

FINDING OF SUITABILITY TO TRANSFER
NAVAL SUPPORT ACTIVITY (East Bank)
New Orleans, LA

Finding of Suitability to Transfer
Naval Support Activity (East Bank)
New Orleans, LA

January 2011



Prepared by:

**Base Realignment and Closure
Program Management Office Southeast
4130 Faber Place Drive, Suite 202
North Charleston, South Carolina 29405**

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ABBREVIATIONS AND ACRONYMS

AST	Aboveground Storage Tank
ACM	Asbestos Containing Material
ACBM	Asbestos Containing Building Material
BRRM	Base Redevelopment and Realignment Manual (BRRM)
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERFA	Community Environmental Response Facilitation Act
DMDA	Dredge Material Disposal Area
ECP	Environmental Condition of Property
EMR	Electromagnetic Roll
FOST	Finding of Suitability to Transfer
HWMP	Hazardous Waste Management Plan
IRP	Installation Restoration Program
LDEQ	Louisiana Department of Environmental Quality
LQG	Large Quantity Generator
LRA	Local Redevelopment Authority
MWCE	Mine Warfare Center of Excellence
MEC	Munitions and Explosives of Concern
NAVSTA	Naval Station
NFESC	Naval Facilities Engineering Service Center
NPL	National Priority List
PA	Preliminary Assessment
PCBs	Polychlorinated Biphenyls
RCRA	Resource Conservation and Recovery Act
SARA	Superfund Amendments and Reauthorization Act
SPCC	Spill Prevention Control and Countermeasures Plan
USEPA	United States Environmental Protection Agency
UST	Underground Storage Tank

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1.0 PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to summarize how the requirements and notifications for hazardous substances, petroleum products and other regulated materials on the property at the Naval Support Activity (NSA) (East Bank) New Orleans, Louisiana have been satisfied. This FOST documents that the NSA (East Bank), New Orleans, LA is environmentally suitable for transfer to the New Orleans Local Redevelopment Authority (LRA). This decision is based on review of information in the Environmental Condition of Property (ECP) Report for the NSA (East Bank) New Orleans, LA dated 27 April 2007. Factors leading to this decision and other pertinent information are listed below.

2.0 PROPERTY DESCRIPTION

NSA New Orleans (East Bank) consists of approximately 25.33 acres of land located near river mile 92.8 on the East Bank of the Mississippi River in the City of New Orleans in Orleans Parish, Louisiana. The station is bounded by residential housing on the west and north, the Inner Harbor Navigation Canal on the east and the Mississippi River on the South. There are 51 structures or facilities at the station that have been identified with building or facility numbers by the Navy. The U.S. government also owns and operates the Poland Street Wharf on the east bank of the river adjacent to the station. The Poland Street Wharf has a 2,193-ft face and is used primarily by the Military Sealift Command, but is also leased to a private steamship corporation.

The facility is dominated by three six story buildings that each contain over one-half million square feet of floor space. The land and the three buildings were originally developed in June of 1919 for the U.S. Army Quartermaster Corps for use as a general depot during World War 1. The buildings were used by the U.S. Army Quartermaster Corps until February 1931 when Buildings 601 and 602 were leased to the Board of Commissioners, Port of New Orleans. During World War II, the lease was canceled and the installation reverted to complete use by the military. During World War II, the official station title became the New Orleans Port of Embarkation. In 1955, it was known as the New Orleans Army Terminal and in 1965 the name was changed to the New Orleans Army Base. In June 1966, the New Orleans Army Base was transferred to the United States Navy. In July 1966 the property was designated the Naval Support Activity to reflect the changing mission of the station.

The NSA New Orleans is on the 2005 BRAC list for realignment and the commands and tenants will be relocated to other federal facilities throughout the nation. Relocating these functions would remove the primary missions from the NSA New Orleans.

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3.0 SUMMARY OF ENVIRONMENTAL REQUIREMENTS AND NOTIFICATIONS

The Base Redevelopment and Realignment Manual (BRRM) (March, 2006) outlines environmental conditions that must be addressed in a FOST; the specific topics identified in the BRRM are listed in Table 1. This Section summarizes the environmental conditions and actions taken and identifies notification requirements related to hazardous substances, petroleum products, and other regulated materials.

