

AR #1467
1465



DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY MATERIEL COMMAND
5001 EISENHOWER AVENUE, ALEXANDRIA, VA 22333 - 0001

REPLY TO
ATTENTION OF

AMCEN-R

19 NOV 1998

MEMORANDUM THRU Commander, U.S. Army Engineers Division, South
Atlantic, ATTN: CESAD-RE, Room #313, 77 Forsyth
Street, SW., Atlanta, GA 30335-6801

FOR Commander, U.S. Army Corps of Engineer, Mobile District, ATTN:
CESAM-RE-MM, P.O. Box 2288, Mobile, AL 36628-0001

SUBJECT: Finding of Suitability to Lease - Number 7 (FOSL-7) for
Defense Distribution Depot Memphis, Tennessee (DDMT)

1. Reference memorandum, AMCEN-R, 3 Apr 97, subject: Report of Availability for a Master Lease with the Memphis Depot Redevelopment Agency.
2. Enclosed for your action is the approved FOSL-7 (Encl 1) with supporting documentation (Encl 2 through 7) for adding Parcels 2.7, 6.2, 6.3, 6.4, 7.1, 7.2, 9.2, 9.3, 9.4, 9.5, 10.1, 10.4, 10.5, 10.6, 11.1, 11.2, 11.3, 11.4, 12.1, 12.2, 24.3, 32.1, 32.2 and 33.11 at DDMT to the Master Lease with Memphis Depot Redevelopment Agency.
3. The approved Report of Availability (ROA) for the entire installation, including the property addressed in this FOSL-7, was forwarded with reference.
4. The Final Environmental Assessment for Master Lease, DDMT, dated Sep 96, is the National Environmental Policy Act Document for this action.
5. Request a modification to the Master Lease adding those parcels referenced in paragraph 2 above and to be executed in accordance with the ROA and this FOSL-7.

AMCEN-R

SUBJECT: Finding of Suitability to Lease - Number 7 (FOSL-7) for
Defense Distribution Depot Memphis, Tennessee (DDMT)

6. Points of contact for this action are Mr. John Farrar,
AMCEN-R, commercial (703) 617-0726, DSN 767-0726, Mr. Joe Goetz,
AMCEN-R, commercial (703) 617-8904, DSN 767-8904.

7. AMC -- America's Arsenal for the Brave.

FOR THE COMMANDER:

7 Encls
as

for 
P. S. MORRIS

Deputy Chief of Staff
for Engineering, Housing,
Environment, and Installation
Logistics

CF: (wo/encls)

Assistant Chief of Staff for Installation Management, ATTN:

DAIM-BO, 600 Army Pentagon, Washington, D.C. 20310-0600

Headquarters, U.S. Army Corps of Engineers, ATTN: CERE-C,

Pulaski Bldg #4133, 20 Massachusetts Avenue, Washington, D.C.
20314-1000

Commander, Defense Distribution Depot Memphis, ATTN: DDMT-D,
2163 Airways Boulevard, Memphis, TN 38114-5210

Director, Defense Logistics Agency, ATTN: DLSC-BBB, 8725 John J.
Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221

FINDING OF SUITABILITY TO LEASE

(FOSL)

*Parcel 2.7, Parcel 6.2, Parcel 6.3, Parcel 6.4, Parcel 7.1, Parcel 7.2,
Parcel 9.2, Parcel 9.3, Parcel 9.4, Parcel 9.5, Parcel 10.1, Parcel 10.4,
Parcel 10.5, Parcel 10.6, Parcel 11.1, Parcel 11.2, Parcel 11.3,
Parcel 11.4, Parcel 12.1, Parcel 12.2, Parcel 24.3, Parcel 32.1,
Parcel 32.2 and Parcel 33.11*

Defense Distribution Depot Memphis, Tennessee

(FOSL Number 7)

October 26, 1998

1. PURPOSE

The purpose of this Finding of Suitability to Lease (FOSL) is to document the environmental suitability of Parcels 2.7, 6.2, 6.3, 6.4, 7.1, 7.2, 9.2, 9.3, 9.4, 9.5, 10.1, 10.4, 10.5, 10.6, 11.1, 11.2, 11.3, 11.4, 12.1, 12.2, 24.3, 32.1, 32.2 and 33.11 at the Defense Distribution Depot Memphis, Tennessee (DDMT) for leasing to the Depot Redevelopment Corporation (DRC) for light industry, storage, general office or residential (Parcel 2.7 only) use consistent with Department of Defense (DOD) and Army policy. This FOSL has been developed in accordance with the DRC's Reuse Plan. In addition, the FOSL identifies use restrictions as specified in the attached Environmental Protection Provisions (Enclosure 5) necessary to protect human health and the environment and to prevent interference with any existing or planned environmental restoration activities.

2. PROPERTY DESCRIPTION

The proposed property to be leased consists of 66.90 acres which includes twenty-four (24) parcels. Included in these parcels are nineteen (19) buildings (Buildings 249, 250, 349, 350, 429, 430, 449, 450, 529, 530, 549, 550, 629, 630, 649, 650, 770, 771 and 835); the open land area in Parcel 2.7 surrounding the Family Housing units; the open land area in Parcel 7.1 surrounding Building 249; the open land area in Parcel 12.1 surrounding Building 629; the open land area in Parcel 11.1 surrounding Buildings 529, 530 and 630; the open land area in parcel 24.3 surrounding Buildings 770 and 771; the open land area in Parcel 32.1 surrounding Building 835; and the open land area in Parcel 33.11 that contains the 1,000-gallon diesel above ground storage tank outside Building 756. Site maps of the property proposed to be leased can be found at Enclosure 1.

3. ENVIRONMENTAL CONDITION OF THE PROPERTY

A determination of the environmental condition of the facilities has been made based on the Community Environmental Response Facilitation Act (CERFA) Letter Report dated December 5, 1996 and an Environmental Baseline Survey (EBS) dated November 6, 1996. The information provided is a result of a complete search of agency files during the development of these environmental surveys. The following documents also provided information on environmental conditions of the property: Draft Final BRAC Cleanup Plan Version 2 (DDSP-FE, November 1997), Asbestos Reinspection (DDC-WP, October 1996), Final Environmental Assessment for Master Interim Lease (Tetra Tech, September 1996), DDMT Radiological Survey (Administrative Support Center East, August 1996), Remedial Investigation Soil Sampling Letter Report (CH2M Hill, May 1997), OU - 2 and OU - 3 Field Sampling Plans (CH2M Hill, September 1995), Asbestos Identification Survey (Pickering, December 1993 and January 1994), RCRA Facilities Assessment (A.T. Kearney, Inc., January 1990), Final Remedial Investigation Report (Law Environmental, August 1990) and the Installation Assessment (USAEHA, March 1981).

3.1 Environmental Condition of Property Categories

The Department of Defense (DOD) Environmental Condition of Property (ECP) Categories for the property are as follows:

- | | |
|-----------------|---|
| ECP Category 1: | Parcel 6.3 - Building 349
Parcel 9.2 - Building 429
Parcel 9.4 - Building 449
Parcel 9.5 - Building 450
Parcel 10.4 - Building 549
Parcel 10.6 - Building 650
Parcel 11.3 - Building 530
Parcel 11.4 - Building 630 |
| ECP Category 2: | Parcel 33.11 - Open land area containing the 1,000-gallon diesel above ground storage tank outside Building 756 |
| ECP Category 3: | Parcel 6.2 - Building 250
Parcel 6.4 - Building 350
Parcel 9.3 - Building 430
Parcel 10.1 - Building 649
Parcel 10.5 - Building 550
Parcel 11.2 - Building 529
Parcel 32.1 - Open land area in north and west of Building 835 |
| ECP Category 4: | Parcel 7.2 - Building 249
Parcel 12.2 - Building 629
Parcel 32.2 - Building 835 |
| ECP Category 5: | Parcel 2.7 - Open land area surrounding the Family Housing Units (Buildings 176, S178, 179, 181, S183 and 184) |
| ECP Category 6: | Parcel 7.1 - Open land area surrounding Building 249 |
| ECP Category 7: | Parcel 11.1 - Open land area surrounding Buildings 529, 530 and 630
Parcel 12.1 - Open land area surrounding Building 629
Parcel 24.3 - Buildings 770 and 771 as well as the open land area surrounding Buildings 770 and 771 |

A summary of the ECP Categories for specific buildings or parcels is provided in Table 1 – Description of Property (Enclosure 2).

