

FINDING OF SUITABILITY TO TRANSFER

**PARCEL 51
(BOWLING ALLEY)**

**NAVAL ACTIVITY PUERTO RICO
CEIBA, PUERTO RICO**



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October 2008

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TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1.0 PURPOSE.....	1
2.0 DESCRIPTION OF PROPERTY.....	1
3.0 PAST USE AND PROPOSED REUSE	1
4.0 ENVIRONMENTAL FINDINGS	2
A. Hazardous Substance Contamination	2
B. Petroleum Contamination	2
C. Condition of Property Classification.....	2
D. Other Environmental Aspects	3
5.0 REQUIREMENTS APPLICABLE TO PROPERTY TRANSFER	5
A. NEPA Compliance	5
B. Hazardous Substance Notice	5
C. CERCLA Covenant.....	6
D. CERCLA Access Clause.....	6
E. Land and Groundwater Restrictions	6
F. Environmental Compliance Agreements / Permits / Orders	6
G. Notification to Regulatory Agencies / Public	7
6.0 SUITABILITY DETERMINATION.....	8
 <u>EXHIBITS</u>	
A	References
B	Vicinity Map
C	Parcel Map
D	Survey Map
E	CERFA Concurrence
F	Asbestos-Containing Materials Acknowledgement Form

FINDING OF SUITABILITY TO TRANSFER PARCEL 51 (BOWLING ALLEY) NAVAL ACTIVITY PUERTO RICO

1.0 PURPOSE

This Finding of Suitability to Transfer (FOST) documents my determination, as the responsible Department of Defense (DoD) component official, that certain real property and associated improvements known as the Bowling Alley Parcel or Parcel 51 (hereafter Subject Property) located at Naval Activity Puerto Rico (NAPR), Ceiba, Puerto Rico, are environmentally suitable for deed transfer. This decision is based primarily on my review of information contained in two of the documents listed in Exhibit A (References) – the CERFA Identification of Uncontaminated Property, Former Naval Station Roosevelt Roads, Puerto Rico (the CERFA Report; Navy, 2006b), and the Phase I/II Environmental Condition of Property Report, Former Naval Station Roosevelt Roads, Ceiba, Puerto Rico (the ECP Report; Navy, 2005). Factors leading to this decision and other pertinent information related to property transfer requirements are stated below.

2.0 DESCRIPTION OF PROPERTY

NAPR was formerly known as Naval Station Roosevelt Roads (NSRR) until it ceased operation as an active Naval Station on March 31, 2004, at which point it was designated Naval Activity Puerto Rico. NAPR is located on the east coast of Puerto Rico adjacent to the municipality of Ceiba. The Subject Property is a 2.183-acre parcel of land located in the Downtown area of NAPR, that is comprised of Building 2035 (Caribbean Lanes; 1-story; 23,690 square feet) and an asphalt parking lot. Exhibit B is a vicinity map showing the location of the Subject Property on the former naval station, and Exhibit C is a parcel map from the Draft Report, Parcel Map for the Disposal of Naval Activity Puerto Rico (GMI, 2005). Parcel 51 is not delineated on the Exhibit C map because it had not been carved out of Parcel 25 at the time the map was prepared. Parcel 51 is the large building and parking lot immediately north of Parcel 24 on the map. A survey map of Parcel 51 is provided as Exhibit D.

3.0 PAST USE AND PROPOSED REUSE

The Subject Property has been used as a bowling alley since it was built in 1984. The Naval Station Roosevelt Roads Reuse Plan (CBRE et al, 2004) developed by the Puerto Rico Department of Economic Development and Commerce (acting as the Local Redevelopment Authority [LRA]) anticipates future mixed commercial use of the area where the Subject Property is located. It is anticipated that reuse will be for continued use as a bowling alley.

**FINDING OF SUITABILITY TO TRANSFER
PARCEL 51 (BOWLING ALLEY)
NAVAL ACTIVITY PUERTO RICO**

4.0 ENVIRONMENTAL FINDINGS

All available information concerning the past storage, release, or disposal of hazardous substances and/or petroleum products on the former NSRR, as collected through record searches, aerial photographs, personnel interviews, and on-site visual inspections, is contained in the ECP Report. The following summarizes the findings as they relate to the Subject Property and the corresponding Condition of Property Classification assigned to the real property to be transferred.

