

**FINDING OF SUITABILITY**

**TO**

**TRANSFER  
(FOST)**

**FORMER BRAC PARCELS 6 & 7**

**(COMMONLY KNOWN AS SUBARU LOT OF THE FORMER OAKLAND ARMY BASE)**

**63D ARMY RESERVE ENCLAVE, OAKLAND, CALIFORNIA**

**JUNE 2004**

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## ENCLOSURES:

- Encl 1 Legal Description of Property
- Encl 2 Environmental Protection Provisions
- Encl 3 Record of Environmental Consideration
- Encl 4 Environmental Baseline Survey for Subaru Lot

# **FINDING OF SUITABILITY TO TRANSFER**

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**MAY 2004**

## **1.0 PURPOSE**

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability of the approximately 19-acre property at 63D Army Reserve Enclave, Oakland, CA, commonly known as the Subaru Lot, consisting of Base Realignment and Closure (BRAC) parcels 6 and 7, for transfer to the Oakland Base Reuse Authority (OBRA) being the local reuse authority under BRAC law. The property is to be used for development consistent with the uses identified in the OBRA's Final Reuse Plan for the Former Oakland Army Base dated July 31, 2002. This FOST is consistent with Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Department of Defense (DoD) policy. In addition, the FOST identifies use restrictions as specified in the attached Environmental Protection Provisions necessary to protect human health or the environment after such transfer.

## **2.0 PROPERTY DESCRIPTION**

The 1995 BRAC Commission determined that Oakland Army Base (OARB) was to be closed and a Reserve Enclave for the U.S. Army Reserve (USAR) established. The USAR 63D Regional Readiness Command (RRC) identified the Subaru Lot as part of the property satisfying the mandated enclave action, and, in December 1998, the Subaru Lot was reassigned to the 63D RRC.

The Subaru Lot consists of 19.032 acres of staging area for the former OARB located in the County of Alameda. The property has perimeter and inner fencing. There is approximately 16 acres of minimum 12-inch thick asphalt pavement. Approximately 3 acres of the property is vacant land which had been used for the placement of dredged material from the San Francisco Bay. The property is currently used as a Military Equipment Parking (MEP) area and for privately owned vehicle parking during drill activities for the units at Heroic War Dead USAR Center and Oakland USAR Center #2.

### 3.0 ENVIRONMENTAL CONDITION OF THE PROPERTY

The United States Department of Defense, acting through the Secretary of the Army (Army) has determined the property's environmental condition through a review of information obtained during the course of a series of environmental investigations at the former OARB.

An Environmental Baseline Survey (EBS) was completed in September 1996 and included a comprehensive evaluation of all environmental information for the former Oakland Army Base that was available at that time. The EBS consisted of non-intrusive data gathering, including document reviews, visual inspections, and employee interviews. Additional environmental investigations have been conducted since the completion of the 1996 EBS. The EBS and information from these additional investigations were used in the process of determining the property's suitability to transfer.

The following investigative environmental actions, including record searches, preliminary assessments, site investigations, and remedial investigations, etc., have been completed on the Subaru Lot:

- *Basewide Environmental Baseline Survey for Oakland Army Base* (Foster Wheeler, September 1996)
- *Environmental Impact Statement for the Disposal and Reuse of Oakland Army Base* (U.S. Army Corps of Engineers/Foster Wheeler, December 2001)
- *Wetlands Investigation and Sensitive Plant Survey, Oakland Heroic War Dead USAR Center and AMSA 85(G), Oakland, California* (Vernadero Consulting, May 2003)
- *Phase II Investigation Report, Former Parcels 6 and 7, Former Oakland Army Base, Oakland, California* (EKI, August 2003)
- *Environmental Baseline Survey for Transfer, Former Parcels 6 and 7, Former Oakland Army Base, Oakland, California* (OBRA, May 2004)
- *Jurisdictional Wetland and Special Status Species Habitat Reconnaissance of Oakland Army Reserve Center, Subaru Parcel* (Wetlands Research Associates, December 2003)
- *Draft Amendment to Final Remedial Action Plan, Oakland Army Base, Oakland, California for Subaru Lot, Parcels 6 and 7, Heroic War Dead U.S. Army Reserve Center* (EKI, April 2004)

