

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

**Red River Army Depot
Western Excess Parcel**

TexAmericas Center Parcel

September 2011

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July 26, 2011

1. PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability of property (the Property) at the Red River Army Depot (RRAD) Western Excess Property (WEP) for transfer to the TexAmericas Center (TAC) (formerly the Red River Redevelopment Authority) 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 2,843.55 acres, which includes 159 storage igloos, 2 former ammunition surveillance test ranges, and forested areas harvested for timber. The Property was previously used for ammunition surveillance testing, ammunition storage, and timber management. The Property is intended to be use for commercial or industrial activities. These uses are consistent with the intended reuse of the Property as set forth in the Red River Redevelopment Authority Reuse Plan. The transfer will be an Economic Development Conveyance (EDC). 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 following:

- U.S. Army BRAC 2005 Environmental Condition of Property Report, Red River Army Depot, Texarkana, TX, Final, 30 November 2006;
- Site Characterization Red River Army Depot West Excess Property, Texas. 29 April 2008;
- West Excess Property Remedial Investigation, Red River Army Depot, New Boston, Texas, April 2011; and
- Memorandum for Record, dated 14 June 2011, Red River (RRAD) West Excess Property (WEP) Radiological Material Clearance.

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) category for the Property is ECP Category 3: TAC Parcel

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

There were 6 investigation sites on the property. A summary of the environmental investigation sites on the property is as follows:

- 2(6)HRX Southwest Surveillance Test Range
- 3(6)HRX Northwest Surveillance Test Range
- 5(6)HRX Igloo Explosion Site
- 7(7)X Former Building 2155 (black powder storage building)
- 8(2)PR kerosene spill site
- Area of Concern (AOC) 12, Sludge Disposal Area

The Army completed and submitted a Site Characterization Report to the Texas Commission on Environmental Quality (TCEQ) in April 2008. In an August 29, 2008 letter, TCEQ agreed that no further action (NFA) was required at sites 7(7)X, 8(2)PR, and AOC 12. The Army completed and submitted a Remedial Investigation report to the TCEQ in April 2011. On May 25, 2011, the TCEQ agreed to NFA at sites 2(6)HRX, 3(6)HRX, and 5(6)HRX.

The release or disposal of hazardous substances on the Property was at concentrations that did not require an environmental response (removal or remedial) because the Property is intended for industrial or commercial use. The deed transferring the Property will include both a restriction prohibiting residential use and a notice of the presence of groundwater monitoring wells on the Property. (See Draft Site Characterization Red River Army Depot West Excess Property, Texas, 12 December 2007, West Excess Property Remedial Investigation, Red River Army Depot, New Boston, Texas, April 2011, and TCEQ letters dated August 29, 2008 and May 25, 2011, for additional information.) A summary of the environmental investigation sites is provided in Table 1 – Description of Property (Enclosure 3).

4.2. Storage, Release, or Disposal of Hazardous Substances

Hazardous substances were stored for one year or more and released or disposed of on the Property at concentrations that did not require an environmental response (removal or remedial). All hazardous substance storage operations have been terminated on the property. See Section 4.1 Environmental Remediation Sites for additional information. The CERCLA 120(h)(3) Notice and Covenant at Enclosure 6 will be included in the deed.

4.3. Petroleum and Petroleum Products

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

There is no evidence that petroleum products were stored in USTs or ASTS on the property.

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.

Petroleum product release or disposal in excess of 55 gallons impacted the Property when a kerosene spill occurred approximately 1.5 miles off-site in the mid-1990s and migrated onto the northwestern portion of the Property (Site 8(2)PR). RRAD personnel contained the release and used a vacuum truck to remove the product. Sediment samples were collected during the Site Characterization investigation and no semi-volatile organic compounds were detected (ELM, 2008). In an August 29, 2008 letter, TCEQ concurred with NFA determination.

A summary of the non-UST/AST petroleum activities is provided in Table 2 – Notification of Petroleum Products Storage, Release, or Disposal (Enclosure 4).

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

Asbestos-containing material (ACM) may be present in ammunition storage magazines (igloos). The Army suspects that ACM is in the non-friable waterproofing applied to the igloos' exterior concrete surfaces. In addition, igloo doors may contain ACM. Any ACM in the doors would be encapsulated. Any ACM present would not pose a threat to human health or the environment because it is either non-friable or encapsulated. The deed transferring the Property will include an asbestos warning and covenant (Enclosure 7).

4.6. Lead-Based Paint (LBP)

Lead-based paint (LBP) may be present in igloos based on the age of their construction. The Property was not used for residential purposes and TAC (the transferee) does not intend to use the Property for residential purposes. The deed transferring the Property will include a LBP warning and covenant (Enclosure 7).

4.7. Radiological Materials

There is no evidence that radioactive material or sources were stored or used on the property. The Director, Red River Munitions Center, confirmed that no radiological commodities or materials have ever been stored or used on the WEP. (See Memorandum for Record, dated 14 June 2011, Red River (RRAD) West Excess Property (WEP) Radiological Material Clearance.)

4.8. Radon

A radon survey was conducted at RRAD in 1989. Radon was not detected at above the EPA residential action level of 4.0 picocuries per liter (pCi/L). Because there are no inhabited buildings on the Property, there were no structures on the Property included in the survey.

