

FINAL

**FINDING OF SUITABILITY TO TRANSFER
(FOST)**

Fort Monmouth, New Jersey

Carve Out Group 4

November 2020

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LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|--------------------------|--|
| $\mu\text{g}/\text{m}^3$ | microgram per cubic meter |
| $\mu\text{g}/\text{L}$ | microgram per liter |
| ACM | Asbestos-Containing Material |
| AST | Aboveground Storage Tank |
| ASTM | American Society of Testing and Materials |
| BRAC | Base Realignment and Closure |
| C4ISR | Command and Control, Communications, Computers, Intelligence, Sensors and Reconnaissance |
| CECOM | Communications-Electronics Command |
| CERCLA | Comprehensive Environmental Response, Compensation and Liability Act |
| CFR | Code of Federal Regulations |
| COC | Constituent of Concern |
| COPEC | Contaminant of Potential Ecological Concern |
| DCSCC | Direct Contact Soil Cleanup Criteria |
| DMM | Discarded Military Munitions |
| DOD | Department of Defense |
| ECP | Environmental Condition of Property |
| EDR | Environmental Data Report |
| EPP | Environmental Protection Provision |
| EUL | Enhanced Use Lease |
| FIFRA | Federal Insecticide, Fungicide, and Rodenticide Act |
| FMERA | Fort Monmouth Economic Revitalization Authority |
| FOST | Finding of Suitability to Transfer |
| FTMM | Fort Monmouth |
| IRP | Installation Restoration Program |
| LBP | Lead-Based Paint |
| MEC | Munitions and Explosives of Concern |
| NEPA | National Environmental Policy Act |
| NFA | No Further Action |
| NJDEP | New Jersey Department of Environmental Protection |
| NRDCSCC | Non-Residential Direct Contact Soil Cleanup Criteria |
| OSHA | Occupational Safety and Health Administration |
| PCB | Polychlorinated Biphenyl |
| PR | Petroleum Release |
| RA | Remedial Action |
| RDCSCC | Residential Direct Contact Soil Cleanup Criteria |
| RDX | Hexahydro-1,3,5-trinitro-1,3,5-triazine |
| RI | Remedial Investigation |
| SI | Site Investigation |
| TNT | 2,4,6-Trinitrotoluene |
| TPH | Total Petroleum Hydrocarbon |
| TPHC | Total Petroleum Hydrocarbon Content |
| UHOT | Unregulated Heating Oil Tank |
| USATHAMA | United States Army Toxic and Hazardous Materials Agency |

| | |
|--------|---------------------------|
| U.S.C. | United States Code |
| UST | Underground Storage Tank |
| UXO | Unexploded Ordnance |
| VOC | Volatile Organic Compound |

**FINAL
FINDING OF SUITABILITY TO TRANSFER
(FOST)**

**Fort Monmouth, New Jersey
Carve Out Group 4**

November 2020

1. PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability for transfer of the “carve out” at Parcel 57 (known as Carve Out Group 4 – the Property) of former Fort Monmouth, New Jersey. The carve out was not transferred with the surrounding property due to unresolved environmental issues associated with the carve out. The environmental issues have been resolved and this carve out is now suitable for transfer. The area is set to be transferred to the Fort Monmouth Economic Revitalization Authority (FMERA) consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h) and Department of Defense (DOD) policy. In addition, this FOST includes the CERCLA Notice, Covenant, and Access Provisions and other Deed Provisions and the Environmental Protection Provisions (EPPs) necessary to protect human health and the environment after such transfer.

2. PROPERTY DESCRIPTION

The property to be transferred to the FMERA under the Economic Development Conveyance authority consists of approximately 5.1 acres of land that was a former carve out that was not transferred with the surrounding property. The carve out planned for transfer under this FOST is located at Parcel 57, referred to as the Property. The Property is located within the Main Post portion of Fort Monmouth in the Borough of Oceanport (see Enclosure 1, Figures 1 and 2). Parcel 57 originally contained the area covered by this FOST as well as Building 1007 (Commissary Building) and limited area immediately surrounding the building. The Commissary Building and limited adjacent area were transferred with the Group 3 Carve Outs and the remaining portion of Parcel 57 is being transferred under this FOST. The portion of Parcel 57 covered by this FOST consists primarily of parking lot and open space associated with the Commissary Building.

Fort Monmouth is located in the central-eastern portion of New Jersey, approximately 45 miles south of New York City, 70 miles northeast of Philadelphia and 40 miles east of Trenton. The Atlantic Ocean is located approximately 2.5 miles to the east (see Figure 3). Former Fort Monmouth consists of the Main Post, Charles Wood Area and Evans Area. The Main Post encompasses an area of approximately 637 acres and is bounded by State Highway 35 to the west, Parkers Creek and Lafetra Creek to the north, New Jersey Transit Railroad to the east and residential neighborhoods to the south. The Charles Wood Area is comprised of approximately 489 acres and is located one mile west of the Main Post. The Evans Area consisted of approximately 219 acres and was transferred under the Base Realignment and Closure (BRAC) 1993 Program. The Main Post and Charles Wood Area are included in BRAC 2005. The

majority of the Charles Wood Area and Parcel B of the Main Post were transferred to the FMERA as the Phase 1 Parcels in 2012 and 2014. Portions of the Main Post were transferred to the FMERA as the Phase 2 Parcels in 2016.

The primary mission of Fort Monmouth was to provide command, administrative and logistical support for the Headquarters, United States Army Communications-Electronics Command (CECOM). CECOM was a major subordinate command of the United States Army Materiel Command and was the host activity. Fort Monmouth served as the center for the development of the Army's Command and Control, Communications, Computers, Intelligence, Sensors and Reconnaissance (C4ISR) systems.

In 2005, the United States Congress approved the BRAC Commission's recommendation to close Fort Monmouth (FTMM) by September 2011. The installation closed on September 15, 2011.