### 3.1 ENVIRONMENTAL CONDITION OF PROPERTY CATEGORIES

A determination of the environmental condition of the Subaru Lot has been made based on the reports documenting environmental investigations on the property listed in Section 3.0 of this document. The property has been evaluated and classified based on ASTM Designation D 5746-98 (2002) (Standard Classification of Environmental Condition of Property (ECP) Area Types for Defense Base Closure and Realignment Facilities). The information presented in the reports used to assign this property classification represent available environmental information including visual observations, site records, and federal and state database and file information

related to the storage, release, treatment, or disposal of hazardous substances and petroleum products or derivatives on the subject property, as well as other special environmental resources on the property. The DoD ECP Categories are as follows:

**Type 1:** Areas where no release or disposal of hazardous substances or petroleum products, or their derivatives has occurred (including no migration from adjacent areas).

**Type 2:** Areas where only release or disposal of petroleum products or their derivatives has occurred.

**Type 3:** Areas where release, disposal, or migration, or some combination thereof, of hazardous substances has occurred, but at concentrations that do not require a removal or remedial action.

**Type 4:** Areas where release, disposal, or migration, or some combination thereof, of hazardous substances has occurred, and all remedial actions necessary to protect human health and the environment have been taken.

**Type 5:** Areas where storage, release, disposal, or migration, or some combination thereof, of hazardous substances has occurred and removal or remedial, or both, are underway, but all required actions have not yet been taken.

**Type 6:** Areas where release, disposal, or migration, or some combination thereof, of hazardous substances has occurred, but all required response actions have not yet been initiated.

**Type 7:** Areas that are unevaluated or require additional evaluation.

### **3.1.1 ECP AREA TYPE**

In accordance with ASTM Designation D 5746-98 (2002), analysis of the information obtained and findings made during the environmental investigations were used to classify the property into one of the seven ECP area types. Accordingly, the subject property has been classified as Type 4. The entirety of the Subaru Lot, (OARB BRAC Parcels 6 &7) falls within this category. All investigative environmental actions have been completed and the remedy has been identified and approved.

### **3.2 STORAGE, RELEASE, OR DISPOSAL OF CERCLA HAZARDOUS SUBSTANCES**

Hazardous substances are presumed to have been stored for one year or more in excess of the reportable quantities listed in 40 CFR Part 373 on the Subaru Lot. All hazardous substance storage operations by tenant were terminated in 1988 when the last tenant vacated the property.

Hazardous substances may have been released or disposed of in excess of the 40 CFR Part 373 reportable quantities on the property. The only known release was unknown quantities of kerosene-based solvent on BRAC Parcel 7 of the property as part of tenant operations. Prior to vacating the property, the tenant performed remediation actions and received a closure letter from the State of California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB).

No additional releases have been found. The State of California Department of Toxic Substances Control (DTSC) has determined that any risks on this property can be managed through the imposition of land use controls, which the Army will record as its remedial action. See discussion in Section 4, below.

### **3.2.1 SOLID WASTE MANAGEMENT UNITS**

There are no Solid Waste Management Units on the subject property.

### **3.2.2 GROUNDWATER CONTAMINATION**

As a filled former shoreline area, the overall quality of the shallow groundwater is low. The RWQCB has concurred with the Army that sufficient data has been presented to determine that the shallow fill aquifer at the former OARB does not qualify as a potential drinking water source due to high levels of dissolved solids. The DTSC has determined that the potential risks associated with consumption of the groundwater may be mitigated through the use of institutional controls, i.e., prohibitions on construction of on-site wells for municipal, industrial, or irrigation uses.

### **3.2.3 SOIL CONTAMINATION**

Approximately 30,000 cubic yards of stockpiled "fill material" reportedly consisting of upland soil removed from the Port of Oakland Berth 30 shoreline was placed on Parcel 6 by the Port of Oakland in the early 1990's. Additional sampling by OBRA indicated that no chemicals of concern were present in the stockpiled soil (EKI, 2003).

No chemicals of concern were present on the Subaru Lot above risk-based remediation goals in any of the subsurface soil samples collected by OBRA (EKI, 2003). These subsurface soil samples were collected in locations corresponding to areas of the Subaru Lot where releases of hazardous substances could potentially have occurred, such as areas with historic salvage operations and open storage, areas with historic vehicle maintenance activities, and areas near historic railroad spurs. While one sample indicated the possibility of lead-impacted soil, following review of OBRA's Phase II sampling reports, DTSC determined that there is no lead-impacted soil on the site that would require clean-up.