4.9. Munitions and Explosives of Concern (MEC)

Based on a review of existing records and available information, there was evidence that Munitions and Explosives of Concern (MEC) were present on the Property. The Property was previously used to test pyrotechnics, smoke pots, grenades, grenade fuzes and antipersonnel mines that could result in the presence of MEC. 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 (MC) munitions constituents (e.g., trinitrotoluene [TNT], hexahydro-1,3,5-trinitro-1,3,5 triazine [RDX]), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.

A summary of the munitions-related activities conducted on the munition response sites (MRS) on the Property is provided below. The MRS on the Property are:

- Southwest Surveillance Test Range (2(6)HRX)
- Northwest Surveillance Test Range (3(6)HRX)
- Igloo Explosion Site (5(6)HRX)

4.9.1. The Southwest Surveillance Function Test Range (RRAD-009-R-01) (ECP site 2(6)HRX) was an approximately 106 acre surveillance function test range used from 1948 to as late as 1984 for quality assurance surveillance (shelf-life testing) of military munitions stored at RRAD.

The Army conducted a Site Investigation (SI) in 2005. During the SI, two munitions (an M16A1 Antipersonnel Mine, which was located near the mine/grenade test stand, and an M16A1 Antipersonnel Mine fuze, which was located in the armored building) were encountered. These military munitions, which were evaluated to determine their explosive safety status, were determined to be inert (safe).

Subsequently, the Army conducted a munitions response (removal) at the test stand and surveyed transects of approximately ten percent of the surveillance range's remaining acreage. During these response actions, the Army recovered an unfuzed M67 grenade body, a metallic item that could not be positively identified, and munitions debris. The M67 grenade body was transferred to RRAD for disposal and the munitions debris and the unidentified item, which were evaluated to determine their explosives safety status, were determined to be inert and disposed of per applicable regulations.

Sampling results indicate that there are no unacceptable risks to human and environmental receptors present under current or future land uses.

In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.

4.9.2. The Northwest Surveillance Function Test Range (RRAD-008-R-01) (ECP site 3(6)HRX) was an approximately 22-acre test range in the Property's northwest portion. From 1953 to 1960, the Army conducted functional tests of stationary munitions as part of its surveillance program.

The Army conducted two munitions responses at this MRS. These responses included the removal of munitions and munitions debris from the 4.0 acres that made up the stationary test pad and a survey of transects that made up approximately ten percent of the MRS. During these responses, the Army recovered seven munitions and removed munitions debris from the surface. The MEC recovered included M38 Base Detonating Fuzes and M125 Flare illumination candles. Subsurface anomalies were not detected in the acreage that made up the stationary test pad or the survey transects. The MEC recovered was transferred to RRAD for disposal. The munitions debris recovered, which was evaluated to determine its explosives safety status, was determined to be inert (safe) and disposed of per applicable regulations.

Based on the munitions response conducted and the range's use for surveillance activities, the Army believes the likelihood of encountering MEC on this MRS is very low (USACE, 2011).

Sampling results indicate that there are no unacceptable risks to human and environmental receptors present under current or future land uses.

In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.

4.9.3. The Igloo Site (5(6)HRX) is where Igloo A7-07, which was used to store black powder charges with a net explosive weight of approximately 48,000 pounds, was located in Block A. The igloo was the site of an explosives incident (detonation) on 21 August 1996. The furthest piece of debris reported was a metal fragment that was found in the road approximately 155.5 feet southeast of the igloo's doorway. The designated explosion area was extended 300 feet beyond the igloo to ensure all explosive hazards were removed during the cleanup conducted after the detonation. The igloo material and debris recovered, which were

removed to the High Explosive Burning Grounds for demilitarization, were evaluated and determine not to pose an explosive hazard. Surface samples collected during a Remedial Investigation indicated munitions constituents were not released to surface soil at the time of incident. In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.

A copy of the concurrence letters from TCEQ are provided as Enclosure 8. A summary of MEC discovered on the Property is provided in Table 3 – Notification of Munitions and Explosives of Concern (Enclosure 5). Given the Property's past use, the deed will include the Table 3- Notification of MEC and a MEC Notice (Enclosure 7).

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

The following other potentially hazardous conditions exist on adjacent property: the Ordnance Training Center (OTC) Hazardous Waste Landfill (4(4)HR).

Remedial activities are ongoing at the OTC Landfill (RRAD-04) (4(4)HR). A RCRA cap was installed over the entire site in 1985. TCEQ approved a corrective measures implementation plan for a Plume Management Zone and a Compliance Plan permit modification were approved in March 2006. Groundwater samples are being collected for volatile organic compounds (VOCs) and results are reported semi-annually. (See the Corrective Measures Implementation Plan for the Ordnance Training Center Area, Red River Army Depot, November 2004 for additional information.)

The Plume Management Zone on the adjacent property, which extends to the TAC parcel, does not present an unacceptable risk to human health and the environment because it does not require any further action or corrective measures are currently being implemented. Migration of the plume to the TAC parcel is not expected to occur. The deed transferring the Property will include restrictions on groundwater use on the TAC parcel (Enclosure 7).

6. ENVIRONMENTAL REMEDIATION AGREEMENTS

There is only one environmental order/agreement that applies to the Property. This is the RRAD RCRA Permit for Industrial Solid Waste Management, No. HW-50178-000, which was originally issued on 13 December 1988 and renewed in 1995 and 2001. The current permit, which expires in 2011, will be renewed.

All remediation activities on the Property are completed or in place and operating properly and successfully. (See Section 4.1 Environmental Remediation Sites.) The deed transferring the Property will include a provision reserving the Army's right to conduct remediation activities, if necessary, in the future (Enclosure 6).

