

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

**Fort Monmouth, New Jersey**

**Fort Monmouth, Main Post Patterson Clinic Parcel**

*August 27, 2012*

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

Fort Monmouth, New Jersey

Fort Monmouth, Main Post Patterson Clinic Parcel

**1. PURPOSE**

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability of Fort Monmouth (FTMM), Main Post (MP) Patterson Army Health Clinic Parcel (Clinic Parcel) for transfer 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, the FOST includes the CERCLA Covenant and Access Provisions for the Clinic Parcel and other Deed Provisions and the Environmental Protection Provisions (EPPs) necessary to protect human health or the environment after such transfer.

**2. PROPERTY DESCRIPTION**

This FOST covers FTMM, MP Patterson Army Health Clinic (PAHC) parcel (Clinic Parcel); approximately 15.5 acres (see Figure 1, Enclosure 1) (“Property”). The parcel includes building 1075 and adjacent landscaped areas; and a parking area across Stevenson Avenue from the Clinic. The Clinic Parcel includes parts or portions of six parcels that were designated during the preparation of the Environmental Condition of Property (ECP) Report Fort Monmouth, Monmouth County, New Jersey, Final, 29 January 2007 for purposes of organizing that report (called ECP Parcels). ECP Parcel 61 makes up the majority of the Clinic Parcel and includes Building 1075. Parts of ECP Parcels 55, 56, 60, 62 and 64 make up the remaining area of the Clinic Parcel.

The primary mission of FTMM was to provide command, administrative, and logistical support for Headquarters, U.S. Army Communications and Electronics Command (CECOM). CECOM is a major subordinate command of the U.S. Army Material Command (AMC) 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, operated as a partnership between the AMC and the Assistant Secretary of the Army for Acquisition, Logistics and Technology on the Main Post (MP). C4ISR was the primary tenant of the Fort. Much of the Army’s research and development of high-tech systems was done at Fort Monmouth. The support provided by the Garrison was used by tenant activities in the performance of research, development, procurement, and production of prototype communications and electronics equipment for use by the U.S. Armed Forces. FTMM is divided into three areas: MP, the Charles Wood Area (CWA) and the Evans Area (EA).

FTMM is located in the central-eastern portion of New Jersey in Monmouth County, approximately 45 miles south of New York City, 70 miles northeast of Philadelphia, and 40 miles east of Trenton. The Atlantic Ocean is approximately 3 miles to the east. Fort Monmouth falls

within the Boroughs of Eatontown, Oceanport, and Tinton Falls. The Clinic Parcel is in the Oceanport Borough.

The original FTMM Army camp, established for signal troop training in 1917, was called Camp Little Silver. The majority of MP property was previously developed as the Monmouth Park Race Track, dating from 1870 to 1893. The one-mile horse racing track was located in the vicinity of the Clinic Parcel near the intersection of Broad Street and Park Avenue. A larger Monmouth Park was constructed and opened on July 4, 1890. The oval track was centered on present day Greeley Field. Grandstands and a luxury hotel along Parkers Creek were part of the associated land uses. The entire facility encompassed 640 acres of land, the majority of which later became part of MP. Vacated buildings and structures fell into ruin and the hotel burned to the ground in 1915. The land was owned by Melvin Van Keuren when it was evaluated for use by Camp Little Silver. The Army leased 468 acres from Mr. Van Keuren on May 16, 1917. The land was farmed with potato crops for at least four years prior to this lease.

The MP of FTMM was established on June 17, 1917, as Camp Little Silver. The name of the Camp was changed after 3 months to Camp Alfred Vail. The initial mission of the Camp was to train Signal Corps operators for service in World War I. In the first 19 months of the Camp's existence, 129 semi-permanent structures were built, a tent camp was established on the site of a former swamp, and a parade ground was established on the site of a former marsh. A radio laboratory and an airfield were developed in 1918. After the war, Camp Vail was designated as the site of the Signal Corps School, the only training area for Signal Corpsmen in the country. All but four World War I structures were demolished by 1924.

In 1925 the facility became a permanent post and its name was changed to FTMM. The primary mission of FTMM continued to be Signal Corps training and electronics research. In 1934, laboratory operations were consolidated in a new facility, Squier Laboratory (Building 283). Research on radios and radar continued here until the early 1950s. During World War II, the pace of training increased tremendously at FTMM. The expanded laboratory effort was accomplished by starting new laboratories at other post facilities. Squier Laboratory continued to be the principal laboratory on MP until 1954. In 1955 and 1956, 72 World War II wooden structures were demolished to make room for permanent structures. These new buildings were used for residential, administrative, commercial, and recreational purposes. A small number of additional administrative buildings were completed during the 1970s, 1980s, and 1990s.

During World War II, the Camp was used for training Signal Corpsmen. Antenna shelters were constructed on 26.5 acres of land and used by the Signal Corps Laboratory for R&D purposes.

#### *Building 1075 – Patterson Army Hospital*

Building 1075 was constructed in 1961 to accommodate hospital services. During the ECP in 2006 a visual site inspection (VSI) was conducted at Building 1075. The facilities observed included: an X-ray clinic (with developer), microbiology lab, dental clinic, and a maintenance shop. Also, during the 2006 VSI, numerous floor drains were observed in the basement that led to the pneumatic sewage ejector and into the sanitary sewer.

The X-ray development was digital except for one mammography processor and two dental film processors. All fixers (X-ray development chemicals) were channeled through pipes to the basement, captured in a secondary containment area using 55-gallon drums, then processed as hazardous waste. Medical waste was labeled and stored in an outdoor shed for pick up prior to off-site disposal.

Documentation from 1972 indicated that PAHC provided all laboratory, radiological, electrocardiographic, and audiometric support in Building 1075. Special consultative services, emergency care, and hospitalization were also provided, including services for occupational illness and injury. In addition to ambulance service from the main hospital, each satellite clinic had local ambulance service. The PAHC provided care for 4,244 employees.

A 1978 report summarized inspection results in the following service areas located at PAHC: Pathology in Room 1A65, the Morgue in Room 11, Physical Therapy in Room 1D65, a Urology Clinic, a Medical Clinic, a Carpenter Shop, and a Machine Room. The following PAHC rooms were itemized in a 1984 report:

- Room 1A11 – Pharmacy
- Room 1A25A – X-ray Developing
- Room 1A66 – Lab
- Room 1A67 – Serology Lab
- Room 1A85 – Chemistry Lab with fume hoods
- Room 1B37 – Clinic
- Room 1D22 – Medical Clinic
- Room 1D46 – Medical Clinic
- Room 1D67 – Podiatry/Dermatology
- Room 1D83 – Emergency
- Room 1D95 – Pediatrics
- Room 2A36 – OR Suite
- Room 3C13 – Gynecology
- Morgue

In 1995, Patterson Army Hospital (PAH) was downgraded from a hospital to a health clinic. A Pollution Prevention Opportunity Assessment done in late June 1995 showed the following areas present at PAHC: Emergency Room, Operating Room, Laboratory, Radiology, Outpatient Pharmacy, and a Dental Clinic. Information provided by FTMM personnel indicated the morgue was closed in the early 1990s. Operating rooms were closed in approximately 1995/1996.

According to a 1999 U.S. Army Center for Health Promotion & Preventive Medicine (USACHPPM) report, regulated medical waste was picked up from PAHC every Tuesday by a contractor, Environmental Control Company, who transported it off post to an incinerator.

The hospital generated hazardous waste by the use of equipment that contained mercury. The development of X-rays and other medical images created chemical waste streams.

Malfunctioning spray cans generated hazardous waste as well. Typical waste included mercury spill debris and aerosol lubricant cans. The potential for a release to the environment from Building 1075 operations was considered a Recognized Environmental Condition (REC) during the ECP process.

The PAHC Parcel is intended to be transferred to the Fort Monmouth Economic Revitalization Authority (FMERA) and subsequently sold for use as a medical facility. This use is consistent with the intended reuse of the property as set forth in the FMERA Reuse Plan. A site map of the property is attached (Enclosure 1).

### **3. ENVIRONMENTAL DOCUMENTATION**

A determination of the environmental condition of the property was made based upon the:

- U.S. Army BRAC 2005 Environmental Condition of Property Report Fort Monmouth, Monmouth County, New Jersey, Final, 29 January 2007.
- U.S. Army BRAC 2005 Site Investigation Report Fort Monmouth, Final, 21 July 2008.
- Draft Baseline Ecological Evaluation Report, May 2011.
- U.S. Army, Environmental Condition of Property Update Report, Fort Monmouth, Monmouth County, New Jersey, August 23, 2012.