TABLE 1: ENVIRONMENTAL NOTIFICATIONS, COVENANTS, OR RESTRICTIONS

Environmental Conditions	Notifications, Covenants, or Restrictions Required	
	No	Yes
Presence of Hazardous Substances	X	
CERCLA/RCRA (Response/Corrective Action)	X	
Petroleum Products and Derivatives	X	
Aboveground and Underground Storage Tanks	X	
Munitions and Explosives of Concern	X	
Asbestos Containing Material		X
Lead-Based Paint, Target Housing, and Residential Property		X
Polychlorinated Biphenyls	X	

Notes:

CERCLA: Comprehensive Environmental Response, Compensation, and Liability Act

RCRA: Resource Conservation and Recovery Act

3.1 Presence of Hazardous Substances

Under Louisiana Department of Environmental Quality (LDEQ) rules, Naval Support Activity is classified as Small Quantity Generator of hazardous waste because it generates less than 1,000 kilograms of hazardous waste (USEPA ID LA5213599314) for the East Bank property. Accordingly, all hazardous wastes generated at NSA New Orleans are initially collected at satellite accumulation points and when the container at the satellite accumulation point is full the container is moved to the 90-Day Storage Area on the southeast side of Building 602.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120 (h)(3) requires that each deed entered into the transfer of federal property on which hazardous substances were stored, released, or disposed of shall include a notice of the type and quantity of hazardous substances and the time at which such storage, release, or disposal took place. This requirement was codified in 40 Code of Federal regulations Part 373, which provides that the notice applies only when hazardous substances are or have been stored in quantities greater than or equal

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to 1,000 kilograms (or 1 kilogram for “acutely” hazardous waste) or the hazardous substance’s CERCLA reportable quantity. Based on the applicable criteria, no hazardous substances were stored, released, or disposed at NSA New Orleans and; as such, the CERCLA 120(h)(3) notice is not required.

3.2 Comprehensive Environmental Response, Compensation, and Liability Act/ Resource Conservation and Recovery Act

The Navy developed the Installation Restoration Program (IRP) to address hazardous and toxic releases addressed by CERCLA and the Resource Conservation and Recovery Act (RCRA). The IRP adheres to all applicable requirements, including those issued by the United States Environmental Protection Agency (USEPA), CERCLA, and the Superfund Amendments and Reauthorization Act (SARA) of 1986. The National Priority List (NPL) is the list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the U.S. and its territories. The NPL is intended primarily to guide the USEPA in determining which sites warrant further investigation.

The Navy has not identified any installation restoration program (IRP) sites at NSA New Orleans and the station is not on the NPL according to station personnel and verification of the NPL (USEPA 2007). No events have occurred that triggered listing the NSA New Orleans on the NPL, and no IRP sites have been identified at the NSA New Orleans, LA. Further, no hazardous substances were known to be released or disposed on NSA New Orleans.

3.3 Petroleum Products and Derivatives

There are no Underground Storage Tanks (USTs) at the East Bank NSA New Orleans, LA. There are multiple above ground storage tanks located at the East Bank facility NSA New Orleans, LA. In as such, the property has been designated uncontaminated as stated in Section 3.2.

3.4 Aboveground Storage Tanks and Underground Storage Tanks

Nine above aboveground stand alone storage tanks and two self-contained tanks associated with emergency generators are on the East Bank property at NSA New Orleans. Two of these self-contained ASTs (12,000 gallon gasoline storage tanks each) are planned for removal at the request of the local reuse authority to meet their reuse needs. There has been a reported release of diesel fuel from an AST and/or associated piping on June 21, 2001. This was a diesel fuel spill that occurred in an area south of Building 602 where underground piping leaked beneath paved Third Street between Building number 602 and two diesel fuel ASTs. The area was removed of visible free product, the electrical vault was pressure washed, and contaminate soil

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was excavated by October 2001. A document from LDEQ was received in June 2004 stating that no further action is necessary for this spill site.

3.5 Munitions and Explosives of Concern

Munitions and explosives of concern (MEC) consist of the storage, handling, and firing of small arms ammunition. Small arms and small arms ammunition are stored at Building 601. Upon the closure of the installation, all small arms and ammunition will be removed from Building 601. Live fire training occurs on the West Bank portion of NSA New Orleans in a portable firing range, but no live fire training is known to have occurred on the subject property. Station personnel have indicated that there is no known unexploded ordnance (UXO) at NSA New Orleans.