3.2 Storage, Release or Disposal of Hazardous Substances

Hazardous substances were stored in Buildings 249, 250, 350, 430, 529, 550, 629, 649, 770 and 835 as well as the open land area north and west of Building 835 (Parcel 32.1). It is assumed this storage was in excess of the 40 CFR Part 373 reportable quantities. Hazardous substances were released in the following locations: Buildings 249, 250, 350, 430, 529, 550, 629, 649, 770 and 835; the open land area surrounding the Family Housing Units (Parcel 2.7); the open land area surrounding Building 249 (Parcel 7.1); the open land area surrounding Buildings 529, 530 and 630 (Parcel 11.1); the open land area surrounding Building 629 (Parcel 12.1); the open land area surrounding Buildings 770 and 771 (Parcel 24.3); and the open land area north and west of Building 835 (Parcel 32.1). Existing records do not support the determination that releases exceeded the 40 CFR Part 373 reportable quantities unless otherwise noted. The release of hazardous substances was either remediated at the time of the release or is currently under evaluation as part of the installation restoration program. There is no risk to human health and the environment so long as the tenant adheres to the Environmental Protection Provisions (Enclosure 5) with particular reference to Provision 14 regarding ground disturbing activities. These activities shall not be allowed without prior written approval from the Government. A summary of the buildings or areas in which hazardous substance activities occurred is provided in Table 2 – Notification of Hazardous Substance Storage, Release or Disposal (Enclosure 3).

3.3 Petroleum and Petroleum Products

3.3.1 Storage, Release, or Disposal of Petroleum Products

Petroleum products were stored in excess of 55 gallons in underground and above-ground storage tanks at Building 770 and in Parcel 33.11 outside of Building 756. See Section 3.3.2 for more information regarding these tanks. There is evidence that petroleum or petroleum products were released at Building 770. It is assumed, unless otherwise noted, that the release was in excess of 55 gallons. The release of petroleum products was either remediated at the time of the release or is currently under evaluation as part of the installation restoration program. There is no risk to human health and the environment so long as the tenant adheres to the Environmental Protection Provisions (Enclosure 5) with particular reference to Provision 14 regarding ground disturbing activities. These activities shall not be allowed without prior written approval from the Government. A summary of the buildings or areas in which petroleum product activities occurred is provided in Table 3 – Notification of Petroleum Product Storage, Release or Disposal (Enclosure 4).

3.3.2 Underground and Above-Ground Storage Tanks (UST/AST)

In Parcel 24.3, outside of Building 770, there were four (4) underground storage tanks (USTs) and two (2) above-ground storage tanks (ASTs) used for the storage of petroleum products. There is no evidence of petroleum product releases at the Building 770 USTs/ASTs. In Parcel 33.11, outside Building 756, there is a 1,000-gallon diesel above ground storage tank that replaced a 1,000-gallon diesel UST removed in 1994. A summary of the buildings or areas in

which petroleum products activities occurred is provided in Table 3 – Notification of Petroleum Product Storage, Release or Disposal (Enclosure 4).

3.4 Polychlorinated Biphenyls (PCB) Equipment

There are no PCB containing transformers or other PCB containing equipment, except hermetically sealed fluorescent light bulb ballasts that may contain PCBs, located on the property listed in this FOSL. On July 9, 1990, a 50-gallon PCB-containing liquid spill was reported at Building 770. The Spill Team responded, applied absorbent, excavated all stained soil and removed soil and absorbent to the appropriate disposal facility. The lease will include the PCB notification provision contained in the Environmental Protection Provisions (Enclosure 5)

3.5 Asbestos

The EBS and the Asbestos Identification Survey (Pickering, December 1993 and January 1994) indicate Asbestos Containing Materials (ACM) are present in the following buildings:

Building 249:	Raised Roof Putty and Roof Flashing 12 x 12 Gray Marble Floor Tiles and Mastic 12 x 12 Beige Marble Floor Tile and Mastic 9 x 9 Brown Vinyl Floor Tile and Mastic Cement Asbestos Panels on Raised Roof
Building 250:	12 x 12 Floor Tiles and Mastic Domestic Water Pipe Insulation (Including Joints) Cement Asbestos Panels on Raised Roof Raised Roof Putty and Roof Flashing Asphalt Built-up Roofing
Building 349:	Domestic Water Pipe Joint Insulation 12 x 12 Floor Tile and Mastic Cement Asbestos Panels on Raised Roof Raised Roof Putty and Roof Flashing
Building 350:	Domestic Water Pipe Insulation (Including Joints) Cement Asbestos Panels on Raised Roof Raised Roof Putty and Roof Flashing
Building 429:	Domestic Water Pipe Joint Insulation 12 x 12 Vinyl Floor Tile Exterior Window Frame Putty Cement Asbestos Panels on Raised Roof Raised Roof Putty and Roof Flashing

Building 430:	Domestic Water Pipe Joint Insulation Exterior Window Frame Putty Cement Asbestos Panels on Raised Roof Raised Roof Putty and Roof Flashing
Building 449:	Domestic Water Pipe Insulation (Including Joints) 12 x 12 Beige Vinyl Floor Tile and Mastic 12 x 12 Brown Marble Floor Tile Concrete Sealant Putty Exterior Window Frame Putty Cement Asbestos Panels on Raised Roof Raised Roof Putty and Roof Flashing
Building 450:	Domestic Water Pipe Insulation (Including Joints) 12 x 12 Dark Brown Vinyl Floor Tile Exterior Window Frame Putty Cement Asbestos Panels on Raised Roof Raised Roof Putty and Roof Flashing
Building 529:	Domestic Water Pipe Joint Insulation 12 x 12 Dark Vinyl Floor Tile and Mastic Cement Asbestos Panels on Raised Roof Raised Roof Putty and Roof Flashing
Building 530:	12 x 12 Beige Vinyl Floor Tile and Mastic Cement Asbestos Panels on Raised Roof Raised Roof Putty
Building 549:	Domestic Water Pipe Joint Insulation 12 x 12 Dark Brown Vinyl Floor Tile Cement Asbestos Panels on Raised Roof Raised Roof Putty and Roof Flashing
Building 550:	Domestic Water Pipe Insulation (Including Joints) 12 x 12 Beige Vinyl Floor Tile and Mastic
Building 629:	Domestic Water Pipe Joint Insulation 12 x 12 Vinyl Floor Tile 12 x 12 Beige Vinyl Floor Tile Cement Asbestos Panels on Raised Roof Raised Roof Putty
Building 630:	Domestic Water Pipe Joint Insulation Interior and Exterior Window Frame Putty 12 x 12 Vinyl Floor Tile

Cement Asbestos Panels on Raised Roof
Raised Roof Putty

Building 649: Domestic Water Pipe Joint Insulation
12 x 12 Beige Vinyl Floor Tile
Cement Asbestos Panels on Raised Roof
Raised Roof Putty

Building 650: Domestic Water Pipe Joint Insulation
Exterior Window Frame Putty
Cement Asbestos Panels on Raised Roof
Raised Roof Putty

Building 770: Thermal System Pipe Insulation (Includes Joints)
Boiler/Flue Insulation and Boiler Rope Gasket
12 x 12 Brown Vinyl Floor Tile Mastic
12 x 12 Brown Vinyl Floor Tile
Cement Asbestos Exterior Siding
Cement Asbestos Ceiling Panels
Roof Flashing

Building 771: Cement Asbestos Exterior Siding
Original Roofing Shingles
Cement Asbestos Board on Restroom Walls

The ACM does not currently pose a threat to human health or the environment because all friable asbestos that posed an unacceptable risk to human health has been removed or encapsulated. The lease will include the asbestos warning and covenant included in the Environmental Protection Provisions (Enclosure 5).