3. ENVIRONMENTAL DOCUMENTATION

A determination of the environmental condition of the Property was made based upon the following:

- Action Memorandum For Parcel 57, Fort Monmouth, Oceanport, Monmouth County, New Jersey, Parsons, September 6, 2018.
- FTMM Letter Report, Excavation at Parcels 49 and 57 Environmental Assessments/Support, Fort Monmouth, Oceanport, New Jersey, Tetra Tech, October 18, 2016.
- FTMM Report, Spill and Site Remediation Update Report, Gas/Fuel Oil Discharge Commissary Construction Site, Main Post Area, NJDEP Case # 97-1-11-0938-02, 9 February 1997.
- FTMM Letter Report. No Further Action Request, former Building 1004 Underground Storage Tank (UST 1004), Fort Monmouth, New Jersey, 4 December 2017.
- NJDEP Letter. No Further Action Approval for Unrestricted Use, Building 1004 Underground Storage Tank, Monmouth County, 31 January 2018
- FTMM Letter. Findings of the Parcel 57 Commissary Building Investigation, Fort Monmouth, Monmouth County, New Jersey, 7 November 2019.
- FTMM Letter. Replacement Pages for the Parcel 57 Commissary Building Investigation Letter Report, Fort Monmouth, Monmouth County, New Jersey, 19 November 2019.
- NJDEP Letter. No Further Action Approval for Unrestricted Use, Parcel 57 Commissary Building, Fort Monmouth, Oceanport, Monmouth County, 9 December 2019
- Soil Remedial Action Completion Report, Parcel 57 – Former Coal Storage and Railroad Unloading Area, AECOM Technical Services, July 2020.
- Remedial Investigation Report For Parcel 57 Fort Monmouth, Oceanport, Monmouth County, New Jersey, July 2020.
- NJDEP Letter. No Further Action Approval for Unrestricted Use, Parcel 57, 21 August 2020.
- Revised Proposed Plan for Sites FTMM-28, FTMM-54, FTMM-55, FTMM-56, FTMM-61 and Parcel 57, September 2020

- Record Of Decision, Sites FTMM-28, FTMM-54, FTMM-55, FTMM-56, FTMM-61 and Parcel 57, September 2020 (signed October 13, 2020).

The information provided in this FOST is a result of a complete search of agency files for the development and execution of the environmental surveys at Parcel 57. A complete list of documents providing information on environmental conditions of the Property is attached (Enclosure 2).

4. ENVIRONMENTAL CONDITION OF PROPERTY

The DOD Environmental Condition of Property (ECP) categories for Parcel 57 covered by this FOST are as follows:

ECP Category 2:

- Parcel 57: Portion of Parcel 57 adjacent to eastern side of Building 1007.

ECP Category 4:

- Parcel 57: Portion of Parcel – Parking Lot and areas adjacent to the western side of Building 1007.

A summary of the ECP categories and ECP category definitions are provided in Table 1 – Description of Property (Enclosure 3).

4.1. ENVIRONMENTAL REMEDIATION SITES

There were three remedial actions conducted on the Property (summarized in Sections 4.2.1, 4.2.2 and 4.3.2). All environmental soil and groundwater remediation activities on the Property have been completed. A summary of the environmental remediation sites is provided in Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal (Enclosure 4) and Table - 3 Notification of Petroleum Products Storage, Release or Disposal (Enclosure 5).

4.2. STORAGE, RELEASE, OR DISPOSAL OF HAZARDOUS SUBSTANCES

Hazardous substances were stored for one year or more and released or disposed of on the Property in excess of reportable quantities specific in 40 CFR Part 373. All hazardous substance storage operations have been terminated on the Property. Hazardous substances were released on the property in excess of the 40 CFR 373 reportable quantities at the following sites: PCB Remediation Site and PAH Remediation Site. The release or disposal of these hazardous substances was remediated at the time of release or as part of the Army's responsibilities to comply with CERCLA at Army installations. A summary of the area in which the hazardous substance activity occurred is provided in Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal (Enclosure 4). The CERCLA 120(h)(3) Notice, Description, and Covenant at Enclosure 5 will be included in the Deed.

4.2.1 PCB Remediation Site

There was one PCB remediation site at the Property:

Parcel 57 –Parking Lot Area Adjacent to Building 1007. PCB impacted soils in the northwest portion of Parcel 57 along the former rail line were excavated in July 2016. The soils were remediated to NJDEP Residential Direct Contact Soil Remediation Standard (RDCSRS). This removal action was documented in a letter report to NJDEP (Tetra Tech October 2016). This information was further referenced in the Remedial Investigation Report for Parcel 57 and No Further Action (NFA) Proposed Plan (September 2020) and No Further Action Record of Decision signed on October 13, 2020. The remedial action received concurrence from NJDEP (letter dated 21 August 2020).

4.2.2. PAH Remediation Site

Overall, Parcel 57 includes the former coal storage and unloading area along the former railroad in the south central portion of the Main Post along with parking lots and open space surrounding Building 1007 (Commissary Building) that were transferred with Group 3 Carve Outs. A removal action was performed to address PAH impacted soils and was documented in a letter report to NJDEP (Tetra Tech October 2016). Additional characterization of PAH impacted soils was accomplished in 2010 and 2015/2016 and the results are presented in the Remedial Investigation (RI) Report (Parsons July 2020). An Action Memorandum (Parsons, September 6, 2018) was prepared to support the removal of PAH impacted soils. The removal action was subsequently performed and all soils were remediated to RDCSRS. The removal action was documented in a Remedial Action Completion Report (AECOM, July 2020). The RI Report (Parsons July, 2020) documented both removal actions as well as characterization of the remaining soils and groundwater at Parcel 57, and concluded No Further Action was required, thus the Army proceeded with CERCLA closeout documents through a No Further Action Proposed Plan (September 2020) and ROD in September 2020 (signed October 13, 2020). NJDEP concurred with the Army's decision for No Further Action for unrestricted use of Parcel 57 (letter dated 21 August 2020).

