Finding of Suitability to Transfer (FOST)

Parcel A1, A2, A3, A7, L1, and Partial L3

Former McClellan AFB

May 2004

Air Force Real Property Agency

- F I N A L -

FINDING OF SUITABILITY TO TRANSFER (FOST)
Parcels A1, A2, A3, A7, L1, and Partial L3
McClellan, CA

1. PURPOSE

1.1 The purpose of this Finding of Suitability to Transfer (FOST) is to document specific environmental conditions and findings and the suitability to transfer for the proposed deed of real property and any improvements at the former McClellan Air Force Base (AFB), California, to the County of Sacramento under the terms of the conveyance agreement, to be operated by McClellan Park. Parcel L1 and part of L3 are being conveyed under a Public Benefit Conveyance. The property is described in Section 2 below. The property will be transferred by deed, and its anticipated use is residential, administrative, recreational, and commercial.

1.2 This FOST is a result of a thorough analysis of information contained in the following documents: (1) the Final Programmatic Environmental Impact Statement for the Disposal and the Environmental Impact Report (FPEIS/EIR) for the Reuse and Rezoning of McClellan AFB, California, July 1997; (2) the Basewide Environmental Baseline Survey (EBS), November 1996; (3) the Final Supplemental EBS (SEBS) for the property, July 1997; and Visual Site Inspections/Physical Site Inspections (VSIs/PSIs) conducted in conjunction with the SEBS and supplemental VSIs conducted in December 1997; (4) the Basewide Finding of Suitability to Lease, August 1998; (5) the Findings of Suitability to Lease (FOSL) dated January 2000, January 2001, and May 2001 respectively; (6) the Site Specific Supplemental Environmental Baseline Surveys (SSSEBSs) for Building 786 and Groups 1, 6, and 8, dated July 1998, December 1999, December 2000, and April 2001 respectively, which include the associated initial VSI/PSIs conducted in May 1998 (Building 786), April 1999 (Group 1), April to May 2000 (Group 6) and January to October 2000 (Group 8); (7) the Environmental Condition Reports (ECRs) associated with lease supplements and amendments for the buildings and land included in this FOST (ECRs for Lease Supplements 7, 11, 18, and 20 and Lease Amendments 14-3, 14-7, 14-9, 14-11, 14-12, 18-1, 18-3, 18-4, 18-5, 18-6, 18-7, and 18-9); (8) the Composite Contamination Status Map dated December 2002; (9) Updated VSIs conducted in March 2004; and (10) U.S. Fish and Wildlife Service Biological Opinion for the Serna Village Project, Parcel A1 dated March 2004.

2. PROPERTY DESCRIPTION

The property is comprised of approximately 97 acres and is shown on four maps at Attachments 1 and 2. The property includes the following buildings and associated parking:

Parcel A1: 1434.

Parcel A2: 524, 525, 558, 560, 562, 563, 564, 565, 920, 922, 924, 945, 946, 1300, 1313, 1322, 1323, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1401, 1403, 1405, 1406, 1410, 1412, 1417, 1420, 1423, 1425, and 1430.

Parcel A3: 30, 34, 72, 73, 74, 75, 80, 87, 89, 93, 103, 104, 105, 106, 107, 108, 109, 152, 941, 942, 951, and 952.

Parcel A7: 786, 786-C, 786-D, 786-E, 786-F, 786-G, 786-H, 786-I, and 786-J.

Parcel L1: 1407

Parcel L3: No buildings are associated with this parcel.

3. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

The environmental impact of this proposal has been adequately analyzed and disclosed in compliance with NEPA. This impact is analyzed in the FPEIS/EIR. Based on this analysis, the environmental impact of proceeding with the delivery of possession for continued reuse is not sufficiently adverse to human health and the environment to outweigh the advantages to the community (including the public interest of the transfer of possession under the conveyance contract) and prevent the proposed use of the property.

