

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

**WASTEWATER TREATMENT PLANT
PARCEL 217(1)
FORT McCLELLAN, ALABAMA**

November 30, 1999

Attachments

Attachment 1 – Site Map of Wastewater Treatment Plant Parcel 217(1)

Attachment 2 – Regulatory Concurrence Letters

**FINDING OF SUITABILITY TO TRANSFER (FOST)
WASTEWATER TREATMENT PLANT PARCEL 217(1)
FORT MCCLELLAN, ALABAMA**

On the basis of the Community Environmental Response Facilitation Act (CERFA) Letter Report for Fort McClellan (FMC), environmental documents maintained in the Administrative Record, and associated visual site inspections, I have determined that the Wastewater Treatment Plant (WWTP), Parcel 217(1) (the Property), at Fort McClellan, Alabama, is suitable for transfer to the Water Works and Sewer Board of the City of Anniston for operation of the sewer and wastewater treatment systems. The Property to be assigned and transferred includes two buildings and four structures related to treatment plant operations. The fee interest to be transferred is 7.08 acres. A site map of property is attached. (Attachment 1/Figure 1). The WWTP is referred to as Facility Number 05740. The facility includes headworks, water reuse equipment, piping, machinery, valves, basins, controls, sludge drying, and disposal facilities related to and necessary for plant operations. Two support buildings, Building 05708 - Power Plant Building and Building 05718 - Sewage Waste Treatment Building, are located on the Property. The remaining structures on the Property (05708-E, stand-by generator; 05709, oil/grease separator; 05710, overhead protection for sludge containment pad; and, 05711, sludge containment pad) support wastewater treatment plant operations and are used for no other purposes.

A determination of the environmental conditions of the Property was made by the U.S. Department of the Army by: a detailed search of federal government records pertaining to the property; recorded chain of title documents regarding the real property; aerial photographs that reflect prior uses of the real property; a visual inspection of the real property and any buildings, structures, equipment, pipe, pipeline, or other improvements on the real property, and a visual inspection of properties immediately adjacent to the real property; a physical inspection of property adjacent to the real property; federal, state, and local government records of each adjacent facility where there has been a release of any hazardous substance or any petroleum product or its derivatives, including aviation fuel and motor oil, and which is likely to cause or contribute to a release or threatened release of any hazardous substance or any petroleum product or its derivatives, including aviation fuel and motor oil, on the real property; and interviews with current or former employees involved in operations on the real property.

The Army's document review included Environmental Baseline Survey (EBS) and CERFA Letter Report (January 1998); U.S. Environmental Protection Agency Region IV (USEPA) and Alabama Department of Environmental Management (ADEM) concurrence to the CERFA Report; Radon Monitoring Report (June 1991); Underground Storage Tank (UST) Summary Report (June 1998); Biological Assessment Report (April 1998); Final Environmental Impact Statement Disposal and Reuse of FMC Alabama (August 1998); U.S. Department of Defense (DoD) Base Realignment and Closure Ordnance, Ammunition and Explosives, Chemical Warfare Materials Archives Search Report Findings FMC Anniston, Alabama Final (July 1999); FMC Reuse and Redevelopment Authority (FMRRA) FMC

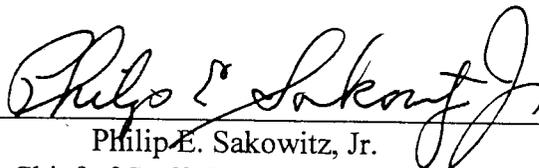
Comprehensive Reuse Plan (November 1997); and National Pollution Discharge Elimination System (NPDES) permit No. AL0024520. The review indicates the following environmental condition of the Property:

- Based on a review of existing records and available information, there is no evidence that hazardous substances were stored, released, or disposed on the property in excess of the reportable quantities listed in 40 CFR Part 373. Accordingly, there is no need for any notification of hazardous substance, release, or disposal.
- The WWTP operates under NPDES permit number AL0024520 issued by ADEM. The plant is permitted to accept up to 2.2 million gallons per day. The current permit expired on September 30, 1999; however, a new permit application has been submitted. They are allowed to operate under the old permit (permit # AL0024520) until ADEM issue a new one.
- There are no existing buildings constructed prior to 1978 on the Property. Therefore, the two buildings located at the WWTP are considered to be free from lead-based paint hazards in accordance with Section 10.18, Title X of the Residential Lead-Based Paint Reduction Act of 1992.
- There are no buildings or structures with ACM on the Property.
- No radon surveys have been conducted on the Property.
- No radiological surveys have been conducted on the Property. The Property was not used to repair, maintain, or store radioactive commodities.
- There are no PCB containing transformers located on the property. There have been no reported releases of PCB-containing dielectric fluids on the Property.
- No underground storage tanks or aboveground storage tanks are present on the Property.
- No groundwater monitoring wells are present on the Property.
- Sludge is generated from wastewater treatment plant operations. The sludge is transferred to a concrete pad/containment area with overhead protection on the Property. The sludge is dried and maintained until transferred to the Calhoun County Transfer Station. The sludge is classified as a Class B non-hazardous material.
- Moderate quality gray bat foraging habitat is located within 50 feet of the WWTP as documented in the Biological Assessment (BA) dated April 1998. Appropriate endangered species notice is provided in Sections 2.6.7 and 2.6.8 of the BA and will be included in the deed.

- National Environmental Policy Act (NEPA) requirements for this transfer were satisfied by the analyses conducted in the Final Environmental Impact Statement Disposal and Reuse of FMC Alabama (August 1998) and the accompanying Record of Decision, dated June 25, 1999.

On the basis of the above information, I conclude that the Wastewater Treatment Plant should be assigned to DoD Environmental Condition 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), and is transferable under CERCLA Section § 120 (h)(4). The deed for this transaction will contain:

- The clause under CERCLA § 120 (h)(4)(D)(i) warranting that any response or corrective action found to be necessary after the date of such sale or transfer shall be conducted by the United States.
- The covenant under CERCLA § 120 (h)(4)(D)(ii) granting the United States access to property in any case in which a response action or corrective action is found to be necessary after or such access is necessary to carry out a response action or corrective action on adjoining property.



07 DEC 1999

Philip E. Sakowitz, Jr.
Deputy Chief of Staff for Base Operations Support
Headquarters United States Army Training and Doctrine Command

ATTACHMENT 1

SITE MAP OF WASTEWATER TREATMENT PLANT

PARCEL 217(1)

Figure 1

**Waste Water Treatment Plant
Findings of Suitability to Transfer
Water Works and Sewer Board
of the City of Anniston
Fort McClellan, Alabama**

CERFA CATEGORIES

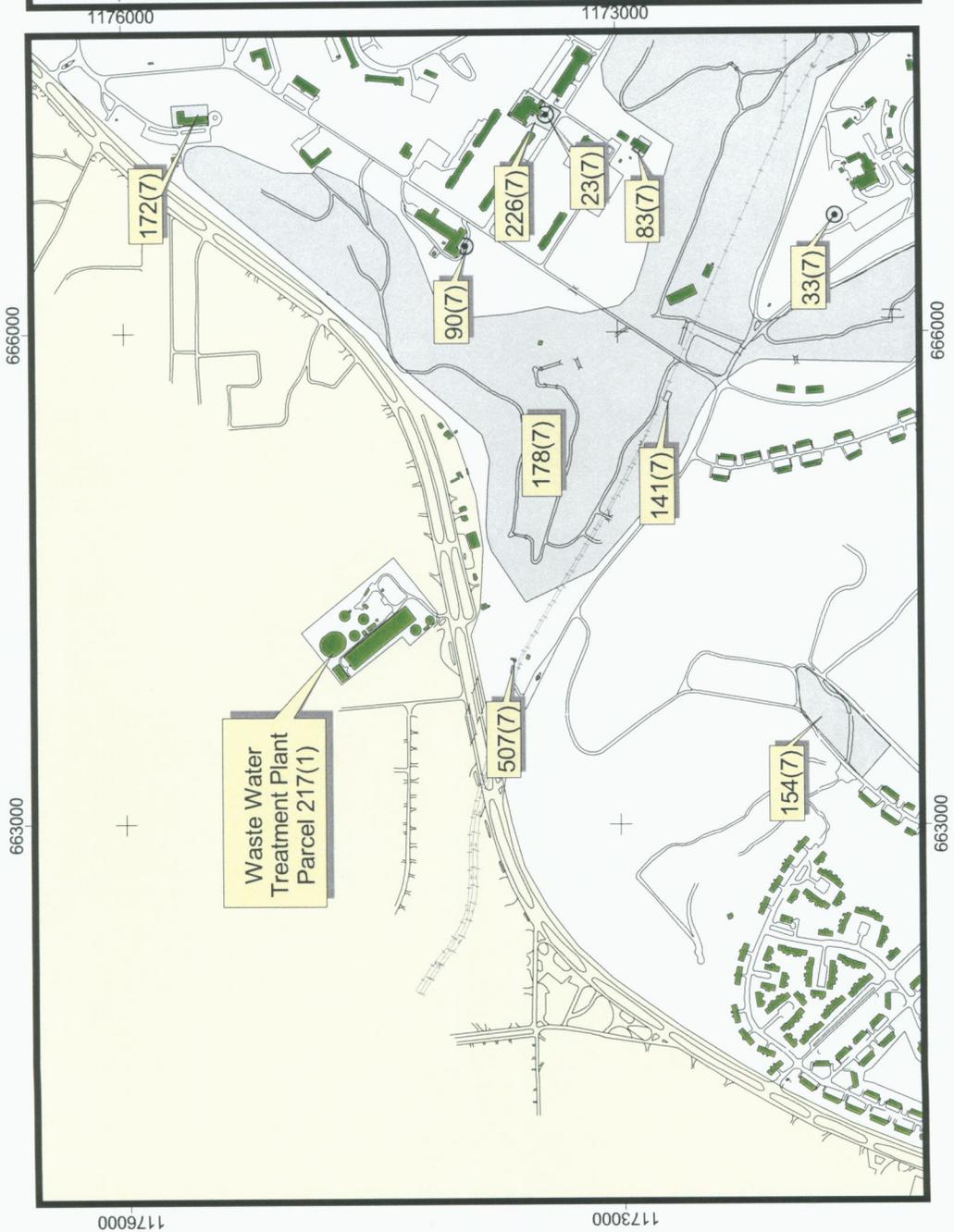
1. Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas)