The information provided is a result of a complete search of agency files during the development of these environmental surveys.

A complete list of documents providing information on environmental conditions of the property is attached (Enclosure 2).

### **4. ENVIRONMENTAL CONDITION OF PROPERTY**

The Clinic Parcel includes a portion of Environmental Condition of Property (ECP) parcel 60 which includes open grassed area; all of parcel 61 which includes building 1075 and surrounding landscaping; all of ECP parcel 62 which included former building 1074; a portion of parcel 55 which is a parking lot across Stevenson Avenue from the clinic; a portion of ECP parcel 56 which is also a parking lot across Stevenson Avenue from the clinic; a portion of ECP parcel 64 which is a landscaped area north of the clinic.

The ECP categories for the ECP parcels or portions thereof that make up the Clinic Parcel are as follows:

- ECP Category 1: Parcel 60 and 61 are category 1. The category for Parcel 61 was updated based on sampling performed as part of the Site Inspection performed in 2007 and 2008 and the change in category documented in the ECP Update Report.
- ECP Category 2: ECP parcel 55 is Category 2. The portion of Parcel 55 is the parking lot across Stevenson Avenue from the clinic. Parcel 62 is a Category 2 and was the location of

former building 1074 and two USTs were removed from this area and remediation of petroleum contaminated soils was completed and an NFA received from NJDEP.

- 
- ECP Category 3: None of the PAHC parcel is category 3.
- ECP Category 4: Parts of ECP parcels 56 and 64 are Category 4. A portion of Parcel 56 is the parking lot across Stevenson Avenue from the clinic. The portion of parcel 64 that is in the Clinic Parcel is a landscaped area across Murphy Drive from Building 812.
- ECP Category 5: None of PAHC parcel is category 5.
- ECP Category 6: None of the PAHC parcel is category 6.
- ECP Category 7: None of the PAHC parcel is category 7.

A summary of the ECP categories for specific buildings, parcels, or operable units and the ECP category definitions is provided in Table 1 – Description of Property (Enclosure 3).

#### **4.1 Environmental Remediation Sites**

As discussed above, Building 1075 on Parcel 61 was considered a REC during the ECP process. Also, there are environmental concerns associated with the former gasoline service station at Building 812 (ECP Parcel 64) across Murray Drive from Building 1075. There is groundwater contamination associated with the former service station that is currently being remediated. Parts of ECP parcels 55 and 56 are included in the PAHC Parcel area and remedial actions were taken in those parcels to remove contaminated soils and underground storage tanks were also removed from those parcels as part of past actions.

##### ***Parcel 61 – Building 1075 Patterson Army Health Clinic***

During the 2006 VSIs, numerous floor drains were observed in the basement of Building 1075 that led to the pneumatic sewage ejector and into the sanitary sewer. As part of a Site Inspection (SI) report issued in 2008, the site was investigated for possible soil and sediment contamination. Surface soil samples and sediment samples were collected and analyzed as part of the SI (see Figure 1, Enclosure 1).

Three base/neutral (B/Ns) Polycyclic Aromatic Hydrocarbon (PAHs) (benzo[a]anthracene, benzo[b]fluoranthene, and benzo[a]pyrene) were detected at concentrations exceeding the NJDEP Non-Residential Direct Contact Soil Cleanup Criteria (NRDCSCC) and Main Post Background Concentration (MPBC) in one surface soil sample. The B/N COCs identified in soil at Parcel 61 are PAHs. PAHs are contained in asphalt and are commonly detected in soil under asphalt pavement. The PAHs detected in soil are attributable to the former asphalt pavement. These are not considered releases by the NJDEP and a no further action letter (NFA) for this area has been provided by the NJDEP and they have concurred on the change in category of Parcel 61 from a Category 7 to a Category 1.

The sediment samples collected as part of the 2008 SI were collected at the discharge point for a storm sewer from the Clinic Parcel (approximately 1,100 feet from Building 1075) at Oceanport Creek. The sediment samples did exceed some benchmarks and were evaluated in the Baseline Ecological Evaluation report (update dated June 26, 2012). The conclusion from that report indicates that no further ecological evaluation is necessary for this area. While the NJDEP is currently reviewing this report, the NJDEP has concurred with the Army's determination that Parcel 61 should be re-categorized as uncontaminated based on the fact that there is no indication of releases from Parcel 61 and thus, the impacts to Oceanport Creek should not be attributed specifically to Parcel 61. Should the NJDEP require further evaluation of the discharge area being evaluated in the BEE that was associated with Parcel 61 (or even action at this area), that evaluation would be done at the location away from Parcel 61 and thus, does not impact the re-categorization for Parcel 61.

#### ***FTMM-64: Building 812***

The ECP Parcel for Building 812 extended from the building on Stephenson Avenue across Murray Drive onto the 15-acre PAHC parcel. The fuel dispensing operations at Building 812 took place along Murray Drive but did not extend across Murray Drive toward Building 1075.

Based upon historical records, site FTMM-64 has been identified as a former gasoline distribution area. The former gasoline station was located off Murphy Drive in what is now a parking lot for Building 812. Aerial photographs dating from 1947 through 1961 clearly show the gasoline station. An aerial photograph, taken in August of 1971, no longer shows the station at the site.

In order to determine any adverse environmental impacts from the former gasoline station, a Site Inspection (SI) was initiated in September of 1999. A total of five borings were completed at the site. Soil and groundwater samples were collected and analyzed for Volatile Organic Analysis (VOA) + 15 parameters, plus lead. The groundwater sample collected from boring # 5 contained the following Volatile Organic Compounds (VOCs) above the New Jersey Department of Environmental Protection (NJDEP) Groundwater Quality Criteria: benzene, total xylene, tetrachloroethylene (PCE), trichloroethylene (TCE), dichloroethene (DCE), vinyl chloride, and lead. Benzene was detected at a concentration of 12.0 µg/L, above the Groundwater Quality Criteria of 1.0 µg/L. Total xylenes were detected at a concentration of 92.0 µg/L, above the Groundwater Quality Criteria of 40.0 µg/L. PCE was detected at a concentration of 2.7 µg/L, above the Groundwater Quality Criteria of 1.0 µg/L. TCE was detected at a concentration of 5.0 µg/L, above the Groundwater Quality Criteria of 1.0 µg/L. DCE was detected at a concentration of 15,879.5 µg/L, above the Groundwater Quality Criteria of 10.0 µg/L. Vinyl chloride was detected at a concentration of 98.1 µg/L, above the Groundwater Quality Criteria of 5.0 µg/L. Lead was detected at a concentration of 160.2 µg/L, above the Groundwater Quality Criteria of 10.0 µg/L. Ethyl benzene and toluene were also detected; however, both compounds of concern were measured below the NJDEP Groundwater Quality Criteria. The soil sample collected from

boring # 5 contained both PCE and DCE; however, both measurements were below the NJDEP Residential Direct Contact Soil Cleanup Criteria.

Commencing in December of 1999, an RI was initiated to further delineate compounds of concern. A total of 164 borings were completed. One aqueous sample and a minimum of one soil sample were collected from the interval just above the water table for each bore hole sampled. The soil column was visually inspected from the interval extending from the surface layer to the saturated zone. In addition, soils were screened in 4-foot increments utilizing a Flame Ionization Detector/ Photoionization Detector field reading instrument. Additional soil samples were collected based upon visual and field observations. Soil and groundwater samples were analyzed for VOA + 15 parameters, plus lead. Out of the 164 groundwater samples collected under the RI phase, eight samples contained VOCs above the New Jersey Groundwater Quality Criteria. Five of the boring locations are in close proximity to bore hole # 5 which continued to measure the highest VOC levels. Soil samples collected under the RI phase continue to show that all compounds of concern are below the NJDEP Residential Direct Contact Soil Cleanup Criteria.

In May of 2000, fourteen monitoring wells were installed to delineate the vertical and horizontal extent of the groundwater contaminant plume. Subsequently, consecutive quarterly rounds of groundwater samples have been collected for analysis. All aqueous samples were analyzed for VOA + 15 parameters, plus lead. At present, the extent of the contaminant plume has been delineated both vertically and horizontally within site soil and groundwater.