A. Hazardous Substance Contamination

There is nothing in the records that indicates any hazardous substance has been released or disposed of on the Subject Property.

B. Petroleum Contamination

There is nothing in the records to indicate there have been releases or instances of disposal of petroleum products or their derivatives on the Subject Property.

C. Condition of Property Classification

The ECP Report divided all property at NAPR into parcels, and classified them into one of the three following categories:

- **Category 1** – Areas where no known or documented releases, or disposal of hazardous substances or petroleum products or their derivatives has occurred, including no migration of these substances from adjacent areas.
- **Category 2** – Areas where the release, disposal, or migration, or some combination thereof, of hazardous substances, or petroleum products or their derivatives has occurred, but at concentrations that do not require a removal or remedial action, or all remedial actions necessary to protect human health and the environment have been taken.
- **Category 3** – Areas where a confirmed or suspected release, disposal, or migration, or some combination thereof, of hazardous substances, or petroleum products or their derivatives has occurred, but required investigation and/or response actions have not yet been initiated or are ongoing.

**FINDING OF SUITABILITY TO TRANSFER
PARCEL 51 (BOWLING ALLEY)
NAVAL ACTIVITY PUERTO RICO**

These categories are derived from CERCLA, CERFA and the American Society for Testing and Materials (ASTM) Standard Practice for Conducting Environmental Baseline Surveys (ASTM Standard D 6008-96), which further incorporates ASTM D 5746-98 (2002) Standard Classification of Environmental Condition of Property Area Types for Defense Base Closure and Realignment Facilities.

CERFA stipulates that the federal government must identify “uncontaminated property” scheduled for transfer, and defines this as “...real property on which no hazardous substances and no petroleum products or their derivatives were known to have been released, or disposed of” [(Section 9620(h)(4)(A)]. In accordance with the property condition classification guidelines discussed above, the Subject Property is suitable for deed transfer and is classified as Category 1 (uncontaminated). The Final CERFA Report was submitted to the Puerto Rico Environmental Quality Board (EQB) for concurrence. On 11 August 2006, EQB provided the concurrence statement included as Exhibit E to this FOST.

D. Other Environmental Aspects

1. Ordnance

There is nothing in the records to indicate ordnance handling, storage, or disposal activities have ever been conducted on the Subject Property.

2. Asbestos-Containing Materials

According to the Final Asbestos Inspection Report for Naval Activity Puerto Rico, Ceiba, Puerto Rico (Baker, 2005), 15 suspect homogeneous materials were identified and sampled in Building 2035. None of the materials were found to be asbestos-containing material (ACM). Detailed information about the materials identified and sampled during the asbestos inspection, including summary tables, location drawings, photographs and laboratory reports, is included in the report.

It is likely that undiscovered ACM associated with underground utilities and miscellaneous building materials exists at NAPR. While this potential ACM does not currently pose a hazard to site users, future demolition and/or subsurface work performed by the transferee could result in friable, accessible and damaged ACM hazards. Thus, the transferee will be required to use best management practices during any future

**FINDING OF SUITABILITY TO TRANSFER
PARCEL 51 (BOWLING ALLEY)
NAVAL ACTIVITY PUERTO RICO**

renovation/demolition activities or underground utility work, and to comply with all applicable laws relating to ACM management in order to ensure future protection of human health and the environment. An ACM acknowledgement form (Exhibit F) will be provided to the transferee for execution at the time of transfer.

3. Lead-Based Paint

Lead-based paint (LBP) was banned for consumer use in 1978. Building 2035 was constructed in 1984. While LBP is not expected to be present, the transferee will be required to use best management practices during any future renovation/demolition activities to prevent potential future lead exposure by properly managing and maintaining or, as required by applicable Federal, state, or local laws or regulations, abating any lead-based paint hazard that may pose a risk to human health.

4. Polychlorinated Biphenyls

Only one polychlorinated biphenyl (PCB) containing-transformer remains at NAPR. The transformer, located in Building 386, is not on the Subject Property. All other PCB-contaminated transformers and equipment were removed from the former NSRR prior to 1998. Due to the age of the majority of facilities and the size of the station, it is possible that PCB-contaminated fluorescent light ballasts and other minor PCB sources may be present on NAPR. There is nothing in the records to indicate PCBs were ever stored or disposed of on the Subject Property.