## **3.3 PETROLEUM AND PETROLEUM PRODUCTS**

### **3.3.1 STORAGE, RELEASE, OR DISPOSAL OF PETROLEUM PRODUCTS**

There has been no known storage, release or disposal of petroleum products concerning this property other than the kerosene-based solvent identified in Section 3.2.

### **3.3.2 UNDERGROUND AND ABOVEGROUND STORAGE TANKS**

There is no evidence of underground storage tanks previously or currently located on the Subaru Lot.

Aboveground storage tanks used to store gasoline and kerosene were present on the Subaru Lot in the area associated with the former kerosene release area. These above ground tanks were removed and the area was remediated by the tenant. A records search indicated that two storage drums were previously located on the property:

- One 55-gallon drum used to store heating oil was located at the former building 905 site. That building was demolished and the drum removed in March 1998 by CALTRANS.
- One 50-gallon drum used to store heating oil was located at the former building 910 site. That building was demolished and the drum removed in March 1961. There is no evidence of spills from either of these drums.

### **3.4 POLYCHLORINATED BIPHENYLS (PCBs)**

There is currently no known PCB containing equipment on the property, and no records of unremediated releases from PCB equipment.

### **3.5 ASBESTOS**

There are currently no buildings located on the Subaru Lot. The only structures present on the site are utility poles, fire hydrants, and the transformer noted above. No asbestos surveys have been conducted on the property. It is unknown if there are asbestos-containing underground conduits present on the property.

### **3.6 LEAD-BASED PAINT**

There are currently no buildings located on the Subaru Lot. Historical buildings on the property have been demolished. Limited soil sampling by EKI indicated that lead-impacted soil, if any, is not widespread. The only structures present on the site are utility poles, fire hydrants, and the transformer noted above. No lead-based paint surveys were conducted on the property.

### **3.7 RADIOLOGICAL MATERIALS**

No records of storage or use of radioactive material or sources on the property were identified by the Army.

### **3.8 RADON**

No radon surveys were completed on the property. On behalf of the Army, a radon survey was conducted at other portions of the former OARB. The highest level of radon detected inside a building was 0.6 pCi/L (Montgomery Watson, 2002). The Army concluded that all radon detections at the former OARB were below the action level, and no further testing was needed.

### **3.9 UNEXPLODED ORDNANCE**

Based on a review of historical records and available information, none of the Subaru Lot is known or suspected to contain unexploded or abandoned ordnance and/or chemical or biological warfare agents.

### **3.10 BIOLOGICAL RESOURCES**

There is no evidence that threatened or endangered species occur on the Subaru Lot. A *Burrowing Owl Habitat Assessment and Burrow Survey*, by Vernadero Consulting May 2003, was conducted for the Subaru Lot and no burrowing owls or burrows were identified for this property or within the 500 foot buffer zone. In addition, a *Wetland Investigation and Sensitive Plant Survey*, by Vernadero Consulting May 2003, was conducted on the Subaru Lot. Vernadero Consulting noted that alkali milkvetch was not present on the property during their survey. The investigation determined that 3 isolated wetlands were located in Parcel 6 around the mounds of dirt. The San Francisco US Army Corps of Engineers determined the wetlands to be non-jurisdictional under federal law; however, the wetlands may be regulated by the RWQCB. As such, if the isolated wetlands exist at the time of transfer of the Property, mitigation may be required for any impacts to the wetlands.

### **3.11 ADJACENT PROPERTIES**

The Building 991 Remedial Action Plan (RAP) Site at the former Oakland Army Base is located approximately 150 feet northeast of Parcel 7. The Building 991 RAP Site was a locomotive repair shop, and releases of petroleum hydrocarbons and other chemicals of concern have impacted soil and groundwater in the vicinity of the building. The presence of these hazardous conditions, adjacent to the property for transfer, does not present an unacceptable risk to human health and the environment because protective measures and restrictions have been established in the DTSC-approved RAP and Risk Management Plan for the former OARB for the remediation of this site to ensure protection of human health and the environment.