3.6 Lead-Based Paint (LBP)

Based on the age of the buildings (constructed prior to 1978), the following buildings are presumed to contain lead-based paint: 249, 250, 349, 350, 430, 449, 450, 530, 549, 550, 630 and 650. Lead-based paint on the Family Housing Units, which are not in this FOSL is being abated. These units are surrounding by Parcel 2.7. Appropriate measures will be implemented during the abatement to ensure protection of the soil. The lease will include the lead-based paint warning and covenant provided in the Environmental Protection Provisions (Enclosure 5).

3.7 Radiological Materials

The following buildings were used for radiological activities:

- Building 629, Bay 2 - storage of wrist watches containing tritium (H-3) and radium-226 and compasses containing tritium (H-3); possible storage of lantern

mantles containing thorium-232; smoke detectors containing americium 241; electron tubes containing thorium-232, tritium (H-3) and radium-226; and indicator and toggle switches containing radium-226.

- Building 835, Section 6 (east side) - storage of lantern mantles containing thorium-232; smoke detectors containing americium 241; electron tubes containing thorium-232, tritium (H-3) and radium-226; wrist watches containing tritium (H-3) and radium-226; indicator and toggle switches containing radium-226; and compasses containing tritium (H-3).

There is no evidence that any releases of radiological materials occurred at these buildings. A radiological field survey was conducted at those sites having radiological activities, and the survey concluded that these areas were suitable for unrestricted use.

3.8 Radon

In accordance with the Department of Defense Memorandum, Subject: Asbestos, Lead Paint and Radon Policies at BRAC Properties, dated October 31, 1994, no radon surveys were conducted in the buildings included in this FOSL as their intended use will not be residential.

3.9 Unexploded Ordnance

Based on a review of existing records and available information, none of the buildings or land proposed for lease are known to contain unexploded ordnance.

3.10 Other Hazardous Conditions

There are no other known hazardous conditions that present an unacceptable threat to human health or the environment on the property.

4. REMEDIATION

In October 1992, the U.S. Environmental Protection Agency (EPA) placed DDMT on the National Priorities List (NPL) for environmental restoration. DDMT has since entered into a Federal Facilities Agreement (FFA) with the Tennessee Department of Environment and Conservation (TDEC) and the EPA. Environmental contamination on the property described in this document does not present a hazard to persons leasing it. In addition, environmental conditions on adjacent federal government property do not present a hazard to the leasing of the property. Table 2 - Notification of Hazardous Substance Storage, Release or Disposal (Enclosure 3) and Table 3 - Notification of Petroleum Product Storage, Release or Disposal (Enclosure 4) provide details regarding environmental conditions for each individual parcel or building contained within this FOSL. Regulators have concurred with the Depot that the following areas and buildings do not pose risks above levels deemed protective provided that the property is used for the proposed purpose and the lessee strictly adheres to the Environmental Protection Provisions (Enclosure 5): Buildings 249, 250, 349, 350, 429, 430, 449, 450, 529, 530, 549, 550,

629, 630, 649, 650, 770, 771 and 835; the open land area surrounding the Family Housing Units (Parcel 2.7); the open land area surrounding Building 249 (Parcel 7.1); the open land area surrounding Buildings 529, 530 and 630 (Parcel 11.1); the open land area surrounding Building 629 (Parcel 12.1); the open land area surrounding Buildings 770 and 771 (Parcel 24.3); and the open land area north and west of Building 835 (Parcel 32.1) and open land area containing the 1,000-gallon diesel above ground storage tank outside Building 756 (Parcel 33.11).

5. REGULATORY/PUBLIC COORDINATION

The U.S. EPA Region 4, TDEC and the public were notified of the initiation of this FOSL. EPA, Defense Logistics Agency and Army Materiel Command have reviewed this FOSL and provided comments. Regulatory/public comments and responses are provided in Enclosure 6.

6. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE AND CONSISTENCY WITH LOCAL REUSE PLAN

The environmental impacts associated with proposed lease of the property have been analyzed in accordance with the National Environmental Policy Act (NEPA). The results of this analysis have been documented in the Final Environmental Assessment for Master Interim Lease, Defense Distribution Depot Memphis, Tennessee, dated September 1996. The environmental effects of the activities anticipated under the proposed lease were determined not to be significant. In addition, the proposed use of the property is consistent with the intended reuse of the property set forth in the Depot Redevelopment Corporation Reuse Plan.

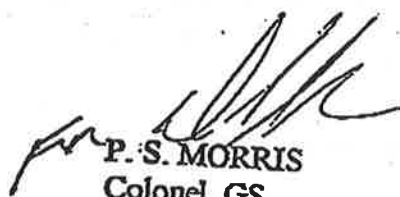
7. ENVIRONMENTAL PROTECTION PROVISIONS

On the basis of the above results from the site-specific EBS and other environmental studies and in consideration of the intended use of the property, certain terms and conditions are required for the proposed lease. These terms and conditions are set forth in the attached Environmental Protection Provisions (Enclosure 5) and will be included in the lease.

8. FINDING OF SUITABILITY TO LEASE

Based on the above information, I have concluded that all Department of Defense (DOD) requirements to reach a Finding of Suitability to Lease (FOSL) to the Depot Redevelopment Corporation for light industrial and residential (Parcel 2.7 only) use have been fully met for the property subject to the terms and conditions in the attached Environmental Protection Provision (Enclosure 5). As required by CERCLA section 120(h)(3)(B), I have determined that the property is suitable for lease for the intended purpose, the uses contemplated for the lease are consistent with protection of human health and the environment, and there are adequate assurances that the United States will take any additional remedial action found to be necessary that has not been taken on the date of the lease.

As required under the DOD FOSL Guidance, notification of hazardous substance activities and petroleum product activities shall be provided in the lease documents. Refer to Table 2 - Notification of Hazardous Substance Storage, Release or Disposal (Enclosure 3) and Table 3 - Notification of Petroleum Product Storage, Release or Disposal (Enclosure 4).


P. S. MORRIS
Colonel, GS
Deputy Chief of Staff
for Engineering,
Housing, Environment,
and Installation Logistics

Enclosures

- 1 Site Maps of Property
- 2 Table 1 - Description of Property
- 3 Table 2 - Notification of Hazardous Substance Storage, Release or Disposal
- 4 Table 3 - Notification of Petroleum Product Storage, Release or Disposal
- 5 Environmental Protection Provisions
- 6 Regulatory/Public Comments and Responses
- 7 Reference Materials