5. Radon

According to the Preliminary Geologic Radon Potential Assessment of Puerto Rico (USGS, 1993), the Commonwealth of Puerto Rico exhibits generally low indoor radon levels, and a survey of radon concentrations of offices, housing units, schools and other buildings was conducted by the DoD between 1989 and 1992 on federal military reservations in Puerto Rico, including the former NSRR. Indoor radon levels ranged from 0.0 to 1.9 picoCuries/Liter (pCi/L), well below the current EPA residential indoor radon screening action level of 4 pCi/L. The majority of the reservations, including NAPR, are situated on coastal plains, so the low indoor radon levels were not unexpected.

**FINDING OF SUITABILITY TO TRANSFER
PARCEL 51 (BOWLING ALLEY)
NAVAL ACTIVITY PUERTO RICO**

6. Threatened and Endangered Species

As shown on the parcel map in Exhibit C, breeding habitat for the endangered yellow-shouldered blackbird has been identified throughout the Subject Property. The Commonwealth of Puerto Rico has indicated that it intends to zone the property in a manner that will implement the planning, development, maintenance, mitigation and use requirements described on the parcel map.

In accordance with the Endangered Species Act, the Navy developed a Biological Assessment (BA) for the former NSRR in 2006 to assess the potential impact on any federally protected species from the disposal of NSRR. Given the protection measures addressed in detail in the *Biological Assessment for the Disposal of Naval Station Roosevelt Roads/Naval Activity Puerto Rico Final Report* (Navy, 2006a), the Navy has determined that the disposal of the former NSRR and transfer of the property to future owners is not likely to adversely affect federally-listed species and would not result in adverse modification of designated critical habitat within the project area. The U.S. Fish and Wildlife Service concurred with this determination in a letter dated April 7, 2006.

5.0 REQUIREMENTS APPLICABLE TO PROPERTY TRANSFER

A. NEPA Compliance

In accordance with National Environmental Policy Act (NEPA) requirements, an Environmental Assessment and Finding of No Significant Impact (FONSI) have been prepared and executed in connection with the planned disposal and reuse of NAPR. The FONSI was signed on April 10, 2007.

B. Hazardous Substance Notice

In accordance with Section 120(h)(3)(A)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), all deeds transferring federal property must provide notice as to those hazardous substances which it is known, based on a complete search of agency files, were stored for 1 year or more, released or disposed on the Subject Property in excess of those reportable quantities specified under 40 CFR 373, and all response actions taken to date to address any such releases or disposals. No hazardous substances are known to have

**FINDING OF SUITABILITY TO TRANSFER
PARCEL 51 (BOWLING ALLEY)
NAVAL ACTIVITY PUERTO RICO**

been stored or released on the Subject Property in excess of their respective reportable quantities, thus, no deed notice is required in this instance.

C. CERCLA Covenant

In accordance with CERCLA Section 120(h)(4)(D)(i), the deed transferring the Subject Property shall contain a covenant warranting that any response action or corrective action found to be necessary after the date of transfer shall be conducted by the United States.

D. CERCLA Access Clause

In accordance with CERCLA Section 120(h)(4)(D)(ii), the deed transferring the Subject Property shall contain a clause granting to the United States, its officers, agents, employees, contractors, and subcontractors the right to enter upon the transferred property in any case that remedial or corrective action is found to be necessary after the date of transfer. The right to enter to be set forth shall include the right to conduct annual physical inspections, tests, investigations, long term monitoring, 5-year reviews, and surveys, including, where necessary, drilling, test pitting, boring, and other similar activities. Such right shall also include the right to construct, operate, maintain, or undertake any other response or remedial action as required or necessary, including, but not limited to, monitoring wells, pumping wells, and treatment facilities. The United States retains the authority to enter to conduct investigations on adjacent parcels as well as the parcel subject to the transfer. These access rights are in addition to those granted to Federal, state, and local authorities under applicable environmental laws and regulations.

E. Land and Groundwater Restrictions

The Navy will transfer all of the Subject Property without restrictions.