4.3. PETROLEUM AND PETROLEUM PRODUCTS

4.3.1. UNDERGROUND AND ABOVEGROUND STORAGE TANKS

Current UST/AST Sites –

There are no known USTs or ASTs currently existing on the Property.

Former UST/AST Sites –

One former underground storage tank USTs was identified on the Property as following:

- One former underground storage tank UST was identified on the Property at the former location of Building 1004 (Former Building 1004 (UST-1004-158). The UST

was a 3,000 gallon tank used for storage of No. 2 fuel oil and was removed on June 26, 1990. No contamination was observed and no samples were taken associated with the original removal. Soil sampling for TPHC was performed in January 2006 and a closure report was submitted to NJDEP on 4 December 2017. NJDEP approved No Further Action for unrestricted use (letter dated January 31, 2018).

There were no former ASTs identified on the Property.

4.3.2. Petroleum Products

A petroleum removal action was completed in 1997 within the footprint of Building 1007 and out to the eastern boundary of Parcel 57 prior to construction of Building 1007 (see Figure 1). A portion of this removal was performed at the Property. This area is categorized as a Category 2 area (see Figure 2). Petroleum-contaminated soil was encountered during construction of the Commissary (Building 1007) in January 1997. The discharge was reported to NJDEP, and case number 97-1-11-0938-02 was assigned. Approximately 4,000 cubic yards of petroleum-contaminated soil were removed from Parcel 57 in 1997. A removal action report prepared by the FTMM Directorate of Public Works Environmental Office, dated 9 February 1997. The Army subsequently performed soil sampling in October of 2019 to document the then current conditions within the area of soil removal. The results are documented in FTMM letter report “Findings of the Parcel 57 Commissary Building Investigation, Fort Monmouth, Monmouth County, New Jersey,” 7 November 2019 and FTMM letter report “Replacement Pages for the Parcel 57 Commissary Building Investigation Letter Report, Fort Monmouth, Monmouth County, New Jersey,” 19 November 2019. NJDEP subsequently approved No Further Action for unrestricted use of the Commissary Building (letter dated 9 December 2019).

A summary of the non-UST/AST petroleum activities is provided in Table 3 – Notification of Petroleum Products Storage, Release or Disposal (Enclosure 5).

4.4. POLYCHLORINATED BIPHENYLS

There is no evidence that PCB-containing equipment is currently located on the Property.

4.5. ASBESTOS

There are no buildings on the property and no indication of any ACM being located on the property.

4.6. LEAD-BASED PAINT

There are no buildings or structures that would be painted therefore no lead-based paint is present on the Property.

4.7. RADIOLOGICAL MATERIALS

There is no evidence that radioactive material or sources were stored or used on the Property.

4.8. RADON

Radon surveys were conducted in 1991 by the Fort Monmouth Directorate of Engineering and Housing's Environmental Office as part of the Army's Radon Reduction Program. The survey was conducted for all of Fort Monmouth. Radon detectors were deployed in all structures designated as priority one buildings (daycare centers, hospitals, schools and living areas). Radon was not detected above the U.S. Environmental Protection Agency residential action level of 4 picocuries per liter in these buildings.

4.9. MUNITIONS AND EXPLOSIVES OF CONCERN

Based on a review of existing records and available information, there is no evidence that Munitions and Explosives of Concern (MEC) are present on the Property. The Property was historically used exclusively as an administrative area, there is no record of MEC being discovered on the Property, and there is no record that munitions related activities occurred at the Property.

The term "MEC" means military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 United States Code (U.S.C.) §101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) munitions constituents (e.g., 2,4,6-Trinitrotoluene (TNT), Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX)), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.

4.10. OTHER PROPERTY CONDITIONS

A geothermal wellfield (shutdown in 2019) is located under the asphalt parking lot next to Building 800 on Parcel 57.

5. ADJACENT PROPERTY CONDITIONS

The Property consists of one small carve out which lies within property that has been determined to present no unacceptable risks to human health and the environment. However Parcel 65, located adjacent to and east of the property contains a limited amount of petroleum impacted soils that is currently being removed and is not expected to impact Parcel 57. All petroleum impacted soils above criteria in Parcel 65 are planned to be removed. . An update of the Fort Monmouth electronic database search of environmental records for the Property and surrounding area was performed for the 2016 ECP Update Report and an update of this search was not necessary because conditions on the Property and in the area surrounding the Property have not changed materially. Surrounding land uses include residential and commercial

properties. Activities associated with these land uses are not likely to result in a recognized environmental condition in connection with the property. Additionally, potential environmental conditions external to the base are not anticipated to have an impact on these areas due to the relative distance to off-base potential sources.

6. ENVIRONMENTAL REMEDIATION AGREEMENTS

There are no environmental remediation agreements specifically applicable to the Property. The deed will include a provision reserving the Army's right to conduct remediation activities if necessary in the future (Enclosure 7).

7. REGULATORY/PUBLIC COORDINATION

The NJDEP and the public were notified of the initiation of this FOST. The FOST was made available for review from October 20, 2020 to November 19, 2020 at the Fort Monmouth Site Restoration Records website – www.fortmonmouthrecords.com and at the Monmouth County Library Eastern Branch. No comments from the public were received and the NJDEP reviewed the document and did not have comments.

8. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

The environmental impacts associated with the proposed transfer of the Property have been analyzed in accordance with the National Environmental Policy Act (NEPA). The results of this analysis are documented in the *Final Environmental Assessment of the Implementation of the Base Realignment and Closure at Fort Monmouth, New Jersey, March 2009* and the *Finding of No Significant Impact Environmental Assessment of the Disposal and Reuse of Fort Monmouth, New Jersey, February 2010*. There were no encumbrances or conditions identified in the NEPA analysis as necessary to protect human health or the environment.

