

DRAFT

FINDING OF SUITABILITY TO TRANSFER

(FOST)

FORT MONMOUTH, NEW JERSEY

Parcel 52

July 2026

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LIST OF ACRONYMS AND ABBREVIATIONS

ACM	Asbestos-Containing Material
AST	Aboveground Storage Tank
ASTM	American Society of Testing and Materials
BRAC	Base Realignment and Closure
C4ISR	Command and Control, Communications, Computers, Intelligence, Sensors and Reconnaissance
CECOM	Communications-Electronics Command
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
DMM	Discarded Military Munitions
DOD	Department of Defense
ECP	Environmental Condition of Property
EDR	Environmental Data Report
EPP	Environmental Protection Provision
FMERA	Fort Monmouth Economic Revitalization Authority
FOST	Finding of Suitability to Transfer
FTMM	Fort Monmouth
IRP	Installation Restoration Program
JCP&L	Jersey Central Power and Light
LBP	Lead-Based Paint
MEC	Munitions and Explosives of Concern
NEPA	National Environmental Policy Act
NJ	New Jersey
NJDEP	New Jersey Department of Environmental Protection
NJDOT	New Jersey Department of Transportation
PCB	Polychlorinated Biphenyl
PR	Petroleum Release
PS	Petroleum Storage
RA	Remedial Action
RAR	Remedial Action Report
RSL	Regional Screening Level
U.S.C.	United States Code
UST	Underground Storage Tank
UXO	Unexploded Ordnance

DRAFT
FINDING OF SUITABILITY TO TRANSFER (FOST)
Fort Monmouth, New Jersey Parcel 52

July 2026

1. PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability for transfer of Parcel 52 (FTMM-53) located at Fort Monmouth, New Jersey. The Parcel was not transferred with the surrounding property due to unresolved environmental concerns.

This parcel is set to be transferred to the Fort Monmouth Economic Revitalization Authority consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h) and Department of War (DOW) policy. In addition, this FOST includes the CERCLA Notice, Covenant and Access Provisions and other Deed Provisions and the Environmental Protection Provisions (EPPs) necessary to protect human health or the environment after such transfer.

2. PROPERTY DESCRIPTION

Fort Monmouth is located in the central-eastern portion of New Jersey, approximately 45 miles south of New York City, 70 miles northeast of Philadelphia and 40 miles east of Trenton (Figure 1). The Atlantic Ocean is located approximately 2.5 miles to the east. Fort Monmouth was composed of three operational areas: the Main Post (MP) encompasses an area of approximately 637 acres east of State Highway Route 35 and within the Boroughs of Eatontown and Oceanport; the Charles Wood Area is approximately 1 mile to the west of the MP and within the Boroughs of Eatontown and Tinton Falls; and the Evans Area is located approximately 10 miles south of the MP in Wall Township (see Figure 1)..

The primary mission of Fort Monmouth was to provide command, administrative and logistical support for the Headquarters, United States Army Communications-Electronics Command (CECOM). CECOM was a major subordinate command of the United States Army Materiel Command and was the host activity. Fort Monmouth served as the center for the development of the Army's Command and Control, Communications, Computers, Intelligence, Sensors and Reconnaissance (C4ISR) systems. In 2005, the United States Congress approved the BRAC Commission's recommendation to close Fort Monmouth by September 2011. The installation closed on September 15, 2011. Fort Monmouth activities were realigned under four BRAC Commission recommendations in 1988, 1991, 1993 and 1995 prior to the recommendation for closure in 2005. The installation closed on September 15, 2011.

The Main Post encompasses an area of approximately 637 acres and is bounded by State Highway 35 to the west, Parkers Creek and Lafetra Creek to the north, New Jersey Transit Railroad to the east and residential neighborhoods to the south. The Charles Wood Area is comprised of approximately 489 acres and is located one mile west of the Main Post. The Evans Area consisted of approximately 219 acres and was transferred under the BRAC 1993 Program. The Main Post and Charles Wood Area were included in BRAC 2005 closure. The majority of the Charles Wood Area and Parcel B of the Main Post were transferred to the FMERA as the Phase 1 Parcels in 2012 and 2014. Portions of the Main Post were transferred to FMERA as the Phase 2 Parcels in 2016. Certain portions of the Main Post and Charles Wood Area were

withheld from transfer as they were not yet suitable for transfer, and these areas are identified as “Carve Outs” and retained by the Army until all remedial action necessary was completed.

The carve out property to be transferred under this Group 10 FOST is Parcel 52 (FTMM-53/Building 699) and is located on the central portion of the Main Post (see Enclosure 1, Figure 2) and consists of a former gasoline station and repair facility for non-military vehicles. The gas station stopped operating when Fort Monmouth closed in 2011.

This 1.053-acre Army-owned Parcel is divided by property owned by a Jersey central Power & Light (JCP&L) right-of-way. The 0.995-acre northern portion of Parcel 52 (Tech “A” parcel) is located in Block 301, portion of Lot 1.03 in the Borough of Eatontown (formerly known as Block 301, portion of Lot 1 in the Borough of Oceanport), County of Monmouth, New Jersey. The 0.058-acre southern portion of Parcel 52 (Tech “B” parcel) is located in Block 301, portion of Lot 1.05 in the Borough of Eatontown, (formerly known as Block 110, portion of Lot 4 in the Borough of Oceanport), County of Monmouth, New Jersey, 0.058 acres.