F. Environmental Compliance Agreements / Permits / Orders

On January 29, 2007, the U.S. Department of the Navy and EPA voluntarily entered into a Resource Conservation and Recovery Act (RCRA) Section 7003 Administrative Order on Consent (Consent Order; EPA, 2007). The Consent Order set out the Navy's RCRA corrective action obligations and replaced the 1994 RCRA permit as the document memorializing these obligations concerning NAPR. Although there are no RCRA solid waste management units or areas of concern on the Subject Property, certain RCRA obligations defined in the Consent Order

**FINDING OF SUITABILITY TO TRANSFER
PARCEL 51 (BOWLING ALLEY)
NAVAL ACTIVITY PUERTO RICO**

apply to the Subject Property including notification and additional work requirements for newly discovered releases, other notification requirements, and record retention requirements.

Puerto Rico EQB issued a draft Title V Operating Permit, number TV9711-19-0397-0012, for air emissions at the former NSRR in Spring 2003. This draft permit went into public review on July 8, 2003, where NSRR presented extensive comments/changes due to the relocation of many tenant commands. A final Title V Operating Permit was issued by EQB on September 30, 2006. NSRR had a wide variety of small emission sources, which operated intermittently, with no set operation schedule. Most volatile organic compound and hazardous air pollutant emissions were generated by combustion sources, which are powered by diesel, JP-5, gasoline or propane gas. There are no significant emission units on the Subject Property; however, the emergency generator described below is associated with the permit. There is no documentation of any current, or previous Notices of Violation issued to the former NSRR as a result of a deviation from the Title V Permit.

Description	Bldg #	Equip #	KW	Fuel Capacity	USN #	Manufacture	Model	Serial #	Voltage
GENERATOR	2035	A08462	200	500		DMT	DMT200CL	96-204355-2	120/208

There are no other environmental compliance agreements, permits, or orders associated with the Subject Property.

G. Notification to Regulatory Agencies / Public

In accordance with DoD guidance, EPA Region 2 and Puerto Rico EQB have been advised of the proposed transfer of the Subject Property, and copies of the ECP Report, CERFA Report, and Draft FOST were provided to those agencies for review and comment. No review comments on this FOST were received from either agency. The ECP Report was made available for public review upon finalization. Copies of all transfer documentation will be made available to EPA and EQB representatives upon request after execution of the same.

**FINDING OF SUITABILITY TO TRANSFER
PARCEL 51 (BOWLING ALLEY)
NAVAL ACTIVITY PUERTO RICO**

6.0 SUITABILITY DETERMINATION

NOW THEREFORE, based on my review of the information contained in this FOST and in the ECP and CERFA Reports, I have determined that the Subject Property is presently suitable for deed transfer for unrestricted reuse.

