

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

**Chester Memorial U.S. Army Reserve Center (VT002)
978 VT Route 11 West
Chester, Vermont 05143**

October 2012

**FINDING OF SUITABILITY TO TRANSFER
(FOST)
Chester Memorial U.S. Army Reserve Center (VT002)
Chester, Vermont**

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1. PURPOSE

The purpose of this Finding Of Suitability To Transfer (FOST) is to document the environmental suitability of property at Chester Memorial U.S. Army Reserve (USAR) Center to be sold at a public auction 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 Notice, Covenant, and Access Provisions and other Deed Provisions and the Environmental Protection Provisions (EPPs) necessary to protect human health or the environment after such transfer.

2. PROPERTY DESCRIPTION

The property consists of 3.0 acres, which includes two permanent buildings: Administration Building and Organizational Maintenance Shop (OMS) and approximately 0.5 acres of undeveloped land. The property was previously used as administrative, training and logistical purposes and vehicle and equipment maintenance. The property is intended to be transferred for use as fleet vehicle storage and maintenance, light industrial, or educational/institutional reuse and is consistent with the intended reuse of the property as set forth in the Final Report and Recommendation of the Town of Chester Local Redevelopment Authority. 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 an Environmental Condition of Property (ECP) Report prepared in March 2007 and supplemented by an ECP Update Report finalized in October 2011. 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 DOD Environmental Condition of Property (ECP) categories for the property are as follows:

ECP Category 3: Chester Memorial USAR Center (VT002); entire parcel.

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

4.1. Environmental Investigation Sites

The following investigation sites were located on the property: A summary of the investigation sites on the property is as follows: 1) The 2007 ECP Report recommended additional investigation at the washrack and associated subsurface septic system. In 2009, the washrack and septic system were investigated. Several metals, acetone, polynuclear aromatic hydrocarbons (PAHs) were detected in soil samples, but at levels that do not require a removal or remedial response. Polychlorinated biphenyls (PCBs) were detected in the Wash Rack Area, but at levels that do not require a removal or remedial response. All environmental soil and groundwater investigation activities on the property have been completed. Refer to Section 6.0 of the 2011 ECP Update Report and specifically *Wash Rack Subsurface Investigation, Chester Memorial United States Army Reserve Center, Chester, Vermont* (AECOM, Stell Environmental Enterprises, 2009) and *Septic System Subsurface Investigation, Chester Memorial United States Army Reserve Center, Chester, Vermont* (AECOM, Stell Environmental Enterprises, 2009) for additional information.

4.2. STORAGE, RELEASE, OR DISPOSAL OF HAZARDOUS SUBSTANCES

Hazardous substances in the form of PCBs may have been released or disposed of on the property in excess of reportable quantities specified in 40 CFR Part 373. There is no evidence that hazardous substances were stored on the property in excess of the 40 CFR Part 373 reportable quantities. Hazardous substances may have been released in excess of the 40 CFR 373 reportable quantities at the following sites:

- Wash Rack Area

The possible release or disposal of these hazardous substances was investigated. See Section 4.1 Environmental Investigation Sites for additional information. A summary of the 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, Description, and Covenant 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)

- **Current UST/AST Sites** - There are no current underground and/or above-ground petroleum storage tanks (USTs/ASTs) on the property.
- **Former UST/AST Sites** - There were two underground petroleum storage tanks (USTs) that have been removed or closed in place: one 1,000-gallon and one 4,000-gallon fuel oil tank used to heat the buildings on the property. The tanks were removed in 1992. Piping leading into the tanks was found to be corroded resulting in petroleum impacts to soil. Approximately 71.5 tons of soil was excavated and disposed of off-site. Groundwater was not encountered during the

tank closure. The Vermont Department of Environmental Conservation (DEC) granted these tanks a No Further Action Status (NFA) on November 19, 1993. A copy of the NFA letter is included in the Appendix D of the 2007 ECP Report.

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)

The following electrical equipment is located on the property that may contain PCBs: One pad-mounted transformer located on the west side of the Administration Building. This equipment is owned and operated by Central Vermont Public Service and has been determined not to be leaking.

4.5. ASBESTOS

The *Asbestos Visual Inspection Report* dated July 2012, prepared by Small Business Group Inc., noted asbestos containing material (ACM) and potential asbestos containing material (PACM) in the Administrative Building and OMS (Enclosure 9).

Any remaining friable asbestos that has not been removed or encapsulated will not present an unacceptable risk to human health because the transferee assumes responsibility for abatement or management of any ACM in accordance with applicable federal, state, and local requirements. The deed will include an asbestos notice and covenant (Enclosure 8).

4.6. LEAD-BASED PAINT (LBP)

The following buildings are known or presumed to contain lead-based paint (LBP): Administration Building and OMS. See Section 6.7 of the 2007 ECP Report for additional information. The property was not used for residential purposes and is not intended to be used for residential purposes or for the care or education of minors in the future without further lead testing or abatement required by the buyer. The deed will include a lead-based paint notice and covenant (Enclosure 8).