7. REGULATORY/PUBLIC COORDINATION

The U.S. Environmental Protection Agency Region 6, TCEQ, 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 Enclosures 9 and 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 Final Environmental Assessment for Disposal and Reuse of Lone Star Army Ammunition Plant and Red River Army Depot, Texas, October 2008.

There are 2,550 acres of wetlands at RRAD, with a portion these wetlands occurring on the Property. However, no formal jurisdictional wetland delineation has been performed. Project specific field delineations, consistent with current USACE protocols for determining the presence of jurisdictional wetlands, must be conducted prior to implementing activities that could potentially impact wetlands.

9. FINDING OF SUITABILITY TO TRANSFER

Based on the above information, I conclude that all response actions necessary to protect human health and the environment have been taken and the Property is transferable under CERCLA section 120(h)(3). In addition, all DoD requirements to reach a finding of suitability to transfer have been met, subject to the terms and conditions set forth in the attached Environmental Protection Provisions 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.



Hershell E. Wolfe
Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health)

Enclosures

- Encl 1 -- Site Map
- Encl 2 -- Environmental Documentation
- Encl 3 -- Table 1 - Description of Property
- Encl 4 -- Table 2 - Notification of Petroleum Product Storage, Release, or Disposal
- Encl 5 -- Table 3 - Notification of Munitions and Explosives of Concern
- Encl 6 -- CERCLA Notice, Covenant, and Access Provisions and Other Deed Provisions

Enclosures (continued)

Encl 7 -- Environmental Protection Provisions

Encl 8 -- Regulatory Concurrence Letters

Encl 9 -- Regulatory/Public Comments

Encl 10 -- Army Response

ENCLOSURE 1

SITE MAP

Public Sale
Parcel - West
(~327 acres)

Public Sale
Parcel - East
(~653 acres)

Northwest Surveillance Test Range

Transfer
Parcel
(2859 acres)

Southwest Surveillance Test Range

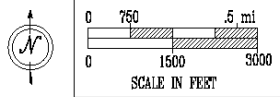
OTC Haz Waste PMZ

5(6)HR

8(2)PR

7(7)X

RRAD



BRAC '05 WESTERN EXCESS PARCEL

ENCLOSURE 2

ENVIRONMENTAL DOCUMENTATION

- Dames and Moore. 1984. Final Ground-Water Quality Assessment OTC Area (Task 1-8). 16 August.
- ELM Consultants, LLC. 2007. Draft Site Characterization Report, RRAD West Excess Property. December 12.
- Engineering Environmental Management, Inc. (EEM). 2006. Final Site Inspection Report Military Munitions Response Program Site Inspection Munitions Response Sites, Red River Army Depot, Texas. August.
- Environmental Data Resources, Inc. (EDR). 2005. EDR Data Map Area Study and Historical Topographic Map Report, Red River Army Depot, Texarkana, TX 75501. 29 and 30 September.
- Environmental Research, Inc. (ERI). 2006. Aerial Photographic Site Analysis, Red River Army Depot, Bowie County, Texas. August.
- Geo-Marine, Inc. (Geo-Marine). 1990. Intensive Archeological Survey and Archival Investigation at the Red River Army Depot and Lone Star Army Ammunition Plant, Bowie County, TX. May.
- Geo-Marine. 1994. Cultural Resources Survey of 2,226 Hectares within the Red River Army Depot and Lone Star Army Ammunition Plant, Bowie County, TX. September.
- Marstel-Day, LLC. 2008. Environmental Assessment for Disposal and Reuse of Lone Star Army Ammunition Plant and Red River Army Depot, Texas. October.
- Nakata Planning Group, Inc. (Nakata). 1985. Phase I, Master Plan, Analysis of Existing Facilities/Environmental Assessment Report. April.
- Parsons Engineering Science, Inc. (Parsons). 1998. RCRA Part B Permit, Application for Renewal. February and December.
- Parson. 1999. Task 1 Report for Miscellaneous Sites. May.
- Parsons. 2000. Draft Final Data Summary Report for Miscellaneous Sites, Volume I Report. April.
- Parsons. 2004. Corrective Measures Implementation Plan for the Ordnance Training Center Area Red River Army Depot, Texarkana, Texas. November.
- Red River Army Depot (RRAD). 1996. Internal correspondence concerning asbestos in igloos. 4 September.
- RRAD. 2004a. Waste Management. 15 September.
- RRAD. 2004b. Pesticide Management Plan. October.
- Red River Ordnance Depot (RROD). 1962. General Site Maps. 5 October.
- Tetra Tech EM, Inc. (Tetra Tech). 2005. Draft Integrated Cultural Resources Management Plan for Red River Army Depot for FY05 to FY09, Texarkana, Texas.
- Tetra Tech. 2006. Integrated Natural Resources Management Plan for Red River Army Depot and Lone Star Army Ammunition Plant, Texarkana, Texas. March.
- TetraTech NUS. 2003. Site Investigation Data Report – OTC Landfills. May.