3. ENVIRONMENTAL DOCUMENTATION

A determination of the environmental condition of the Property was made based upon the U.S. Army BRAC 2005 Environmental Condition of Property (ECP) Report (2007), the BRAC 2016 ECP Report Update and the Environmental Condition of Property Report, FTMM-53 (July 2026). A complete list of documents providing information on environmental conditions of the Property is attached (see Enclosure 2).

4. ENVIRONMENTAL CONDITION OF PROPERTY

The DOW Environmental Condition of Property (ECP) category for the subject Property covered by this FOST is as follows:

ECP Category 4: Parcel 52

A summary of the ECP category for the Property is provided (see Enclosure 1, Figure 3), and the ECP Category definitions are provided in Table 1 – Description of Property see (Enclosure 3).

4.1 ENVIRONMENTAL REMEDIATION SITES

A summary of the environmental investigations and remediation of the Property is provided in Section 4.1.1.

4.1.1 INSTALLATION RESTORATION PROGRAM

FTMM-53 was a former fueling station and repair facility for nonmilitary vehicles that was constructed in 1953. Gasoline was distributed from two remote pumping islands with a total of four dispensers. The tank system initially included four 4,000-gallon steel underground storage tanks (USTs) northwest of Building 699 that were removed in 1999. The Building 699 tank system included six 10,000-gallon USTs (NJDEP Registration Numbers: 81533-185 through 81533-190) used to store various grades of gasoline with two remote pumping islands. The six USTs were located northeast of the fueling island canopy based on the aerial photo of the site provided in the 2008 Site Investigation report (U.S. Army BRAC, 2008). On November 5, 1984, a tank tightness test identified a 0.333 gallon per hour leak in two of the USTs. In

1989, approximately 11,000 gallons of gasoline were released into soil surrounding the six gasoline USTs and associated piping northeast of the canopy.

The piping and dispensing islands were replaced and a light non-aqueous phase liquid (LNAPL) recovery well with a dual pump system was installed after a fuel release was identified in 1990. A groundwater remediation system was installed in 2001 consisting of multiple groundwater recovery, air sparging, and soil vapor extraction (SVE) wells and a groundwater and vapor treatment system. This system was operated until FTMM closure in 2011, and then again intermittently until active remediation was discontinued with NJDEP approval in 2013. Five hydraulic lifts were located in Building 699. A total of 6,733 gallons of LNAPL were recovered by the summer of 1990. These recovery wells are no longer active. The six USTs were removed in April 2007 and replaced with two 10,000-gallon aboveground storage tanks (ASTs) which were in use until base closure in 2011. The ASTs were pumped out, fuel piping was blown out with nitrogen, and any residual product was drummed and properly disposed of. The ASTs, associated piping, and the dispensing islands were removed in April 2019.

A Remedial Action Report (RAR) was prepared for FTMM-53 in 2019 to document the removal of the ASTs, fuel island and canopy, associated fuel piping, and aged remediation system at FTMM-53 (Parsons, 2019). The RAR also described the investigation of the hydraulic lifts performed in 2019. A Remedial Investigation Report/Remedial Action Workplan (RIR/RAWP) was prepared in 2018 to characterize the nature and extent of site-related contamination, describe previous remedial actions, and propose a final remedial action (Parsons, 2018). The RIR/RAWP identified fuel-related volatile organic compounds (VOCs) as contaminants of concern (COCs) in soil and groundwater. The RIR/RAWP sampling results indicated that additional active remediation is not required at FTMM-53 based on historical investigations/remediation work and expected future industrial and institutional/civic land use. NJDEP (2020) concurred with the recommendations of the RAR but also requested additional analytes for groundwater monitoring.

After the 2020 ROD was signed, emerging contaminants of Per- and Polyfluoroalkyl Substances (PFAS) were identified by the EPA. Congressional and DOW requirements, as well as Army policies, required Fort Monmouth to undergo a PFAS Preliminary Assessment (PA) to identify potential areas of use, storage or disposal of PFAS containing materials. The PA identified FTMM-53, Building 699 as an area of potential interest (AOPI). Based on personnel interviews, fuel (gasoline) was released by a tanker truck refilling an Underground Storage Tank (UST) located at the Building 699 Gasoline Service Station. The fuel flowed from the UST pad area and into the parking lot east of Building 699. The fire department reportedly used Aqueous Film-Forming Foam (AFFF) to suppress flammable vapor thereby reducing the potential for a fire (Leidos 2024). During the sampling events, PFAS constituents were found to be present in groundwater and soil above the DOW designated (SLs).

4.2 STORAGE, RELEASE, OR DISPOSAL OF HAZARDOUS SUBSTANCES

There is no evidence that hazardous substances were stored, released, or disposed of on the Property in excess of reportable quantities specified in 40 Code of Federal Regulations (CFR) Part 373.

4.3 PETROLEUM AND PETROLEUM PRODUCTS

4.3.1 UNDERGROUND AND ABOVEGROUND STORAGE TANKS (UST/AST)

Current UST/AST Sites –

There is no evidence that there are USTs or ASTs currently existing on the Property.