3.6 Asbestos

According to facility personnel, a complete asbestos survey has not been completed for NSA New Orleans. Due to the date of construction of many of these facilities (prior to 1980), the presence of asbestos containing materials is generally likely. Many of these buildings have been inspected for asbestos on an as needed basis prior to beginning renovation or repair projects. Of the 51 numbered structures on NSA New Orleans East Bank, 3 have confirmed to contain asbestos containing material (ACM), one has suspected ACM based on a visual inspection, 3 have been inspected and documented to have no ACM, and no documentation is available for the remaining structures.

Any existing asbestos containing material (ACM) is considered in compliance with applicable laws, regulations, and standards. Further, any existing ACM is not a threat to human health and the environment at this time. The transfer deed will contain an ACM disclosure, as a definitive asbestos survey was not conducted. Attachment A contains the asbestos containing material hazard disclosure and acknowledgement form (non-residential structures).

3.7 Lead-Based Paint, Target Housing and Residential Property

According to site personnel, a complete lead based paint (LBP) survey has not been completed for the station. Due to the date of construction of many of the station buildings (prior to 1980), the presence of LBP is generally likely. Some of the buildings at the station have been inspected for LBP on an as needed basis prior to beginning renovation or repair projects. Of the 51 numbered structures at NSA New Orleans East Bank, one has been confirmed to contain LBP and there was no documentation available for the remaining structures.

As such a LBP Hazard Notice has been provided as Attachment B to this FOST.

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3.8 Polychlorinated Biphenyls

According to station personnel all transformers on the NSA New Orleans are owned by the station and are PCB-free. There are no known PCB-containing transformers or equipment at NSA New Orleans East Bank. Fluorescent light ballasts manufactured prior to the early 1980s also may have contained PCBs. The station is outfitted with fluorescent lights in many buildings. Station personnel stated that PCB ballasts are not present at NSA New Orleans East Bank.

4.0 RECOMMENDED CONTENT OF DEED

This section provides recommended content to be included in the deed of transfer for the subject property.

- a. No restrictions for environmental factors that pose constraints exist.
- b. A clause granting the United States access to the property in any case in which remedial action or corrective action is found necessary at the property after the date of such transfer.

5.0 REGULATORY AGENCY COORDINATION

A Draft FOST was provided to the LDEQ for review and comment on September 22, 2010. Comments were received from the LDEQ in a letter dated October 27, 2010. The Navy has incorporated LDEQ comments into this FOST as appropriate. The LDEQ letter and the Navy response are included as Attachment A.

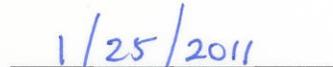
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6.0 SUITABILITY DETERMINATION

Based on information contained in this FOST, and the notices, restrictions, and covenants that will be contained in the deed, the property is suitable for transfer.



JAMES E. ANDERSON
Director
Base Realignment and Closure
Program Management Office
Southeast



Date

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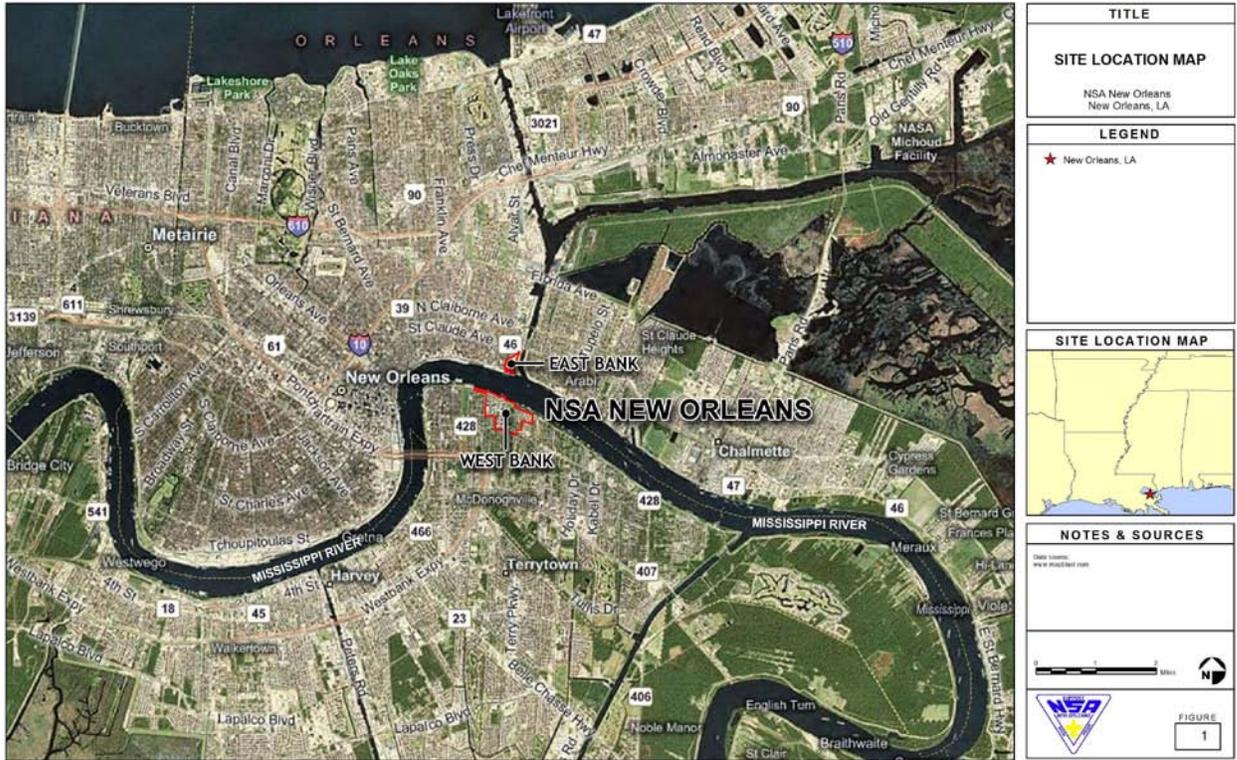