### **4.0 REMEDIAL ACTION**

The remedial action required by the Army for this property is the imposition of land use controls (LUCs). The appropriate LUCs will be approved by the DTSC and included in the deed and the Covenant to Restrict Use of Property. The LUCs include:

(a) Sensitive land uses, including, but not limited to, residential housing, schools, day-care facilities, hospitals, and hospices are prohibited unless specifically approved by DTSC and the Army.

(b) The construction of groundwater wells and extraction of groundwater from new and existing wells for all purposes are prohibited unless specifically approved by DTSC and the Army.

All remediation activities on the Subaru Lot are completed or in place and operating properly and successfully as evidenced by the DTSC determination that appropriate remedies are in place and no further action is required by the Army.

## **5.0 REGULATORY/PUBLIC COORDINATION**

The United States Environmental Protection Agency Region 9, DTSC, RWQCB, and the public were notified of the initiation of the FOST. A thirty-day public comment period was held commencing on 19 May 2004 and ending on 18 June 2004. No regulatory/public comments were received during the comment period.

## **6.0 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE**

The environmental impacts associated with the proposed transfer of the Subaru Lot have been analyzed in accordance with the National Environmental Policy Act (NEPA). The Final Environmental Impact Statement (FEIS), dated December 2001, and Record of Decision, dated June 2002, prepared for the disposal and reuse of the former OARB discusses the transfer of the BRAC property to OBRA and examines the environmental impacts associated with the disposal and reuse of the former Oakland Army Base. The Subaru Lot is identified in the FEIS, Reconfigured Reuse Plan as part of the Gateway Development Area, North Sub area. As required by the Record of Decision, any encumbrances or conditions necessary to protect human health and the environment will be put in place as part of the disposal and reuse of the Subaru Lot and have been incorporated into the Conveyance Deed. In addition, the proposed transfer is consistent with the intended reuse of the property as set forth in the OBRA's Final Reuse Plan for Oakland Army Base. A Record of Environmental Consideration (REC), dated October 28, 2003, was prepared based on the FEIS to address the Subaru Lot transfer specifically.

## **7.0 ENVIRONMENTAL PROTECTION PROVISIONS**

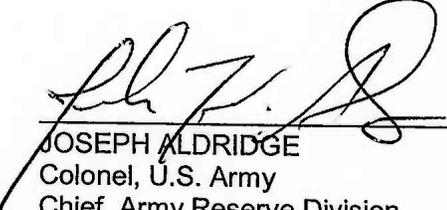
On the basis of the above results from the EBS and other environmental studies, and in consideration of the intended use of the property, certain terms and conditions are required for the proposed transfer. These terms and conditions are set forth in the attached Environmental Protection Provisions and will be included in the conveyance deed.

## 8.0 FINDING OF SUITABILITY TO TRANSFER

Based on the above information, I conclude that DoD requirements to reach a finding of suitability to transfer the property have been met, subject to the terms and conditions set forth in the attached Environmental Protection Provisions. As required under CERCLA Section 120(h) and DoD FOST Guidance, notification of hazardous substance activities and petroleum product activities shall be provided in the deed. All removal or remediation actions necessary to protect human health and the environment have been taken or are in place and operating properly and the property is transferable under CERCLA Section 120(h)(3). In addition to the Environmental Protection Provisions, the deed for this transaction will also contain:

- The covenant under CERCLA §120(h)(3)(A)(ii)(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 before the date of transfer;
- The covenant under CERCLA §120(h)(3)(A)(ii)(II) warranting that any remedial action under CERCLA found to be necessary after the date of transfer with respect to such hazardous substances remaining on the Property shall be conducted by the United States;
- The clause as required by CERCLA §120(h)(3)(A)(iii) 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.

The proposal for transfer of the property has been adequately assessed and evaluated for (a) environmental hazards, (b) environmental impacts anticipated from future use of the subject property to the extent known, and (c) adequate notice of disclosure resources. The transfer of this property does not present a current or future risk to human health or the environment, subject to inclusion and compliance with the appropriate deed covenants as addressed above.

  
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JOSEPH ALDRIDGE  
Colonel, U.S. Army  
Chief, Army Reserve Division

25 Jun 2004  
Date