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DRAFT FINDING OF SUITABILITY TO TRANSFER CHICORA TANK FARM CNC
CHARLESTON SC
01/01/1999

**DRAFT FINDING OF SUITABILITY TO TRANSFER
CHICORA TANK FARM**

1.0 Purpose.

Consistent with the Defense Base Closure and Realignment Act (BRAC) of 1990, Charleston Naval Complex, Charleston, South Carolina, has been determined excess property. This Finding of Suitability to Transfer (FOST) documents the determination made by the undersigned authority that the Chicora Tank Farm property (hereinafter referred to as the subject property), located to the west of the Charleston Naval Complex, Charleston, South Carolina, is environmentally suitable for transfer to the Charleston County Board of Education through a Public Benefit Conveyance approved by the Department of Education. The Department of the Navy intends to transfer the subject property to the Department of Education for subsequent conveyance to Charleston County.

2.0. Description of Property.

The subject property was originally acquired by the Navy as four separate parcels, with acquisition dates of 27 December 1941, 20 December 1943 (2 parcels), and 21 March 1994. The property was transferred from the Fleet Industrial Supply Center to the current owner, SOUTHNAVFACENCOM, in April 1996. There are three buildings (3906Q, 3906R, and 3906S) on the subject property. These buildings are currently not occupied and are the property of the Navy. Previous and existing facilities associated with the subject property include five bulk storage underground storage tanks (USTs), one former bulk UST, and a retention pond.

Chicora Tank Farm Buildings/Facilities

Facility Number	Building/Facility Designation	Previous Use	Current Status
3906K	2,128,000-gallon UST	Diesel Fuel Storage	Cleaned and demolished
3906L	2,130,000-gallon UST	Diesel Fuel Storage	Cleaned and demolished
3906M	2,132,000-gallon UST	Ship Fuel Oil Storage	Cleaned and demolished
3906N	2,126,000-gallon UST	Ship Fuel Oil Storage	Cleaned and demolished
3906O	1,153,000-gallon UST	Ballast/Sludge Storage	Cleaned and demolished
3906P	2,128,000-gallon UST	Diesel Fuel Storage	Cleaned and demolished
3906Q	Operational Storage	Miscellaneous Equipment Storage	Out of operation
3906R	Transformer Vault	Provided Electricity to Tanks 3906M, N and O	Out of operation
3906S	Transformer Vault	Provided Electricity to Tanks 3906K, L, and P	Out of operation
3920	Retention Pond	Collected Storm Water Runoff and French Drain System Discharge	Collects Storm Water Runoff and French Drain System Discharge

Appendix E provides a legal description and boundary of the subject property.

2.0 Past Use and Proposed Reuse.

The proposed use of the subject property is for recreational and educational purposes.

3.0 Environmental Findings

All available information concerning the past storage, release or disposal of hazardous substances and/or petroleum products on the subject property as collected through record searches, aerial photographs, personnel interviews and on-site visual inspections is contained in the attached EBST. The following summarizes those findings.

A. Hazardous Substance Contamination

No evidence of hazardous substance contamination was observed at the Chicora Tank Farms during the 1999 site visits. Hazardous substances such as cleaners, paint and solvents were stored in building 3906Q for maintenance on the machinery and facilities. No evidence of release or stressed vegetation was present which would indicate a release occurred as a result of this storage.

B. Storage Tanks and Petroleum Contamination

Six bulk storage USTs and one heating oil UST were once active on this site; however, they have been properly closed.. One AST was associated with an oil/water separator and the retention basin has been removed. Three AOCs are associated with the subject property all of which have been recommended for no further action.

C. Other Environmental Aspects

1. Asbestos Containing Material

No asbestos containing materials (ACM) waste identified at this subject property.

2. Lead Based Paint

Nonresidential structures are not subject to federal law governing lead-based (LBP) hazards in "target housing." It is likely all that all buildings/facilities on the property constructed before 1980 were painted with lead-base paint, and exposed metal components on any structures built before 1990 were painted with lead-based paint primers. None of those facilities qualify as "target housing".

3. Polychlorinated Biphenyls (PCBs)

Two transformers located on the property were tested and found to be non-PCB. No evidence of spills or leaks were observed during the site visits.

4. Radon
Charleston County has been classified as a Zone 3 area for radon gas by the USEPA. Zone 3 areas have a predicted average indoor radon screening level of less than 2 picocuries per liter (pCi/L), which is below the USEPA action level of 4 pCi/L. Therefore, radon gas is not expected to be a concern within the facilities on subject property.

5.0 Requirements Applicable to Property Transfer

A. NEPA Compliance

In accordance with National Environmental Policy Act (NEPA) requirements, an Environmental Impact Statement (EIS) and Record of Decision (ROD) have been prepared and executed in connection with the planned disposal and reuse of the Charleston Naval Complex. The ROD for the Charleston Naval Complex was executed on 7 May 1996.