4.7. RADIOLOGICAL MATERIALS

A Radiological Assessment was performed and the results indicate that there is no evidence of any release of radiological materials at this property. A Radiological Assessment was conducted at those areas having radiological activities and the survey concluded those areas are free of radiological concerns. See Memo, *Results from the Radiological Survey at the Chester Memorial*

United States Army Reserve Center, Chester, VT, dated June 2012 for additional information (Enclosure 6).

4.8. RADON

A radon survey was conducted in 1994 at the Property (building locations not provided). Radon was not detected at above the EPA residential action level of 4 picocuries per liter (pCi/L) at the USAR Center. See Section 6.8 of the 2007 ECP Report for additional information.

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. In addition the property has historically been used as an administrative and vehicle maintenance facility. 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 property that present an unacceptable risk to human health and the environment.

5. ADJACENT PROPERTY CONDITIONS

There are no conditions adjacent to the property that present an unacceptable risk to human health and the environment.

6. ENVIRONMENTAL REMEDIATION AGREEMENTS

There are no environmental remediation orders or agreements applicable to the property being transferred. 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 U.S. EPA Region 1, the Vermont Department of Environmental Conservation (VTDEC), and the public were notified of the initiation of this FOST. Regulatory/public comments received during the public comment period will be reviewed and incorporated, as appropriate. A copy of the regulatory/public comments and the Army Response will be included at Enclosure 10.

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 *Environmental Assessment, BRAC05 Recommendations for Closure, Disposal, and Reuse of Chester Memorial U.S. Army Reserve Center, Chester, Vermont* (February, 2012). There were no encumbrances or condition identified in the NEPA analysis as necessary to protect human health or the environmental.

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.