A remedial action that included injecting hydrogen release compound (HRC) into the aquifer to remediate the contaminant plume was approved by the NJDEP. The DPW injected HRC into the aquifer. A Classification Exception Area (CEA) is being proposed for site groundwater. The CEA will restrict the use of groundwater within a defined area until such time that contaminants of concern achieve compliance with the NJDEP Groundwater Quality Criteria. Figure 1 (Enclosure 1) presents the proposed area of the CEA. Remedial Action (RA) work activities were completed in June of 2001. Subsequent RA operation activities involved injecting additional HRC materials into shallow groundwater to further enhance contaminant degradation and were performed from 2001 through 2005. Injections of RegenOx were performed in January, May and July of 2011 to further treat groundwater. Groundwater was monitored on a quarterly basis at eight groundwater monitoring wells.

The NJDEP has approved a NFA determination for a portion of the FTMM-64 site that was never impacted by the contamination associated with tanks at Building 812 (but none-the-less was included in the area of concern – Parcel 64). The area covered by the NFA is the portion of Parcel 64 that falls within the Clinic Parcel highlighted on Figure 1 and was previously monitored by wells 812MW03 and 812MW12 (see Figure 5-1 from Remedial Action Progress Report, Enclosure 1). These wells are side-gradient/up-gradient to the area of groundwater that was originally impacted by the tanks from Building 812. These wells characterizing the area that is part of the Clinic Parcel have never shown contamination above criteria and were only sampled from September of 2000 through October of 2003. Since these wells did not indicate any contamination, sampling was discontinued with NJDEP concurrence (letter dated February 23, 2009).

Based on the lack of impacts to this area, NJDEP provided an NFA determination for only the portion of Parcel 64 (FTMM-64) that lies within the Clinic Parcel. The remainder of Parcel 64 (FTMM-64) will be subject to an evaluation of current conditions and an evaluation of alternatives to accelerate the cleanup at the remaining small area still above NJDEP groundwater criteria (see proposed CEA area on Figure 1). Remediation of the remaining area will proceed until cleanup is achieved.

## **Parcels 55 and 56**

As part of a cleanup program to support the Army's Residential Communities Initiative (RCI) and Enhanced Use Leasing (EUL) programs, Fort Monmouth initiated an investigation and cleanup of certain areas of Fort Monmouth. The investigation and cleanup activities were documented in, "Final Remedial Action Report For The 800, 700 and 400 Areas, U.S. Army Installation Fort Monmouth, Fort Monmouth, New Jersey" October 2005. As part of that cleanup, a small area in Parcel 56 that is within the Clinic Parcel was remediated. Low levels of PAHs were detected in this area and remediated to residential use standards. During this program, geophysics was performed and 12 tanks were identified and removed from Parcels 55 and 56. The tanks were not on the area of Parcels 55 and 56 that is part of the Clinic Parcel. However, those tank removals are considered "Adjacent Conditions"

\* \* \*

A summary of the environmental remediation sites is provided in Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal (Enclosure 4).

## **4.2 Storage, Release, or Disposal of Hazardous Substances**

There is no evidence that hazardous substances were stored on the Property in excess of the 40 CFR Part 373 reportable quantities. However, areas at the Clinic Parcel were used for storage of *de minimus* quantities of hazardous substances over the life of the facility. There was a Pathogenic Waste Incinerator (FTMM-13) used at former Building 1076 until 1992. The incinerator was dismantled in November 1993. Formerly there were laboratories and a pharmacy in Building 1075 at the PAHC.

### ***FTMM-13: M-13 Pathogenic Waste Incinerator***

The 1980 Installation Assessment (IA) report identified the M-13 site as a potential Area of Concern (AOC) on the MP. The pathogenic waste incinerator formerly located on the west side of former Building 1076 was constructed in 1975. Former Building 1076 is the former site of a boiler plant which provided heat and hot water for Patterson Army Community Hospital (Building 1075). The incinerator was an approximately 5 by 6 by 6-foot-high metal unit, which was propane fired. The incinerator was used to burn medical waste generated from the hospital. The unit was tested for compliance with NJDEP air standards and achieved compliance at a maximum charging rate of 57 pounds per hour in 1977. No state permit was required because the incinerator was operating before the 1977 revision to the Clean Air Act. In accordance with a written agreement with the NJDEP, the pathogenic waste incinerator was taken out of service in

December 1992. A contract for off-site disposal of all generated medical waste was established prior to unit closure. Under the Preliminary Assessment (PA) phase, site reconnaissance work revealed no ash or debris in or around the incinerator unit. The incinerator was dismantled in November 1993. An NFA determination was approved by the NJDEP in 1994.

### **Laboratories and Pharmacy**

According to a 1995 survey, by late 1994 the Chemistry Laboratory was using “dry chemistry” equipment. The PAHC Chemistry Laboratory used two Ektachem dry chemistry blood analyzers. The Microbiology Lab used two Vitek System Analyzers with plastic cards disposed as regulated medical waste. The Ames Clinitest 200 analyzer used multi-test sticks that discharged to a tray from which they were disposed of as regulated medical waste.

Other active laboratories in 1995 included Serology, Hematology, and Histology. By 1999, Microbiology, Histology, and Cytology laboratories had been closed, thus reducing hazardous waste generation. Active laboratories reported in 1999 included Chemistry, Serology, Urinalysis, Phlebotomy, Hematology, and the Blood Bank.

The Histology Laboratory was still using wet chemistry, but was scheduled for closing in early 1996. Ethanol, xylenes, and formalin were used in the Tissue Tek Vacuum infiltration processor. The Stainer model 172 analyzer was used to coat slides with various stainers and dyes, including ammonia and alcohol. By 1999, the Histology Laboratory was reported as closed.

The Radiology Clinic utilized an X-OMAT 48ORA film processing unit with an ARU silver recovery unit. The second X-OMAT unit used a X-Rite silver recovery unit. Approximately 10 gallons a week of effluent underwent reduction of the silver concentration before transfer to a 55-gallon drum. One effluent sample result was reported at 825 milligrams per liter (mg/L) of silver. Collection and sampling of effluent did not begin until June 1994. Safety Kleen was contracted for removal of the collected waste fixer.

Approximately 30 gallons of spent fixer was collected monthly and waste X-ray film was collected as needed. A new silver recovery unit was installed in 1996. The wash water from both recovery units was discharged untreated to the sanitary sewer system. Wash water was required to contain less than 0.2 mg/L of silver at the junction of the FTMM and the regional sewage authority system. Wash water sampling was conducted and DPW confirmed the silver limits were within the Publicly Owned Treatment Works restrictions. Radiology still operated the equipment in 2002, with the waste effluent collected and managed by DPW. The wash water was still discharged to the sanitary sewer.

An apparent incinerator smokestack was noted on the roof of PAHC (Building 1075) during the 2006 VSI. According to FTMM personnel, an incinerator was located on the third floor of Building 1075. It was only operated for trial burns, and was shut down in 1975, shortly after it was placed online. No evidence of an environmental release associated with this operation was identified as part of the ECP.

\* \* \*

There is evidence that hazardous substances were released or disposed of on the property in excess of the 40 CFR Part 373 reportable quantities.

As noted above in Section 4.1, as part of a cleanup program to support the Army's Residential Communities Initiative (RCI) and Enhanced Use Leasing (EUL) programs, Fort Monmouth initiated an investigation and cleanup of certain areas of Fort Monmouth. The investigation and cleanup activities were documented in, "Final Remedial Action Report For The 800, 700 and 400 Areas, U.S. Army Installation Fort Monmouth, Fort Monmouth New Jersey" October 2005. As part of that cleanup, a small area in Parcel 56 that is within the Clinic Parcel was remediated. Low levels of PAHs were detected in this area and remediated to residential use standards.

A summary of the buildings or areas in which hazardous substance activities occurred is provided in Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal (Enclosure 4). The CERCLA 120(h)(3) Notice and Description at Enclosure 7 will be included in the deed.

### **4.3 Petroleum and Petroleum Products**

#### **4.3.1 Underground and Above-Ground Storage Tanks (UST/AST)**

There were three USTs associated with former Building 1076 (UST-1076-160, UST-1076-161, and UST-1076-209), one UST associated with Building 1075 (UST-1075-206), and two ASTs associated with Building 1075 (AST-1075ER a & b). The USTs at Building 1076 held #2 fuel oil. The UST at Building 1075 held diesel fuel.

There may also be remaining unidentified unregulated heating oil tanks (UHOTs) (potentially up to 5) associated with former housing units that were located in the parts of Parcels 55 and 56 that are within the PAHC Parcel area, however these are not documented. Though sampling has not been performed, there is no indication of a release or spill from these potential tanks.

**Current UST/AST Sites** – There are two above-ground petroleum storage tanks on the Property, associated with Building 1075 (AST-1075ER a&b). The ASTs hold diesel fuel. There is no evidence of a petroleum release from these ASTs.