Environmental Documentation (Continued)

- TSC Group and NewFields. 2004. Red River Army Depot, OTC Landfill, MNA Addendum 2. February.
- United States Army Corps of Engineers (USACE), Mobile District and Tetra Tech, Inc. 1998. Environmental Assessment for BRAC 95 Disposal and Reuse of Property at the Red River Army Depot, Texas. January.
- USACE, Fort Worth District. 1992. Red River Army Depot, RCRA Facility Investigation Final Report.
- USACE, Fort Worth District. 1993. Red River Army Depot, RCRA Facility Investigation for the OTC Area Amended Report.
- USACE, Fort Worth District. 2001. Red River Army Depot Natural Attenuation Study – OTC Area. January.
- USACE, Fort Worth District. 2006b. Red River Army Depot, Compliance Plan No. CP-50178, Ordnance Training Center (OTC) Area, Semi-Annual Report. July.
- USACE, Military Munitions Design Center, Omaha District. 2011. *West Excess Property Remedial Investigation, Red River Depot, New Boston, Texas*. April.
- United States Army Environmental Center (USAEC). 2005. FY2006 Red River Army Depot, Texas, Installation Action Plan. May.
- United States Army Technical Center for Explosives Safety (USATCES). 2006. Draft RRMHC Historical Records Review, Red River Munitions Center, Texarkana, Texas. May.
- United States Army Toxic and Hazardous Materials Agency (USATHAMA). 1978. Installation Assessment of Red River Army Depot, Texarkana, Texas, Record Evaluation Report No. 125. July.
- United States Center for Health Promotion and Preventative Medicine (USACHPPM). 1996. Executive Summary Hazardous and Medical Waste Study No. 37-EF-5698-97, Relative Risk Site Evaluation, Red River Army Depot. 9 December.
- United States Fish and Wildlife Service (USFWS). 1998. Letter responding to 15 June 1998 letter requesting no federally listed threatened and endangered species at RRAD and LSAAP. 22 June.
- URS. 2006. *Final Environmental Condition of Property Report, Red River Army Depot*. 30 November.
- Army. 2011. *Environmental Condition of Property Update*. July.
- Woodward-Clyde. 1996. United States Army Base Realignment and Closure 95 Program, Environmental Baseline Survey Report, Red River Army Depot, Texas. 18 December.

ENCLOSURE 3

TABLE 1 – DESCRIPTION OF PROPERTY

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
<p>This area includes forested land, vegetated areas, and the munitions storage areas (approx. 1,048 acres). These include:</p> <ul style="list-style-type: none"> • Area A Storage Igloos (97 igloos) • Portion of Area B Igloos (6 igloos) • Portion of Area C Igloos (56 igloos) 	1(1)	1	N/A
Southwest Surveillance Function Test Range (RRAD-009-R-01)	2(6)HRX	3	<p>The Army investigated and conducted a removal action at the approximately 5 acres that made up the mine/grenade test stand and surveyed transects at approximately ten percent of the remaining 101 acres of the remainder of the range. Based on these investigations and the range's use for surveillance activities, the Army believes the likelihood of encountering MEC on this MRS is very low.</p> <p>Sampling results showed that no unacceptable risks to human and environmental receptors are present under current or future land uses.</p> <p>In a May 25, 2011 letter, TCEQ agreed with the No Further Action (NFA) determination for this MRS.</p>
Northwest Surveillance Function Test Range (RRAD-008-R-01)	3(6)HRX	3	<p>The Army conducted three munitions responses at this MRS. These response included the removal of munitions and munitions debris from the 4.0 acres that made up the stationary test pad and a survey of transects that made up approximately ten percent of this MRS. Based on the munitions response conducted and the range's use for surveillance activities, the Army believes the likelihood of encountering MEC on</p>

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
			<p>this MRS is very low.</p> <p>Sampling results showed that no unacceptable risks to human and environmental receptors are expected.</p> <p>In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.</p>
Former Storage Igloo A7-07 Explosion Site	5(6)HRX	1	<p>On 21 August 1996, a fire in this igloo caused an explosion. Inventory records showed the igloo contained black powder charges with a net explosive weight of approximately 48,000 pounds. Debris from the incident was observed on the apron and road. The designated explosion area was extended 300 feet beyond the igloo to ensure any explosive hazards were removed.</p> <p>Surface samples collected during a Remedial Investigation indicate munitions constituents were not released to surface soil at the time of incident.</p> <p>In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.</p>
Building 2155 – Black powder storage magazine	7(7)X	1	<p>Building 2155 was originally designated as a Smokeless Black Powder Magazine. As part of the Site Characterization, the magazine's interior was inspected and soil samples were collected. No evidence of a release was found. In an August 29, 2008 letter, TCEQ agreed with the NFA determination.</p>
Kerosene spill site	8(2)PR	2	<p>A kerosene spill occurred approximately 1.5 miles off-site in the mid-1990s and migrated onto the northwestern portion of the property. RRAD personnel contained the release and used a vacuum truck to remove the product. Sediment samples were collected during the Site Characterization and no semi-volatile organic compounds were detected (ELM, 2008). In an August 29, 2008 letter, TCEQ agreed with the NFA determination.</p>

AOC 12	N/A	3	Sludge from a potable water treatment plant was suspected to have been disposed at two sites. Evidence of a gray solid material was observed in these areas. Sampling was conducted as part of the Site Characterization. The sampling results did not indicate the presence of contaminants within the disposed sludge. In an August 29, 2008 letter, TCEQ agreed with the NFA determination.
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- 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 PETROLEUM PRODUCT STORAGE,
RELEASE OR DISPOSAL**

Building Number	Name of Petroleum Product(s)	Date of Storage, Release, or Disposal	Remedial Actions
Kerosene spill site	Kerosene	mid-1990s	A kerosene spill occurred approximately 1.5 miles off-site in the mid-1990s and migrated onto the northwestern portion of the property. RRAD personnel contained the release and used a vacuum truck to remove the product. Sediment samples were collected during the Site Characterization and no semi-volatile organic compounds were detected (ELM, 2008). In an August 29, 2008 letter, TCEQ agreed with the NFA determination.