Tom Lederle
ACSIM-ODB Deputy

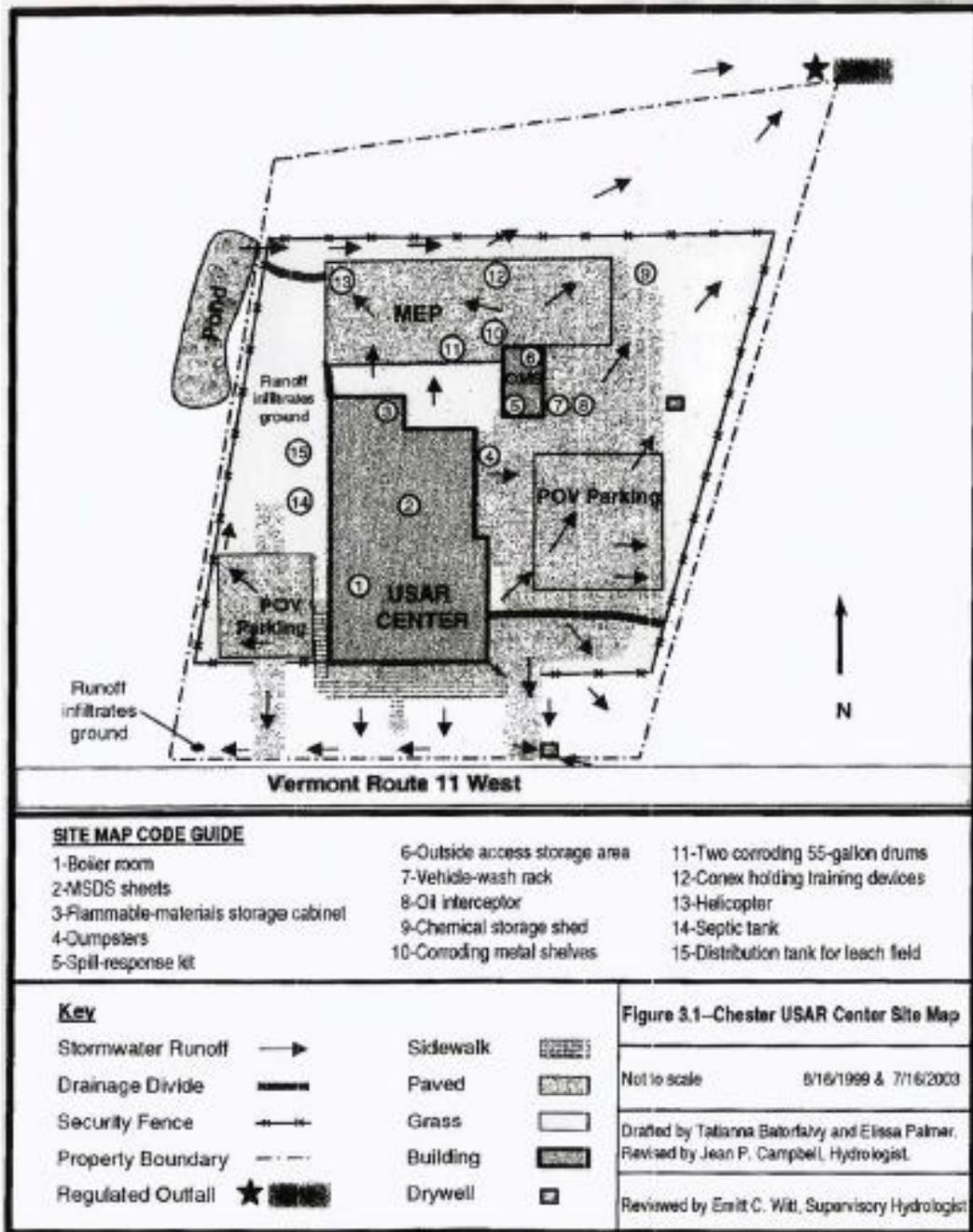
Date

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 - Table 4 -- Radiological Commodities Used at the Property
- Encl 7 - Access Provision and Other Deed Provisions
- Encl 8 - Environmental Protection Provisions
- Encl 9 - Asbestos Visual Inspection Report
- Encl 10 - Regulatory/Public Comments and Army Response

ENCLOSURE 1

SITE MAP OF PROPERTY



ENCLOSURE 2

ENVIRONMENTAL DOCUMENTATION

Document	Source
Environmental Condition of Property Report, Chester Memorial U.S. Army Reserve Center (VT002), 978 VT Route 11 West, Chester, VT, CH2M Hill, March 2007	USACE
Environmental Condition of Property Update Report, Chester Memorial U.S. Army Reserve Center (VT002), 978 VT Route 11 West, Chester, VT, XCEL Engineering, October 2011	USACE
Finding of No Significant Impact, BRAC05 Recommendations for Closure, Disposal, and Reuse of Chester Memorial U.S. Army Reserve Center, Chester, Vermont, February, 2012	99 th RSC
Environmental Analysis, BRAC05 Recommendations for Closure, Disposal, and Reuse of Chester Memorial U.S. Army Reserve Center, Chester, Vermont, February, 2012	99 th RSC
Wash Rack Subsurface Investigation, Chester Memorial United States Army Reserve Center, Chester, Vermont, AECOM, Stell Environmental Enterprises, March 2009	99 th RSC
Septic System Subsurface Investigation, Chester Memorial United States Army Reserve Center, Chester, Vermont, AECOM, Stell Environmental Enterprises, May 2009	99 th RSC
Asbestos Visual Inspection Report, Chester Memorial USARC, Chester, VT, June 2012	99 th RSC
Memo, Results from the Radiological Survey at the Chester Memorial USARC, Chester, VT, June 2012	99 th RSC

ENCLOSURE 3

TABLE 1 – DESCRIPTION OF PROPERTY

Building Number and Property Description	Condition Category	Remedial Actions
The entire Parcel	3	None required. PCBs were detected in the area of the wash rack, but at concentrations that do not require a removal or remedial response. Refer to Section 7.0 of the 2011 ECP Update Report for additional information.

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.

ENCLOSURE 4

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

Building Number	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
Wash Rack Area	Metals, PCBs	1956 to mid 2000 – 2010s	None required. PCBs were detected in the area of the wash rack during an investigation in 2009, but at concentrations that do not require a removal or remedial response. Refer to Section 6.0 of the 2011 ECP Update Report for additional information.
Septic System Leach Field	Acetone, Barium	1956 to mid 2000 – 2010s	None required. Acetone and Barium were detected in the area of the septic system leach field, however at concentrations that do not require a removal or remedial response. Refer to Section 6.0 of the 2011 ECP Update Report for additional information.
<p>* 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 substance’s 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.</p>			

ENCLOSURE 5

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

Building Number	Name of Petroleum Product(s)	Date of Storage, Release, or Disposal	Remedial Actions
OMS	No. 2 Fuel oil	1956 to 1992	Complete. A 1,000-gallon heating oil UST was removed in 1992. Piping leading into the tanks was found to be corroded resulting in petroleum impacts to soil. Approximately 71.5 tons of soil was excavated and disposed of off-site. Groundwater was not encountered during the tank closure. VTDEC granted this closure a NFA status on November 19, 1993. Refer to Section 3.3 of the 2007 ECP Report for additional information.
Administration Building	No. 2 Fuel oil	1956 to 1992	Complete. A 4,000-gallon heating oil UST was removed in 1992. Piping leading into the tanks was found to be corroded resulting in petroleum impacts to soil. Approximately 71.5 tons of soil was excavated and disposed of off-site. Groundwater was not encountered during the tank closure. VTDEC granted this closure a NFA status on November 19, 1993. Refer to Section 3.3 of the 2007 ECP Report for additional information.