9. FINDING OF SUITABILITY TO TRANSFER

Based on the above information, I conclude that all removal or remedial actions necessary to protect human health and the environment have been taken and the Property is transferable under CERCLA Section 120(h)(3). In addition, all DOD requirements to reach a finding of suitability to transfer have been met, subject to the terms and conditions set forth in the attached Environmental Protection Provisions (Enclosure 6) that will be included in the deed for the Property. The deed will also include the CERCLA 120(h)(3) Notice, Covenant, and Access Provisions and Other Deed Provisions. Finally, the hazardous substance notification (Enclosure 4, Table 2) will be included in the deed as required under CERCLA Section 120(h) and DOD FOST Guidance.

WILLIAMS.BRANDY
E.LEIKESHA.111943
7756

Digitally signed by
WILLIAMS.BRANDYE.LEIKESHA.1
119437756
Date: 2020.11.24 14:20:33 -05'00'

24 November 2020

Brandy L. Williams,
COL, GS
Chief, Army Environmental Division
Office of the Deputy Chief of Staff, G-9

Date

7 Enclosures

Encl 1 -- Figures

Encl 2 -- Environmental Documentation

Encl 3 -- Table 1 -- Description of Property

Encl 4 -- Table 2 -- Notice of Hazardous Substance Storage, Release, or Disposal

Encl 5 -- Table 3 -- Notification of Petroleum Products Storage, Release or Disposal

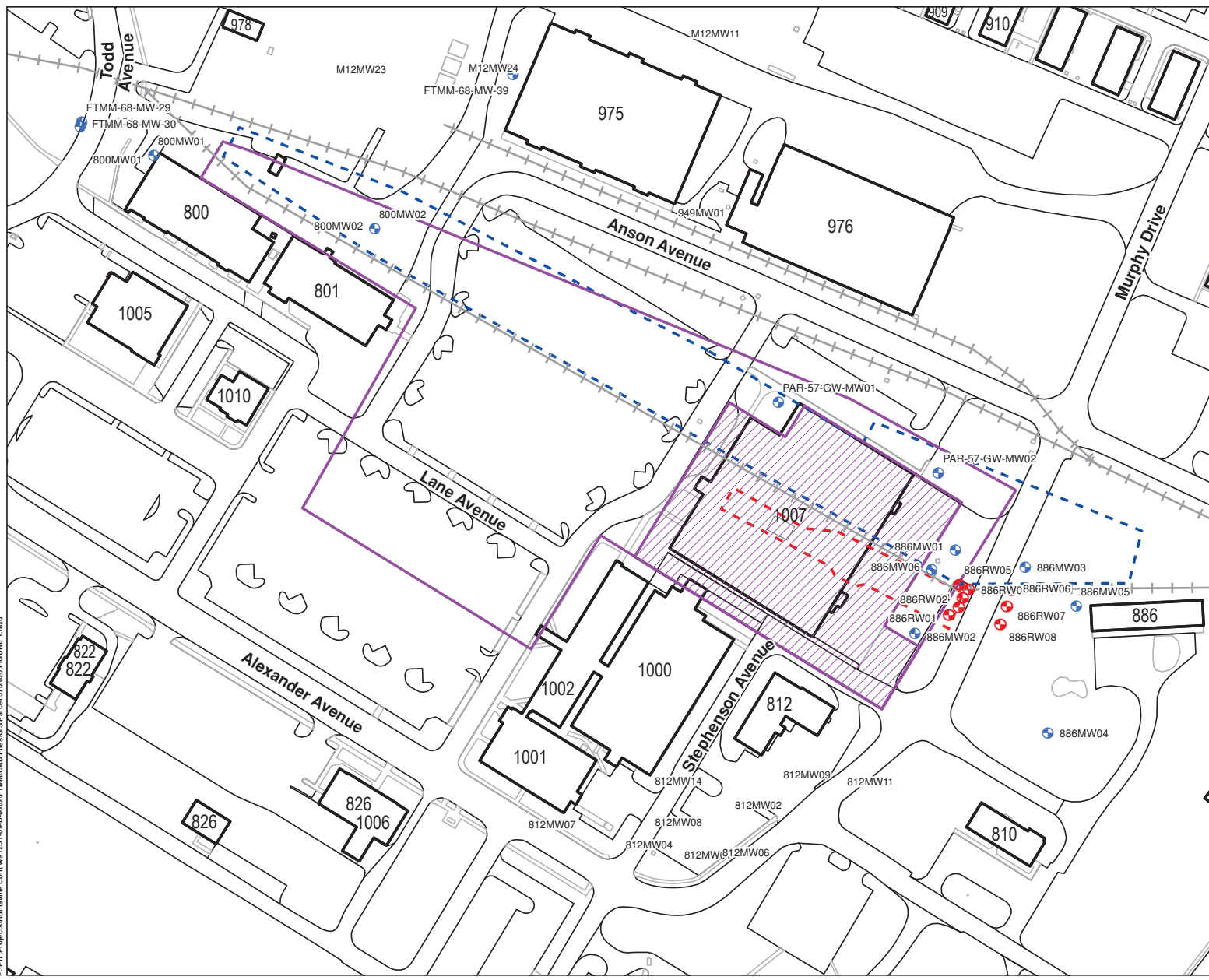
Encl 6 -- CERCLA Notice, Covenant, and Access Provisions and Other Deed Provisions

Encl 7 -- Environmental Protection Provisions

ENCLOSURE 1

FIGURES

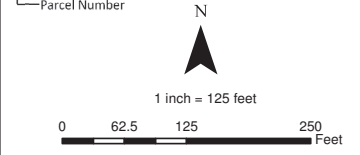
P:\IT\Projects\Huntsville Cont W9 2017\05-05-2016\FTMM\CAD Files\GIS\Parcel 57\2020\FIGURE 1.mxd