ENCLOSURE 5

TABLE 3 – NOTIFICATION OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)*

Site	Type of MEC	Date of MEC Activity	Munitions Response Actions
<p>Southwest Surveillance Function Test Range (RRAD-009-R-01)</p>	<p>Inert M16A1 Antipersonnel Mine, M16A1 Antipersonnel Mine fuze, and unfuzed M67 grenade body</p>	<p>1948 to 1984</p>	<p>This MRS consists of approximately 106 acres. Army conducted a Site Investigation (SI) in 2005. During the SI, two munitions (an M16A1 Antipersonnel Mine, which was located near the mine/grenade test stand, and an M16A1 Antipersonnel Mine fuze, which was located in the armored building) were encountered. These munitions, which were evaluated to determine their explosive safety status, were determined to be inert.</p> <p>Subsequently, Army investigated and conducted a removal action at the approximately 5 acres that made up the mine/grenade test stand and surveyed transects at approximately ten percent of the remaining 101 acres. During these response actions, the Army recovered an unfuzed M67 grenade body, a metallic item that could not be positively identified, and munitions debris. The M67 grenade body, the munitions debris and the unidentified item, which were evaluated to determine their explosives safety status, were determined to be inert and disposed of per applicable regulations.</p> <p>Subsurface anomalies were not detected in the acreage that made up the mine/grenade test stand or the surveyed transects. Based on these investigations and the range's use for surveillance activities, the Army believes the likelihood of encountering MEC on this MRS is very low.</p> <p>Sampling results indicate that there are no unacceptable risks to human and environmental receptors present under current or future land uses.</p> <p>In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.</p>

Site	Type of MEC	Date of MEC Activity	Munitions Response Actions
Northwest Surveillance Function Test Range (RRAD-008-R-01)	M38 Base Detonating Fuses and M125 Flare illumination candles	1953 to 1960	<p>This MRS consists of approximately 22-acres. The Army conducted three munitions responses at this MRS. These response included the removal of munitions and munitions debris from the 4.0 acres that made up the stationary test pad and a survey of transects that made up approximately ten percent of this MRS. During these responses, the Army recovered seven munitions and removed munitions debris from the surface. The MEC recovered included M38 Base Detonating Fuzes and M125 Flare illumination candles. Subsurface anomalies were not detected in the acreage that made up the stationary test pad or the survey transects. The MEC recovered was destroyed by open detonation. The munitions debris recovered, which was evaluated to determine its explosives safety status, was determined to be inert and disposed of per applicable regulations.</p> <p>Based on the munitions response conducted and the range's use for surveillance activities, the Army believes the likelihood of encountering MEC on this MRS is very low (USACE, 2011).</p> <p>Sampling results indicate that there are no unacceptable risks to human and environmental receptors present under current or future land uses.</p> <p>In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.</p>
Igloo A7-07	Black Powder Charges	Storage until explosion on 21 Aug 1996	<p>The igloo was the site of an explosives incident (detonation) on 21 August 1996. The furthest piece of debris reported was a metal fragment that was found in the road approximately 155.5 feet southeast of the igloo's doorway. The designated explosion area was extended 300 feet beyond the igloo to ensure all explosive hazards were removed during the cleanup conducted after the detonation. The igloo material and debris recovered, which were removed to the High Explosive Burning Grounds for demilitarization, were evaluated and determine not to pose an</p>

Site	Type of MEC	Date of MEC Activity	Munitions Response Actions
			<p>explosive hazard. Surface samples collected during a Remedial Investigation indicated munitions constituents were not released to surface soil at the time of incident.</p> <p>In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.</p>

MEC. This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means: (A) Unexploded Ordnance (UXO), as defined in 10 §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.

ENCLOSURE 6

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. CERCLA PROVISIONS

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

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

Pursuant to section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9620(h)(3)(A)(i)(I) and (II)), the Grantor has made a complete search of its files and records, and no hazardous substances have been stored for one year or more, or known to have been released or disposed of, on the Property in excess of the 40 CFR 373 reportable quantities. However, notice is hereby provided that metals and munitions constituents were released or disposed of on the Property on or about the 1940s through the 1980s.

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)), no remedial action was taken on the Property because the release or disposal of hazardous substances occurred at concentrations that did not require a response action.

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)) (“CERCLA Covenants”):

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

(1) All remedial action necessary to protect human health and the environment with respect to any hazardous 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

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

This warranty shall not apply in any case in which the person or entity to whom the Property is transferred is a potentially responsible party with respect to such Property.

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, 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.

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. "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 buildings or structures on the Property do or do 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 or lead-based paint in buildings or structures, 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 Covenants set forth above or any other statutory obligations.

(1) 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 from buildings, equipment, improvements and facilities, including asbestos in or on buried pipelines, or to lead-based paint from buildings or structures, on any portion of the Property after the date of conveyance, and other than such claims arising out of acts or omissions of successors or assigns of Grantor.

(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 or lead-based paint in buildings or structures, or other conditions 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.

(2) 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 the investigation and/or remediation of 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.