7. Areas that are not evaluated or require additional evaluation



0 500 1000 Feet

U.S. Army Corps of Engineers
Mobile District
Fort McClellan
Calhoun County, Alabama
Contract No. DACA21-96-D-0018



ATTACHEMNT 2

REGUALATORY CONCURRENCE LETTES

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 4**

ADEM



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

POST OFFICE BOX 301463 ♦ 1400 COLISEUM BLVD. 36110-2059

MONTGOMERY, ALABAMA 36130-1463

WWW.ADEM.STATE.AL.US

(334) 271-7700

JAMES W. WARR
DIRECTOR

DON SIEGELMAN
GOVERNOR

July 16, 1999

Facsimiles: (334)

Administration: 271-7950

Air: 279-3044

Land: 279-3050

Water: 279-3051

Groundwater: 270-5631

Field Operations: 272-8131

Laboratory: 277-6718

Education/Outreach: 213-4399

Headquarters, US Army Training and Doctrine Command
Deputy Chief of Staff for Base Operations
Attention: Mr. Philip E. Sakowitz
Fort Monroe, VA 23651-5000

RE: ADEM's Review of the Draft-Final Finding of Suitability to Transfer for the Wastewater Treatment Plant, Parcel 217(1), Fort McClellan, Alabama

Dear Mr. Sakowitz:

The Alabama Department of Environmental Management has received and reviewed the Draft-Final Finding of Suitability to Transfer (FOST) for the Wastewater Treatment Plant (WWTP), Parcel 217(1), dated June 17, 1999. Based on our review, the Department offers the following comment:

Page 2, Bullet 1: This paragraph does not clearly satisfy the requirements of CERCLA 120(h) and 40 CFR 373. Please revise this paragraph to accurately document the hazardous substance(s) that are or have been stored at the WWTP according to 40 CFR 373.2. If hazardous substances are stored or have been stored at the WWTP at levels that require contract notification, the Army must do so in accordance with 120(h) and 40 CFR 373.3.

In an effort to expedite transfer, ADEM considers this letter a concurrence on the subject document, contingent upon the above comment being adequately addressed in the Final FOST (signed copy).

For any questions or concerns regarding this matter please contact Mr. Chris Johnson at (334) 271-7789 or electronically at clj@adem.state.al.us.