Former UST/AST Sites –

The Building 699 tank system initially included four 4,000-gallon signal-walled steel underground storage tanks (USTs) northwest of Building 699 that were removed in 1999. Six 10,000-gallon double-walled fiberglass USTs were installed and then subsequently removed in April 2007 and replaced with two 10,000-gallon double-walled steel aboveground storage tanks (ASTs) which were in use until base closure in 2011. The ASTs, associated piping, and the dispensing islands were removed in April 2019 (Parsons, 2019).

One 1,000-gallon single walled steel waste oil tank was removed in January 1999.

One 2,000-gallon single walled steel #2 heating oil tank removed on June 9, 1998.

One 745-gallon double walled steel used oil AST was removed in June 2011.

4.3.2 NON-UST/AST STORAGE, RELEASE, OR DISPOSAL OF PETROLEUM PRODUCTS

Hydraulic lifts were located in each of the service bays on the east end of Building 699. Approximately 175 gallons of hydraulic oil were removed on 9 and 17 April 2019, resulting in remaining oil levels ranging from ½ inch to 4 inches (combined total of approximately 9 gallons). Between 24 and 29 October 2019, the remaining 9 gallons of hydraulic oil was removed. The reservoirs are now empty. No groundwater infiltration into the lifts was observed. Furthermore, there has been no historical documented releases of hydraulic fluids from any of the lifts (Parsons, 2019).

See Enclosure 4, Table 2, Notification of Petroleum Product Storage, Release or Disposal.

4.4 POLYCHLORINATED BIPHENYLS

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

4.5 ASBESTOS

Tile samples collected from two homogenous areas inside Building 699 in December 2025 were determined to be non-friable ACM (2% chrysotile). Mastic samples collected from two homogenous locations outside of Building 699 in December 2025 were determined to be non-friable ACM (2% chrysotile).

4.6 LEAD-BASED PAINT

Based on the XRF test results from samples collected in December 2025, one exterior building surface coating from Building 699 were identified as LBP via XRF at a lead concentration greater of 3.5 mg/cm².

4.7 RADIOLOGICAL MATERIALS

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

4.8 RADON

Radon surveys were conducted in 1991 by the Directorate of Engineering and Housing's Environmental Office as part of the Army's Radon Reduction Program. The survey was conducted for all of Fort Monmouth. Radon was not detected above the U.S. Environmental Protection Agency residential action level of 4 picocuries per liter.

4.9 MUNITIONS AND EXPLOSIVES OF CONCERN

Based on a review of existing records and available information, there is no evidence that Munitions and Explosives of Concern (MEC) are present on the Property.

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

4.10 OTHER PROPERTY CONDITIONS

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 potentially hazardous conditions exist on adjacent property:

Adjacent properties to the north, west, and south of FTMM-53 have been determined to present no unacceptable risks to human health and the environment that could impact the property condition.

PCE and TCE were detected in sub-slab soil gas samples during vapor intrusion investigations at Building 699 and in site groundwater in 2010. The source is associated with the former dry-cleaning facility at adjacent Building 700 (former Building 565) east of Building 699. The chlorinated solvent detections at FTMM-53 are being addressed via the remediation underway at Site FTMM-68, Building 700 Former Solvent UST.

6 ENVIRONMENTAL REMEDIATION AGREEMENTS

In accordance with CERLCA and NJDEP regulations to ensure there is no exposure of the residual contamination, a remedy was selected to restrict the land and groundwater use and continue to monitor the groundwater. The groundwater contamination is expected to naturally degrade over time through monitored

natural attenuation (MNA). This remedy was selected and approved by NJDEP, as documented by the 2020 FTMM-53 ROD. The site is subject to the monitoring requirements of the Land Use Control Implementation Plan (LUCIP)1 and via a Classification Exception Area (CEA).

After the 2020 ROD was signed, emerging contaminants of Per- and Polyfluoroalkyl Substances (PFAS) were identified by the EPA. Congressional and DOW requirements, as well as Army policies, required Fort Monmouth to undergo a PFAS Preliminary Assessment (PA) to identify potential areas of use, storage or disposal of PFAS containing materials. The PA identified FTMM-53, Building 699 as an area of where Aqueous Film-Forming Foam (AFFF) was used to suppress flammable vapor caused by a fuel (gasoline) spill. PFAS constituents were found to be present in groundwater and soil above the DOW designated (SLs). DoW PFAS SLs are based on USEPA's RSL tables dated November 2024 except where the USEPA RSLs were below the MDLs of USEPA-approved analytical methods.

Due to the already completed remedial actions, the selected alternative remedy at Site FTMM-53 (Parcel 52/Bldg 699) is being addressed expeditiously. The potential risk posed by PFAS in drinking water is already mitigated by limited use of groundwater, as documented by the FTMM-53 ROD. This action is also being completed separately in order to support the anticipated transfer of Parcel 52 to the Fort Monmouth Economic Redevelopment Authority (FMERA).

An Explanation of Significant Differences (ESD) was prepared to describe the significant changes being made to the existing remedy needed to include PFAS contamination as an additional reason to restrict the use of the groundwater at Parcel 52. The remedy includes groundwater use restrictions by adding PFAS constituents to the existing contaminants on the restriction on the use of groundwater creates a PFAS specific reason to eliminate the drinking water exposure pathway to contaminated groundwater. The ESD is supported by a *Focused Feasibility Study for Parcel 52* (Army 2026). NJDEP concurred with the ESD (NJDEP, July 2026).