- LEGEND:**
- Shallow Monitoring Well
 - Recovery Well
 - Approximate Location of Former Railroad Track (based on 1962 FTMM plan figure)
 - Approximate Extent of Former Coal Storage
 - Petroleum Release Area
 - Parcel 57 Carve Out Boundary (Group 4)
 - Portion of Parcel 57 Transferred Under Group 3

BRAC Parcel Label Definitions

| | | |
|--------|-------------------------|------------------------------------|
| 8(2)PS | Contaminant Description | HS - Hazardous Substance Storage |
| | | HR - Hazardous Substance Release |
| | | PS - Petroleum Storage |
| | | PR - Petroleum Release |
| | | (P) - Possible Release or Disposal |
| | Category Number | |
| | Parcel Number | |



Source: FTMM Supplied CAD, 2013; U.S. Army BRAC, 2008.

| | | | |
|--|---------------------------|------------------------------------|------------------------------|
| PARSONS 401 Diamond Drive NW, Huntsville AL | | Fort Monmouth New Jersey | |
| FTMM ECP GROUP 4 WELL LOCATION MAP | | | |
| CREATED BY: RR | REVIEWED BY: JB | FIGURE NUMBER: FIGURE 1 | FILE: FIGURE 1.mxd |
| DATE: AUG. 2020 | | | |
| PROJECT NUMBER: 748810-02110 | | | |

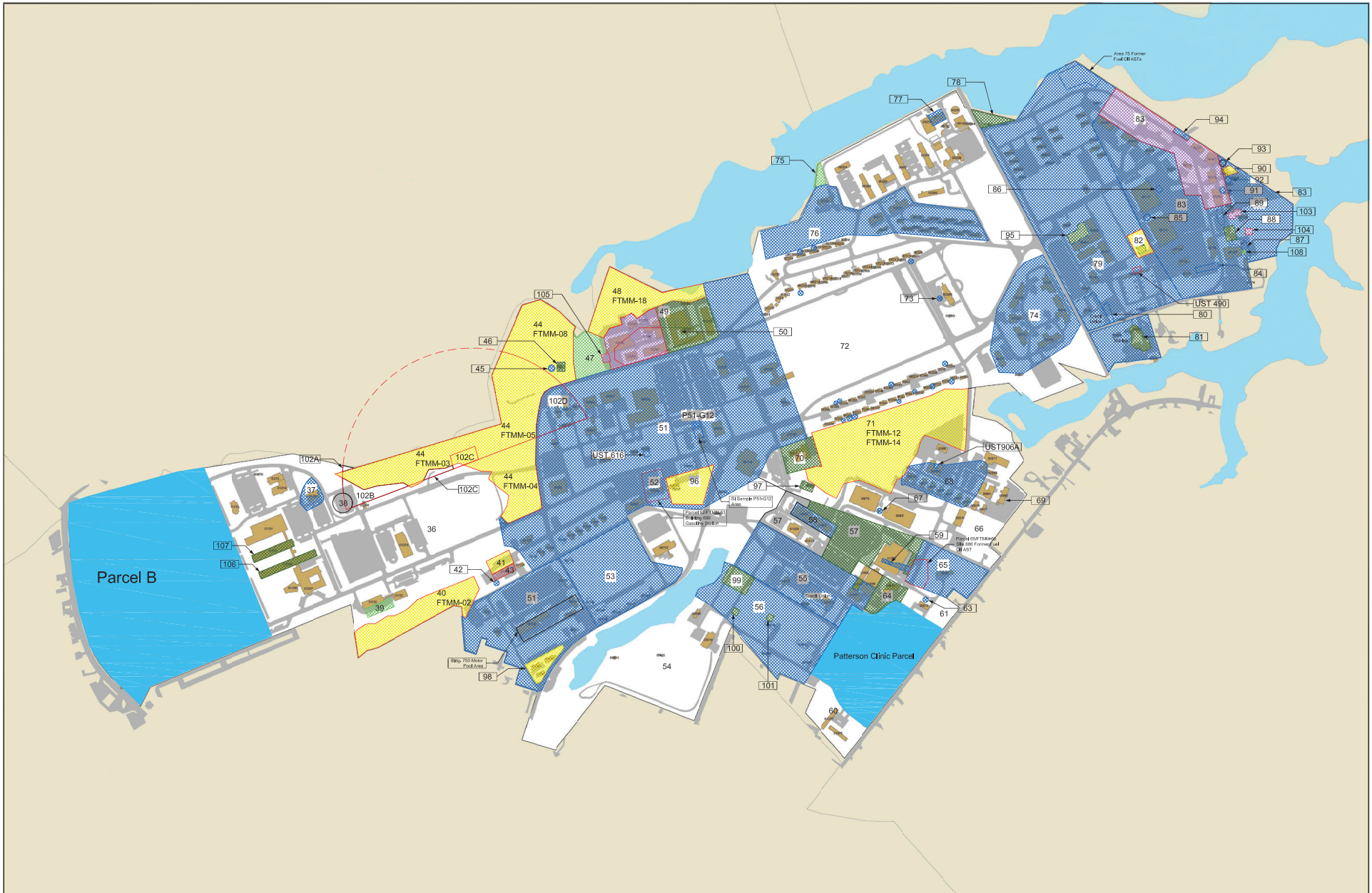















Figure 2
Fort Monmouth
ECP Property Category Map
Main Post

- | | | |
|--|---|--|
|  Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no mitigation of these substances from adjacent areas). |  Category 4: Areas where release, disposal, and/or mitigation of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken. |  44 ECP Parcel Number |
|  Category 2: Areas where only release or disposal of petroleum products or their derivatives has occurred. |  Category 5: Areas where release, disposal, and/or mitigation of hazardous substances has occurred, and removal or remedial actions are underway, but all required remedial actions have not yet been taken. |  Transferred Property |
|  Category 3: Areas where release, disposal, and/or mitigation of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response. |  Category 7: Areas that are not evaluated or require additional evaluations. |  Property to be transferred under separate deed |
| | |  Carve out areas |
| | |  Buildings |
| | |  Roads and Parking Areas |

N



300 150 0 150 300 600
 SCALE: 1" = 300'

August, 2020
 REVISED 08/12/20

Plotted 1:1 on A446 (24"x36") (8/12/20)




Date: 1/25/07

ArcGIS File: FTMON_018_Fig01_Facility.mxd

LEGEND

 Installation Boundary



Scale:
 Miles



Base Realignment and Closure 2005



U.S. Army Corps of Engineers



Shaw Shaw Environmental, Inc.