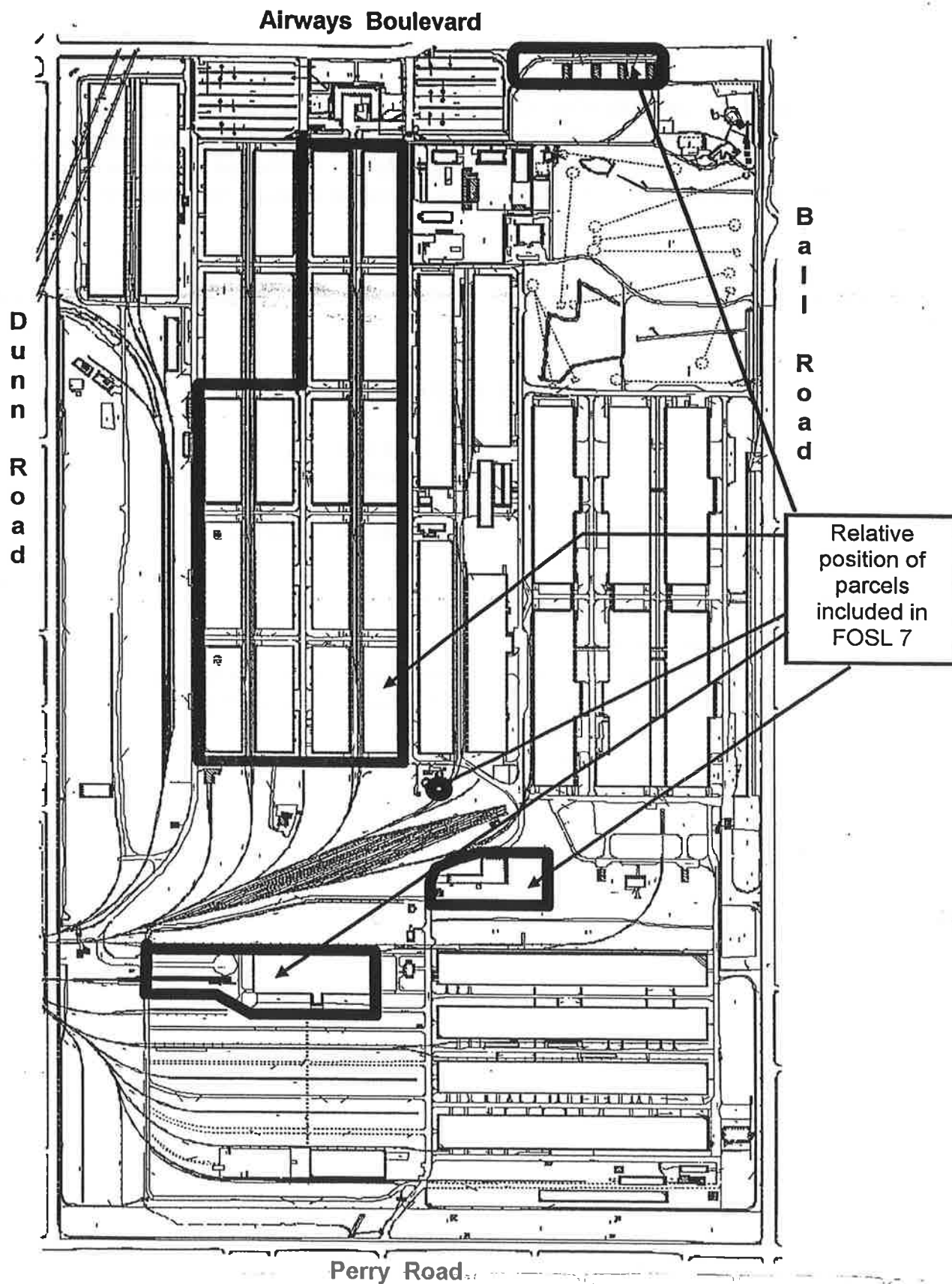
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7 Enclosures

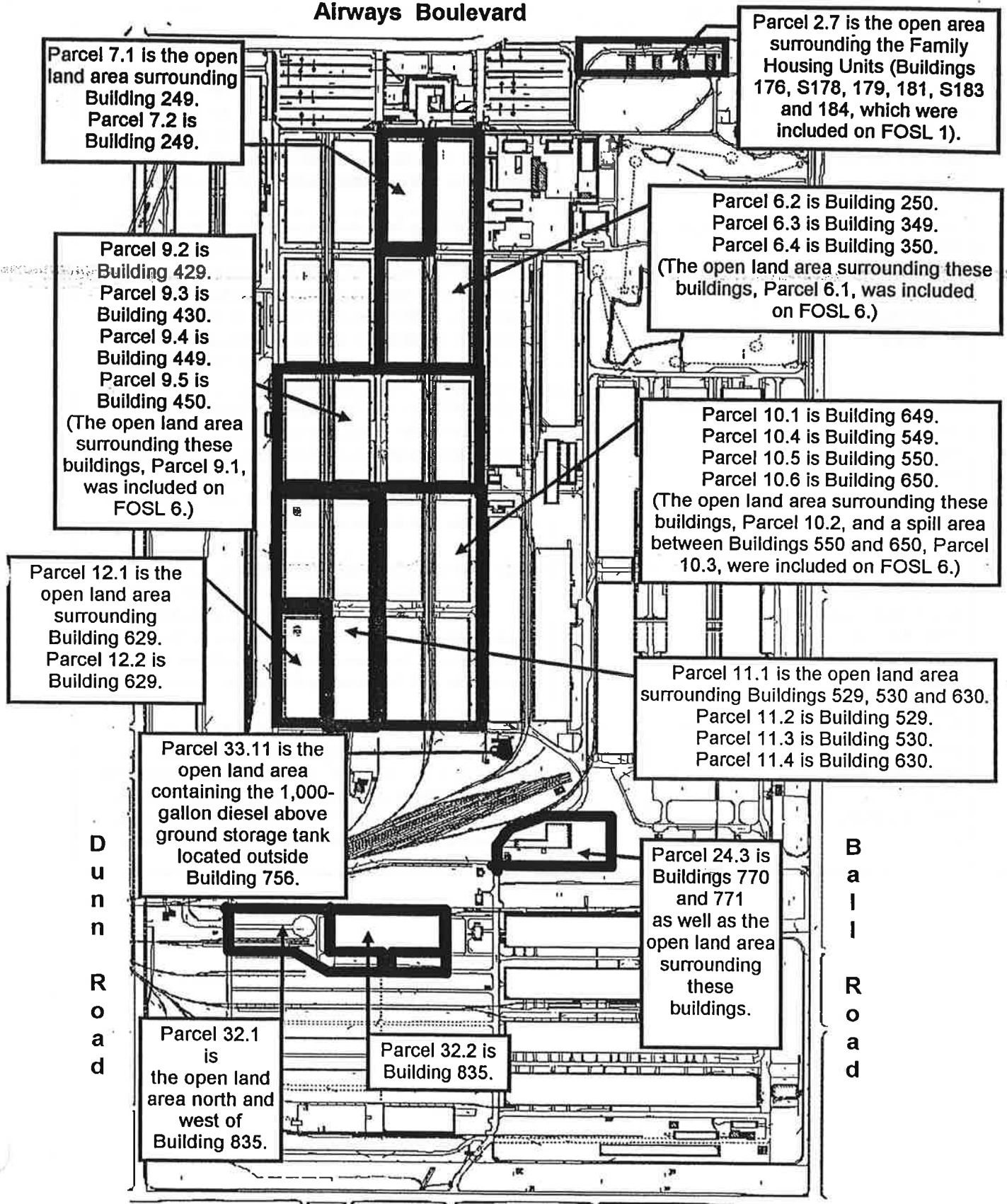
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- Encl 2 Table 1 - Description of Property**
- Encl 3 Table 2 - Notification of Hazardous Substance Storage, Release or Disposal**
- Encl 4 Table 3 - Notification of Petroleum Product Storage, Release or Disposal**
- Encl 5 Environmental Protection Provisions**
- Encl 6 Regulatory/Public Comments and Responses**
- Encl 7 Reference Materials**

Enclosure 1
Site Maps of FOSL 7 Property



Enclosure 1 Site Maps of FOSL 7 Property

Airways Boulevard



Perry Road

Enclosure 2
Table 1 - Description of Property

Building Number and Property Description	Parcel Designation	Condition Category	Remedial Actions
Parcel 6.3 is Building 349, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	6.3(1)	1	Building 349 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 9.2 is Building 429, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	9.2(1)	1	Building 429 may have been fumigated in the past. This building was sampled in the winter of 1997 to evaluate the impacts of fumigation. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 9.4 is Building 449, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	9.4(1)	1	Building 449 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 9.5 is Building 450, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	9.5(1)	1	Building 450 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 10.4 is Building 549, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	10.4(1)	1	Building 549 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 2
Table 1 - Description of Property

Building Number and Property Description	Parcel Designation	Condition Category	Remedial Actions
Parcel 10.6 is Building 650, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	10.6(1)	1	Building 650 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 11.3 is Building 530, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	11.3(1)	1	Building 530 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 11.4 is Building 630, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	11.4(1)	1	Building 630 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 33.11 is the open land area containing the 1,000-gallon diesel above ground storage tank adjacent to Building 756.	33.11(2)	2	This parcel contain a former underground storage tank (UST) location. A 1,000-gallon diesel above-ground storage tank (AST) is currently located at this parcel. The underground storage tank was removed in July 1994. There have been no documented releases reported for either tank, nor was there any evidence of disposal or migration of petroleum products from adjacent property. When the UST was removed, the soil was sampled in accordance with Tennessee State Underground Storage Tank regulations. Results indicated less than 20 ppm of total petroleum hydrocarbons; no further remediation was required. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 2
Table 1 - Description of Property

