundary Road Right-of-way	Monterey County
L3.1	5	South Boundary Road	York School
L35.5	1	Water storage	Marina Coast Water District
L5.10.2	13	Reservation Road Right-of-way	Monterey County
S3.2.1	11	Development	FORA
S3.2.2	0.1	Development	FORA
S4.2.1	37	Future Highway 68 Right-of-way	Caltrans
S4.2.2	1	Future Highway 68 Right-of-way	Caltrans
S4.2.3	14	Future Highway 68 Right-of-way	Caltrans
S4.2.4	26	Future Highway 68 Right-of-way	Caltrans
S4.3	1	Highway 68 Right-of-way	Caltrans