(3) ENVIRONMENTAL PROTECTION PROVISIONS

The Environmental Protection Provisions are at Exhibit _____, 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 7

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. LAND USE RESTRICTIONS

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

(1) Residential Use Restriction. The Grantee, its successors and assigns, shall use the Property solely for commercial or industrial activities. For purposes of this provision, residential use includes, but is not limited to, use for: single family or multi-family residences, child care facilities, nursing homes or assisted living facilities, or any educational purpose for grades kindergarten through 12.

(2) Groundwater Restriction. The Grantee is hereby informed and acknowledges that a portion of the Property is part of the Plume Management Zone associated with the Ordnance Training Center Hazardous Waste Landfill on adjacent property. Groundwater sampling is being conducted on adjacent property for volatile organic compounds (VOCs). The Grantee, its successors and assigns, shall not access or use ground water underlying the Plume Management Zone portion of the Property for any purpose without the prior written approval of the United States Department of the Army and the Texas Commission on Environmental Quality (TCEQ). For the purpose of this restriction, "ground water" shall have the same meaning as in section 101(12) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

(3) Notice of Groundwater Monitoring Wells. The Grantee is hereby informed and does acknowledge the presence of 12 groundwater monitoring wells on the Property. The Grantee, its successors and assigns shall not disturb or permit others to disturb the monitoring wells located on the Property without prior written approval from the Grantor and TCEQ. Upon the Grantor's determination that a well is no longer necessary, the Grantor will close such well at the Grantor's sole cost and expense in accordance with applicable laws, regulations, and ordinances.

B. Modifying Restrictions. Nothing contained herein shall preclude the Grantee, its successors or assigns, from undertaking, in accordance with applicable laws and regulations and without any cost to the Grantor, such additional action necessary to allow for other less restrictive use of the Property. Prior to such use of the Property, Grantee shall consult with and

obtain the approval of the Grantor, and, as appropriate, the State or Federal regulators, or the local authorities. Upon the Grantee's obtaining the approval of the Grantor and, as appropriate, state or federal regulators, or local authorities, the Grantor agrees to record an amendment hereto. This recordation shall be the responsibility of the Grantee and at no additional cost to the Grantor.

C. Submissions. The Grantee, its successors and assigns, shall submit any requests to modifications to the above restrictions to Grantor and TCEQ, by first class mail, postage prepaid, addressed as follows:

- (1) Grantor - Mr. Webster Procter
Office of the Assistant Chief of Staff
for Installation Management
ATTN: BRAC Division (DAIM-ODB)
600 Army Pentagon
Washington, DC 20310-0600

- (2) State Regulator – Mr. Kirk Coulter
Team 3, Environmental Cleanup Section II
Texas Commission on Environmental Quality (MC127)
12100 Park 35 Circle
Austin, TX 78753

2. NOTICE OF THE POTENTIAL PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

A. The Grantee is hereby notified that due to the former use of the Property as a military installation, the Property may contain munitions and explosives of concern (MEC). The term MEC means specific categories of military munitions that may pose unique explosives safety risks and includes: (1) Unexploded Ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (2) Discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (3) 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.)

B. Portions of the Property were previously used to store military munitions. Other portions of the Property contained two surveillance test ranges.

(1) These test ranges were the Southwest Surveillance Function Test Range [RRAD-009-R-01][SW Range] and the Northwest Surveillance Function Test Range [RRAD-008-R-01] [NW Range]. The Army used these ranges to test pyrotechnics, smoke pots, selected grenade fuzes, and anti-personnel mines as part of the RRAD.

(a) The Southwest Surveillance Function Test Range (RRAD-009-R-01) (ECP site 2(6)HRX) was an approximately 106 acre surveillance function test range used from 1948 to as late as 1984 for quality assurance surveillance (shelf-life testing) of military munitions stored at RRAD.

1 The Army conducted a Site Investigation (SI) in 2005. During the SI, two munitions (an M16A1 Antipersonnel Mine, which was located near the mine/grenade test stand, and an M16A1 Antipersonnel Mine fuze, which was located in the armored building) were encountered. These military munitions, which were evaluated to determine their explosive safety status, were determined to be inert (safe).

2 Subsequently, the Army conducted a munitions response (removal) at the test stand and surveyed transects of approximately ten percent of the surveillance range's remaining acreage. During these response actions, the Army recovered an unfuzed M67 grenade body, a metallic item that could not be positively identified, and munitions debris. The M67 grenade body was transferred to RRAD for disposal and the munitions debris and the unidentified item, which were evaluated to determine their explosives safety status, were determined to be inert and disposed of per applicable regulations.

3 Sampling results indicate that there are no unacceptable risks to human and environmental receptors present under current or future land uses.

4 In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.

(b) The Northwest Surveillance Function Test Range (RRAD-008-R-01) (ECP site 3(6)HRX) was an approximately 22-acre test range in the Property's northwest portion. From 1953 to 1960, the Army conducted functional tests of stationary munitions as part of its surveillance program.

1 The Army conducted two munitions responses at this MRS. These responses included the removal of munitions and munitions debris from the 4.0 acres that made up the stationary test pad and a survey of transects that made up approximately ten percent of the MRS. During these responses, the Army recovered seven munitions and removed munitions debris from the surface. The MEC recovered included M38 Base Detonating Fuzes and M125 Flare illumination candles. Subsurface anomalies were not detected in the acreage that made up the stationary test pad or the survey transects. The MEC recovered was transferred to RRAD for disposal. The munitions debris recovered, which was evaluated to determine its explosives safety status, was determined to be inert (safe) and disposed of per applicable regulations.