FIGURE 3
FACILITY LOCATION MAP
FORT MONMOUTH
NEW JERSEY

ENCLOSURE 2

ENVIRONMENTAL DOCUMENTATION

Action Memorandum For Parcel 57, Fort Monmouth, Oceanport, Monmouth County, New Jersey, Parsons, September 6, 2018.

FTMM Letter Report, Excavation at Parcels 49 and 57 Environmental Assessments/Support, Fort Monmouth, Oceanport, New Jersey, Tetra Tech, October 18, 2016.

FTMM Report, Spill and Site Remediation Update Report, Gas/Fuel Oil Discharge Commissary Construction Site, Main Post Area, NJDEP Case # 97-1-11-0938-02, 9 February 1997.

FTMM Letter Report. No Further Action Request, former Building 1004 Underground Storage Tank (UST 1004), Fort Monmouth, New Jersey, 4 December 2017.

NJDEP Letter. No Further Action Approval for Unrestricted Use, Building 1004 Underground Storage Tank, Monmouth County, 31 January 2018

FTMM Letter. Findings of the Parcel 57 Commissary Building Investigation, Fort Monmouth, Monmouth County, New Jersey, 7 November 2019.

FTMM Letter. Replacement Pages for the Parcel 57 Commissary Building Investigation Letter Report, Fort Monmouth, Monmouth County, New Jersey, 19 November 2019.

NJDEP Letter. No Further Action Approval for Unrestricted Use, Parcel 57 Commissary Building, Fort Monmouth, Oceanport, Monmouth County, 9 December 2019

Soil Remedial Action Completion Report, Parcel 57 – Former Coal Storage and Railroad Unloading Area, AECOM Technical Services, July 2020.

Remedial Investigation Report For Parcel 57 Fort Monmouth, Oceanport, Monmouth County, New Jersey, July 2020.

NJDEP Letter. No Further Action Approval for Unrestricted Use, Parcel 57, 21 August 2020.

Revised Proposed Plan for Sites FTMM-28, FTMM-54, FTMM-55, FTMM-56, FTMM-61, FTMM-64 and Parcel 57, September 2020.

Record of Decision, sites FTMM-28, FTMM-54, FTMM-55, FTMM-56, FTMM-61, FTMM-64 and Parcel 64, September 2020 (signed October 13, 2020).

ENCLOSURE 3

TABLE 1 – DESCRIPTION OF PROPERTY

| Building Number and Property Description | ECP Parcel Designation | Condition Category | Remedial Actions¹ |
|--|-------------------------------|---------------------------|--|
| Parking Area and Open Space at Commissary Building | Part of Parcel 57 | 2/4 | Overall, Parcel 57 includes the former coal storage and unloading area along the former railroad in the south central portion of the Main Post along with parking lots and open space and Building 1007 (Commissary Building). The property being considered for transfer is the parking lots and areas adjacent to the Commissary Building footprint (the Commissary Building was previously transferred). A Remedial Investigation (RI) for the entire Parcel was completed (July 2020) which included a Remedial Action Completion Report for remediation of soils within the areas outside of the Commissary Building footprint. The RI concluded there was no unacceptable risk at the Property and the site should be closed out with a No Further Action Proposed Plan and ROD under CERCLA. NJDEP concurred with the No Further Action decision for unrestricted use of all of Parcel 57 (letter dated 21 August 2020). In addition, a small portion of the Parcel 57 Carve Out covered by this FOST was determined to be within an area of a former petroleum release. This area was identified in the Army’s October 11, 2019 letter to NJDEP requesting concurrence on the proposed change to Category 1 for the Commissary Building and is also covered in the overall RI. This area was subsequently sampled in November 2019 and determined to be below NJDEP cleanup criteria (letter from the Army to NJDEP dated November 7, 2019) and supplemented by validated data submitted on November 19, 2019. NJDEP approved No Further Action for Unrestricted Use of the Parcel 57 Commissary Building (letter dated December 9, 2019). |

- Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas).
- Category 2: Areas where only release or disposal of petroleum products has occurred.
- Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response.
- Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.
- Category 5: Areas where release, disposal, and/or migration of hazardous substances has occurred, and removal or remedial actions are underway, but all required remedial actions have not yet been taken.
- Category 7: Areas that are not evaluated or require additional evaluation.