B. Hazardous Substance Notice

Section 120(h)(3)(A)(i)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that the deed(s) transferring the subject property provide notice as to those hazardous substances which are known, based upon a complete search of agency files, to have been stored for one year or more, released or disposed of on the subject property and all response actions taken to date to address such contamination. This information is summarized in the Environmental Baseline Survey for Transfer for this FOST. More detailed information concerning all response taken to date actions is set forth in those documents which make up the Administrative Record for Charleston Naval Complex.

C. CERCLA Covenants

Section 120(h)(3)(A)(ii)(I) of CERCLA requires that the deed(s) transferring Subject Property contain a covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substances remaining on the property has been taken before the date of transfer.

Section 120(h)(3)(A)(ii)(II) of CERCLA requires that the deed(s) transferring Subject Property contain a covenant warranting that any additional remedial action found to be necessary after the date of transfer shall be conducted by the United States.

D. CERCLA Access Clause

CERCLA Section 120(h)(3)(B) requires that the deed(s) transferring the subject property 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 which 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 tests, investigations, 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. These access rights are in addition to those granted to federal, state, and local authorities under applicable environmental laws and regulations.

E. Land and/or Groundwater Restrictions

In order to protect human health and the environment, the following general land and/or groundwater use restrictions will be incorporated into the deed(s) and/or transfer agreement, which shall effect the transfer of the subject property. These restrictions will also ensure that ongoing as well as necessary future environmental investigations and remedial activities at, or adjacent to the subject property will not be disrupted. These restrictions will remain in the deed until such time that the groundwater monitoring determines the contamination is below levels of concern for residential use. The current landowner will be notified by the Navy as soon as this occurs.

The use of groundwater will be prohibited ^{to include} (including drinking and irrigation) within the tank farm property boundaries. The installation of new wells for any purpose other than monitoring and/or assessing or remediating groundwater contamination.

The transferee, its successors and assigns will be prohibited from unreasonably interfering with any environmental investigation or remedial activities to be undertaken by the Navy on the property. The transferee, its successors and assigns will be prohibited from activities, which may jeopardize or negatively impact the protectiveness of environmental remedies.

The transferee, its successors and assigns will be required to protect the integrity of any existing and all future groundwater monitoring or extraction wells to be installed by the Navy until such wells are no longer needed for environmental investigation or remediation purposes, as determined by the Navy in consultation with the U.S. EPA and the South Carolina Department of Health and Environmental Control (DHEC).

F. Transferee Indemnification

The federal government shall hold harmless, defend and indemnify the Charleston County School Board and any future successor, assignee, transferee, lender, or

lessee of the Subject Property from any suit, demand, cost or liability arising out of any claim for personal injury or property damage that may result from, or be predicated upon, the release or threatened release of any hazardous substance, petroleum product and derivative, pollutant or contaminant resulting from Department of Defense activities on the property subject to the conditions specified in and to the extent authorized by Section 330 of Public Law 102-484.

Because certain hazardous substance contamination will remain on portions of the property to be deed transferred to the transferee, federal government will indemnify and hold harmless the transferee from future liability which might result from the presence of such contamination as attributable to the federal government's past use of the property to the extent authorized by Section 330 of Public Law 102-484.

G. Environmental Compliance Agreements/Permits/Orders

Installation restoration activities onboard the entire Charleston Naval Complex are conducted pursuant to the terms of that facility's RCRA hazardous waste storage permit. There are no outstanding federal or state environmental compliance agreements or orders which otherwise pertain to the subject property. Appendix F of the EBST includes legal descriptions of the facility boundaries. A permit modification will be submitted to DHEC to reflect all changes in property boundaries.

H. Notification to Regulatory Agencies/Public

In accordance with DoD guidance, the U.S. EPA and the DHEC have been advised of the proposed transfer of the subject properties and draft copies of the EBST and FOST were provided to those agencies for review. The draft EBST and FOST were also made available for public review during a thirty-day (30) public comment period. All regulatory agency and public comments received were considered and incorporated as deemed appropriate. Any unresolved comments and the Navy's responses thereto are included in Appendix C to the EBST. Copies of all transfer documentation provided to the transferee will be made available to U.S. EPA and DHEC representatives upon request after execution of the same.

6.0 Suitability Determination

NOW THEREFORE, based upon my review of the information contained in the attached EBST for the Charleston Naval Complex, I have determined that the subject property as presently suitable for deed transfer to the CNCRDA transferee for the intended purposes subject to application of those specific land and groundwater use restrictions described above.

Date

T. F. BERSSON
CMDR, CEC, U. S. NAVY
VICE COMMANDER