

**FORMER U.S. ARMY GARRISON-SELFRIDGE SEBILLE MANOR
INSTALLATION NUMBER 26735
FINDING OF SUITABILITY TO TRANSFER**

Amendment 2

7 May 2015

1. BACKGROUND

The purpose of this second FOST Amendment is to: (1) revise the text of the Pesticide Notice and Covenant in FOST Amendment 1 to clarify this provision's intended meaning without changing its legal effect, and (2) include the Lead-Based Paint Notification and Covenant from the original FOST (which was inadvertently omitted from FOST Amendment 1) as an environmental protective provision and revise its text to indicate all buildings on the property have been demolished.

2. DESCRIPTION

Amend FOST Amendment 1, Enclosure 1 – Amended Sections of FOST Enclosures 6 and 7 by making the following changes to Enclosure 7 – Environmental Protective Provisions:

- a. Replace paragraph 2, Pesticide Notice and Covenant with the following text:

“7. PESTICIDE NOTICE AND COVENANT

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

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.”

- b. Add the following text as a new paragraph 3:

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

“A. The Grantee is hereby informed and does acknowledge that all former buildings on the Property, which were constructed or rehabilitated prior to 1978, are presumed to have contained 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 in soils 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.”

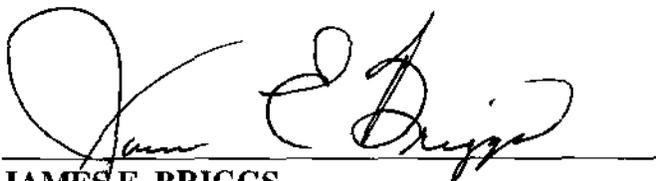
3. PUBLIC AND REGULATORY REVIEW AND COMMENT

This FOST Amendment 2 does not have to be advertised for public and regulatory review, because the Environmental Protective Provisions were previously advertised and:

- a. Minor changes to the text of the 'Pesticide Notice and Covenant' provision clarify its intended meaning without changing its legal effect; and,
- b. The only changes in the text of the 'Notice of the Presence of Lead-Based Paint Notice and Covenant Against Use of the Property for Residential Purposes' provision reflect the fact that all buildings on the property have been demolished.

4. FINDING OF SUITABILITY TO TRANSFER

Based on the information above, I conclude that the Property remains CERCLA §120(h)(4) uncontaminated property and is suitable for transfer under that section.



JAMES E. BRIGGS
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Reserves Operations and Consolidations Branch
Base Realignment and Closure Division