Building Number and Property Description	Parcel Designation	Condition Category	Remedial Actions
Parcel 6.2 is Building 250, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	6.2(3)	3	Building 250 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 3. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 6.4 is Building 350, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	6.4(3)	3	Building 350 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 3. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 9.3 is Building 430, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	9.3(3)	3	Building 430 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 3. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 2
Table 1 - Description of Property

Building Number and Property Description	Parcel Designation	Condition Category	Remedial Actions
Parcel 10.1 is Building 649, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	10.1(3)	3	Building 649 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. A 1-gallon hydraulic fluid spill was reported on August 11, 1995 in Bay 5. The Spill Team responded and cleaned up the spill area, and no further action was required. At the June 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 3. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 10.5 is Building 550, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	10.5(3)	3	Building 550 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 3. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 11.2 is Building 529, a 120,000 square foot building erected in 1942 that was used as a general purpose warehouse.	11.2(3)	3	Storage of antifreeze, firefighting foam, and photographic chemicals was observed during the EBS visual inspection. The EBS documented no releases from these products. Also, Building 529 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 3. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 2
Table 1 - Description of Property

Building Number and Property Description	Parcel Designation	Condition Category	Remedial Actions
Parcel 32.1 is the open land area north and west of Building 835, formerly open storage areas X02, X13 and X15.	32.1(3)	3	Parcel 32.1 was used for material storage including hazardous substances, predominately flammable materials, in 55-gallon drums. This parcel also contains railroad tracks associated with SS70/71 (facility-wide railroad tracks) that were sprayed with pesticides, herbicides, and waste oil containing pentachlorophenol (PCP) in the past. Two surface soil samples and two soil borings were taken as part of the BRAC sampling effort. Sample results indicated no levels exceeding BCT screening criteria. At the October 1997 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 3. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 7.2 is Building 249, a 120,000 square foot building erected in 1942 that was used during World War II as a storage warehouse for the Chemical Warfare Service until March 31, 1961. In subsequent years, it was used as a general purpose warehouse (food/textile storage).	7.2(4)	4	Building 249 was used by the U.S. Army Chemical Warfare Service for storage of a clothing treated with XXCC-3 impregnate (provided protection from chemical warfare materials). The U.S. Army Corps of Engineer - St. Louis District found no evidence of release or disposal at this building of chemical warfare material during research for preparation of the "Ordnance and Explosive Waste/Chemical Warfare Materials Archive Search Report for Memphis Defense Depot." The building may also have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Also, a battery acid spill was reported on April 15, 1993 on the north loading dock. The Spill Team responded and cleaned up the spill area, and no further action was required. At the June 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 4. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 2
Table 1 - Description of Property

Building Number and Property Description	Parcel Designation	Condition Category	Remedial Actions
Parcel 12.2 is Building 629, a 120,000 square foot building erected in 1942 that was used as a general purpose and hazardous materials warehouse.	12.2(4)	4	Building 629 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ¹ Building 629 was also the former hazardous materials storage building (DDT, herbicides, solvents, oxidizers, and toxic/corrosive materials). A 6-gallon nitric acid spill was reported on April 23, 1990 inside Building 629, Section 1. The Spill Team responded, applied sodium bicarbonate and cleaned up the spill area, and no further remediation was required. Past releases include an unknown amount of hydrofluoric acid (fumes weakened pallets which collapsed and damaged the plastic 1-gallon containers, small amount released; Recoup personnel applied sodium bicarbonate, cleaned up spill area, repackaged materials, and no further action was required). At the June 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 4. The soil surrounding Building 629 is associated with Remedial Investigation Site 57 and requires additional evaluation as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 32.2 - Building 835, a 156,800 square foot building erected in 1988 that was used as the hazardous material warehouse	32.2(4)	4	Building 835 warehoused many different types of hazardous substances in separated bays. Several spills, all less than the Reportable Quantity, were reported inside Building 835 and consisted of battery acid, hydrochloric acid, ammonium hydroxide, muriatic acid, sulfuric acid, orthodontic resin, phosphoric acid, cleaning compound solvent, microbicide, calcium hypochlorite, hydrofluoric acid, transmission fluid, benefin granular herbicide, sterilizer solution, ethanol and xylene. The Spill Team responded and cleaned up the spill areas, and no further action was required. To determine the impact of hazardous substance storage and releases inside the building, air sampling was performed in Building 835 in the winter of 1997. At the December 1997 meeting, the BCT reviewed the air sample results and determined that no health-based criteria were exceeded, so no further action was required. At the June 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 4. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 2
Table 1 - Description of Property

Building Number and Property Description	Parcel Designation	Condition Category	Remedial Actions
Parcel 2.7 is the open land area surrounding the Family Housing Units (Buildings 176, S178, 179, 181, S183 and 184).	2.7(5)	5	This parcel contains grassy areas that were treated with pesticides. This parcel was sampled and found to contain dieldrin at levels that exceeded BCT screening criteria ³ . A time-critical removal action that included removing dieldrin-impacted soil has been completed. Initial post-removal samples indicated dieldrin levels were below residential risk based criteria. The BCT must still review the removal action closure documentation and concur that the removal action is complete. Therefore, residential land use at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ²
Parcel 7.1 is the open land area surrounding Building 249.	7.1(6)	6	This parcel is associated with Screening Site (SS) 65 (XXCC-3, Building 249). This parcel also contains railroad tracks associated with SS70/71 (facility-wide railroad tracks) that were sprayed with pesticides, herbicides, and waste oil containing pentachlorophenol (PCP) in the past. Five surface soil samples and three soil borings were collected. Sample results indicated Poly Aromatic Hydrocarbons (PAHs) exceeded BCT screening criteria ³ . The grassy area in this parcel was also treated with pesticides. This parcel was sampled and found to contain cadmium, DDE and DDT. Due to the presence of PAHs and pesticides in soil samples, this parcel requires additional evaluation as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ²

Enclosure 2
Table 1 - Description of Property

Building Number and Property Description	Parcel Designation	Condition Category	Remedial Actions
Parcel 11.1 is the open land area surrounding Buildings 529, 530 and 630.	11.1(7)	7	This parcel contains railroad tracks associated with SS70/71 (facility-wide railroad tracks) that were sprayed with pesticides, herbicides, and waste oil containing pentachlorophenol (PCP) in the past. This parcel also contains grassy areas that were treated with pesticides and herbicides in the past. This parcel was sampled. Results indicated dieldrin slightly above BCT screening criteria ³ . Due to the presence of dieldrin in soil samples, this parcel requires additional evaluation as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ²
Parcel 12.1 is the open land area surrounding Building 629.	12.1(7)	7	This parcel is associated with Screening Site 57 (Building 629 - Former Hazardous Materials Storage). This parcel contains railroad tracks that were historically sprayed with pesticides, herbicides and waste oil containing PCP and grassy areas that were historically sprayed with herbicides and pesticides. Nine soil boring samples were taken at this parcel. Results indicated Poly Aromatic Hydrocarbons (PAHs), DDE and DDT at levels that exceeded BCT screening criteria ³ . Due to the presence of PAHs and pesticides, this parcel is currently under evaluation by the BCT as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ²