4. ENVIRONMENTAL CONDITION OF THE PROPERTY

The property within this FOST is within portions of the Groups 1, 6, 8, and Building 786 SSSEBSs. Based on a review of the Basewide FOSL, EBS, and SEBS; the Groups 1, 6, 8, and Building 786 SFOSLs, SSSEBSs, VSIs, ECRs, and Composite Contamination Status Map; this property has been given Environmental Condition Category (ECC) 1. The most recent VSI reports are included at Attachment 6. ECC 1 properties are defined as areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas).

A summary of property categorization and disclosure factor findings for this property have been provided in the SSSEBS documents for Groups 1, 6, 8, and Building 786 as well as discussed in this FOST. Completion of the follow-on actions described in the abovementioned SSSEBSs is documented in the various ECRs listed in reference 7 of Section 1.2 (see Attachment 5). The overall ECC for the property has changed since the completion of the SSSEBSs. Based on information from recent groundwater and vadose zone quarterly monitoring reports and sampling data from the Operable Unit E-H Remedial Investigation Characterization Summaries (RICS) (October 1998 and June 2000), the BRAC Cleanup Team updated the contamination status maps for soil, soil gas, and groundwater. The resulting composite contamination status map shows that the property associated with this FOST is ECC 1. The composite contamination status map is provided as Attachment 4. Figure 5-1 of the SSSEBS documents for Groups 1, 6, and 8 indicate the areas where the property was formerly ECC 7.

5. DEED RESTRICTIONS AND NOTIFICATIONS

The environmental documents listed in Section 1.2 were evaluated to identify environmental factors listed in Attachment 3 that may warrant constraints on certain activities in order to minimize substantially or eliminate any threat to human health or the environment. Such constraints typically are embodied as permanent restrictions in the deed or as specific notification to the transferee. The factors that require either deed restrictions or specific notifications are identified in Attachment 3 and are discussed below. Please refer to the EBS, SEBS, and SSSEBSs for specific information on each resource category.

The Air Force has determined that the remaining factors listed in Attachment 3 pose no threat to human health or the environment and, therefore, require neither deed restrictions nor notifications to the Transferee.

5.1 Hazardous Substances Notification

A hazardous substance notification is required by 40 CFR Part 373.1 for the sale or transfer of any real property owned by the United States where during the time of ownership any hazardous substance was stored in quantities exceeding 1,000 kilograms or the hazardous substance's reportable quantity found at 40 CFR Part 302.4 (whichever is greater) or are known to have been released, or disposed of in quantities greater than or equal to the hazardous substance's reportable quantity found at 40 CFR Part 302.4.

This notice need not be given because no hazardous substances were stored or known to have been released, treated, or disposed of on the property in excess of the quantities stated above. In addition, no evidence of release of any hazardous substances to the environment was identified during the VSIs conducted for the Group 1, 6, 8, and Building 786 SSSEBS documents.

5.2 Installation Restoration Program (IRP) and Areas of Concern (AOC)

IRP sites were not located on the property. The property is suitable for transfer by deed. This determination is based on BCT approval of the SSSEBSs, RICS documents, and contamination status maps.

Groundwater in the vicinity of the property is being monitored to determine whether contaminants are migrating and whether concentrations are continuing to decline. Although groundwater underlying this property is not considered contaminated, extraction of groundwater could disrupt any adjacent remediation activities or jeopardize the effectiveness of those remedies. Therefore, an enforceable restriction will be placed in the Deed prohibiting subsurface drilling or use of groundwater for any purpose other that groundwater quality monitoring. Also, it should be mentioned that a Sacramento County ordinance (ref. Sacramento County Code, Title 6, Chapter 6.29) codifies a prohibition against drilling drinking water supply wells on and in the vicinity of McClellan AFB.

Groundwater contamination underlying adjacent property does not pose a health risk to

future users of the property to be transferred. The above mentioned prohibition against drilling drinking water wells on the property to be transferred combined with the continued operation of adjacent groundwater remediation systems are expected to prevent a risk exposure from occurring.

Groundwater data gaps sampling is underway in areas adjacent to the property associated with this FOST to further define the nature and extent of groundwater contamination target areas adjacent to the property. The above mentioned prohibition against drilling drinking water wells on the property to be transferred will ensure that there is no risk exposure from potential contaminated groundwater migration from adjacent source areas.