NFA - No Further Action

ENCLOSURE 6

RADIOLOGICAL MEMO



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
600 ARMY PENTAGON
WASHINGTON, DC 20310-0600

DAIM-ODB

18 June 2012

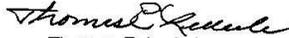
MEMORANDUM FOR RECORD

SUBJECT: Results from the Radiological Survey at the Chester Memorial U.S. Army Reserve Center (USARC) in Chester, Vermont

1. On 15 June 2012, the final survey work for the radiological release at the Chester Memorial USARC was completed in compliance with the accepted federal government protocol (MARSSIM Class 3). The enclosed Radiological Survey Report provides an evaluation of radiological materials used and the summary of findings and results. The report concludes that no further action is required with respect to the radioactive devices or materials identified. The site is free of radiological concerns.

2. The point of contact for questions or comments is Mr. Hans Honerlah, Health Physicist, U.S. Army Corps of Engineers, Baltimore District, 410-962-4400, electronic mail hans.b.honerlah@usace.army.mil.

Encl


Thomas E. Lederle
Deputy Chief, ACSIM
BRAC Division

ENCLOSURE 7

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

The following CERCLA Notice, 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.

I. 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 Chester Memorial USAR Center, 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 Enclosure 4, 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 Enclosure 4, 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 -

(a) all remedial action necessary to protect human health and the environment with respect to any hazardous substance 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.

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)):

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 a remedial action or corrective action is found to be necessary on the part of the United States, without regard to whether such remedial 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, testpitting, 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.

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 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 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.

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 or employee 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 as a waiver by the grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

II. OTHER DEED PROVISIONS:

A. "AS IS"

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 subject Property. The Grantee understands and agrees that the Property and any part thereof is offered "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 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 offered, will not constitute grounds for any claim or demand against the United States.

c. Nothing in this "As Is" provision will be construed to modify or negate the Grantor's obligation under the CERCLA Covenant or any other statutory obligations.

B. HOLD HARMLESS

a. To the extent authorized by law, the Grantee, its successors and assigns, covenant and agree 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, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS in this Deed by the Grantee, its successors and assigns, and (2) any and all any and all claims, damages, and judgments 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 conveyance.

b. The Grantee, its successors and assigns, covenant and agree that the Grantor shall not be responsible for any costs associated with modification or termination of the NOTICES, USE RESTRICTIONS, AND RESTRICTIVE COVENANTS 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 will be construed to modify or negate the Grantor's obligation under the CERCLA Covenant or any other statutory obligations.

C. 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 conveyance, Grantee, its successors or assigns, shall be responsible for such release or newly discovered substance unless Grantee is able to demonstrate that such release or such newly discovered substance was due to Grantor's activities, use, or ownership of the Property. If the Grantee, its successors or assigns believe the discovered hazardous substance is due to Grantor's activities, use or ownership of the Property, Grantee will immediately secure the site and notify the Grantor of the existence of the hazardous substances, and Grantee will not further disturb such hazardous substances without the written permission of the Grantor.

b. Grantee, its successors and assigns, as consideration for the conveyance of the Property, agree to release Grantor from any liability or responsibility for any claims arising solely out of the 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 substance or product was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents or contractors, after the conveyance. This paragraph shall not affect the Grantor's responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations.

D. ENVIRONMENTAL PROTECTION PROVISIONS

The Environmental Protection Provisions are at Enclosure 8, which is attached hereto and made a part hereof. 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 contained herein, and shall require the inclusion of the Environmental Protection Provisions in all further deeds, easements, transfers, leases, or grant of any interest, privilege, or license.

ENCLOSURE 8

ENVIRONMENTAL PROTECTION PROVISIONS

The following conditions, restrictions, and notifications will be attached, in a substantially similar form, as an exhibit to the deed and be incorporated therein by reference in order to ensure protection of human health and the environment.

1. 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 "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 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 building(s) on the Property has (have) been determined to contain friable asbestos: Administration Building and OMS. The Grantee agrees to undertake any and all asbestos abatement or remediation in the aforementioned buildings that may be required under applicable law or regulation at no expense to the Grantor. The Grantor has agreed to transfer said buildings 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 these buildings.

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.

2. NOTICE OF THE PRESENCE OF LEAD-BASED PAINT (LBP) AND COVENANT AGAINST THE USE OF THE PROPERTY FOR RESIDENTIAL PURPOSE

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 covenants and agrees that it shall not permit the occupancy or use of any buildings or structures on the Property as Residential Property, as defined under 24 Code of Federal Regulations Part 35, without complying with this section and all applicable federal, state, and local 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 sale is intended for residential habitation, the Grantee specifically agrees to perform, at its sole expense, the Army'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 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 all or any portion of the Property, including, without limitation, any lead-based paint hazards or concerns.

3. NOTICE OF PESTICIDE APPLICATIONS

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.

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.