2 Based on the munitions response conducted and the range's use for surveillance activities, the Army believes the likelihood of encountering MEC on this MRS is very low (USACE, 2011).

3 Sampling results indicate that there are no unacceptable risks to human and environmental receptors present under current or future land uses.

4 In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this MRS.

(2) One of the storage magazines (igloo) (A7-07) located on the Property, which was used to store black powder charges with a net explosive weight of approximately 48,000 pounds, was the site of an explosives incident (detonation) on 21 August 1996. The furthest piece of debris reported from this incident was a metal fragment found in the road approximately 155.5 feet southeast of the igloo's doorway. The designated explosion area was extended 300 feet beyond the igloo to ensure all explosive hazards were removed during the cleanup conducted after the detonation. The igloo material and debris recovered, which were removed to the High Explosive Burning Grounds for demilitarization, were evaluated and determine not to pose an explosive hazard. Surface samples collected during a Remedial Investigation indicated munitions constituents were not released to surface soil at the time of incident. In a May 25, 2011 letter, TCEQ agreed with the NFA determination for this site.

(3) A summary of MEC discovered on the property is provided in Exhibit __ **[Include FOST Table 4 – Notification of Munitions and Explosives of Concern (MEC) as a deed exhibit]**. A summary of the map depicting the location of munitions response site is provided at Deed Exhibit _____.

C. The Grantor represents that, to the best of its knowledge, no MEC is currently present on the Property. Notwithstanding the Grantor's determination, the parties acknowledge that there is a possibility that MEC may exist on the Property. If the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area or in any adjacent areas and shall not attempt to disturb, remove or destroy it, but shall immediately notify the Local Police Department so that appropriate Department of Defense Explosive Ordnance Disposal (EOD) personnel can be dispatched to address such MEC as required under applicable law and regulations at no expense to the Grantee, its successors or assigns..

D. Easement and Access Rights.

(1) The Grantor reserves a perpetual and assignable right of access on, over, and through the Property, to access and enter upon the Property in any case in which a munitions response action is found to be necessary, or such access and entrance is necessary to carry out a munitions response action on adjoining property. Such easement and right of access includes, without limitation, the right to perform any additional investigation, sampling, testing, test-pitting, surface and subsurface removal operations, or any other munitions response action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this Deed. This right of access shall be binding on the Grantee, its successors and assigns, and shall run with the land.

(2) In exercising this easement and right of access, the Grantor shall give the Grantee or the then record owner, reasonable notice of the intent to enter on the Property, except in emergency situations. Grantor shall use reasonable means, without significant additional cost to the Grantor, to avoid and/or minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. 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.

(3) In exercising this easement and right of access, neither the Grantee nor its successors and assigns, as the case maybe, 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 Paragraph. In addition, the Grantee, its successors and assigns, shall not interfere with any munitions response action conducted by the Grantor on the Property. 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.

E. The Grantee acknowledges receipt of the Statement of MEC Removal at Exhibit _____ (FOST Enclosure 9).

3. NOTICE OF THE PRESENCE OF ASBESTOS AND COVENANT

A. The Grantee is hereby informed and does acknowledge that non-friable asbestos or asbestos-containing material (“ACM”) has been found on the Property. The Property may contain improvements, such as buildings, facilities, equipment, and pipelines, above and below the ground, that contain non-friable asbestos or ACM. The Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency have determined that such 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 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 remediation or abatement of asbestos found to be necessary in buildings or structures on the Property to include ACM in or on buried pipelines that may be required under applicable law or regulation at no expense to the Grantor.

C. The Grantee acknowledges that it has inspected or has had the opportunity to inspect buildings or structures on the Property as to their 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.

4. 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 buildings on 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 in buildings or structures on the Property.

5. PESTICIDE NOTIFICATION

The Grantee, its successors, and assigns, is hereby notified and acknowledges that registered pesticides have been applied to the Property and may continue to be present thereon. The Grantee, its successors, and assigns further acknowledges that where pesticides were applied by Grantor or at Grantor's direction, it was applied in accordance with the pesticide's intended purpose and consistent with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. Section 123, et seq.) and other applicable laws and regulations.

ENCLOSURE 8

REGULATORY CONCURRENCE LETTERS

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 25, 2011

Red River Army Depot
ATTN: Mr. Ross Ramsauer
Bldg. 15, BRAC Office
100 Main Drive
Texarkana, Texas 75507-5000

Re: Draft-Final West Excess Property Remedial Investigation, dated April 2011
Red River Army Depot (RRAD)
TCEQ SWR No. 67004
Hazardous Waste Permit No. HW-50178; Compliance Plan No. CP-50178

Dear Mr. Ramsauer:

The Texas Commission on Environmental Quality (TCEQ) has completed the review of the above mentioned report. The West Excess Property consists of the Southwest Range, the Northwest Range, the Igloo Site, and the Former Maintenance Shed Site.

The investigation at the Southwest Range indicated that munitions and explosives of concern (MEC) in the subsurface soil beyond the area were previously cleared. Munitions constituents (MC) were not detected in the surface soil, and the lead observed in the surface soil (143 mg/kg) was delineated. No impact to groundwater was observed at the range.

The investigation at the Northwest Range indicated that MEC in the subsurface soil was not detected beyond the area previously cleared. MC was not detected in the surface soil and the incremental sampling at the site indicated that a release of lead was not identified. No impact to groundwater was observed at the range.