Figure 1

FINDING OF SUITABILITY TO TRANSFER
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Figure 2

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ATTACHMENT A
ASBESTOS CONTAINING MATERIAL DISCLOSURE AND
ACKNOWLEDGEMENT

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

ASBESTOS WARNING STATEMENT

YOU ARE ADVISED THAT CERTAIN BUILDINGS WITHIN THE NAVAL SUPPORT ACTIVITY (EAST BANK) NEW ORLEANS, LA HAVE ASBESTOS-CONTAINING MATERIALS. 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 the following:

- (1) I have read and understand the above-stated Asbestos Warning Statement.
- (2) I have received from the Government the following document(s): The Environmental Condition of Property for the Naval Support Activity (East Bank) New Orleans, LA dated April 27, 2007 and the Finding of Suitability to Transfer the Naval Support Activity (East Bank) New Orleans, LA 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

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**LEAD BASED PAINT HAZARD DISCLOSURE AND ACKNOWLEDGMENT
FORM
(NON-RESIDENTIAL STRUCTURES)**

LEAD WARNING STATEMENT

YOU ARE ADVISED THAT CERTAIN BUILDINGS CONSTRUCTED PRIOR TO 1978 MAY PRESENT EXPOSURE TO LEAD FROM LEAD-BASED PAINT THAT MAY PLACE YOUNG CHILDREN AT RISK OF DEVELOPING LEAD POISONING. LEAD POISONING IN YOUNG CHILDREN MAY PRODUCE PERMANENT NEUROLOGICAL DAMAGE. YOU ARE FURTHER ADVISED THAT LEAD POISONING ALSO POSES A PARTICULAR RISK TO PREGNANT WOMEN. WORKERS MAY ALSO SUFFER ADVERSE HEALTH EFFECTS FROM LEAD DUST OR FUME EXPOSURES.

ACKNOWLEDGEMENT

I acknowledge the following:

- 1) I have read and understand the above-stated Lead Warning Statement.
- 2) I have received from the Government the following document(s): The Environmental Condition of Property for the Naval Support Activity (East Bank) New Orleans, LA dated April 27, 2007 and the Finding of Suitability to Transfer the Naval Support Activity (East Bank) New Orleans, LA representing the best information available to the Government as to the presence of Lead-Based Paint and Lead –Based Paint hazards in the buildings 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 lead exposure by properly managing and maintaining or, as required by applicable federal, State, or local laws or regulations, for abating any lead-based paint hazard that may pose a risk to human health.