ENCLOSURE 9

ASBESTOS SURVEY:

DRAFT

ASBESTOS VISUAL INSPECTION REPORT



**99TH REGIONAL SUPPORT COMMAND
UNITED STATES ARMY RESERVE
FORT DIX, NEW JERSEY**

CHESTER MEMORIAL US ARMY RESERVE CENTER

CHESTER, VERMONT

(USAR FACID: VT002 - SITE CODE: 50655)

July 2012

ASBESTOS VISUAL INSPECTION REPORT



**CHESTER MEMORIAL US ARMY RESERVE CENTER
(VT002) - (50655)
978 VT STATE ROUTE 11 WEST
CHESTER, VERMONT**

Submitted By



Small Business Group, Inc.
10179 Highway 78
Ladson, South Carolina 29456

Submitted to



United States Army Corps of Engineers
Savannah District

Prepared for



99TH REGIONAL SUPPORT COMMAND
UNITED STATES ARMY RESERVE
FORT DIX, NEW JERSEY



171 Commerce Street
Williston, Vermont 05495
www.atcassociates.com
802.862.1980
Fax 802.862.1405

August 6, 2012

Mark Moltzen
SBG EEG
10179 Highway 78
Ladson, SC 29456

RE: Asbestos Visual Inspection
Chester Memorial Army Reserve Center
Highway #11
Chester, Vermont
ATC Project #: 63.43398.0001

Dear Mr. Moltzen:

This report details the findings of the asbestos inspection performed by ATC Associates Inc. (ATC) at the above referenced site.

Asbestos Visual Inspection (no sampling)

The visual inspection was performed by ATC on July 10, 2012. The facility consists of two (2) buildings and an associated parking lot. Building 1 is an approximately 14,900 square-foot two-story administrative building with concrete block walls and a flat rubber coated roof. Building 2 is an approximately 1,100 square-foot one-story maintenance shop with concrete block walls and flat rubber coated roof. According to a prior report dated June 1998 and prepared by Harding Lawson Associates of Wakefield, Massachusetts, both buildings were reportedly constructed in 1950s. The asbestos visual inspection included a re-inspection of previously identified asbestos containing building materials (ACM) from the interior and exterior of the facility as well as identifying any observed presumed asbestos containing materials (PACM) which was not identified in the prior report. No samples were collected as part of this scope of work. The inspection was conducted per state and federal regulations.

Please refer to the listing of known and presumed suspect asbestos containing materials (**Appendix A**) and a room by room list of asbestos containing material (**Appendix B**) for details concerning further material description, location, condition, potential for disturbance and approximate quantities of ACM and PACM identified in this inspection. Please refer to the Asbestos Location Diagram (**Appendix C**) for more details.

RECOMMENDATIONS

- Prior to any renovations/demolition to the buildings, any asbestos containing materials that may be disturbed must be removed or abated as required (per State and Federal regulations).
- Suspect ACM that was not sampled during this inspection should be tested prior to disturbance. Inaccessible areas and materials should be surveyed (via selective demo if needed) prior to the start of renovation activities to appropriately determine the extent of necessary abatement.

Mr. Mark Moltzen
August 6, 2012
Page 2 of 2

- Asbestos abatement activities must be performed by a State-certified abatement contractor following all applicable State and Federal regulations. Abatement activities should be designed by a Vermont State-certified asbestos project designer and overseen by a Vermont-certified asbestos project monitor.

Appendix D contains the appropriate ATC certifications. Thank you for selecting ATC Associates Inc. for your environmental management needs. If you have any questions please do not hesitate to call us at (802) 862-1980.

Sincerely,

ATC ASSOCIATES INC.



Mark Fuller
Project Manager



Thomas J. Broido
Branch Manager

Appendix A

List of Suspect Asbestos Containing Building Materials

LIST OF CONFIRMED AND SUSPECT ACBM

Prior Report (1998)

According to the Asbestos Inspection Report prepared by Harding Lawson Associates, dated June 1998, the following building materials were previously identified as asbestos-containing:

Building 1:

- H-1: 12"x12" White Vinyl Floor Tile and Associated Mastic
- H-2: Gray Mudded Fitting Insulation on Fiberglass insulated pipes
- H-3: White Sealant on exposed ends of Fiberglass Pipe Insulation
- H-4: Gray Perimeter Flashing - Roof
- H-5: Black Cement – Roof Penetrations
- H-6: Black Asphaltic Roofing Material

Building 2:

- H-7: Brown Sealant on Circular Metal Vehicle Exhaust Duct
- H-8: Gray Exterior Window Putty

ATC Re-Inspection

ATC's re-inspection confirmed the continued presence of materials H-1, H-2, H-4, H-5 and H-6 in Building 1 and H-8 in Building 2 in the same quantities as were reported in the 1998 report. Building 2 was inaccessible during the inspection so it was unable to determine if H-7 was still in Building 2. It is assumed that H-7 is still in Building 2. In addition to those materials identified in the 1998 report, ATC's re-inspection identified the following suspect ACM at the facility:

Building 1:

- X-1: Fire Door
- X-2: Black Cove Base and Associated Mastic
- X-3: Brown Cove Base and Associated Mastic
- X-4: Carpet Mastic
- X-5: White Caulking Window and Doors

Appendix B

Room by Room List of ACBM

Chester Memorial Army Reserve Center
 Highway #1, Chester, Vermont
 Room by Room List of ACBM or PACM
 ATC Project #63.43398.0001
 Page 1 of 3

BUILDING 1

<u>Location</u>	<u>Homogenous Material</u>	<u>Description</u>	<u>Type of ACBM</u>	<u>Approximate Quantity</u>	<u>Condition</u>	<u>Potential for Disturbance</u>
Classrooms, Offices and Hallways						
Floor	H-1	12"x12" White Vinyl Floor Tile and Associated Mastic	Miscellaneous Non-Friable	4800 SF	Good	Low Potential
Floor	X-3	Brown Cove Base and Associates Mastic*	Miscellaneous Non-Friable	1000 SF	Good	Low Potential
Boiler Room						
Pipe Fittings	H-2	Gray Mudded Fitting Insulation on Fiberglass insulated Pipes	TSI Friable	60 LF	Good	High Potential
Assembly Hall						
Pipe Fittings	H-2	Gray Mudded Fitting Insulation on Fiberglass insulated Pipes	TSI Friable	1 LF	Good	Low Potential
Room 103						
Floor	X-2	Black Cove Base and Associates Mastic*	Miscellaneous Non-Friable	300 SF	Good	Low Potential
Floor	X-4	Carpet Mastic*	Miscellaneous Non-Friable	300 SF	Good	Low Potential
Room 104						
Floor	X-2	Black Cove Base and Associates Mastic*	Miscellaneous Non-Friable	300 SF	Good	Low Potential
Floor	X-4	Carpet Mastic*	Miscellaneous Non-Friable	300 SF	Good	Low Potential
Room 105						
Floor	X-2	Black Cove Base and Associates Mastic*	Miscellaneous Non-Friable	300 SF	Good	Low Potential
Floor	X-4	Carpet Mastic*	Miscellaneous Non-Friable	300 SF	Good	Low Potential

* Indicates materials not previously sampled and presumed to contain asbestos.

Chester Memorial Army Reserve Center
 Highway #1, Chester, Vermont
 Room by Room List of ACBM or PACM
 ATC Project #63.43398.0001
 Page 2 of 3

BUILDING 1

<u>Location</u>	<u>Homogenous Material</u>	<u>Description</u>	<u>Type of ACBM</u>	<u>Approximate Quantity</u>	<u>Condition</u>	<u>Potential for Disturbance</u>
Vault						
Door	X-1	Fire Door*	Miscellaneous Non-Friable	1 units	Good	Low Potential
Roof						
Edge of Roof	H-4	Gray Perimeter Flashing	Miscellaneous Non-Friable	500 SF	Good	Low Potential
Penetrations on Roof	H-5	Black Cement	Miscellaneous Non-Friable	100 SF	Good	Low Potential
Field of Roof	H-6	Black Asphaltic Roofing Material	Miscellaneous Non-Friable	14900 SF	Good	Low Potential
Exterior						
Wall	X-5	White Windows and Door Caulking*	Miscellaneous Non-Friable	400 LF	Good	Low Potential

* Indicates materials not previously sampled and presumed to contain asbestos.

Chester Memorial Army Reserve Center
 Highway #1, Chester, Vermont
 Room by Room List of ACBM or PACM
 ATC Project #63.43398.0001
 Page 3 of 3