ENCLOSURE 4

TABLE 2 – NOTIFICATION OF HAZARDOUS SUBSTANCE RELEASE, STORAGE, OR DISPOSAL

| Building Number | Name of Hazardous Substance(s) | Date of Storage, Release, or Disposal | Remedial Actions |
|--|---------------------------------------|--|---|
| Parcel 57 (only parking lots and open areas adjacent to the Commissary Building (Building 1007) are included in this transfer) | PCBs and PAHs | Unknown | <p>Removal of PCB impacted soils in the northwest portion of Parcel 57 along the former rail line were excavated in July 2016. The soils were remediated to NJDEP Residential Direct Contact Soil Remediation Standard (RDCSRS). This removal action was documented in a letter report to NJDEP (Tetra Tech October 2016). This information was further referenced in the Remedial Investigation Report for Parcel 57. NJDEP approved No Further Action (NFA) for unrestricted use of all of Parcel 57 (letter dated 21 August 2020).</p> <p>Overall, Parcel 57 includes the former coal storage and unloading area along the former railroad in the south central portion of the Main Post along with parking lots and open space surrounding Building 1007 (Commissary Building) that was transferred with Group 3 Carve Outs. A removal action was performed to address PAH impacted soils and was documented in a letter report to NJDEP (Tetra Tech October 2016). Additional characterization of PAH impacted soils was accomplished in 2010 and 2015/2016 and the results are presented in the Remedial Investigation (RI) Report (Parsons July 2020). A Remedial Action Memorandum for Parcel 57 (Parsons, September 6 2018) was prepared to support the removal of PAH impacted soils. The removal action was performed and soils were remediated to RDCSRS. The removal action was documented in a Remedial Action Completion Report (AECOM, July 2020). The RI Report (Parsons July, 2020) documented both removal actions as well as the characterization of the remaining soils and groundwater at Parcel 57. NJDEP approved NFA for unrestricted use of all of Parcel 57 (letter dated 21 August 2020).</p> |

ENCLOSURE 5

TABLE 3 – NOTIFICATION OF PETROLEUM PRODUCT STORAGE, RELEASE, OR DISPOSAL

| TABLE 3 SUMMARY OF PETROLEUM PRODUCT STORAGE, RELEASE, OR DISPOSAL UNDERGROUND STORAGE TANKS | | | |
|---|-------------------------------------|--|--|
| Building Number | Name of Petroleum Product(s) | Date of Storage, Release, or Disposal | Remedial Actions |
| Underground Storage Tanks | | | |
| Parcel 57 Building 1004 (UST-1004-158) | #2 Fuel Oil | Removed 6-26-90. | The UST was a 3,000 gallon tank used for storage of No. 2 fuel oil and was removed on June 26, 1990. No contamination was observed and no samples were taken associated with the original removal. Soil sampling for TPHC was performed in January 2006 and a closure report was submitted to NJDEP on 4 December 2017. NJDEP approved No Further Action for unrestricted use (letter dated January 31, 2018). |
| Petroleum Release | | | |
| Building 1007 (adjacent to Parcel 57 Group 4 Property) | #2 Fuel Oil | Unknown release date. | A petroleum removal action was completed in 1997 within the footprint of Building 1007 and out to the eastern boundary of Parcel 57 prior to construction of Building 1007 (see Enclosure 1, Figure 1). A portion of this removal was performed at the Property. Petroleum-contaminated soil was encountered during construction of the Commissary (Building 1007) in January 1997. The discharge was reported to NJDEP, and case number 97-1-11-0938-02 was assigned. Approximately 4,000 cubic yards of petroleum-contaminated soil were removed from Parcel 57 in 1997. A removal action report prepared by the FTMM Directorate of Public Works Environmental Office, dated 9 February 1997. The Army subsequently performed soil sampling in October of 2019 to document the then current conditions within the area of soil removal. The results are documented in FTMM letter report "Findings of the Parcel 57 Commissary Building Investigation, Fort Monmouth, Monmouth County, New Jersey," 7 November 2019 and FTMM letter report "Replacement Pages for the Parcel 57 Commissary Building Investigation Letter Report, Fort Monmouth, Monmouth County, New Jersey," 19 November 2019. NJDEP subsequently approved No Further Action for unrestricted use of the Commissary Building (letter dated 9 December 2019). |

ENCLOSURE 6

CERCLA NOTICE, COVENANT, AND ACCESS PROVISIONS AND OTHER DEED PROVISIONS

The following CERCLA Covenant and Access Provisions, along with the Other Deed Provisions, will be placed in the deed in a substantially similar form to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities.

1. Property Covered by Notice, Description, Access Rights, and Covenants Made Pursuant to Section 120(h)(3)(A) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. Section 9620(h)(3)(A)):

For the Property, the Grantor provides the following notice, description, and covenants and retains the following access rights:

A. Notices Pursuant to Section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9620(h)(3)(A)(i)(I) and (II)):

Pursuant to section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h) is provided in Exhibit ____, attached hereto and made a part hereof.

B. Description of Remedial Action Taken, if Any, Pursuant to Section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)):

Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the property is provided in Exhibit ____, attached hereto and made a part hereof.

C. Covenant Pursuant to Section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B)):

Pursuant to section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(A)(ii) and (B)), the United States warrants that –

(1) All remedial action necessary to protect human health and the environment with respect to any hazardous substances identified pursuant to section 120(h)(3)(A)(i)(I) of the

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 remaining on the property has been taken before the date of this deed, and

(2) Any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States.

D. Access Rights Pursuant to Section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)):

A. Pursuant to section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)), the United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which an environmental response action or corrective action is found to be necessary on the part of the United States, without regard to whether such environmental response action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee and its successors and assigns, and shall run with the land.

B. In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the Property and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means, but without significant additional costs to the United States, to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. At the completion of any work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee, nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

C. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause. Provided, however, that nothing in this paragraph shall be considered a waiver by the Grantee, its successors and assigns, of any remedy available to them under the Federal Tort Claims Act. In addition, the Grantee, its successors and assigns, shall not interfere with any response action or corrective action conducted by the Grantor on the Property.

2. “AS IS” CONDITION OF PROPERTY

A. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property and accepts the condition and state of repair of the Property. The Grantee understands and agrees that the Property is conveyed “AS IS” without any representation, warranty, or guaranty by the Grantor as to the quantity, quality, title, character, condition, size, or kind, or that the same is in a suitable condition or fit to be used for the purpose(s) intended by the Grantee, and no claim for allowance or deduction upon such grounds will be considered.

B. No warranties, either express or implied, are given with regard to the condition of the Property including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of all or any portion of the Property including, without limitation, any asbestos, lead-based paint, or other conditions on the Property. The failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of all or any portion of the Property will not constitute grounds for any claim or demand against the Grantor.