01 Dec 2008

Date



JAMES E. ANDERSON

Director

BRAC Program Management Office Southeast
North Charleston, South Carolina

Exhibit A

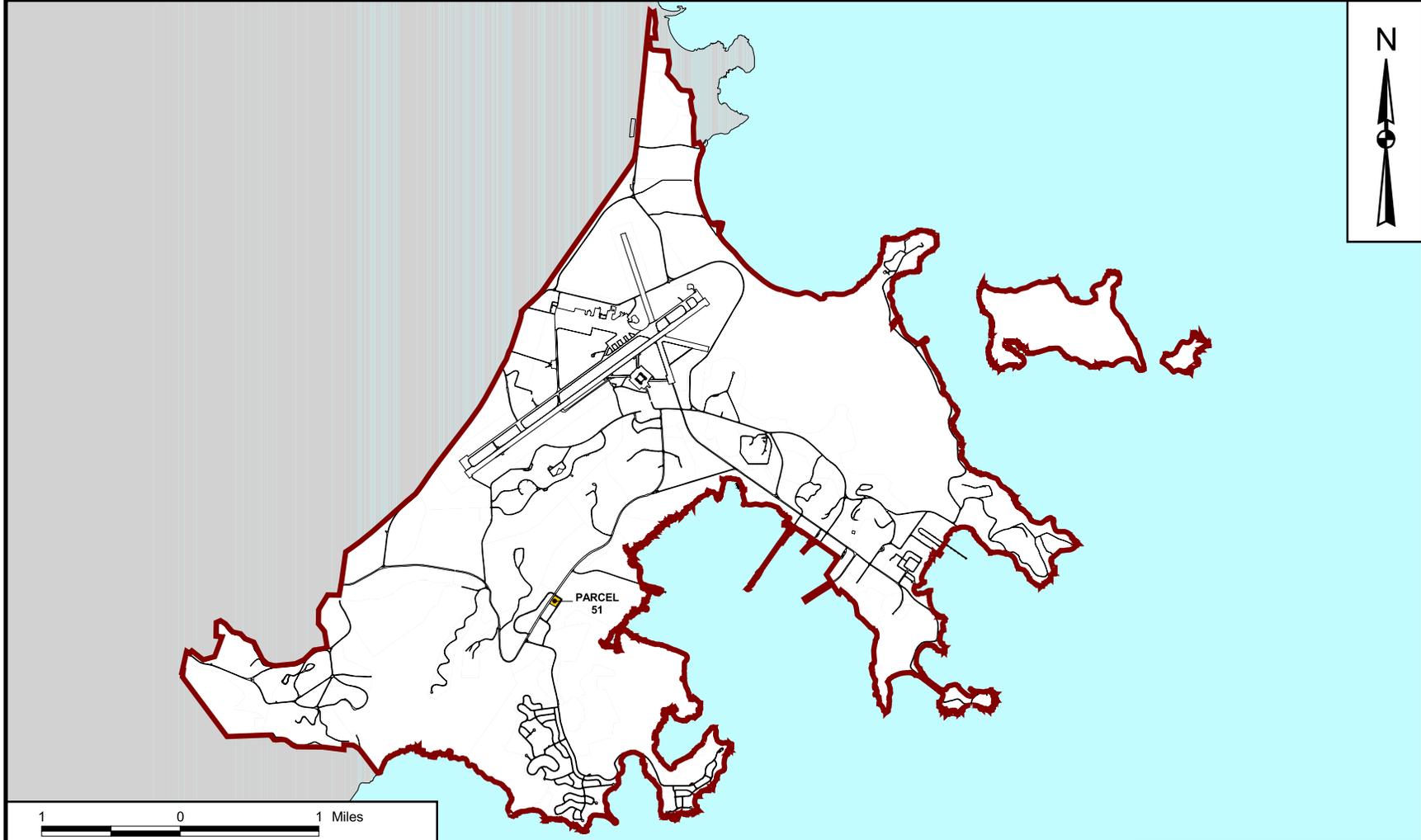
References

**FINDING OF SUITABILITY TO TRANSFER
PARCEL 51 (BOWLING ALLEY)
NAVAL ACTIVITY PUERTO RICO**

REFERENCES

- Baker, 2005. (Michael Baker Jr., Inc.) *Final Asbestos Inspection Report for Naval Activity Puerto Rico, Ceiba, Puerto Rico*. Moon Township, Pennsylvania. June 2005.
- CBRE et al, 2004. (CB Richard Ellis Consulting, Cooper Robertson & Partners, Moffatt & Nichol, Puerto Rico Management & Economic Consultants, Inc.) *Naval Station Roosevelt Roads Reuse Plan*. December 2004.
- EPA, 2007. (U.S. Environmental Protection Agency) *RCRA § 7003 Administrative Order on Consent, In the Matter of United States, The Department of the Navy, Naval Activity Puerto Rico, formerly Naval Station Roosevelt Roads, Puerto Rico, EPA Docket No. RCRA-02-2007-7301*. January 2007.
- GMI, 2005. (Geo-Marine, Inc.) *Draft Report, Parcel Map for the Disposal of Naval Activity Puerto Rico*. Hampton, Virginia. September 2005.
- Navy, 2005. (Naval Facilities Engineering Command Atlantic) *Phase I/II Environmental Condition of Property Report, Former U.S. Naval Station Roosevelt Roads, Ceiba, Puerto Rico*. Norfolk, Virginia. July 15, 2005.
- Navy, 2006a. (Naval Facilities Engineering Command Atlantic). *Biological Assessment for the Disposal of Naval Station Roosevelt Roads/Naval Activity Puerto Rico Final Report*. Norfolk, Virginia. January 2006.
- Navy, 2006b. (Department of the Navy, Base Realignment and Closure Program Management Office Southeast) *CERFA Identification of Uncontaminated Property, Former Naval Station Roosevelt Roads, Puerto Rico*. North Charleston, South Carolina, April 27, 2006.
- USGS, 1993. (U.S. Geological Survey) *Open File Report 93-292-K, Preliminary Geologic Radon Potential Assessment of Puerto Rico*. 1993.