Enclosure 2
Table 1 - Description of Property

Building Number and Property Description	Parcel Designation	Condition Category	Remedial Actions
Parcel 24.3 is Building 770, a vehicle maintenance shop built in 1952, and T771, a public toilet built in 1945, as well as the open land area surrounding Buildings 770 and 771	24.3(7)	7	This parcel is associated with Remedial Investigation (RI) site 34 (Underground Waste Oil Storage Tanks) and proposed No Further Action sites 30 (Paint Spray Booths), 40 (Safety Kleen Units) and 41 (Satellite Drum Accumulation Area). Several spills have been reported for the area surrounding Building 770, which included oil, PCB-containing liquid and a petroleum product. The Spill Team responded, applied absorbent and removed contaminated materials associated with these spills. Several underground storage tanks were removed from the area surrounding Building 770. During RI sampling conducted in the winter of 1997, four soil borings and four surface soil samples were collected. Results indicated chromium and Poly Aromatic Hydrocarbons (PAHs) at levels that exceeded BCT screening criteria ³ . Residue was removed from the paint spray booth and consisted of the air filters; therefore, no further action is required at the paint spray booth. The Safety-Kleen units were maintained by Safety-Kleen and removed upon closure. There is no evidence of release or disposal from these units; therefore, no further action is required at the Safety Kleen units. The satellite drum accumulation areas were also removed upon closure. There is no evidence of release or disposal at the satellite drum accumulation area; therefore, no further action is required. Due to the presence of metals and PAHs in soil samples, this parcel requires additional evaluation as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ²

¹ Records indicate that many buildings that stored perishables or textiles during the Depot's history may have been fumigated to control pests. Also, buildings that stored hazardous materials may have residual impacts from releases. The BCT determined that a representative number of buildings should be sampled for hazardous substances in the air. The BCT reviewed these air sampling results at the December 1997 BCT meeting and determined that no further action was warranted or required.

² Provided the lessee strictly adheres to the Environmental Protection Provisions (Enclosure 5), including but not limited to Provision 14 - No subsurface disturbance, excavation, drilling or digging without prior written approval from the Government.

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 has occurred.

Category 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.

Enclosure 2

Table 1 - Description of Property

Category 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.

Category 5: Areas where release, disposal, and/or migration of hazardous substances has occurred, and removal or remedial actions are underway, but all required remedial actions have not yet been taken.

Category 6: Areas where release, disposal, and/or migration of hazardous substances has occurred, but required actions have not yet been implemented.

Category 7: Areas that are not evaluated or require additional evaluation.

Enclosure 3

Table 2 - Notification of Hazardous Substance Storage, Release or Disposal

Building Number	Name of Hazardous Substance	Date of Storage, Release or Disposal	Remedial Actions
Parcel 2.7 - Open land area surrounding the Family Housing Units (Buildings 176, S178, 179, 181, S183 and 184)	Pesticides Herbicides	Exact start date unknown assumed facility activation in 1942 - September 1997	This parcel contains grassy areas that were treated with pesticides. This parcel was sampled and found to contain dieldrin at levels that exceeded BCT screening criteria ³ . A time-critical removal action that included removing dieldrin-impacted soil has been completed. Initial post-removal samples indicated dieldrin levels were below residential risk based criteria. The BCT must still review the removal action closure documentation and concur that the removal action is complete. Therefore, residential land use at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ²
Parcel 6.2 - Building 250	Pesticides (fumigants)	Exact start date unknown assumed facility activation in 1942 - September 1997	Building 250 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ² Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed no further action was required at this parcel. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 6.4 - Building 350	Pesticides (fumigants) Battery acid	Exact start date unknown assumed facility activation in 1942 - September 1997	Building 350 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ² Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed no further action was required at this parcel. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 3

Table 2 - Notification of Hazardous Substance Storage, Release or Disposal

Building Number	Name of Hazardous Substance	Date of Storage, Release or Disposal	Remedial Actions
Parcel 7.1 - Open land area surrounding Building 249	Pesticides	Exact start date unknown assumed facility activation in 1942 - September 1997	This parcel is associated with Screening Site (SS) 65 (XXCC-3[clothing treatment for protection from chemical warfare materials], Building 249). This parcel also contains railroad tracks associated with SS70/71 (facility-wide railroad tracks) that were sprayed with pesticides, herbicides, and waste oil containing pentachlorophenol (PCP) in the past. Five surface soil samples and three soil borings were collected. Sample results indicated Poly Aromatic Hydrocarbons (PAHs) exceeded BCT screening criteria. The grassy area in this parcel was also treated with pesticides. This parcel was sampled and found to contain cadmium, DDE and DDT. Due to the presence of PAHs and pesticides in soil samples, this parcel requires additional evaluation as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ¹
Parcel 7.2 - Building 249	Pesticides (fumigants) Battery acid XXCC-3 impregnite	Exact start date unknown assumed facility activation in 1942 - September 1997	Building 249 was used by the U.S. Army Chemical Warfare Service for storage of a clothing treated with XXCC-3 impregnite (clothing treatment for protection from chemical warfare materials). The U.S. Army Corps of Engineer - St. Louis District found no evidence of release or disposal at this building of chemical warfare material during research for preparation of the "Ordnance and Explosive Waste/Chemical Warfare Materials Archive Search Report for Memphis Defense Depot." The building may also have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ² Also, a battery acid spill was reported on April 15, 1993 on the north loading dock. The Spill Team responded and cleaned up the spill area, and no further action was required. At the June 1998 meeting, the BCT agreed no further action was required at this parcel. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 3

Table 2 - Notification of Hazardous Substance Storage, Release or Disposal

Building Number	Name of Hazardous Substance	Date of Storage, Release or Disposal	Remedial Actions
Parcel 9.3 - Building 430	Pesticides (fumigation) Battery acid	Exact start date unknown assumed facility activation in 1942 - September 1997	Building 430 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ² Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed no further action was required at this parcel. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 10.1 - Building 649	Pesticides (fumigation) Battery acid	Exact start date unknown assumed facility activation in 1942 - September 1997	Building 649 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ² Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. A 1-gallon hydraulic fluid spill was reported on August 11, 1995 in Bay 5. The Spill Team responded and cleaned up the spill area, and no further action was required. The BCT reviewed this information and agreed that no further action was required at this parcel. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 10.5 - Building 550	Pesticides (fumigants) Battery acid	Exact start date unknown assumed facility activation in 1942 - September 1997	Building 550 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ² Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed no further action was required at this parcel. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 3

Table 2 - Notification of Hazardous Substance Storage, Release or Disposal

Building Number	Name of Hazardous Substance	Date of Storage, Release or Disposal	Remedial Actions
Parcel 11.1 - Open land area surrounding Buildings 529, 530 and 630	Pesticides Herbicides	Exact start date unknown assumed facility activation in 1942 - September 1997	This parcel contains railroad tracks associated with SS70/71 (facility-wide railroad tracks) that were sprayed with pesticides, herbicides, and waste oil containing pentachlorophenol (PCP) in the past. This parcel also contains grassy areas that were treated with pesticides and herbicides in the past. This parcel was sampled. Results indicated dieldrin slightly above BCT screening criteria. Due to the presence of dieldrin in soil samples, this parcel requires additional evaluation as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ¹
Parcel 11.2 - Building 529	Pesticides (fumigants) Battery Acid Antifreeze Firefighting Foam Photographic Chemicals	Exact start date unknown assumed facility activation in 1942 - September 1997	Storage of antifreeze, firefighting foam, and photographic chemicals was observed during the EBS visual inspection. The EBS documented no releases from these products. Also, Building 529 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ² Also, floor staining associated with acid leaks in the forklift battery charging area were noted in EBS visual inspections. At the June 1998 meeting, the BCT agreed no further action was required at this parcel. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