**Former UST/AST Sites** – All the USTs located on the Clinic Parcel have been removed. Tanks UST-1076-160 and 1076-161 were associated with building 1076 and were removed with discharges noted. The tanks were removed and a cleanup performed and an NFA for the tanks was received dated August 29, 2000. These tanks were located in what is ECP Parcel 62. UST-1076-209 was a fiberglass replacement tank for tanks 1076-160 and 1076-161. The UST has been removed and the closure soil samples have tested ND (no contamination detected).

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

#### 4.3.2 Non-UST/AST Storage, Release, or Disposal of Petroleum Products

There is no evidence that non-UST/AST petroleum products in excess of 55 gallons were stored for one year or more on the Property.

#### 4.4 Polychlorinated Biphenyls (PCB)

There is no evidence that PCB-containing equipment is located or was previously located on the Property.

#### 4.5 Asbestos

There is asbestos containing material (ACM) in the following buildings: Building 1075. The ACM includes floor tile, wallboard, pipe fittings, pipe insulation and transite panel board. Four phases of asbestos surveys were completed for FTMM. The majority of surveys took place from 1989 to 1992 and from 1997 to 2002. Building 1075 was surveyed by Tetra Tech and Roy F. Weston in 1989. Table 4-1 shows the asbestos survey status of Building 1075.

**Table 4-1  
Fort Monmouth, Main Post PAHC Asbestos Survey Status**

Building	Construction	Year Built	Facility Type	Description	Square Footage	Asbestos Survey	Comments
1075	Permanent	1961	Building	Health Clinic/Dental Clinic/Med Warehouse	117,657	W1, T	

Any remaining friable asbestos that has not been removed or encapsulated will not present an unacceptable risk to human health because the grantee will be responsible for abating the only remaining friable asbestos, which is located in the pipe insulation that is in the crawl space of Building 1075. In absence of this abatement, the grantee will be required to restrict access to the aforementioned crawlspace to only those workers holding asbestos-handling certifications. The lease will include an asbestos warning and covenant included in Enclosure 7.

An updated ACM inspection will be performed prior to transfer and any new information will be provided to the grantee.

#### 4.6 Lead-Based Paint (LBP)

Most facilities and buildings at FTMM were constructed before the DoD ban on the use of lead based paint (LBP) in 1978 and are likely to contain one or more coats of such paint. In addition, some facilities constructed immediately after the ban may also contain LBP, because inventories of such paints that were in the supply network were likely to have been used up at these facilities.

The first LBP Risk Assessment was conducted in 1996. Residential buildings were assessed. Residential structures are not part of the PAHC parcel.

No LBP survey work has been conducted within the non-residential buildings. Based on the age of the facility it is assumed that Building 1075 contains some LBP. The Property was not used for residential purposes and the transferee does not intend to use the Property for residential purposes in the future. The deed will include a lead-based paint warning and covenant (Enclosure 7).

#### **4.7 Radiological Materials**

Building 1075 was used for medical-related radiological activities. Diagnostic X-ray systems reported at PAHC (Building 1075) during a May 1972 Radiation Protection Survey included: 1) Chest X-ray Room – Radiographic Unit; 2) X-ray Room 1 – Radiographic fluoroscopic unit with image intensifier; 3) X-ray room, Physical Examination Center – Photofluorographic unit; 4) Room E Dental Clinic. A 1983 report identified similar units in the following areas: 1) Chest X-ray Room, Radiographic unit; 2) Head X-ray Room, Radiographic unit; 3) Room 1 – Radiographic Fluoroscopic unit; 4) Room 2 – Radiographic Fluoroscopic unit; 5) Two Mobile Radiographic units. Equipment surveyed in the Radiology Department in November 1994 included:

- Triple phase fluoroscopic unit with a maximum tube potential of 125 kilovolt peak (kVp) and maximum fluoroscopic tube current of 2.5 milliamperes (mA) (Room 1A26).
- Triple phase radiographic unit with a maximum tube potential of 150 kVp and maximum tube current of 320 mA (Room 1A26).
- Triple phase radiographic/tomographic unit with a maximum tube potential of 150 kVp and maximum tube current of 400 mA (Room 1A17).
- Triple phase fluoroscopic unit with a maximum tube potential of 120 kVp and maximum tube current of 2.1 mA (Room 1A17).
- Single phase dedicated chest radiographic unit with a maximum tube potential of 125 kVp and maximum tube current of 600 mA (Room 1A36).
- Two mobile radiographic systems with maximum tube potential of 125 kVp and maximum tube current-time of 200 mA (portable equipment).

The only radioactive isotope used in the In-Vitro clinic was iodine-125. Due to the small weekly volume of in-vitro tests performed, all tests were batch run each Wednesday. Health and Safety monitoring for iodine-125 contamination was reportedly done at the end of the workday. The 1983 Radiation Protection Survey reported that waste disposal procedures consisted of flushing all liquids down a designated sink. Bottles, flasks, and similar items were flushed with large amounts of cold water and monitored for residual contamination. Clean items had all their radioactive labels defaced and were disposed of as normal laboratory waste. Items with residual contamination would be rewashed until clean. The report concluded that there were no health hazards associated with ionizing radiation, and that the program was conducted in accordance with existing directives for radiation protection.

The Historical Site Assessment (HSA) and Addendum to Environmental Condition of Property Report, Fort Monmouth, Eatontown, NJ, January 2007 identified Building 1075 as a Non-Impacted Area and therefore does not require a radiological survey, based on the historical use of the building. There is no evidence of any release of radiological materials at these buildings. All radiological materials present in building 1075, if any, were removed when the PAHC was closed.

Radiological clearance indicating that the Property is suitable for unrestricted use will be obtained prior to property transfer.

#### **4.8 Radon**

Radon surveys were conducted in 1991 by the Directorate of Engineering and Housing's Environmental Office as part of the Army's Radon Reduction Program. The survey was conducted for all of FTMM. Radon detectors were deployed in all structures designated as priority one buildings (daycare centers, hospitals, schools and living areas). The radon levels measured in all detectors were less than 4 picoCuries per liter (pCi/L). Based on the USEPA criteria for radon 4 pCi/L, radon levels at FTMM do not pose a health risk and no further action (NFA) was deemed required for radon.

#### **4.9 Munitions and Explosives of Concern (MEC)**

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. A Historic Records Review (HRR) conducted in 2006 did not find any record of range or other activities that would result in MEC or explosives contamination at or around the PAHC. The site was not used for other purposes prior to the Army acquiring the property and has only been used as a hospital/health clinic by the Army.

The term "MEC" means military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 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., TNT, 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**

There are no other hazardous conditions on the PAHC Property that present an unacceptable risk to human health and the environment.

### **5. ADJACENT PROPERTY CONDITIONS**

FTMM-64, Building 812 as discussed above was previously the location of the gasoline service station and groundwater contamination is associated with site FTMM-64.

During the remedial actions taken at Parcels 55 and 56 (the Army's Residential Communities Initiative (RCI) and Enhanced Use Leasing (EUL) programs), Fort Monmouth initiated an investigation and cleanup of certain areas of Fort Monmouth (see Section 4.1) former underground storage tanks were identified by geophysics and were removed. Closure reports for

some of those removals are currently being prepared (where soil removal was required) and will be submitted to the NJDEP. None of the tanks identified were located on the parts of Parcels 55 and 56 that are part of the PAHC Parcel area.

The presence of these hazards on adjacent property does not present an unacceptable risk to human health and the environment because of the proximity of the sites and limited extent of groundwater contamination at the site. Additionally, the use of groundwater will be restricted at the Clinic Parcel.

## **6. ENVIRONMENTAL REMEDIATION AGREEMENTS**

The following environmental agreement is applicable to Fort Monmouth generally: Voluntary Cleanup Agreement among New Jersey Department of Environmental Protection, U.S. Department of the Army, U.S. Department of the Navy, U.S. Department of the Air Force, and U.S. Defense Logistics Agency, dated August 30, 2000. However, the Voluntary Cleanup Agreement does not require any remedial action on the PAHC Property. The deed will include a provision reserving the Army's right to conduct remediation activities under the Voluntary Cleanup Agreement if necessary in the future (Enclosure 7).

## **7. REGULATORY/PUBLIC COORDINATION**

The NJDEP and the public were notified of the initiation of this FOST. Regulatory/public comment received during the public comment period will be reviewed and incorporated, as appropriate. A copy of the regulatory/public comments and the Army Responses will be included at Enclosure 9.