The deed will include a provision reserving the Army's right to conduct remediation activities, if necessary, in the future (Enclosure 5).

7 REGULATORY/PUBLIC COORDINATION

The NJDEP and the public were notified of the initiation of this FOST. The draft FOST is being made available for review and comment for 15 days. The document was placed in the Fort Monmouth Environmental Restoration Public Information Repository (the Administrative Record) at: ftmonmouthrecords.com.

8 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

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

9 FINDING OF SUITABILITY TO TRANSFER

Based on the information above, I conclude that all removal or remedial actions necessary to protect human health and the environment have been taken. In addition, all Department of War requirements to reach a finding of suitability to transfer have been met, subject to the terms and conditions in the Environmental Protection Provisions that shall be included in the deed for the property. The deed will also include the Access Provision and Other Deed Provisions. Whereas no hazardous substances were stored for one year or more, known to have been released, or disposed of on the parcel, a hazardous substance notification is not required.

Mr. Richard C. Ramsdell
BRAC Director
Headquarters Department of the Army
Office of the Assistant Secretary of the Army
Installations, Energy and Environment

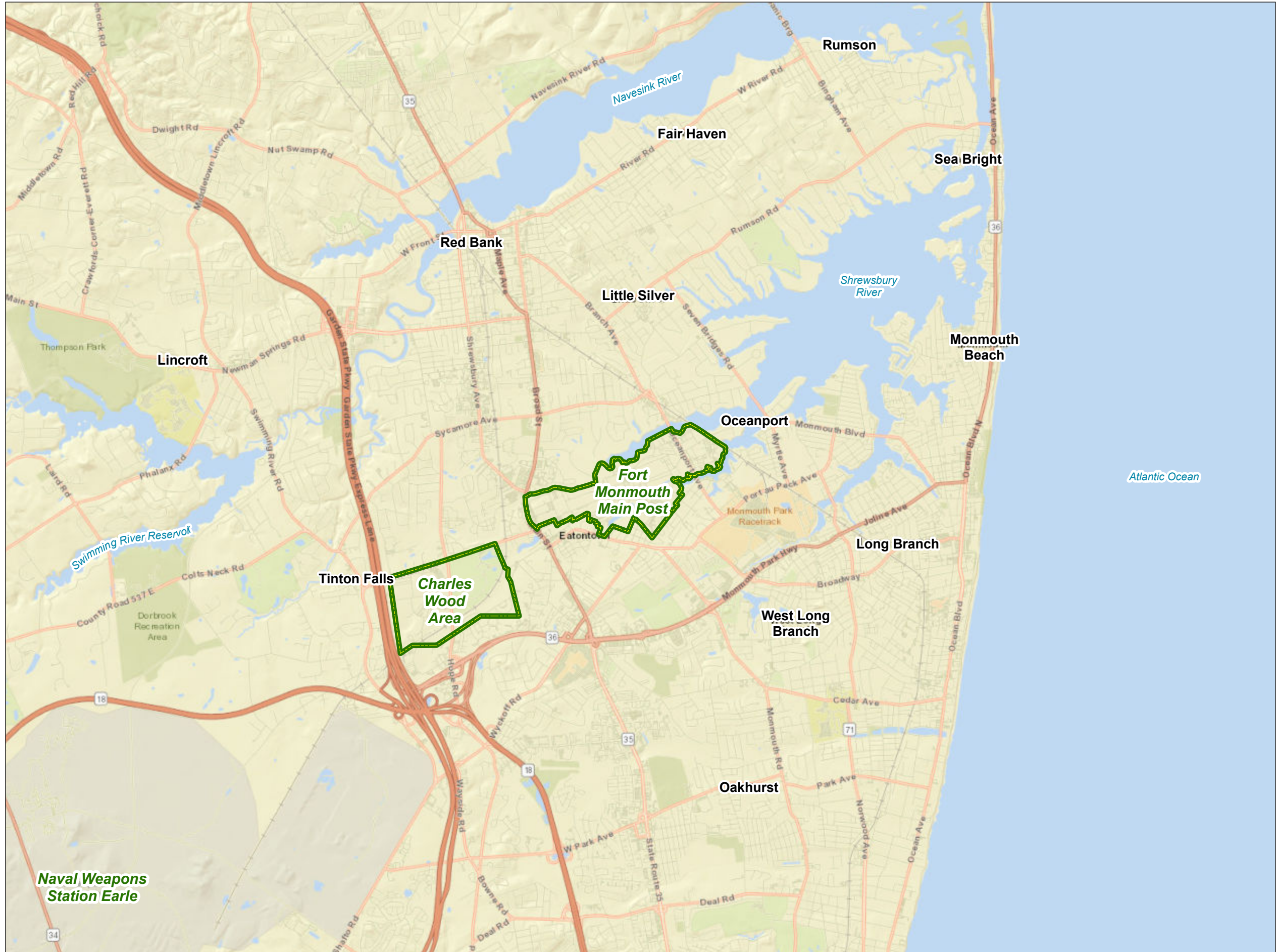
Date

ENCLOSURE 1

FIGURES

ENCLOSURE 1

FIGURES



Legend

- Installation Boundary

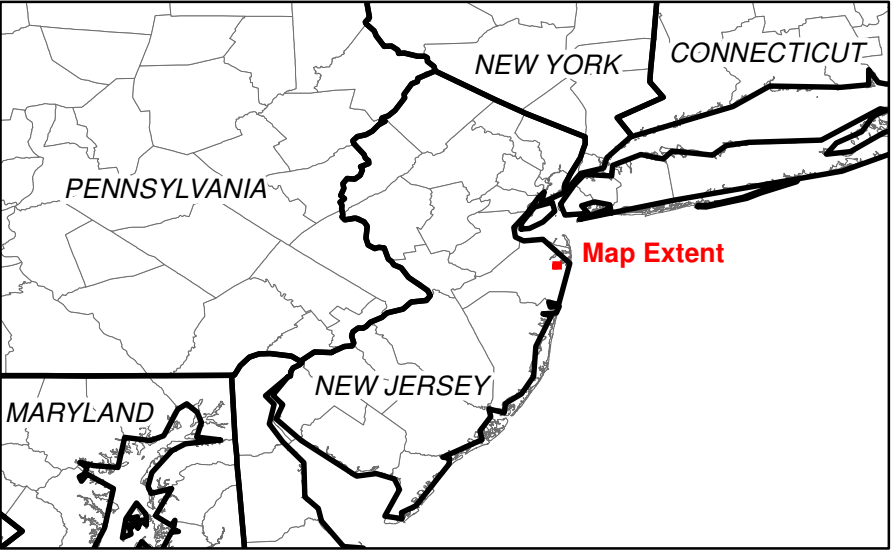
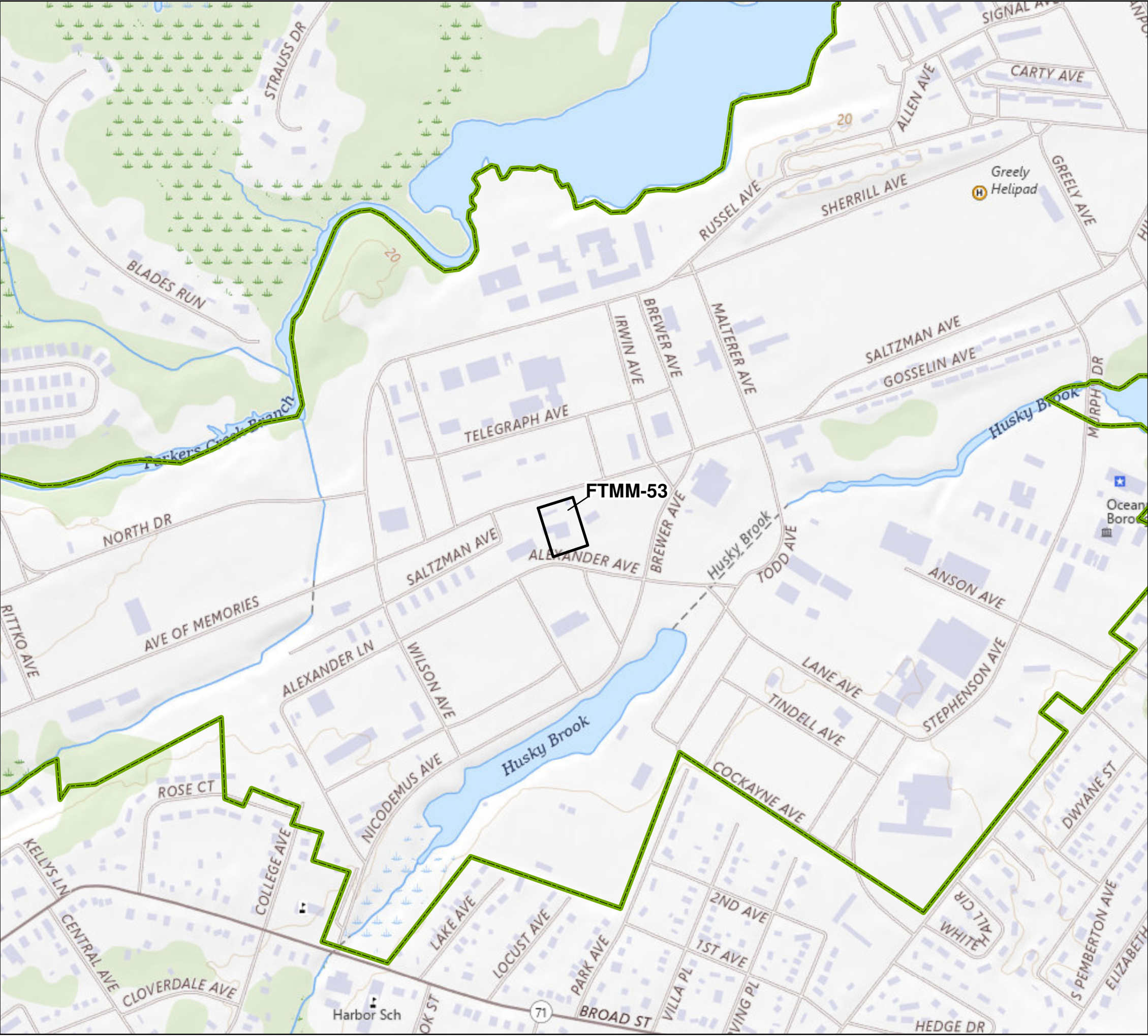
0 0.5 1
Miles