Exhibit B
Vicinity Map



DRAWN BY	DATE
S. STROZ	9/10/08
CHECKED BY	DATE
L. ANDERSON	9/10/08
COST/SCHEDULE-AREA	
SCALE AS NOTED	



PARCEL 51
(BOWLING ALLEY)
NAVAL ACTIVITY PUERTO RICO
CEIBA, PUERTO RICO

CONTRACT NUMBER 0043	
APPROVED BY —	DATE —
APPROVED BY —	DATE —
DRAWING NO. —	REV 0

Exhibit C

Parcel Map

NOTE: The parcel map in this exhibit is from the *Draft Report, Parcel Map for the Disposal of Naval Activity Puerto Rico* (GMI, 2005). Parcel 51 is not delineated on the map because it had not been carved out of Parcel 25 at the time the map was prepared. Parcel 51 is the large building and parking lot immediately north of Parcel 24 on the map.

THREATENED AND ENDANGERED SPECIES CONSERVATION MEASURES—PARCEL 25

Common Name—Sale

Conveyance—Sale

Neighboring Parcel(s)—5, 13, 6-18, 20, 26-29

Yellow-shouldered Blackbird

GENERAL REQUIREMENTS

- No development is allowed in Parcel 5, 13, 16, and 28 (Conservation).
- All development related activities (new construction, ground clearing, demolition/remodeling) adjacent to conservation parcels (5, 13, 16, 28) should occur between September 1 and March 15 (non-breeding season) or be restricted to an area 50 m from the parcel boundary from March 15-August 30 (breeding season).
- Notify USFWS if a yellow-shouldered blackbird nest is found anywhere on the property (787-851-7297).
- Pesticide and herbicide applications must follow Commonwealth of Puerto Rico regulations.

Activity	Conservation Measures
Development Planning	Save as many existing on site palms and trees as possible in new development plans.
Demolition/Remodeling	Schedule activity from September 1 through March 14 or conduct outdoor survey of building(s) (ledges, etc.) and nearby trees (within 50 m of the building) for yellow-shouldered blackbird nests prior to start date if the development activity is scheduled to occur between March 15 and August 30. Consult with USFWS if a yellow-shouldered blackbird nest is found.
Grounds Maintenance	No trimming or cutting of palms and trees between March 15 and August 30 except in an emergency (i.e., downed trees and palms from storms).
Building Maintenance	Check for yellow-shouldered blackbird nests prior to any outdoor building maintenance activities between March 15 and August 30. Determine identity of any bird nest found. Notify and consult with USFWS if a yellow-shouldered blackbird nest is found.
General Operations	Before moving parked outdoor equipment (e.g., carts, vehicles) check for yellow-shouldered blackbird nests (March 15-August 30). Notify USFWS if a yellow-shouldered blackbird nest is located.
Property Sale/Lease	Notify buyer/lessee of all mitigation requirements (see above) and include mitigation with all legal documents.

NOTICE:

Consult with the U.S. Fish and Wildlife Service if you have any questions on the conservation measures. Property owners that cannot adhere to the conservation measures must consult with the U.S. Fish and Wildlife Service to seek a Section 10.0 permit for authorization to modify the identified critical habitat. Failure to comply with the identified conservation measures violates Section 9.0 and/or Section 10.0 of the Endangered Species Act. The U.S. Fish and Wildlife Service has the authority to prosecute violations under the Endangered Species Act.

Parcel Index 25

Common Name: Sale
Conveyance: Sale
Neighboring Parcel(s): 5, 13, 16-18,
20, 26-29

Legend

- Parcel
- Neighboring Parcel Boundaries
- Yellow-shouldered Blackbird
- Nesting/Foraging Palms
- Breeding Habitat

August 18, 2005



1 inch equals 1,078 Feet



Parcel Index 25

Common Name: Sale
Conveyance: Sale
Neighboring Parcel(s): 5, 13, 16-18,
20, 26-29

Legend

- Parcel
- Neighboring Parcel Boundaries
- Cleanup Status
 - Complete with Land Use Controls
 - Complete
 - Cleanup Remaining

August 18, 2005



1 inch equals 1,078 Feet



Exhibit D
Survey Map

Exhibit E
CERFA Concurrence

**CERFA Identification of Uncontaminated Property
Former Naval Station Roosevelt Roads, Puerto Rico**

Accordingly, this CERFA Uncontaminated Property Report reflects final site categorizations that may differ from those presented in the Final ECP report.