## **8. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE**

The environmental impacts associated with the 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. The EA concluded that the proposed action would have no significant adverse direct, indirect or cumulative effects on the quality of the natural or human environment. There were no encumbrances or condition 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 Department of Defense 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 that shall 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 (Table 2) shall be included in the deed as required under the CERCLA Section 120(h) and DOD FOST Guidance.

\_\_\_\_\_  
Mr. James E. Briggs  
Acting Chief, Consolidated Branch  
BRAC Division

\_\_\_\_\_  
Date

DRAFT

## 9 Enclosures

Encl 1 -- Site Map of Property

Encl 2 -- Environmental Documentation

Encl 3 -- Table 1 -- Description of Property

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

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

Encl 6 -- CERCLA Notice and Access Provisions

Encl 7 -- Environmental Protection Provisions

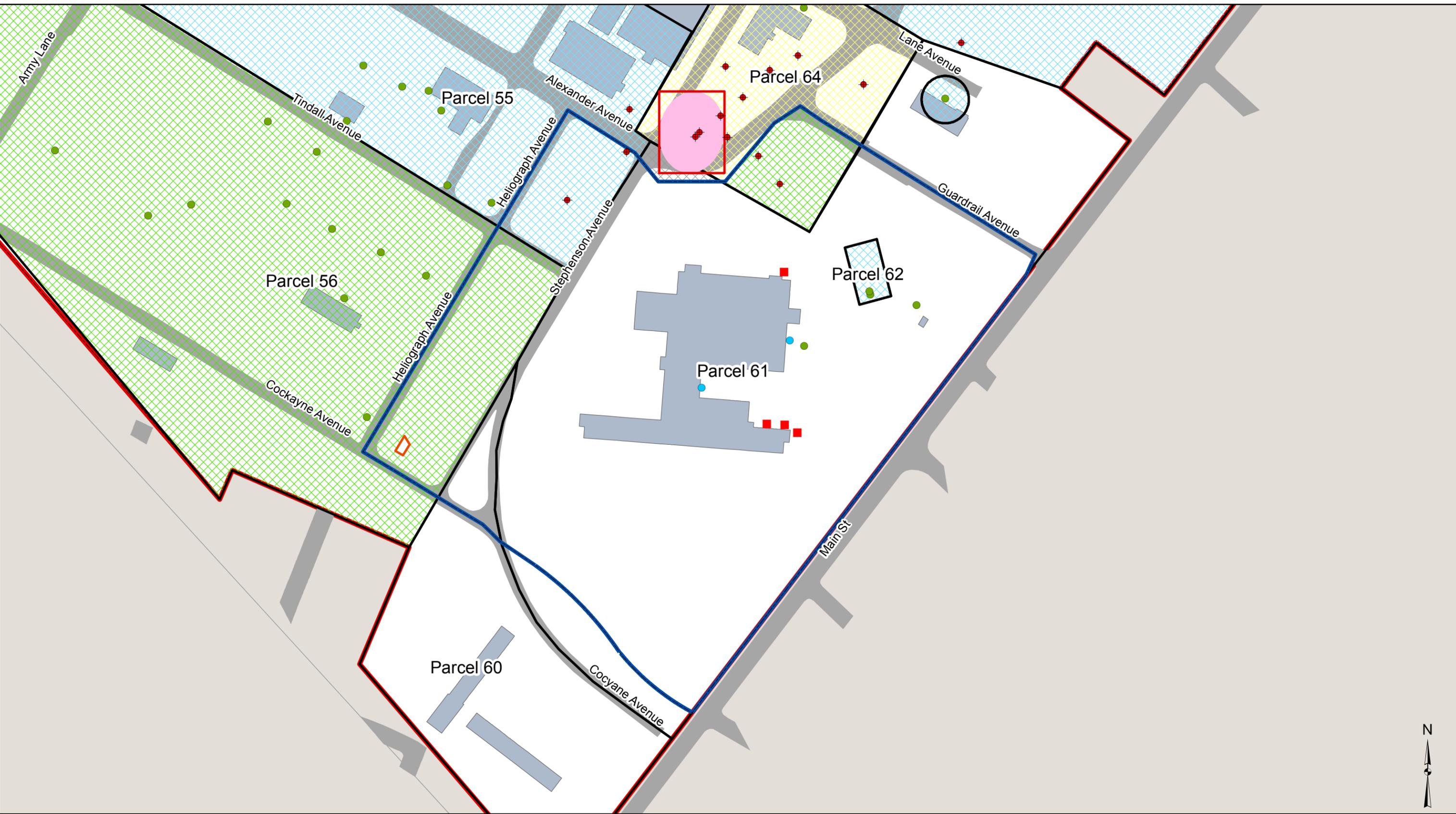
Encl 8 -- Regulatory/public comment and Army responses

DRAFT

**ENCLOSURE 1**

**Site Map of Property**

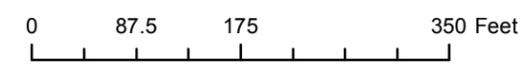
DRAFT



**Figure 1**  
**FOST Fort Monmouth**  
**Clinic Parcel**

Publication Date: ..... 23 AUG 2012  
 Spheroid: ..... WGS 1984  
 Projection: ..... UTM Zone 18  
 Prepared by: Marc Thompson, CALIBRE GIS Team

1 inch = 153 feet



**Legend**

- Clinic Parcel Boundary
- Installation Area
- Road Area

**ECP Categories**

- 1
- 2
- 4
- 5

**Tanks**

- Current AST Location
- Former UST Location
- Surface Soil Sample Location

- Remediated Area 800-75
- Proposed CEA Area
- Monitoring Well

## ENCLOSURE 2

### Environmental Documentation

**(Note: The following documents are the complete list of document that were used for the ECP report and not all of the documents may apply to this FOSL)**

1. ADS Environmental. 1996. Fort Monmouth Lead Hazard Assessment Project Summary. Prepared for Fort Monmouth DPW. July 16.
2. Cabrera Services, Inc. 2006. Draft Historical Site Assessment. September.
3. CECOM Safety. 1995-2004. RCC, Minutes of Radiological Control Committee Meetings.
4. DeBellis & Semmens. 1995. Charles Wood Area, Fort Monmouth, NJ Delineation of Wetlands, Prepared for DPW, Fort Monmouth, NJ.
5. Department of the Army, Office of the Surgeon General. 1972. Occupational Health Survey No. 32-088-72, Fort Monmouth, NJ. May 22-25.
6. EDAW, Inc. 2008. *Fort Monmouth Reuse and Redevelopment Plan, Final Plan*. 22 August.
7. Environmental Data Resources (EDR). 2006a. Data Map Area Study, Fort Monmouth – Main Post, Fort Monmouth, NJ 07703. Inquiry Number 01734501.1r. August 15.
8. EDR. 2006b. Data Map Area Study, Fort Monmouth, NJ 07703, Inquiry Number 01734506.1r. August 15.
9. Environmental Health Engineering Service. 1974. U.S. Army Medical Laboratory. Solid Waste Survey No. 26-A05-74, Fort Monmouth, New Jersey. March 11-13.
10. EPR. 2004. Fort Monmouth Chas Wood Fall 04 EPR Projects.pdf.
11. Fallon, Joe, Environmental Protection Specialist. 1991. Fort Monmouth DPW, Army Radon Reduction Program.
12. Federal Emergency Management Agency (FEMA). 1977. Flood Insurance Rate Maps, Community Panel 2403200001A.
13. FEMA. 1981. Flood Insurance Rate Maps, Community Panel 340293001B.
14. First U.S. Army Medical Laboratory. 1970. Analysis of Dust Samples for Asbestos, Document Control No. 05-296. Results cover letter. March.
15. First U.S. Army Medical Laboratory. 1971. Report of Liaison Visit. September 29.
16. Fort Monmouth. No Date. Indoor Air Quality Management Plan, Fort Monmouth, NJ.
17. Fort Monmouth. 2001. Installation Pest Management Plan for Headquarters U.S. Army Garrison, Fort Monmouth, NJ 07793. 2001 to 2006.
18. Fort Monmouth. 2005. Spill Prevention Control and Countermeasures Plan (SPCCP) and Installation Spill Contingency Plan (ISCP). Revision Date February 2005.