Enclosure 3

Table 2 - Notification of Hazardous Substance Storage, Release or Disposal

Building Number	Name of Hazardous Substance	Date of Storage, Release or Disposal	Remedial Actions
Parcel 12.1 - Open land area surrounding Building 629	Pesticides	Exact start date unknown assumed facility activation in 1942 - September 1997	This parcel is associated with Screening Site 57 (Building 629 - Former Hazardous Materials Storage). This parcel contains railroad tracks that were historically sprayed with pesticides, herbicides and waste oil containing PCP and grassy areas that were historically sprayed with herbicides and pesticides. Nine soil boring samples were taken at this parcel. Results indicated Poly Aromatic Hydrocarbons (PAHs), DDE and DDT at levels that exceeded BCT screening criteria. Due to the presence of PAHs and pesticides, this parcel is currently under evaluation by the BCT as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ¹
Parcel 12.2 - Building 629	Pesticides (fumigation) Herbicides, Oxidizers, Acids, Solvents	Exact start date unknown assumed facility activation in 1942 - September 1997	Building 629 may have been fumigated in the past. The BCT evaluated this fumigation issue and determined no further action was required. ² Building 629 was also the former hazardous materials storage building (DDT, herbicides, solvents, oxidizers, and toxic/corrosive materials). A 6-gallon nitric acid spill was reported on April 23, 1990 inside Building 629, Section 1. The Spill Team responded, applied sodium bicarbonate and cleaned up the spill area, and no further remediation was required. Past releases include an unknown amount of hydrofluoric acid (fumes weakened pallets which collapsed and damaged the plastic 1-gallon containers, small amount released, Recoup personnel applied sodium bicarbonate, cleaned up spill area, repackaged materials, and no further action was required). The soil surrounding Building 629 is associated with Remedial Investigation Site 57 and requires additional evaluation as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment. ¹

Enclosure 3

Table 2 - Notification of Hazardous Substance Storage, Release or Disposal

Building Number	Name of Hazardous Substance	Date of Storage, Release or Disposal	Remedial Actions
Parcel 24.3 - Buildings 770 and 771 as well as the open land area in surrounding Buildings 770 and 771	Pesticides Antifreeze Parts cleaning solvents Petroleum, Oil and Lubricants	Exact start date unknown assumed facility activation in 1942 - September 1997	<p>This parcel is associated with Remedial Investigation (RI) site 34 (Underground Waste Oil Storage Tanks) and proposed No Further Action sites 30 (Paint Spray Booths), 40 (Safety Kleen Units) and 41 (Satellite Drum Accumulation Area). Several spills have been reported for the area surrounding Building 770, which included non-PCB containing mineral oil (50 gal.), PCB-containing liquid (50 gal.) and a petroleum product (55 gal.). The Spill Team responded, applied absorbent and removed contaminated materials associated with these spills. Confirmatory samples were taken from the PCB-containing liquid spill and results indicated all contaminated soil had been removed. Several underground storage tanks were removed from the area surrounding Building 770. During RI sampling conducted in the winter of 1997, four soil borings and four surface soil samples were collected. Results indicated chromium and Poly Aromatic Hydrocarbons (PAHs) at levels that exceeded BCT screening criteria. Residue was removed from the paint spray booth and consisted of the air filters; therefore, no further action is required at the paint spray booth. The Safety-Kleen units were maintained by Safety-Kleen and removed upon closure. There is no evidence of release or disposal from these units; therefore, no further action is required at the Safety Kleen units. The satellite drum accumulation areas were also removed upon closure. There is no evidence of release or disposal at the satellite drum accumulation area; therefore, no further action is required. Due to the presence of metals and PAHs in soil samples, this parcel requires additional evaluation as part of the installation restoration program. Appropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.¹</p>

Enclosure 3

Table 2 - Notification of Hazardous Substance Storage, Release or Disposal

Building Number	Name of Hazardous Substance	Date of Storage, Release or Disposal	Remedial Actions
Parcel 32.1 - Open land area north and west of Building 835	Pesticide Herbicide	Exact start date unknown assumed facility activation in 1942 until construction of Building 925 completed in 1992.	Parcel 32.1 was used for material storage including hazardous substances, predominately flammable materials, in 55-gallon drums. This parcel also contains railroad tracks associated with SS70/71 (facility-wide railroad tracks) that were sprayed with pesticides, herbicides, and waste oil containing pentachlorophenol (PCP) in the past. Two surface soil samples and two soil borings were taken as part of the BRAC sampling effort. Sample results indicated no hazardous substance levels exceeding BCT screening criteria, so no further action is required. At the October 1997 meeting, the BCT agreed this parcel should change to ECP Category 3. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.
Parcel 32.2 - Building 835	Battery acid, Hydrochloric acid, Ammonium hydroxide, Muriatic acid, Sulfuric acid, Orthodontic resin, Phosphoric acid, Cleaning compound solvent, Microbicide, Calcium hypochlorite, Hydrofluoric acid, Transmission fluid, Benefin granular herbicide, Sterilizer solution, Ethanol, Xylene	Storage: 1995 - September 1997 Spills reflected in this table occurred between 1990 and 1997.	Building 835 warehoused many different types of hazardous substances in separated bays. Several spills, all less than the Reportable Quantity, were reported inside Building 835 and consisted of battery acid (9 gal., 6 gal.), hydrochloric acid (5 gal.), ammonium hydroxide (6 gal.), muriatic acid (1.5 gal.), sulfuric acid (15 gal., 5 gal.), orthodontic resin (1 pt.), phosphoric acid (2 qt.), cleaning compound solvent (2.5 gal.), microbicide (1 qt.), calcium hypochlorite (5 lb.), hydrofluoric acid (1 gal.), transmission fluid (10 gal.), benefin granular herbicide (containerized 25 damaged 40-LB bags), sterilizer solution (.5 gal.), ethanol (.5 gal.) and xylene (1 gal.). The Spill Team responded and cleaned up the spill areas, and no further action was required for these spill areas. To determine the impact of hazardous substance storage and releases inside the building, air sampling was performed in the winter of 1997. At the October 1997 meeting, the BCT reviewed the air sample results and determined that no health-based criteria were exceeded, so no further action was required. At the June 1998 meeting, the BCT agreed this parcel should change to an ECP Category 4. Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment.

¹ Provided the lessee strictly adheres to the Environmental Protection Provisions (Enclosure 5), including but not limited to Provision 14 - No subsurface disturbance, excavation, drilling or digging without prior written approval from the Government.

Enclosure 3

Table 2 - Notification of Hazardous Substance Storage, Release or Disposal

² Records indicate that many buildings that stored perishables or textiles during the Depot's history may have been fumigated to control pests. Also, buildings that stored hazardous materials may have residual impacts from releases. The BCT determined that a representative number of buildings should be sampled for hazardous substances in the air. The BCT reviewed these air sampling results at the December 1997 BCT meeting and determined that no further action was warranted or required.

Enclosure 4

Table 3 - Notification of Petroleum Product Storage, Release or Disposal

Building Number	Name of Petroleum Product(s)	Date of Storage, Release, or Disposal	Remedial Actions
Parcel 24.3 - Open land area surrounding buildings 770 and 771; tanks associated with Building 770	Fuel (heating) oil Diesel fuel Used motor oil	<ul style="list-style-type: none"> •10,000-gallon heating oil UST operated between 1951 and 1994. •440-gallon gasoline UST operated between 1951 (assumed) and 1989. •1,000-gallon used motor oil UST operated between 1951 and 1989. •1,000-gallon used motor oil UST operated between 1951 and 1989. •11,155-gallon diesel fuel AST operated between 1951 and 1994. •11,155-gallon diesel fuel AST operated between 1951 and 1994. •Unknown quantity spill of oil at Building 770 northwest corner reported on August 23, 1993 •50-gallon spill of PCB-containing liquid reported on July 9, 1990 •55-gallon spill of petroleum at Building 770 west side reported on November 7, 1991 	<p>10,000-gallon tank removed in July 1994.</p> <p>440-gallon tank removed in December 1989.</p> <p>1,000-gallon tank removed in December 1989.</p> <p>1,000-gallon tank removed in December 1989.</p> <p>11,155-gallon tank removed in July 1994.</p> <p>11,155-gallon tank removed in July 1994.</p> <p>Spill Team responded. Applied absorbent, excavated stained soil, and removed soil and absorbent to appropriate disposal facility.</p> <p>Spill Team responded. Applied absorbent, excavated stained soil, and removed soil and absorbent to appropriate disposal facility.</p> <p>Spill Team responded. Applied absorbent, excavated stained soil, and removed soil and absorbent to appropriate disposal facility.</p>
Parcel 33.11 - open land area containing the 1,000-gallon diesel above ground storage tank adjacent to Building 756	Diesel fuel	<p>Exact start date unknown, assume building activation in 1956 until 1994.</p> <ul style="list-style-type: none"> •AST operated from 1994 until present. 	<p>UST removed in July 1994. Soil samples revealed no total petroleum hydrocarbons above 20 ppm. No further action required.</p> <p>1,000-gallon diesel fuel AST currently in place.</p>

Enclosure 5

Environmental Protection Provisions

The following conditions will be placed in the lease to ensure there will be no unacceptable risk to human health or the environment and no interference to the ongoing Memphis Depot Caretaker installation restoration program (IRP) and to ensure regulatory requirements for the IRP and other compliance programs administered by the Army are met.