A groundwater monitoring well (guard well) was installed in 2003 on parcel A3 in the parking lot associated with buildings 87 and 89. This well was installed as a preventive measure so that migration of any contaminated groundwater from adjacent parcels would be detected before reaching Base Well (BW) 10, which is used for domestic water supply. The location of the monitoring well and BW 10 is shown on the Attachment 2 Figure, sheet 2 of 3.

A CERCLA 120(h)(4) covenant will be included in the Deed warranting that any response or corrective actions found to be necessary after the date of delivery of the deed will be conducted by the United States. Provisions will also be included in the Deed to allow the United States and State regulatory agencies access to the property in any case in which any such response or corrective action is found to be necessary, or where such access is necessary to carry out a response or corrective action on adjoining property.

5.3 Asbestos Containing Material (ACM)

The property to be conveyed contains ACM.

ACM in Structures or Buildings: Based on an inspection of the property and a review of the environmental baseline survey reports, the ACM located in structures on the property is in good condition and not damaged or deteriorated to the extent that it creates a potential source of airborne fibers.

ACM in Utility Pipelines: No CERCLA response action for ACM in below ground utility pipelines is required so long as the utility line is not disturbed or moved from the ground. ACM, such as transite pipes or pipes wrapped with asbestos insulation, may be found in (or on) utility pipelines located on the property. ACM associated with utility pipelines below ground does not pose a threat to human health or environment as long as it is not disturbed, or, if it is disturbed, proper care is taken to manage and dispose of it. Utility pipelines below the ground have not been inspected. The property recipients and subsequent transferees will be given notice of the possibility of ACM in utility pipelines through a notice in the deed. The deed will provide notice to the property recipients that the Air Force will not be responsible for the ACM in utility pipelines.

ACM in Demolition Debris: ACM, which was commonly used in building materials, may be located at building demolition locations. Based upon an inspection of the property and a review of the environmental baseline survey reports, no such locations are specifically known on

the portions of the base that include these parcels. No CERCLA response action is required at this time. However, it is possible that there are undiscovered locations where demolition debris may be found by the property recipient or subsequent transferees during ground disturbance activities. The property recipient and subsequent transferees will be cautioned by notice in the deed to exercise care during ground disturbing activities. The property recipient or subsequent transferees will be required to notify the Air Force promptly of any demolition debris containing friable asbestos and believed to be associated with Air Force activities. The property recipients or subsequent transferees will be required to allow the Air Force a reasonable opportunity to investigate and, if a CERCLA response action is necessary, to accomplish it.

General: The deed will contain a provision stating that the property recipient and subsequent transferees, in their use and occupancy of the property, will be responsible for complying with all applicable Federal, state, and local laws relating to asbestos. The deed will also state that the Air Force will be responsible for conducting any CERCLA remedial action found to be necessary for hazardous substances released or disposed of on the property prior to the date of the deed, so long as the property recipient is not a potentially responsible party under CERCLA for the release or disposal. As to asbestos found in demolition debris, the above warranty will apply unless the transferee fails to comply with the requirement of the preceding paragraph regarding prompt notification of the Air Force of any demolition debris containing friable asbestos. The above response assurance by the Air Force does not mean the Air Force will perform or fund any remediation to accommodate a change in land use desired by the property recipient that is inconsistent with use restrictions or covenants contained in the deed or other related property transaction documents.

5.4 Lead-Based Paint (LBP) - Facilities other than Housing

LBP is present in facilities other than housing on the property since the facilities were built prior to 1978. Also, sampling results indicate LBP is present on some painted surfaces. The condition of the paint is very good with no peeling or flaking paint observed. The Transferee has been notified, through the SSSEBS documents**,** of the possible presence of LBP in these facilities. Notice will be provided to the Transferee that the Transferee will be responsible for managing all LBP and potential LBP in compliance with all applicable laws and regulations.

This disclosure and notification for lead-based paint is in accordance with the most recent AFRPA policy on management of lead-based paint: "Operating Procedures for the Management of Lead-Based Paint at Air Force Base Realignment and Closure Installations" dated May 2001. These new procedures incorporate the DoD/EPA Field Guide, HUD regulations, and EPA's TSCA 403 standards.