Data Sources: ESRI

Various Landfill Actions
Fort Monmouth, Monmouth County, New Jersey

General Location

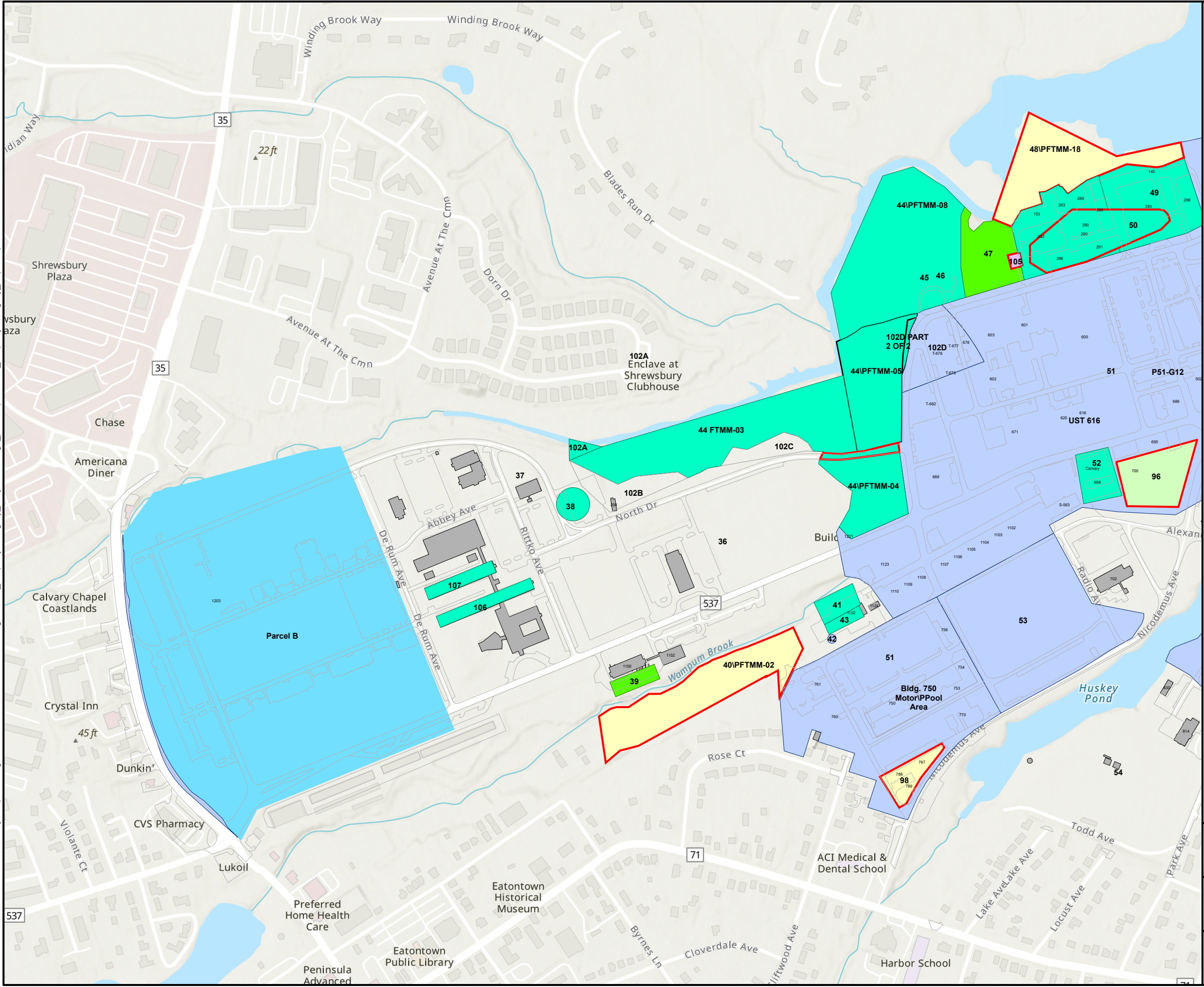
DIV/GRP: ENV/IMDV DB: P: J. Fincher PROJECT: JBM DL (30028498.00001) PATH: D:\MyGIS\Ft. Monmouth\Exhibit A - Site Location Map.mxd DATE: 5/13/2024 3:17:58 PM



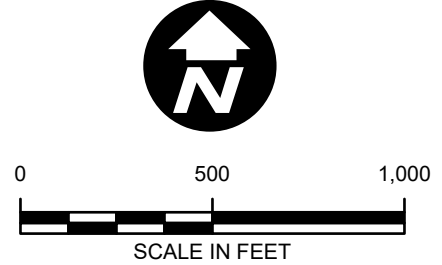
- Site FTMM-53
- Fort Monmouth Installation Boundary

NOTE:
1: USGS TOPOGRAPHIC BASEMAP OBTAINED FROM ESRI IMAGE SERVICE.
PUBLISHED 2020.