In summary, all NAPR property not otherwise identified as sites belonging to Categories 2 or 3 are classified as "CERFA Clean" (i.e. uncontaminated) as defined in CERFA [§9620 (h)(4)(A)]. The bulk of the NAPR acreage is classified as such. Of the approximately 8,400 acres of NSRR property, about 7,000 acres have been identified as "CERFA Clean" (i.e., Category 1). Figure 1 depicts the results of this classification.

Included in the CERFA Clean classification are a total of 14 SWMUs. Ten of these SWMUs were identified by EPA in the 1994 RCRA Part B permit, and an additional four sites were identified by the ECP. All 14 of these sites were originally identified based on a suspected release or disposal activity, but subsequent investigations determined that no release or disposal activity occurred. EPA has indicated their concurrence with this determination in the draft §7003 Order on Consent by designating each of these sites as having achieved "corrective action complete without controls" designation. The SWMUs and ECP sites designated as CERFA Clean are SWMUs 5, 15, 20, 21, 22, 47, 48, 49, 50, 52, 63 (ECP 9), 64 (ECP 10), 65 (ECP 11), and 66 (ECP 12). These sites are presented in Table 1.

The remaining property has been classified as Category 2 or 3 and as such is not qualified for designation as CERFA Clean.

Submitted

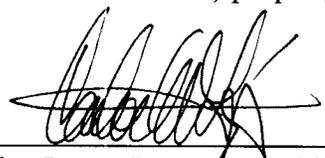


R. DAVID CRISWELL, P. E.
BRAC Environmental Coordinator

4/27/06
Date

Concurrence

Concurrence with CERFA Identification of Uncontaminated Property is indicated by signature below. This concurrence applies only to the identification of "CERFA Clean" (i.e. uncontaminated) property, identified in this document as ECP Category 1.



Carlos Lopez Freytes, President
Environmental Quality Board
Commonwealth of Puerto Rico

8/11/06
Date

Exhibit F

Asbestos-Containing Materials Acknowledgement Form

**ASBESTOS-CONTAINING MATERIALS
HAZARD DISCLOSURE AND ACKNOWLEDGMENT FORM
(NON-RESIDENTIAL STRUCTURES)**

ASBESTOS WARNING STATEMENT

YOU ARE ADVISED THAT ASBESTOS-CONTAINING MATERIALS (ACM) COULD BE PRESENT WITHIN THE BOWLING ALLEY PARCEL AT THE FORMER NAVAL STATION ROOSEVELT ROADS. INDIVIDUALS (WORKERS) MAY SUFFER ADVERSE HEALTH EFFECTS AS A RESULT OF INHALATION EXPOSURE TO ASBESTOS. THESE ADVERSE HEALTH EFFECTS INCLUDE ASBESTOSIS (PULMONARY FIBROSIS) AND MESOTHELIOMAS (BENIGN OR MALIGNANT TUMORS).

ACKNOWLEDGEMENT

I acknowledge that:

- (1) I have read and understand the above-stated Asbestos Warning Statement.
- (2) I have received from the Government the following document(s): *Phase I/II Environmental Condition of Property Report, Former Naval Station Roosevelt Roads, Ceiba, Puerto Rico*, the *Final Asbestos Inspection Report for Naval Activity Puerto Rico, Ceiba, Puerto Rico* and the *Finding of Suitability to Transfer, Parcel 51 (Bowling Alley), Former Naval Station Roosevelt Roads, Ceiba, Puerto Rico* representing the best information available to the Government as to the presence of and condition of asbestos-containing-materials hazards in the building covered by this transfer (deed).
- (3) I understand that my failure to inspect or to become fully informed of the condition of all or any portion of the property offered will not constitute grounds for any claim or demand for adjustment or withdrawal of any bid or offer made after its opening or tender.
- (4) I understand that, upon execution of this transfer (deed), I shall assume full responsibility for preventing future asbestos exposure by properly managing and maintaining or, as required by applicable federal, State, or local laws or regulations, for abating any asbestos hazard that may pose a risk to human health.

Transferee (or duly authorized agent)

Date