19. Fort Monmouth. 2006a. Stormwater Pollution Prevention Plan (SPPP) Public Complex Permit (R-11), Main Post and Charles Wood Areas. March.
20. Fort Monmouth. 2006b. FY06 Base Realignment and Closure Installation Action Plan, working files obtained from U.S. Army Environmental Command. April 28, 2006.
21. Fort Monmouth. 2006c. Spill Prevention Control and Countermeasures Plan (SPCCP) and Installation Spill Contingency Plan (ISCP). Revision Date September.
22. Fort Monmouth. 2006d. Stormwater Pollution Prevention Plan (SPPP) Public Complex Permit, Main Post and Charles Wood Areas. September.
23. Fort Monmouth. 2006e. U.S. Army Fort Monmouth Hazardous Waste, Universal Waste, Exempt Waste, Exempt Material, and Non-Hazardous Waste Satellite Accumulation Sites, Prepared by Joe Fallon, 7/28/92; last revision 11/06 by Harold Hornung.
24. Fort Monmouth Department of Public Works (DPW). 1999. Chemical Inventory.
25. Fort Monmouth DPW. 2003. Files provided by DPW: 03-03 Asbestos Database.mdb. March.
26. Fort Monmouth DPW. 2005. Cover Letter for Lead-Based Paint Risk Assessment Summaries. June 30.
27. Fort Monmouth DPW. 2006a. Files provided by DPW: USTs and ASTs from Joe Fallon 7-19-06.pdf.
28. Fort Monmouth DPW. 2006b. Master Planning, Facilities Reduction Program Database. December.
29. Guernsey. 1998. Procurement Sensitive Privatization Study, Potable Water Utility System, Wastewater Utility System, April.
30. Harland Bartholomew & Associates, Inc. 1984. Analysis of Existing Facilities and Environmental Assessment Report, Fort Monmouth, NJ. March.
31. Harland Bartholomew & Associates, Inc. 1987a. Fort Monmouth Mobilization Master Plan of Installation Facilities. May.
32. Harland Bartholomew & Associates, Inc. 1987b. Analytical/Environmental Assessment Report on Plans for Future Development, Fort Monmouth, NJ. May.
33. John Milner Associates, Inc. 2003. Integrated Cultural Resources Management Plan, Fort Monmouth, NJ.
34. Kozlowski, Melissa. 2004. Fort Monmouth: Landmarks and Place Names, DCSOPS, Fort Monmouth, NJ. Summer.
35. Main Post Sanitary and Storm, Map M, Sheet 13 of 25. January 8, 1999.
36. Malcolm Pirnie, Inc. 2003. Final Closed, Transferring, Transferred Range/Site Inventory Report for Fort Monmouth, NJ.
37. Malcolm Pirnie, Inc. 2006. Final Historical Records Review Fort Monmouth, Fort Monmouth, NJ.
38. New Jersey Department of Environmental Protection (NJDEP). Water Compliance and Enforcement Element. 2006. Fort Monmouth Compliance Evaluation Report. March 22.

39. NJDEP, Bureau of Water Allocation. Program Interest ID: 2486P, Activity No.: WAP960001.
40. Parsons Engineering, Inc. 2003. Final Fort Monmouth Pollution Prevention Plan. June.
41. Rudolph, Rober J., Chief. 1994. Water Quality Engineering Memo. July 19.
42. Shaw Environmental, Inc. (Shaw). 2007. *U.S. Army BRAC 2005 Environmental Condition of Property Report Fort Monmouth, Monmouth County, New Jersey, Final*, 29 January.
43. Shaw. 2008. *U.S. Army BRAC 2005 Site Investigation Report Fort Monmouth, Final*. 21 July.
44. Shaw. 2011. Draft Fort Monmouth Main Post and Charles Wood Area Baseline Ecological Evaluation Report. May.
45. Tetra Tech EM, Inc. 2005. Final Remedial Action Report for the 800,700, and 400 Areas. October.
46. U.S. Army, Environmental Condition of Property Update Report, Patterson Army Health Clinic, Fort Monmouth, Transfer Parcel E, August 23, 2012.
47. U.S. Army Center for Health Promotion and Preventive Medicine (USACHPPM). 1995. Radiation Protection Survey No. 28-83-2490-95. U.S. Army Medical Department Activity/Dental Activity, Fort Monmouth, NJ. October 25-November 3.
48. USACHPPM. 1996. Health Care Facility Waste Management Assistance Visit No. 37-NE-1270-96, Fort Monmouth, NJ.
49. USACHPPM. 1998. Health Care Facility Waste Management Assistance Visit No. 37-NE-1270-98, Fort Monmouth, NJ. September 1-3.
50. USACHPPM. 1999. Health Care Facility Waste Management Assistance Visit No. 37-NE-1270-99, Fort Monmouth, NJ. July 19-23.
51. USACHPPM. 2002. Health Care Facility Waste Management Assistance Visit No. 37-NE-1270-02, Fort Monmouth, NJ. July 24-26.
52. U.S. Army Communications-Electronics Life Cycle Management Command, Office of the Deputy Chief of Staff for Operations and Plans. 2005. "A Concise History of the U.S. Army Communications-Electronics Life Cycle Management Command and Fort Monmouth, New Jersey." Fort Monmouth, NJ. July.
53. U.S. Army Corps of Engineers, Mobile District. 2006. Draft Integrated Cultural Resources Management Plan, Fort Monmouth, NJ.
54. U.S. Army Electronics Command, Fort Monmouth, NJ. 1968. Analysis of Existing Facilities. December 16.
55. U.S. Army Electronics Command. 1976. Installation Environmental Impact Assessment, Fort Monmouth, NJ, DRSEL-PL-ST. March.
56. U.S. Army Corps of Engineers (USACE) Mobile District. 1999. Final Integrated Natural Resources Management Plan, Fort Monmouth, NJ.
57. U.S. Army Environmental Database. 2006. Environmental Quality Report. July.

58. U.S. Army Environmental Health Laboratory. 1952. Industrial Hygiene Survey No. 1033 S083-52-2, Fort Monmouth Signal Laboratories, Fort Monmouth, NJ. April 7-11.
59. U.S. Army Environmental Health Laboratory. 1954a. Industrial Hygiene Survey No. 1559 S181-53-3, Signal Corps Engineering Laboratories, Fort Monmouth, NJ. January 4-8.
60. U.S. Army Environmental Health Laboratory. 1954b. Report of Survey No. 1825 R158-54-4, Fort Monmouth, NJ. August 10.
61. U.S. Army Environmental Health Laboratory. 1955. Industrial Hygiene Survey No. 2019 S039-55-5, Signal Corps Engineering Laboratories, Fort Monmouth, NJ. March 28-April 1.
62. U.S. Army Environmental Health Laboratory. 1956. Special Study No. 2245 S002-56-6, Signal Corps Engineering Laboratories, Fort Monmouth, NJ. February 28-April 6.
63. U.S. Army Environmental Health Laboratory. 1958a. Report of Special Study No. 3107 D001-58-59, Ventilation of Reproduction Facilities, U.S. Army Signal Center, Fort Monmouth, NJ. June 19.
64. U.S. Army Environmental Health Laboratory. 1958b. Industrial Hygiene Survey No. 3188 S014-58-9, U.S. Army Signal Corps Center, Fort Monmouth, NJ. December 8-15.
65. U.S. Army Environmental Hygiene Agency (USAEHA). 1957. Industrial Hygiene Survey NO. 2578 S023-57-7, The Signal Corps Center and Fort Monmouth, Fort Monmouth, NJ. April 8-12.
66. USAEHA. 1958. U.S. Army Environmental Health Laboratory, Report of Radiological Hygiene Survey No. 2980 R184-58-8, Ionizing Radiation Facilities, Fort Monmouth, New Jersey. March 17.
67. USAEHA. 1971a. Preliminary Air Pollution Engineering Survey No. 21-021-71. Fort Monmouth, NJ. January 14-15.
68. USAEHA. 1971b. Industrial Hygiene Survey No. 23-002-70, 47 Industrial Operations, Fort Monmouth, NJ. September 22 – October 2.
69. USAEHA. 1972. Radiation Protection Survey No. 43-055-72-73, Fort Monmouth, NJ. May 19-26.
70. USAEHA. 1973. Industrial Hygiene Survey No. 35-050-73-74, Fort Monmouth, NJ. July 9-27.
71. USAEHA. 1974. Water Quality Monitoring Consultation No. 32-24-047-74, Fort Monmouth, NJ. March 25-28.
72. USAEHA. 1976a. Installation Pest Control Program Survey No. 61-523-76, Fort Monmouth, NJ. January 5-8.
73. USAEHA. 1976b. Water Quality Engineering Special Study No. 24-016-75-76, Sanitary and Industrial Wastewater, Fort Monmouth, New Jersey. September 23-October 9, 1974; April 15-17, 1975; June 10-12, 1975.