5.5 Lead-Based Paint (LBP) - Target Housing

The Air Force has conducted a survey using representative sampling to determine the presence of LBP in target housing on the property. Target housing is 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 for the elderly or persons with

disabilities) or any zero-bedroom dwelling. Based on Visual Site Inspections conducted in February 2002, the condition of the paint at target housing is very good with no peeling or flaking paint observed. No LBP hazards exist. The Transferee will be notified through the EBS, SEBS, and SSSEBS documents (for Groups 1, 6, and 8) of the presence and condition of LBP and will be provided with a copy of the LBP inspection report.

Soils around Wherry Housing, dormitories, temporary lodging facilities, and playground areas were sampled for lead in 1998. Lead concentrations ranged between 13 ppm and 74 ppm, which are below the minimum action level of 400 ppm in soils established by the U.S. EPA. Specific sampling results and locations are contained in the Air Force document "Sampling Lead In Soils For Target Housing Field Sampling Report, McClellan Air Force Base, California, January 1998."

The government is required to provide disclosure in accordance with the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of Public Law 102-550) prior to the disposition of target housing to a non-governmental entity. Before the Transferee is obligated under any contract of sale, it will be provided with a copy of the Environmental Protection Agency lead hazard information pamphlet, *Protect Your Family from Lead in Your Home*, and given at least 10 calendar days to conduct a risk assessment or inspection for the presence of LBP hazards. The contract of sale will contain the Lead Warning Statement required by Title X, and a statement signed by the purchaser that the purchaser has (a) read the statement and understands its contents, (b) has received the information pamphlet, and (c) had 10 days to conduct a risk assessment or inspection.

The Transferee has agreed, in the contract for sale, to identify and abate all LBP hazards in pre-1960 target housing prior to deed transfer. This work will be conducted in accordance with Title X and all applicable Federal, State, and local laws and regulations. Inspection and certification after abatement shall be made by a qualified inspector, industrial hygienist, or local public health official, and the results shall be provided by the Transferee to the Air Force.

The Transferee has agreed, in the contract for sale, to identify LBP hazards in target housing constructed between 1960 and 1978 in accordance with Title X, and to comply with all applicable Federal, State and local laws and regulations.

For Public Benefit Transfers, the Sponsoring agency will be advised of the applicability of Title X to this property. Facilities, which have historically been used for residential purposes, are indicated in Table 1-1 of the SSSEBS documents for Groups 1, 6, and 8.

The disclosure and notification requirements for lead-based paint are in accordance with the most recent AFRPA policy on management of lead-based paint: "Operating Procedures for the Management of Lead-Based Paint at Air Force Base Realignment and Closure Installations" dated May 2001. These new procedures incorporate the DoD/EPA Field Guide, HUD regulations, and EPA's TSCA 403 standards.

5.6 Polychlorinated Biphenyls (PCBs)

Serviceable PCB-containing equipment is not present on the property. However, fluorescent light ballasts in facilities constructed prior to 1979 are suspected to contain PCB oils.

5.7 Air Conformity/Air Permits

Air emission sources (boilers - natural gas fired) are present on the property at buildings 524, 786, 1401, and 1403. The Transferee will be responsible for obtaining any necessary air emission permits prior to operation of these sources.

5.8 Flood Plains

Building 786 and surrounding property are located within a 100-year flood plain. The Transferee will be responsible for complying with any applicable laws and regulations relating to construction activities within the flood plain.

5.9 Historic Property

Historic structures are present on the property. Buildings 72, 73, 74, 75, 80, 103, 104, 105, 106, 107, 108, and 109 have been designated as having historical significance and are part of the historic district. The Transferee will agree, through a covenant in the Deed, to not conduct any alterations, construction, demolition, excavation, ground-disturbing activities, or any other actions that would affect the integrity or appearance of the property without prior written permission from the State Historic Preservation Office (SHPO). Furthermore, the Transferee will covenant in the Deed to take action to protect the historic property from the elements, vandalism, and arson. A programmatic agreement (PA) approved by the Advisory Council on Historic Preservation and the SHPO was signed in April 1999. The PA defines historic preservation requirements for future users and incorporates the requirements of the SHPO-approved Maintenance Manual and Preservation Guidelines.