Sincerely,

James W. Warr
Director

JWW/cj

cc: Mr. Ron Levy, US Army-FTMC
Mr. Bart Reedy, EPA Region IV

Birmingham
110 Vulcan Road
Birmingham, Alabama 35209-4702
(205) 942-6168
(205) 941-1603 [Fax]

Decatur
2708 6th Avenue, SE, Suite B
Decatur, Alabama 35603-1508
(256) 353-1713
(256) 340-9359 [Fax]

Mobile
2204 Penimeter Road
Mobile, Alabama 36615-1131
(334) 450-3400
(334) 479-2593 [Fax]

Mobile - Coastal
4171 Commanders Drive
Mobile, Alabama 36615-1421
(334) 432-6533
(334) 432-6598 [Fax]



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4



61 Forsyth Street
Atlanta, Georgia 30303-3104

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

07/15/99

Mr. Ron Levy
Director of Environment
USACMLS & MPCENS & FM
Building 141A
13th Avenue
Fort McClellan, Alabama 36205-5000

RE: FOST for transfer of the Waste Water Treatment Plant to City of Anniston

Dear Mr. Levy,

I and my legal support staff have concluded the Environmental Protection Agency (EPA) review of the Finding of Suitability to Transfer, (FOST) for the Waste Water Treatment Plant. It is my understanding from discussions with you that subsequent to the preparation of this version of the Waste Water Treatment Plant FOST, the Army conducted and finalized an asbestos survey of all buildings embraced by this FOST. Due to an urgency to transfer the subject property, the draft document reviewed by EPA was not updated to reflect the results of this survey. Accordingly, EPA offers the following comment:

1. Original EPA Comment #8 questioned the presumption by the Army that buildings constructed after 1985 would not contain asbestos or asbestos-containing material. The Army response: "The text will be revised to say 'No asbestos surveys have been conducted on the Property.' Reference to the Asbestos Containing material Survey Report (1998) will be deleted from paragraph 2." is inaccurate, based upon new information. It is EPA's understanding that an asbestos survey was conducted by a licenced asbestos inspector from your office, and that the survey accurately reflects the presence and condition of asbestos on the property. Please revise the text to so indicate.

Additionally, it is my understanding that as a operational Waste Water Treatment Plant, certain chemicals and compounds were routinely used that are classified as Hazardous. Therefore, EPA offers the following comment:

2. The first bullet under environmental condition of the property was revised in the latest draft of the FOST to include the statement, "Chemicals to support WWTP operations are routinely stored and used to support WWTP operations; however, no releases or spills of chemicals have been documented at Parcel 217(1)." CERCLA §120(h)(3)(A) requires:
in the case of any real property owned by the United States on which any hazardous substances stored for one year or more, known to have been released, or disposed of, each deed entered into the transfer of such property by the United States to any other person or entity shall contain:
 - (i) to the extent such information is available on the basis of a complete search of agency files--
 - (I) a notice of the type and quantity of such hazardous substances,
 - (II) notice of the time at which such storage, release or disposal took place, and
 - (III) a description of the remedial action taken, if any.

Please satisfy these CERCLA requirements by including in the deed the required information regarding the storage of hazardous substances at the WWTP.

Further, whenever the United States (Army) enters into a contract for sale or other transfer of real property, that contract must contain information required under (I) and (II) above, and must contain the following statement, prominently displayed, in satisfaction of 40 CFR 373, "The information contain in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability and Compensation Act (CERCLA or "Superfund") 42 U.S.C. section 9620(h)." See 40 CFR 373 for the applicability and requirements of the notice.

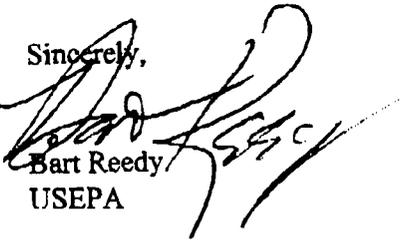
By including the requested accurate information, the Army prepared Finding of Suitability to Transfer will be accurate and complete. Therefore, when the final versions of the FOST and attendant transfer documents are forwarded, EPA will concur with the Army's Finding of Suitability to Transfer. In continuing the Partnering effort at Fort McClellan, and in an effort to expedite transfer, please consider this letter a concurrence on the subject document, subject only to the above information being included in the final signed versions of the documents.

Knowing the Army desires to accurately document the extensive environmental work conducted by the Army at Fort McClellan, and that accuracy of information will further the Army's goal of reducing the likelihood of nuisance liability claims, the above requested information included in the final "For Signature" versions only, will not be burdensome upon the Army, nor will it delay the transfer of this property.

Should any portion of this letter be unclear, or should you need additional information, please contact me at the letterhead address or at 404-562-8541. I look forward to receiving signed copies of the final complete and accurate documents.

In following the Army lead, this letter is forwarded to you via Certified Mail. However, in an effort to expedite the document preparation and signature process, this letter is also sent electronically and via regular post, both of which will arrive preceding the Certified Mail version.

Sincerely,


Bart Reedy
USEPA

cc: C. Johnson, ADEM
E. Pope, USACOE