74. USAEHA. 1976c. Industrial Hygiene Survey No. 35-0001-78, Fort Monmouth, NJ. October 17 – November 5.
75. USAEHA. 1977. Memorandum for Record, Request for AEHA Services for Fort Monmouth IEIA (Water Quality Aspects). July 14.
76. USAEHA. 1977b. Potable/Recreational Water Quality Survey No. 61-0155078, Fort Monmouth, NJ. October 31-November 4.
77. USAEHA. 1978a. Water Quality Engineering Special Study No. 32-24-0135-79, Industrial Waste, Fort Monmouth, NJ. July 25 – August 4.
78. USAEHA. 1978b. Medical Systems Safety and Health Survey No. 56-35-9024-79, U.S. Army Medical Department Activity and U.S. Army Dental Activity, Fort Monmouth, New Jersey, August 21-25.
79. USAEHA. 1978c. Hearing Conservation Survey No. 51-34-0102-79, Fort Monmouth, NJ. August 28 – September 1.
80. USAEHA. 1979. Installation Pest Management Program Review No. 16-61-0528-79, Fort Monmouth, NJ. March 27-30.
81. USAEHA. 1981. Hazardous Waste Management Survey No. 37-26-0137-81, Fort Monmouth, NJ. January 26-30.
82. USAEHA. 1982. Installation Pest Management Consultation No. 17-44-0622-91, Pesticide Residue in Soil and Air Samples from a Pesticide Storage Site, Fort Monmouth, NJ. July.
83. USAEHA. 1983. Radiation Protection Survey No. 28-43-0705-83, MEDDAC/DENTAC, Fort Monmouth, New Jersey. March 14-16.
84. USAEHA. 1983. Hearing Conservation Survey No. 51-34-0075-83, Fort Monmouth, NJ. June 20-23.
85. USAEHA. 1984a. Industrial Hygiene Contract Visit No. 55-35-0569-84, Fort Monmouth, NJ. April 2-4.
86. USAEHA. 1984b. Pesticide Monitoring Study No. 17-44-0996-85, Evaluation of Additional Soil Samples from the Olongano Lane for Possible Chlordane Contamination, Fort Monmouth, NJ. January 11
87. USAEHA. 1984c. Medical Systems Safety and Health Comprehensive Survey No. 56-35-9024-85, Patterson U.S. Army Community Hospital and U.S. Army Dental Activity, Fort Monmouth, New Jersey. July 9-13.
88. USAEHA. 1985. Pesticide Monitoring Study No. 17-44-0996-85, Evaluation of Additional Soil Samples from Olongano Lane for Possible Chlordane Contamination, Fort Monmouth, NJ. January 11.
89. USAEHA. 1988. Industrial Hygiene Study No. 55-61-0254-88, Wave Soldering, Fort Monmouth, NJ. April 25-28.
90. USAEHA. 1990a. Pest Management Survey No. 16-61-0523-90, Fort Monmouth, NJ. January 8-12.

91. USAEHA. 1990b. Pesticide Monitoring Consultation No. 17-44-0622-91, Pesticide Residue in Soil and Air Samples from a Pesticide Storage Site, Fort Monmouth, NJ. July.
92. USAEHA. 1991. Industrial Hygiene Study No. 55-61-0268-91, Selected Industrial Operations, Camp Evans And Albert E. Myer Center, Fort Monmouth, NJ. August 12-15.
93. USAEHA. 1993. Air Pollution Emission Statement No. 43-21-N1W1-99, USAG Fort Monmouth. 17-21 May.
94. USAEHA. 1995. Medical Treatment Facility Pollution Prevention Opportunity Assessment No. 37-NE-2752-95, Fort Monmouth Medical and Dental Activities, Fort Monmouth, NJ. June 19-29.
95. USAEHA Archives. 1944. Control Document 03882, Toxicity of Phenyl Mercurial Salts. September.
96. USAEHA Archives. 1981. AEHA Air Pollution Status and Evaluation Survey No. 44-21-0237-82. 28-30 July.
97. U.S. Army Industrial Hygiene Laboratory. 1950. Industrial Hygiene Survey No. 0481 S094-50-0, Signal Corps Engineering Laboratories, Fort Monmouth, NJ. June 29-July 7.
98. U.S. Army Medical Laboratory. 1975. Installation Pest Management Review No. 44-M11-75, Fort Monmouth, NJ. September 17.
99. U.S. Army Toxic and Hazardous Materials Agency. 1980. Installation Assessment of Fort Monmouth, Report No. 171. May.
100. U.S. Environmental Protection Agency (USEPA). 1995. Installation Assessment Relook Program, Working Document, Fort Monmouth Complex, Long Branch, NJ. September.
101. USEPA. 2000. Correspondence to Mr. James Ott, Director of Public Works, U.S. Army, Fort Monmouth. November 3.
102. USEPA. 2002. Correspondence to Mr. James Ott, Director of Public Works, U.S. Army, Fort Monmouth. November 8.
103. Versar, Inc. 1998. Wetland Delineations, Main Post and Charles Wood Area of Fort Monmouth, Monmouth, NJ. Prepared for U.S. Army Garrison Fort Monmouth, Columbia, MD. December.
104. Weston (Roy F. Weston, Inc.). 1993. *Investigation of Suspected Waste Sites at Fort Monmouth, New Jersey*.
105. Weston (Roy F. Weston, Inc.). 1995. *Site Investigation Report – Main Post and Charles Wood Areas, Fort Monmouth, New Jersey*. December.

### ENCLOSURE 3

#### TABLE 1 – DESCRIPTION OF PROPERTY

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
Open area adjacent to Building 1075	60(1)	1	None
Building 1075 and surrounding landscaped area.	61(1)HS/PS	1	None
A portion of parcel 55. This is part of a parking lot across Stevenson Avenue from the clinic.	55(2)HS/HR/PS/PR	2	None
A portion of parcel 56. This is part of a parking lot across Stevenson Avenue from the clinic.	56(4)HS/HR	4	Low level PAHs remediated as part of RCI/EUL evaluation and cleanup of Parcels 55 and 56.
Building 1074	62(2)HR/PS/PR	2	Two former USTs (1074-160 and 1074-161) were removed from this area and soil cleanup was required. NJDEP provided an NFA for these tank closures.
A portion of parcel 64 the landscaped area across Murray Drive from Building 812.	64(4)HR/PS/PR	4	Parcel was former location of gasoline station with groundwater contamination. The site has been studied and remedial action is underway. HRC was injected into the groundwater to degrade the contaminant plume from 2001 through 2005 and RegenOx was injected in 2011. The part of Parcel 64 that is within the Clinic Parcel was evaluated as part of long term groundwater monitoring but no contaminants were ever identified on the property and therefore NJDEP provided an NFA for this portion of Parcel 64

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 a 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 taken place.

Category 6: Areas where a release, disposal, and/or migration of hazardous substances has occurred, but required actions have not yet been implemented.

Category 7: Areas that are not evaluated or require additional evaluation.

Xx – ECP Parcel Number

(x) – Property Category

HS - Hazardous Substance Storage

HR - Hazardous Substance Release

PS – Petroleum Storage

PR – Petroleum Release

DRAFT

**ENCLOSURE 4**

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

<b>Building Number</b>	<b>Name of Hazardous Substance(s)</b>	<b>Date of Storage, Release, or Disposal</b>	<b>Remedial Actions</b>
A portion of parcel 56. This is part of a parking lot across Stevenson Avenue from Building 1075.	PAHs	PAHs in soil.	Low level PAHs remediated as part of RCI/EUL evaluation and cleanup of Parcel 56.

\* The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or 'Superfund') 42 U.S.C. §9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substances' CERCLA reportable quantity (which ever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substances CERCLA reportable quantity. See 40 CFR Part 373.

**ENCLOSURE 5**

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

<b>Building Number</b>	<b>Name of Petroleum Product(s)</b>	<b>Date of Storage, Release, or Disposal</b>	<b>Remedial Actions</b>
Building 1075 (2 AST)	Diesel fuel	Emergency generator day tanks.	None
Building 1075 (UST-1075-206)	Diesel fuel	UST removed 1996	None, tank closed.
Building 1076 (UST-1076-160)	No. 2 Fuel Oil	UST removed 1993	None, tank closed.
Building 1076 (UST-1076-161)	No. 2 Fuel Oil	UST removed 1993	None, tank closed.
Building 1076 (UST-1076-209)	No. 2 Fuel Oil	UST removed 2005	None, tank closed.
Building 812	Gasoline	Former tanks at building 812 were used for dispensing of gasoline. Tanks were removed and leaks confirmed. It should be noted that only the edge of the groundwater plume existed on the property to be leased.	The tanks at Building 812 were removed and a soil and groundwater remediation was undertaken. Groundwater is still being treated via Monitored Natural Attenuation (and occasionally injection of reactants – currently no active treatment is being performed). The area under the property to be transferred is currently below criteria and has received an NFA from NJDEP.