Transferee (or duly authorized agent)

Date

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APPENDIX A
LDEQ REVIEW AND COMMENT LETTER

October 27, 2010

Ms. Thuane B. Fielding
Department of the Navy
Base Realignment and Closure
Program Management Southeast
4130 Faber Place Dr, Ste 202
North Charleston, SC 29405

RE: CERFA and Finding of Suitability to Transfer
Naval Support Activity – East Bank; **AI 11861**
New Orleans, LA

Dear Ms. Fielding:

The Louisiana Department of Environmental Quality, Office of Environmental Assessment (LDEQ-OEA) acknowledges receipt of two documents, the Community Environmental Response Facilitation Act (CERFA) determination, and Finding of Suitability to Transfer (FOST) for the referenced facility, under cover letter, dated September 22, 2010. Specifically, the Navy is requesting review and concurrence with both documents. The following comments are provided for your consideration.

CERFA identification:

To quote the submittal, “the statutory authority for the identification of uncontaminated property at NSA New Orleans, East Bank, is Title 42, United States Code, Section 9620 (h)(4), entitled: ‘identification of uncontaminated property,’ CERFA, Public Law 102-425, October 19, 1992, amended Section 120(h) of CERCLA and stipulates that the federal government must identify ‘uncontaminated property’ scheduled for transfer. Uncontaminated property is defined as ‘...real property on which no hazardous substances and petroleum products or their derivatives were known to have been released, or disposed of’ [§9620(h)(4)(A)].”

While there has not been an opportunity to explore the legal interpretation of this statute, the Department questions how the Department of Navy is able to make this determination, given that there has been one, if not two distinct releases of fuel-related substances at the facility. One is the reported release of diesel fuel from an above-ground storage tank (AST) and/or associated piping in June 2001, that occurred in an area south of Building 602 where underground piping leaked beneath (paved) Third Street between Building 602 and two diesel ASTs. This release was remediated and achieved No Further Action (NFA) by the Department on June 11, 2004.

In the file, there is record of another release from Gasoline Service Station (Building 770). That site had been used as a warehouse (Building 680) to store flammable and hazardous materials from 1957 – 1988. This site was also evaluated and achieved Departmental NFA status on June 11, 2004. In view of the foregoing, the Department believes it would be more accurate to state that the property has had releases of petroleum and petroleum-related substances that have been properly investigated and received regulatory concurrence for No Further Action at This Time. Whether the Navy is able to categorically state that the property is ‘uncontaminated’ was not within the scope of this review.

FOST

The header to the first page identifies the site as ‘Naval Station Ingleside Electromagnetic Roll Facility, Ingleside, Texas. This should be corrected to reflect the Naval Support Activity – East Bank.

Section 3.2, CERCLA/RCRA, paragraph 2, last sentence: “...Further, no hazardous substances were known to be released or disposed on NSA New Orleans.” In view of the releases reported to have occurred on the site, the Department cannot concur with this statement. A more accurate statement would be that ‘reported releases to the environment were investigated and resolved to the satisfaction of the LDEQ’ or something similar.

Section 3.3, Petroleum Products and Derivatives: From the file review, it is evident that the NSA was at one time part of the larger (former) New Orleans Military Ocean Terminal, which did have underground storage tanks (some of which were closed out or replaced, with at least one having leaked). Those tanks were located on property immediately to the east of NSA [according to the facility border indicated on the figure accompanying this submittal] and was formerly leased from the ‘Dock Board.’ The status of these tanks could not be determined from the file review. If that eastern parcel was never part of NSA, then this concern may not be an issue.

Section 3.5, Munitions and Explosives of Concern: The accompanying Environmental Conditions Report (ECR) does not indicate whether any investigation of Building 601 (used to store small arms and ammunition) was conducted. The documentation submitted does not appear to indicate the proposed use of this military facility. If the New Orleans Local Redevelopment Authority (LRA) does not intend to use this building, the Department recommends at least screening the building for munitions constituents to ensure that any potential contaminants are removed before reuse.

Section 3.6, Asbestos: the FOST flatly states “According to facility personnel, a complete asbestos survey has not been completed for NSA New Orleans.” In the following paragraph, it states “Any existing asbestos containing material (ACM) is considered in compliance with applicable laws, regulations, and standards...” The Department disagrees with this latter statement because there is no supporting documentation to make such an assertion.

Section 3.8, Polychlorinated Biphenyls: This section could be stronger had some documentation demonstrating the age of the transformers and fluorescent lighting ballasts been included.

Section 4.0. Recommended Notifications, Covenants, and Restrictions for Environmental Factors That Pose Constraints: The Department concurs with the inclusion of CERCLA 120(h)(4) covenants regarding the responsibility of the U.S. government to conduct additional remedial actions as needed, however, this is generally limited to actions in response to releases that are demonstrated to be due to past activities during the time that the property was under the control of the US Government. The clause granting the US access to the property when conducting future remedial activities is appropriate.