C. Nothing in this “As Is” provision shall be construed to modify or negate the Grantor’s obligation under the “Covenant Pursuant to Section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(A)(ii) and (B)) or any other statutory obligations.

3. INDEMNIFY AND HOLD HARMLESS

A. To the extent authorized by New Jersey law, the Grantee, for itself, its successors and assigns, covenants and agrees to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the notices, covenants, conditions, and restrictions in this deed by the Grantee, its successors and assigns, and (2) any and all claims, damages, judgments, losses, and costs arising out of, or in any manner predicated upon, exposure to asbestos, lead-based paint, or other condition on any portion of the Property after the date of the conveyance.

B. The Grantee, for itself, its successors and assigns, covenants and agrees that the Grantor shall not be responsible for any costs associated with modification or termination of the notices, covenants, conditions, and restrictions in this deed including, without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, or other condition on any portion of the Property.

C. Nothing in this “Indemnify and Hold Harmless” provision shall be construed to modify or negate the Grantor’s obligations under the “Covenant Pursuant to Section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(A)(ii) and (B)).” or any other statutory obligations.

4. POST-TRANSFER DISCOVERY OF CONTAMINATION

A. If an actual or threatened release of a hazardous substance is discovered on the Property after the date of conveyance herein, Grantee, its successors or assigns, shall be responsible for such release or threatened release of such newly discovered hazardous substance unless Grantee, its successors or assigns is able to demonstrate that such release or threatened release of a hazardous substance was due to Grantor's activities, use, or ownership of the Property. If the Grantee, or its successors or assigns believe the newly discovered hazardous substance is due to the Grantor's activities, use or ownership of the Property, the Grantee, or its successors or assigns shall immediately secure the site and notify the Grantor of the existence of the hazardous substance, and Grantee, or its successors or assigns shall not further disturb or allow the disturbance of such hazardous substances without the written permission of the Grantor.

B. Grantee, for itself, its successors and assigns, as part of the consideration for the conveyance of the Property, hereby releases the Grantor from any liability or responsibility for any claims arising solely out of the release or threatened release of any hazardous substance on the Property occurring after the date of the conveyance herein where such hazardous substance was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents, or contractors after the conveyance herein. This "Post-Transfer Discovery of Contamination" provision shall not affect the Grantor's responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations, or the Grantor's obligations under the "Covenant Pursuant to Section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(A)(ii) and (B))."

5. ENVIRONMENTAL PROTECTION PROVISIONS

The Grantee shall neither transfer the Property, lease the Property, nor grant any interest, privilege, or license whatsoever in connection with the Property without including the Environmental Protection Provisions set forth in Exhibit ____, attached hereto and made a part hereof, and shall require the said provisions be included in all subsequent deeds, easements, transfers, leases, or grant of any interest, privilege, or license in, of, on, or to the Property or any portion thereof.

ENCLOSURE 7

ENVIRONMENTAL PROTECTION PROVISIONS

The following conditions, restrictions, and notifications will be placed, in a substantially similar form, in the deed to ensure protection of human health and the environment.

1. LAND USE RESTRICTIONS

The United States Department of the Army has undertaken careful environmental study of the Property and concluded that the land use restrictions set forth below are required to ensure protection of human health and the environment. The Grantee, its successors or assigns, shall not undertake nor allow any activity on or use of the property that would violate the land use restrictions contained herein.

A. **Ground Water Restriction.** The Grantee, for itself, its successors and assigns, hereby covenants and agrees not to access or use, or allow access to or use of the ground water underlying the Property for any purpose without the prior written approval of the United States Department of the Army. For the purpose of this restriction, "ground water" shall have the same meaning as in section 101(12) of the CERCLA. Notwithstanding the foregoing, the following activities and impacts shall be permissible and shall not violate the aforesaid restriction if conducted in compliance with all applicable laws and regulations: (i) dewatering solely because of incidental contact with ground water from construction and/or improvements on the Property; (ii) incidental pumping of ground water associated with preventing moisture from entering a sub-grade structure (i.e., sump pump); and (iii) ground water monitoring wells solely for the purpose of performing environmental sampling and/or monitoring.

B. **Modifying or Terminating the Restrictions.** Nothing contained herein shall preclude the Grantee, its successors or assigns from undertaking, in accordance with applicable laws and regulations and without any cost to the Grantor, such action as would be necessary to allow access to or use of the ground water underlying the Property. Prior to any such use of the ground water restricted under the paragraph above, the Grantee shall consult with and obtain the approval of the Grantor. Upon the Grantee's obtaining the approval of the Grantor, the Grantor agrees to prepare and execute an instrument modifying or terminating, as appropriate, the land use restriction set forth herein. The recordation of any such instrument in the land records of Monmouth County, New Jersey shall be the responsibility of the Property owner and shall be accomplished at no additional cost to the Grantor.

C. **Submissions.** The Grantee, its successors and assigns shall submit any requests for modification or termination of the restrictions set forth herein to the Grantor, by first class mail, postage prepaid, addressed as follows:

Grantor:

Office of the Assistant Secretary of the Army (Installations & Environment)
110 Army Pentagon Room 3E464
Washington, D.C. 20310-0110

With a copy to:

U.S. Army Engineers District, New York
26 Federal Plaza, Room 2007 (CENAN-RE-M)
New York, NY 10278

2. NOTICE OF THE PRESENCE OF PESTICIDES AND COVENANT

A. The Grantee is hereby notified and acknowledges that registered pesticides have been applied to the property conveyed herein and may continue to be present thereon. The Grantor and Grantee know of no use of any registered pesticide in a manner (1) inconsistent with its labeling or with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136, et seq.) and other applicable laws and regulations, or (2) not in accordance with its intended purpose.

B. The Grantee covenants and agrees that if the Grantee takes any action with regard to the property, including demolition of structures or any disturbance or removal of soil that may expose, or cause a release of, a threatened release of, or an exposure to, any such pesticide, Grantee assumes all responsibility and liability therefor.