DRAFT

## 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. CERCLA NOTICE**

A. 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 Enclosure 4, attached hereto and made a part hereof. Additional information regarding the storage, release, and disposal of hazardous substances on the property has been provided to the Grantee, receipt of which the Grantee hereby acknowledges. Such additional information includes, but is not limited to, the following documents: U.S. Army, BRAC 2005 Environmental Condition of Property Report Fort Monmouth, Monmouth County, New Jersey, Final, 29 January 2007; U.S. Army, BRAC 2005 Site Investigation Report Fort Monmouth, Final, 21 July 2008; Draft Baseline Ecological Evaluation Report, May 2011; U.S. Army, Environmental Condition of Property Update Report, Fort Monmouth, Monmouth County, New Jersey, August 23, 2012; and U.S. Army, Finding of Suitability to Transfer, Main Post Patterson Clinic Parcel, Fort Monmouth, New Jersey, Final, August XX, 2012.

B. 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 Enclosure 4, attached hereto and made a part hereof. Additional information regarding the remedial action taken, if any, has been provided to the Grantee, receipt of which the Grantee hereby acknowledges. Such additional information includes, but is not limited to, the following documents: U.S. Army, BRAC 2005 Environmental Condition of Property Report Fort Monmouth, Monmouth County, New Jersey, Final, 29 January 2007; U.S. Army, BRAC 2005 Site Investigation Report Fort Monmouth, Final, 21 July 2008; Draft Baseline Ecological Evaluation Report, May 2011; U.S. Army, Environmental Condition of Property Update Report, Fort Monmouth, Monmouth County, New Jersey, August 23, 2012; and U.S. Army, Finding of Suitability to Transfer, Main Post Patterson Clinic Parcel, Fort Monmouth, New Jersey, Final, August XX, 2012.

#### **2. CERCLA 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)), the United States warrants that –

- A. 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
- B. Any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States.

### **3. RIGHT OF ACCESS**

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 provision, 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 provision. 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.

#### **4. “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 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 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 CERCLA Covenant or any other statutory obligations.

#### **5. HOLD HARMLESS**

A. To the extent authorized by New Jersey law, the Grantee, for itself, its successors and assigns, covenant 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 “Hold Harmless” provision shall be construed to modify or negate the Grantor’s obligation under the CERCLA Covenant or any other statutory obligations.

## **6. POST-TRANSFER DISCOVERY OF CONTAMINATION**

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

B. The Grantee, for itself, its successors and assigns, as part of the consideration for the conveyance of the Property, hereby agrees to release the Grantor from any liability or responsibility for any claims arising solely out of the release or threatened release of any hazardous substance or petroleum product on the Property occurring after the date of the delivery and acceptance of this Deed, where such hazardous substance or petroleum product was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents, contractors, or any other person other than the Grantor after the date of the conveyance herein. This 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 indemnification obligations under applicable laws.

## **7. 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 the inclusion of the Environmental Protection Provisions set forth in Enclosure 8, attached hereto and made a part hereof, and shall require the inclusion of the said "Environmental Protection Provisions" 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 that there will be no unacceptable risk to human health and the environment.

#### 1. LAND USE RESTRICTIONS

A. The Department of the Army has undertaken careful environmental study of the Property and concluded that the ground water use restriction set forth below is 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.

- 1) **Groundwater Restriction.** Grantee is hereby informed and acknowledges that the groundwater adjacent to the Property may contain volatile organic concentrations above the New Jersey Ground Water Quality Standards (NJGWQS). The Grantee, its successors and assigns shall not access or use groundwater underlying the Property for potable uses without the prior written approval of United States Department of the Army, and the NJDEP. For the purpose of this restriction, "groundwater" shall have the same meaning as in section 101(12) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

B. 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 additional action as would be necessary to allow for other less restrictive use of the Property otherwise prohibited by this provision. Prior to any such use of the Property, the Grantee shall consult with and obtain the approval of the Department of the Army, and the New Jersey Department of Environmental Protection. Upon the Grantee's obtaining the approval of the Department of the Army and the New Jersey Department of Environmental Protection, the Grantor agrees to execute an appropriate instrument modifying or terminating the land use restriction for recordation in the land records of Monmouth County, New Jersey. The recordation of any such instrument shall be the responsibility of the Grantee and shall be accomplished at no additional cost to the Department of the Army.

C. The Grantee, its successors and assigns shall submit any requests to modify or terminate, as appropriate, the restrictions imposed herein to the Department of the Army and the New Jersey Department of Environmental Protection, by first class mail, postage prepaid, addressed as follows:

- i. U.S. Army Engineers District, New York  
26 Federal Plaza, Room 2007 (CENAN-RE-M)  
New York, NY 10278
- ii. New Jersey Department of Environmental Protection  
Bureau of Case Assignment & Initial Notice  
Site Remediation Program  
401 East State St. PO Box 420, 5<sup>th</sup> Floor (401-05H)  
Trenton, NJ 08625 -0420

**2. NOTICE OF THE PRESENCE OF ASBESTOS AND COVENANT**

- A. The Grantee is hereby informed and does acknowledge that friable and non-friable asbestos or asbestos-containing material (hereinafter referred to as “ACM”) has been found on the Property. The Property may also contain improvements, such as buildings, facilities, equipment, and pipelines, above and below the ground that contain friable and non-friable asbestos or ACM. The Occupational Safety and Health Administration (OSHA) and the U.S. Environmental Protection Agency have determined that unprotected or unregulated exposure to airborne asbestos fibers increases the risk of asbestos-related diseases, including certain cancers that can result in disability or death.
- B. The following buildings on the property has been determined to contain friable asbestos: crawl space of Building 1075. The Grantee agrees to undertake any and all asbestos abatement in the aforementioned building that may be required under applicable law or regulation at no expense to the Grantor. The Grantor has agreed to transfer said building to the Grantee, prior to remediation or abatement of asbestos hazards, in reliance upon the Grantee’s express representation and covenant to perform the required asbestos abatement or remediation of the building.
- C. The Grantee covenants and agrees that its use and occupancy of the Property will be in compliance with all applicable laws relating to asbestos. The Grantee agrees to be responsible for any future remediation or abatement of asbestos found to be necessary on the Property to include ACM in or on buried pipelines that may be required under applicable law or regulation.
- D. The Grantee acknowledges that it has inspected or has had the opportunity to inspect the Property as to its asbestos and ACM condition and any hazardous or environmental conditions relating thereto. 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 or ACM hazards or concerns.

**3. NOTICE OF THE PRESENCE OF LEAD-BASED PAINT (LBP) AND COVENANT LIMITING THE USE OF THE PROPERTY FOR RESIDENTIAL PURPOSES**

A. The Grantee is hereby informed and does acknowledge that all buildings on the Property, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that there is a risk of exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning.

B. The Grantee for itself, its successors and assigns hereby covenants and agrees that it shall not permit the occupancy or use of any buildings or structures on the Property as a residential dwelling, as defined under 24 Code of Federal Regulations Part 35, without complying with all applicable laws and regulations pertaining to lead-based paint and/or lead-based paint hazards. Prior to permitting the occupancy of the Property where its use subsequent to conveyance is intended for residential habitation, the Grantee specifically agrees to perform, at its sole expense, the Grantor's abatement requirements under Title X of the Housing and Community Development Act of 1992 (Residential Lead-Based Paint Hazard Reduction Act of 1992).

C. The Grantee hereby acknowledges that it has inspected or has had the opportunity to inspect the Property as to its lead-based paint content and condition and any hazardous or environmental conditions relating thereto. The Grantee shall be deemed to have relied solely on its own judgment in assessing the overall condition of the Property including, without limitation, any lead-based paint hazards or concerns.

#### **4. 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 Grantee further acknowledges that where a pesticide was applied by the Grantor or at the Grantor's direction, the pesticide was applied in accordance with its intended purpose and consistently with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. § 136, et seq.) and other applicable laws and regulations.

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 therefore.