General Comment Regarding Environmental Concerns:

The CERFA and FOST only address hazardous substance releases, yet the ECR addresses other issues of environmental concerns.

Storage of radiological source material in a small fenced enclosure south of Building 602: This material was apparently used by the US Marine Corps. If the LRA intends continued use of such facilities, then transfer may well be appropriate, however, if such is not the case, then the materials should be removed from the premises as soon as possible to prevent possible releases. At the time of the ECR, the onsite dental facilities generated a limited amount of medical wastes in building 601. All medical wastes should be removed from the premises before property transfer. Historical use of Building 601 also includes mixing of pesticides, herbicides, and rodenticides, for

Letter to Ms. Thuane B. Fielding
October 28, 2010
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application elsewhere on the installation. No record could be found of any investigation to determine whether any releases of these materials has occurred in the past from this location. All hazardous wastes, universal wastes and other material generated by current occupants should also be removed from the premises before transfer of the property.

All future correspondence in this matter should be in triplicate and addressed to

Mr. Thomas F. Harris, Administrator
Office of Environmental Assessment
Louisiana Department of Environmental Quality
P. O. Box 4313
Baton Rouge, LA 70821-4313

If you have questions concerning this response please contact Mr. Mike Miller at (225) 219-3524.

Sincerely,

Michael S. Miller, ES-3
Remediation Services Division

msm

c: Imaging Services – GW



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE SOUTHEAST
4130 FABER PLACE DRIVE
SUITE 202
NORTH CHARLESTON, SC 29405

Ser BPMOSE rdc/0047
31 Jan 11

Mr. Thomas F. Harris, Administrator
Office of Environmental Assessment
Louisiana Department of Environmental Quality
P. O. Box 4313
Baton Rouge, LA 70821-4313

Dear Mr. Harris:

This letter is in response to comments provided by your Office of Environmental Assessment on the Community Environmental Response Facilitation Act (CERFA) determination, and Finding of Suitability to Transfer (FOST) for the Naval Support Activity – East Bank, New Orleans.

Regarding the CERFA determination, the Navy concurs with the Department's opinion that the transfer parcel does not fit the definition of "uncontaminated property" as provided for in 42 U.S.C. 9620(h)(4) due to the release of petroleum products on the property. Accordingly, the Navy is rescinding its CERFA determination request.

Regarding your comment on Section 3.2, CERCLA/RCRA, paragraph 2, last sentence, based on the Navy's Environmental Condition of Property Report (ECP) of April 2007, there is no evidence of the storage, release, or disposal of hazardous substances as defined in CERCLA 120(h)(3). While the Navy acknowledges the petroleum releases referenced in the Department's comments, these releases do not fit the definition of hazardous substances as defined by 40 CFR 302.4.

Your discussion on Section 3.3, Petroleum Products and Derivatives, refers to underground storage tanks on the New Orleans Military Ocean Terminal to the east of the NSA property. This New Orleans Military Ocean Terminal is not included in the subject property to be transferred.

All small arms and ammunition will be removed by the Marines before leaving the property. Language has been added to the FOST to clarify. The current reuse plan from the Local Redevelopment Authority (LRA), New Orleans East Bank Advisory Task Force calls for the use of Building 601 for a Regional Disaster Management Center. As no small arms have been discharged in this facility, the Navy does not concur with the Department's recommendation to screen the building for munitions constituents.

Ser BPMOSE rdc/0047
31 Jan 11

Regarding asbestos in buildings and PCBs in fluorescent light ballasts, the Navy is following DoD policy for the disclosure of available information on these environmental conditions to the property recipient. Prior to vacating the property, the Marines will remove all wastes and hazardous materials from the property. The Navy will conduct a joint inspection of the premises with the recipient prior to transfer.

I am available at your convenience to discuss any details of the enclosed documents. Should you have any questions, please contact me at (843) 743-2130 or by email at david.criswell@navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. David Criswell', written in a cursive style.

R. DAVID CRISWELL
Deputy Base Closure Manager

Encl:

(1) Finding of Suitability to Transfer Naval Support Activity – East Bank, New Orleans

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**APPENDIX B
REFERENCES**

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Navy 2007, Environmental Condition of Property Report for the Naval Support Activity
(East Bank) New Orleans, LA, 27 April 2007.