FTMM-53 CLASSIFICATION EXCEPTION AREA FORT MONMOUTH OCEANPORT, MONMOUTH COUNTY, NEW JERSEY	
Figure 2 Site Location Map - FTMM-53	
Date: 5/13/2024	



- LEGEND:**
- 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 OR THEIR DERIVATIVES HAS OCCURRED.
- CATEGORY 3: AREAS WHERE RELEASE, DISPOSAL, AND/OR MITIGATION OF HAZARDOUS SUBSTANCES HAS OCCURRED, BUT AT CONCENTRATIONS THAT DO NOT REQUIRE A REMOVAL OR REMEDIAL RESPONSE.
- CATEGORY 4: AREAS WHERE RELEASE, DISPOSAL, AND/OR MITIGATION OF HAZARDOUS SUBSTANCES HAS OCCURRED, AND ALL REMOVAL OR REMEDIAL ACTIONS TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT HAVE BEEN TAKEN.
- CATEGORY 5: AREAS WHERE RELEASE, DISPOSAL, AND/OR MITIGATION OF HAZARDOUS SUBSTANCES HAS OCCURRED, AND REMOVAL OR REMEDIAL ACTIONS ARE UNDERWAY, BUT ALL REQUIRED REMEDIAL ACTIONS HAVE NOT YET BEEN TAKEN.
- CATEGORY 6: AN AREA OR PARCEL OF REAL PROPERTY WHERE RELEASE, DISPOSAL, OR MIGRATION, OR SOME COMBINATION THEREOF, OF HAZARDOUS SUBSTANCES HAS OCCURRED, BUT REQUIRED RESPONSE ACTIONS HAVE NOT YET BEEN INITIATED.
- CATEGORY 7: AREAS THAT ARE NOT EVALUATED OR REQUIRE ADDITIONAL EVALUATIONS.
- TRANSFERRED PROPERTY
- CARVE OUT AREA
- 44 ECP PARCEL NUMBER



ENCLOSURE 2

ENVIRONMENTAL DOCUMENTATION

- U.S. Army BRAC. 2005 Final Environmental Condition of Property Report, Fort Monmouth, Monmouth County, New Jersey, Finalized January 2007
- U.S. Army BRAC. Final Environmental Condition of Property Report Update, Fort Monmouth, Monmouth County, NJ. Phase 2 Parcels, March 2016
- FTMM Report. Record of Decision for Site FTMM-53 at Fort Monmouth, Oceanport, Monmouth County, New Jersey. October 2020
- US Army. Preliminary Assessment of Per – And Polyfluoroalkyl Substances at Fort Monmouth, Monmouth County, New Jersey. January 2024.
- FTMM Report. FTMM-53 Classification Exception Area, Fort Monmouth, Oceanport, Monmouth County, New Jersey, July 2025.
- FTMM Report. Phase 1 Remedial Investigation Report for Per- And Polyfluoroalkyl Substances at Fort Monmouth, Monmouth County, New Jersey. April 2026
- FTMM Report. Focused Feasibility Study for PFAS at FTMM-53, June 2026.
- FTMM Report. Explanation of Significant Differences for the Fort Monmouth FTMM-53 Record of Decision, July 2026
- USACE Report. Draft Final Land Use Implementation Plan for BRAC at Fort Monmouth, New Jersey. February 2022.
- Seres-Arcadis. Final 2025 Groundwater Technical Memo for Charles Wood Area and Main Post. May 2026.
- Parsons. Final Remedial Action Report for FTMM-53, Fort Monmouth, Oceanport, Monmouth County, New Jersey. October 2019.
- FTMM Report. Draft Final Deed Notice for Parcel 52/FTMM-53, Fort Monmouth, Oceanport, Monmouth County, New Jersey, July 2026.

ENCLOSURE 3

TABLE 1 – DESCRIPTION OF PROPERTY

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
IRP site FTMM-53/Building 699. This site was a gasoline service station. Soil and groundwater has been investigated and treated for hydrocarbon contamination.	52	4	The remedy selected in the 2020 ROD includes land use controls (LUCs) in the form of a Deed Notice for fuel-contaminated soils, a Classification Exception Area (CEA)/Well Restriction Area (WRA) to control exposure to fuel-related volatile organic compounds (VOCs) in groundwater and monitored natural attenuation (MNA) to document the natural degradation of VOCs over time. Low concentrations of PFAS was detected in groundwater at the site during a Phase I Remedial Investigation conducted in 2025. A 2026 ESD (July 2026) described the need to include PFAS contamination as an additional reason to restrict the use of the groundwater at FTMM-53 as supported by the Focused Feasibility Study for FTMM-53 (July 2026).

- ECP Area Type 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas).
- ECP Area Type 2: Areas where only release or disposal of petroleum products has occurred.
- ECP Area Type 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.
- ECP Area Type 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.
- ECP Area Type 5: An area or parcel of real property where release, disposal, or migration, or some combination thereof, of hazardous substances has occurred, and removal or remedial actions, or both, are under way, but all required actions have not yet been taken.
- ECP Area Type 6 : An area or parcel of real property where release, disposal, or migration, or some combination thereof, of hazardous substances has occurred, but required response actions have not yet been initiated.
- ECP Area Type 7: An area or parcel of real property that is unevaluated or requires additional evaluation.