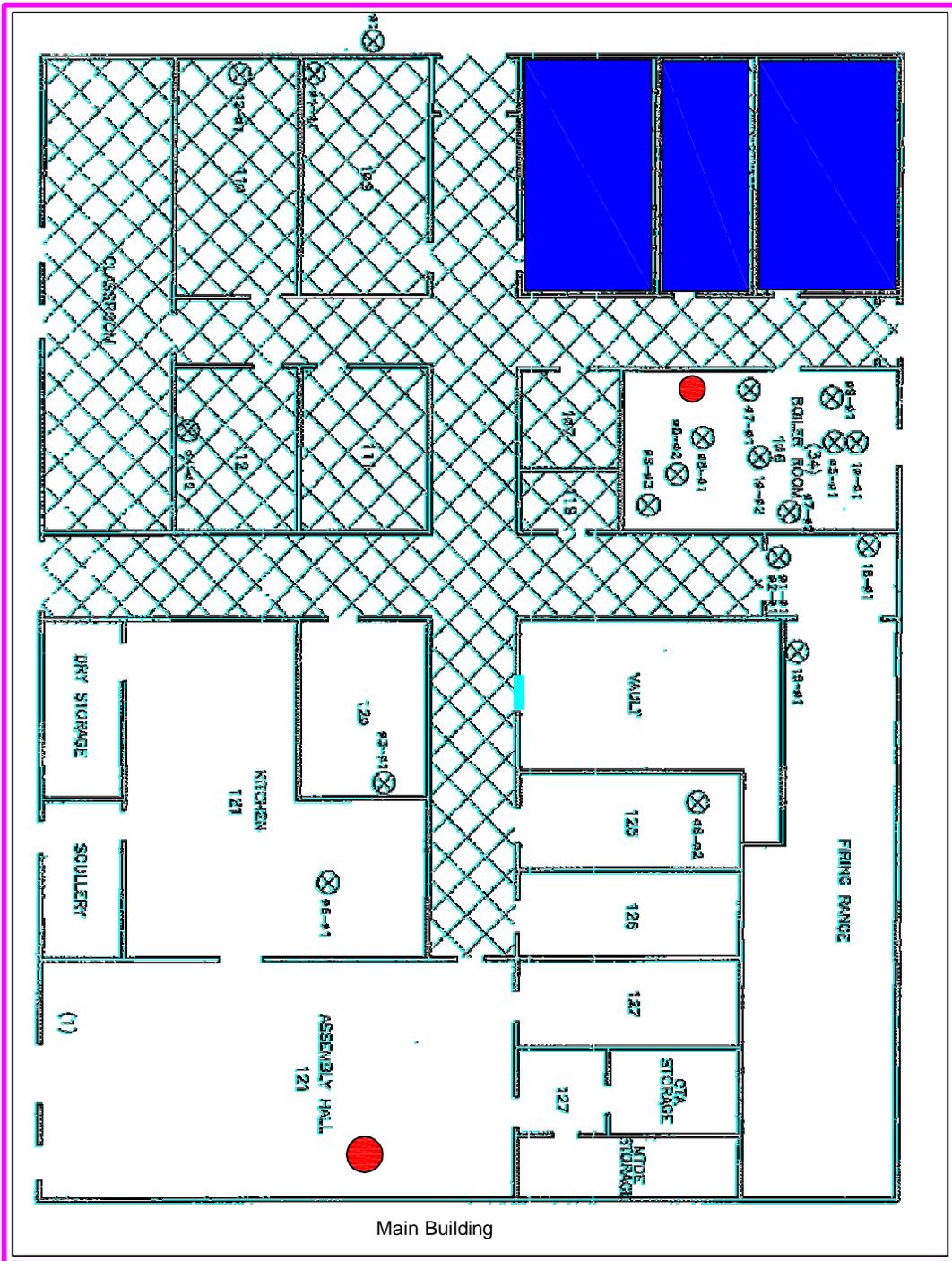
BUILDING 2

<u>Location</u>	<u>Homogenous Material</u>	<u>Description</u>	<u>Type of ACBM</u>	<u>Approximate Quantity</u>	<u>Condition</u>	<u>Potential for Disturbance</u>
Vehicle Exhaust duct at left rear corner						
Exhaust Duct	H-7	Brown Sealant on Circular Metal Vehicle Exhaust Duct	Miscellaneous Non-Friable	15 SF	Good	Low Potential
Exterior						
Wall	H-8	Gray Window Putty	Miscellaneous Non-Friable	15 SF	Good	Low Potential

* Indicates materials not previously sampled and presumed to contain asbestos.