The investigation at the Igloo Site indicated that MC was not released in the surface soil at the time of the explosion in 1996. The investigation for MEC was not required since all the debris was removed from the area after the explosion.

The investigation of the Former Maintenance Shed Site indicate that no volatile organic carbons (VOCs) or semi-volatile organic carbons (SVOCs) were identified in the surface or subsurface soils around the suspected shed. The extent of lead in the soil at the site is approximately 20.5 acres. Based on the pattern of the lead concentrations in the soil, the report suggests that the source is from a non-point source such as leaded gasoline emissions from the highway or historic trash burning related to the farmstead.

Based on the human health risk of chemicals of potential concern (COPC) and the Screening Level Ecological Risk Assessment (SLERA) at the WEP, there is no apparent unacceptable risk to human and environmental receptors under the current and future land uses. Conclusions and recommendations propose no further action for the WEP.

Mr. Ramsauer
Page 2
May 25, 2011
TCEQ SWR No. 69004

Based on the information provided, the TCEQ approves Draft-Final West Excess Property Remedial Investigation Report.

If you have any questions or need further assistance with this matter, please contact me in Austin at (512) 239-2572, mail code MC127.

Sincerely,



Kirk Coulter, P.G., Project Manager
Corrective Action Team 1, VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

KEC/jdm

cc: Mr. Greg Lyssy, U.S. EPA Region 6, Dallas
Mr. Michael Brashear, Waste Program Manager, TCEQ Region 5 Office, Tyler

ENCLOSURE 9

REGULATORY/PUBLIC COMMENTS

August 2, 2011

Mr. Ross Ramsauer
Red River Army Depot
BLDG 15, BRAC Office
100 Main Drive
Texarkana, TX 75507

We reviewed the Draft FOST for *TexAmericas Center parcel of the Red River Army Depot Western Excess Parcel*. We do not concur with the draft FOST and offer the following changes:

1. TexAmericas Center would like for the deed to have legal descriptions for the 6 areas of concern reflected in the FOST.
2. TexAmericas Center does not think it is appropriate to state in Section 5 that migration of the OTC landfill plume to the WEP is not expected to occur, when in fact, the recorded Plume Management Zone extends southward and encumbers the WEP tract. This statement should be corrected.
3. Attached is TexAmericas Center redline comments recommending several changes to the FOST. Enclosure 6 & 7 show changes that align with the agreed-to language in the FOSET for Lone Star Army Ammunition Plant.

Please Contact me if you have any concerns or questions at 903-223-9841

Sincerely,

A handwritten signature in black ink that reads "William V. Cork".

William V. Cork
Executive Director / CEO

Enclosure - Redline of FOST

Cc: Kirk Coulter, TCEQ
Greg Lyssy, EPA Region 6
Boyd Sartin, US Army
Webster Procter, US Army
Jennifer Gibson, US Army

ENCLOSURE 10

ARMY RESPONSE

**Responses to the TexAmericas Center Comments,
Dated August 2, 2011, on the
Draft Finding of Suitability to Transfer (FOST)
Red River Army Depot, Western Excess Parcel,
TexAmericas Center Parcel**

1. *TexAmericas Center would like for the deed to have legal descriptions for the 6 areas of concern reflected in the FOST.*

Response: Upon further discussion, this request was withdrawn by the legal counsel to TexAmericas Center.

2. *TexAmericas Center does not think it is appropriate to state in Section 5 that migration of the OTC landfill plume to the WEP is not expected to occur, when in fact, the recorded Plume Management Zone extends southward and encumbers the WEP tract. This statement should be corrected.*

Response: Section 5 was revised to include information on the Plume Management Zone. A groundwater use restriction for the portion of the Property that is part of the Plume Management Zone was added to the Environmental Protection Provisions (Enclosure 7).

3. *Attached is TexAmericas Center redline comments recommending several changes to the FOST. Enclosure 6 & 7 show changes that align with the agreed-to language in the FOSET for Lone Star Army Ammunition Plant.*

Response: The Army has worked with TexAmericas Center to address these comments and has incorporated revisions, as appropriate.



FAX TRANSMITTAL

DATE: 01/06/2012 Number of Pages (including cover): 1

TO: Name Mr. Ross Ramsauer
 Organization Red River Army Depot Environmental Division
 FAX Number (903) 334-4324

FROM: **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Name Kirk Coulter
 Division/Section VCP-CA Section, Team 1
 Telephone Number 512-239-2572
 FAX Number 512-239-2346
 E-Mail Address kcoulter@tceq.state.tx.us

RE: Draft Findings of Suitability to Transfer (FOST), dated September 1, 2011
 Red River Army Depot (RRAD)
 TCEQ SWR No. 67004
 Hazardous Waste Permit No. HW-50178
 Compliance Plan No. CP-50178

Dear Mr. Ramsauer:

The TCEQ has completed the review of the above mentioned report. The property consists of approximately 2,843.55 acres of land consisting of the Western Excess Property (WEP) which included 159 storage igloos, two former ammunition surveillance test ranges, ammunition storage, and timber management. The property reuse is intended to be commercial/industrial as set forth in the Red River Redevelopment Authority Reuse Plan. Based on the information provided, the environmental conditions do not present an unacceptable risk to human health or the environment. Therefore, we agree that the designated parcel is suitable to transfer.

If you have any questions or need further assistance with this matter, please contact me in Austin at (512) 239-2572, mail code MC127.

Sincerely,

Kirk Coulter P.G.
 Project Manager
 VCP-CA Section
 Remediation Division