ENCLOSURE 4

**TABLE 2 – NOTIFICATION OF PETROLEUM PRODUCT
STORAGE, RELEASE OR DISPOSAL**

Property Description	Name of Petroleum Product(s)	Date of Storage, Release, or Disposal	Remedial Actions
Parcel 52 / Bldg 699 / F TMM-53	Gasoline	Four 4,000-gallon single-walled steel USTs	LNAPL recovery well with a dual pump system was installed after a fuel release was identified in 1990. A groundwater remediation system was installed in 2001 consisting of multiple groundwater recovery, air sparging, and soil vapor extraction (SVE) wells and a groundwater and vapor treatment system. This system was operated until FTMM closure in 2011, and then again intermittently until active remediation was discontinued with NJDEP approval in 2013.
		Six 10,000-gallon double-walled fiberglass USTs	Removed in April 2007 and replaced with two 10,000-gallon USTs. No remediation required.
		Two 10,000-gallon double-walled steel USTs	Removed in 2011 when installation closed and transferred to Fort Dix.
	Oils and Lubricants	One 1,000-gallon single-walled steel waste oil tank	Removed in January 1999
		- One 2,000-gallon single walled steel #2 heating oil tank - One 745-gallon double walled steel used oil AST was	Removed in June 1999 Removed in June 2011

ENCLOSURE 5

CERCLA Access Provisions and Other Deed Provisions

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

1. Access Rights

a. The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which an environmental response action or corrective action is found to be necessary on the part of the United States, without regard to whether such environmental response action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test-pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee and its successors and assigns and shall run with the land.

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

c. In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer, employee, agent, contractor of any tier, or servant of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered a waiver by the Grantee, its successors and assigns, of any remedy available to them under the Federal Tort Claims Act.

2. "AS IS" CONDITION OF PROPERTY

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

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

3. 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, covenants, conditions, and restrictions in this Deed by the Grantee, its successors and assigns, and (2) any and all claims, damages, judgments, losses, and costs arising out of, or in any manner predicated upon, exposure to asbestos, lead-based paint, or other condition on any portion of the Property after the date of the conveyance.

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

4. POST-TRANSFER DISCOVERY OF CONTAMINATION

a. If an actual or threatened release of a hazardous substance is discovered on the Property after the date of conveyance herein, Grantee, its successors or assigns, shall be responsible for such release or threatened release of such newly discovered substance unless Grantee is able to demonstrate that such release or threatened release of such newly discovered substance was due to Grantor's activities, use, or ownership of the Property. If the Grantee, or its successors or assigns believe the newly discovered hazardous substance is due to the Grantor's activities, use or ownership of the Property, the Grantee, or its successors or assigns, shall immediately secure the site and notify the Grantor of the existence of the hazardous substance(s), and Grantee, or its successors or assigns, shall not further disturb such hazardous

substances without the written permission of the Grantor.

b. Grantee, for itself, its successors and assigns, as part of the consideration for the conveyance of the Property, hereby releases the Grantor from any liability or responsibility for any claims arising solely out of the release or threatened release of any hazardous substance on the Property occurring after the date of the conveyance herein where such hazardous substance was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents, contractors, or any person other than the Grantor after the conveyance herein.

ENCLOSURE 6

ENVIRONMENTAL PROTECTION PROVISIONS

The following conditions, restrictions, and notifications will be placed, in a substantially similar form, in 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 restriction set forth below are required to ensure protection of human health and the environment for Parcel 52/FTMM-53. 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 not use the Property for residential purposes. For purposes of this provision, residential use includes, but is not limited to, single family or multi-family residences; childcare facilities; and nursing home or assisted living facilities; and any type of educational facility for children/young adults in grades kindergarten through 12.

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

(3) **Notice of Groundwater Monitoring Wells.** The Grantee is hereby informed and does acknowledge the presence of six groundwater monitoring located wells on the FTMM-53 environmental carve out Property. The monitoring wells are located on FTMM-53 and are shown in the Deed Notice (Exhibit B-1A). The wells to be protected include 699RW03, 699RW04, 699RW11, FTMM-68-MW20, 565MW01, 699MW12 and FTMM53-MW01. The Grantee shall not disturb or permit others to disturb the monitoring wells without prior written approval from the Grantor and the New Jersey Department of Environmental Protection. Upon the Grantor's determination that the wells are no longer necessary, the Grantor will close the wells at the Army's sole cost and expense in accordance with applicable laws, regulations, and ordinances. These wells may be used in supporting the groundwater Classification Exception Area (CEA) established as part of the landfill closure.

(4) **NJDEP Deed Notice:** These restrictions are further recorded in the Deed Notice. The Deed Notice is provided in Exhibit 1 and are included as part of this deed and will be recorded with the deed.

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

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

Grantor:

Headquarters Department of the Army
Office of the Assistant Secretary of the Army
Installations, Energy and Environment
110 Army Pentagon Room 3E464
Washington, D.C. 20310-0110

With a copy to:

U.S. Army Engineer District, New York
26 Federal Plaza, 16th Floor (CENAN-RE-M)
New York, NY 10278

And

New Jersey Department of Environmental Protection
Contaminated Site Remediation & Redevelopment
Bureau of Case Management
401 East State Street, P.O. Bos 420
Mail Code 401-05F
Trenton, N.J. 08625-0402

2. NOTICE OF THE PRESENCE OF PESTICIDES AND COVENANT

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

B. The Grantee covenants and agrees for itself, its successors and assigns 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, the Grantee assumes all responsibility and liability therefor.

ENCLOSURE 7

REGULATORY/PUBLIC COMMENTS AND ARMY RESPONSES

TO COMMENTS