Appendix C
Asbestos Location Diagram

- Legend:
-  H-1 & X-3
 -  H-2
 -  X-2 & X-4
 -  X-1
 -  H-4, H-5, H-6 & X-5



Main Building



171 COMMERCE STREET
 P.O. BOX 1486
 WILLISTON, VT 05495
 Tel.(802)862-1980 Fax.(802)862-1405

Asbestos Location Diagram

Chester Memorial Army Reserve Center
 Highway #11
 Chester, Vermont

Proj. No. 63.43398.001

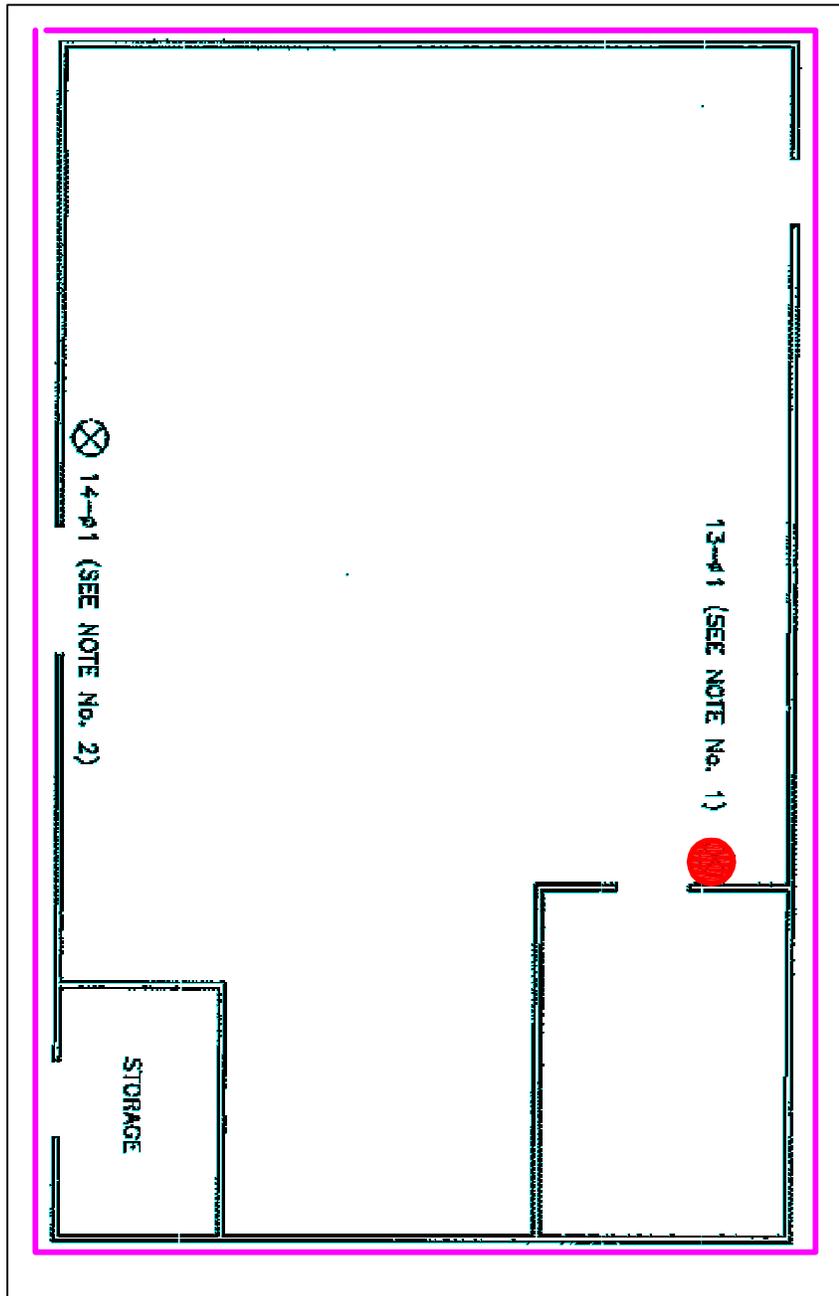
Proj. Mgr. MF

Date 8/13/12

Figure 1

Legend:

- H-7
- H-8



Second Building



171 COMMERCE STREET
P.O. BOX 1486
WILLISTON, VT 05495
Tel.(802)862-1980 Fax.(802)862-1405

Asbestos Location Diagram

Chester Memorial Army Reserve Center
Highway #11
Chester, Vermont

Proj. No. 63.43398.0001

Proj. Mgr. MF

Date 8/13/12

Figure 2

Appendix D
Certifications

VERMONT DEPARTMENT OF HEALTH
Asbestos & Lead Regulatory Program

Asbestos Site Inspector
Not a Legal Form of ID

MARK E. FULLER

Eff. Date **07/19/11**
Exp. Date **08/12/12**

CONES
AI014087



Renewal

ASBESTOS SITE INSPECTOR

MARK E. FULLER
221 FULLER ACRES DRIVE
WATERBURY CENTER VT 05677

Vermont Department of Health
Drawer 30
P.O. Box 70
Burlington, VT 05402

LICENSE: AI014087

EXPIRES: Sunday, August 12, 2012

CERIFICATE OF LICENSE
VERMONT ASBESTOS REGULATORY PROGRAM

THIS CERTIFICATE SHALL REMAIN IN FORCE UNTIL THE EXPIRATION DATE UNLESS REVOKED OR VOIDED BEFORE THAT TIME. THIS CERTIFICATE IS NOT TRANSFERABLE AND IS VALID ONLY FOR THE ABOVE PARTY.

THIS CERTIFICATE IS FOR OFFICE USE ONLY. PHOTO ID CARD MUST BE ON SITE AT ALL TIMES

ENCLOSURE 10

TO BE UPDATED AFTER PUBLIC COMMENT PERIOD

REGULATORY/PUBLIC COMMENTS & ARMY RESPONSE

- The Notice of Availability was placed in the X and the Draft FOST was placed at the X, from _____ to _____ (see attached [attached affidavit and actual NOA from paper below). No public comments were received during the review period.
- The Draft FOST was sent to VTDEC on DATE. VTDEC responded....
- The Draft FOST was sent to US EPA Region 1 on _____. The EPA responded...
- Army response....