5.10 Sanitary Sewer Systems (Wastewater)

Certain facilities on the property are connected to Sacramento County sanitary sewer interceptor lines located near the boundary of the base. The Transferee will be responsible for submitting any required applications for discharging wastewater to the sanitary sewer system and for meeting all applicable wastewater discharge permit standards. The segment of the sanitary sewer system associated with this FOST is not being transferred at this time. It will be transferred under a utility Bill of Sale when other segments downstream and outside this FOST footprint are ready for transfer. Segments of the sanitary sewer outside this FOST footprint will not be ready for transfer until cleared of potential radiological issues. Based on the Site-Specific Conceptual Site Model for Sanitary Sewer Lines as documented in the Final Field Sampling Plan: Radiological Survey/Investigation of the Sanitary Sewer System (April 2004), there are no radiological issues associated with the segment of sanitary sewer within this FOST. Therefore, no buffer zones to prevent potential radiological exposures are warranted for the property with

this FOST footprint. However, the deed will ensure that the Air Force maintains right of access to the sanitary sewer to conduct maintenance and repairs as needed while the Air Force still owns the sanitary sewer. There are no Industrial Wastewater Lines located within the footprint of this FOST.

5.11 Biological Resources

Certain areas of the property are classified as designated wetlands. A vernal pool and seasonal wetland are located northeast of building 1434 in parcel A1. The deed will reference the existence of the wetlands and their regulatory control, and will contain restrictive provisions assuring that no actions can be taken which would adversely affect those wetlands. Any property development affecting wetlands will be subject to Section 404 of the Clean Water Act [and any State provisions]. The Air Force completed formal consultation on parcel A1 with the U.S. Fish and Wildlife Service (FWS) in March 2004. The FWS issued a Biological Opinion dated March 25, 2004. The transferee is responsible for complying with the conservation measures, terms and conditions, and reporting requirements of the Biological Opinion. Second Creek runs through parcel A2. Burrowing owl nests have been sighted along Second Creek. The burrowing owl is a California species of special concern. Migratory birds nest at building 786. Migratory bird nests with eggs cannot be disturbed without prior coordination with the FWS, U.S. Department of Agriculture, and the California Department of Fish and Game. The deed will reference the existence of the species and their regulatory control and, when determined necessary, will contain restrictive provisions assuring that no actions can be taken which would adversely affect the species. The transferee will be responsible for conducting any consultations and mitigations prior to beginning new construction in endangered species habitats.

6. REGULATOR COORDINATION

The California Department of Toxic Substances Control, California Regional Water Quality Control Board, and the United States Environmental Protection Agency were notified in January 2002 of the initiation of this FOST and were invited to participate in preparing the working draft documents. Consolidated draft documents were provided in March 2002 for formal review and comment.

Regulator comments were received in April 2002 and were incorporated or addressed in this document. A draft final FOST was provided for final coordination in June 2002. The regulators documented by December 2002 that their comments had been adequately addressed. The Air Force developed new asbestos disclosure language after December 2003. Regulator review and coordination on this revised asbestos language took place during calendar year 2003 and early 2004. Copies of the regulator letters on the draft, draft final review, and revised asbestos language review are found in Attachment 7 with the responses shown in Attachment 8. There are no unresolved regulator comments associated with this FOST.

7. FINDING OF SUITABILITY TO TRANSFER

The deed proposal has been adequately assessed and evaluated for (a) environmental hazards, (b) environmental impacts anticipated from future use of the property, and (c) adequate notice of disclosure resources. The conditions of CERCLA Section 120(h)(4) have been satisfied. The property, therefore; is suitable for transfer.

May 25, 2004
Date

ALBERT F. LOWAS, JR.
Director
Air Force Real Property Agency

Attachments:
1. Vicinity Map
2. Site Location Map
3. Environmental Factors Considered
4. Contamination Status Map
5. Environmental Condition Reports
6. Updated VSI Reports
7. Regulator Comments
8. Response to Regulator Comments