1. The sole purpose(s) for which the leased premises and any improvements thereon may be used, in the absence of prior written approval of the Government for any other use, is for uses similar or comparable to past or current activities of the Depot. These include light industry, storage, sorting operations, receiving, packaging and shipping, support activities, mechanical shop to support material handling equipment, training, education, and general office.
2. The Lessee shall neither transfer nor assign this Lease or any interest therein or any property on the leased premises, nor sublet the leased premises or any part thereof or any property thereon, nor grant any interest, privilege, or license whatsoever in connection with this Lease without the prior written consent of the Government. Such consent shall not be unreasonably withheld or delayed. Every sublease shall contain the Environmental Protection Provisions herein.
3. The Lessee and any sublessee shall comply with the applicable Federal, state, and local laws, regulations, and standards that are or may become applicable to Lessee's or sublessee's activities on the Leased Premises.
4. The Lessee and any sublessee shall be solely responsible for obtaining at its cost and expense any environmental permits required for its operations under the Lease, independent of any existing permits.
5. The Government's rights under this Lease specifically include the right for Government officials to inspect upon reasonable notice the Leased Premises for compliance with environmental, safety, and occupational health laws and regulations, whether or not the Government is responsible for enforcing them. Such inspections are without prejudice to the right of duly constituted enforcement officials to make such inspections. The Government normally will give the Lessee or sublessee twenty-four (24) hours prior notice of its intention to enter the Leased Premises unless it determines the entry is required for safety, environmental, operations, or security purposes. The Lessee shall have no claim on account of any entries against the United States or any officer, agent, employee, or contractor thereof.
6. The Government acknowledges that Defense Distribution Depot Memphis, Tennessee has been identified as a National Priorities List (NPL) Site under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended. The Lessee acknowledges that the Government has provided it with a copy of the Defense Distribution Depot Memphis, Tennessee Federal Facilities Agreement (FFA) entered into by the United States Environmental Protection Agency (EPA) Region 4, the State of Tennessee, and the Defense Logistics Agency effective March 1995, and will provide the Lessee with a copy of any amendments thereto. The Lessee agrees that should any conflict arise between the terms of such agreement as it presently exists or may be amended and the provisions of this Lease, the terms of the FFA will take precedence. The Lessee further agrees that notwithstanding any other

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provisions of the Lease, the Government assumes no liability to the Lessee or its sublessees or licenses should implementation of the FFA interfere with the Lessee's or any sublessee's or licensee's use of the Leased Premises. The Lessee shall have no claim on account of any such interference against the United States or any officer, agent, employee or contractor thereof, other than for abatement of rent.

7. The Government, EPA, and TDEC and their officers, agents, employees, contractors, and subcontractors, have the right, upon reasonable notice to the Lessee and any sublessee, to enter upon the Leased Premises for the purposes enumerated in these subparagraphs, and for such other purposes consistent with any provision of the FFA:

(a) to conduct investigations and surveys, including, where necessary, drilling, soil and water sampling, test-pitting, testing soil borings and other activities related to the Defense Distribution Depot Memphis, Tennessee installation restoration program (IRP) or FFA;

(b) to inspect field activities of the Government and its contractors and subcontractors in implementing the Defense Distribution Depot Memphis, Tennessee IRP or FFA;

(c) to conduct any test or survey required by the EPA or TDEC relating to the implementation of the FFA or environmental conditions at the Leased Premises or to verify any data submitted to the EPA or TDEC by the Government relating to such conditions;

(d) to construct, operate, maintain, or undertake any other response or remedial action, as required or necessary under the Defense Distribution Depot Memphis, Tennessee IRP or FFA, including, but not limited to, monitoring wells, pumping wells, and treatment facilities;

(e) to conduct Environmental Compliance Assessment System Surveys (ECAS).

8. The Lessee and any sublessee shall comply with the provisions of any health and safety plan in effect under the IRP or the FFA during the course of any of the above described response or remedial actions. Any inspection, survey, investigation, or other response or remedial action will, to the extent practicable, be coordinated with a representative designated by the Lessee and any sublessee. The Lessee and any sublessee shall have no claim on account of such entries against the United States or any office, agent, employee, contractor, or subcontractor thereof. In addition, the Lessee and any sublessee shall comply with all applicable Federal, state, and local occupational safety and health regulations.

9. The Lessee further agrees that in the event of any assignment or sublease of the Leased Premises, it shall provide to the EPA and TDEC by certified mail a copy of the agreement or sublease of the Leased Premises (as the case may be) within fourteen (14) days after the effective date of such transaction. The Lessee may delete the financial terms and any other proprietary information from the copy of any agreement of assignment or sublease furnished pursuant to this condition.

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10. The Lessee shall strictly comply with the hazardous waste requirements under the Resource Conservation and Recovery Act (RCRA) or its Tennessee equivalent. Except as specifically authorized by the Government in writing, the Lessee must provide at its own expense hazardous waste management facilities, complying with all laws and regulations. Government hazardous waste management facilities will not be available to the Lessee. Any violation of the requirements of this condition shall be deemed a material breach of this Lease.

11. Defense Distribution Depot Memphis, Tennessee accumulation points for hazardous and other wastes will not be used by the Lessee or any sublessee. Neither will the Lessee or sublessee permit its hazardous wastes to be commingled with hazardous waste of the Department of the Army.

12. The Lessee shall prepare and maintain a Government-approved plan for responding to hazardous waste, fuel, and other chemical spills prior to commencement of operations on the leased premises. Such a plan shall be independent of the Memphis Depot Caretaker plan and, except for initial fire response and/or spill containment, shall not rely on installation personnel or equipment. Should the Government provide any personnel or equipment, whether for initial fire response and/or spill containment, or otherwise on request of any Government officer conducting timely cleanup actions, the Lessee agrees to reimburse the Government for its costs.

13. The Lessee shall not construct or make or permit its sublessees or assigns to construct or make any alterations, additions, or improvements to, or installations upon or otherwise modify or alter the leased premises in any way which may adversely affect the Memphis Depot Caretaker environmental program, environmental cleanup, human health, or the environment, without the prior written consent of the Government. Such consent may include a requirement to provide the Government with a performance and payment bond satisfactory to it in all respects and other requirements deemed necessary to protect the interests of the Government. For construction or alterations, additions, modifications, improvements, or installations (collectively "work") in the proximity of operable units that are a part of a National Priorities List (NPL) site, such consent may include a requirement for written approval by the Government's Remedial Project Manager. Except as such written approval shall expressly provide otherwise, all such approved alterations, additions, modifications, improvements, and installations shall become Government property when annexed to the Leased Premises.

14. The Lessee shall not conduct or permit its sublessees to conduct any subsurface excavation, digging, drilling, or other disturbance of the surface without the prior written approval of the Government.

15. The Lessee shall strictly comply with the hazardous waste permit requirements under the Resource Conservation and Recovery Act (RCRA), or its state equivalent, and any other applicable laws, rules or regulations. The Lessee must provide at its own expense such hazardous waste storage facilities that comply with all laws and regulations as it may need for such storage. Any violation of the requirements of this provision shall be deemed a material breach of this Lease.

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16. LEAD-BASED PAINT WARNING AND COVENANT:

(a) The Lessee is hereby informed and does acknowledge that all buildings on the Leased Premises, which were constructed or rehabilitated prior to 1978, are presumed to contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Before renting pre-1978 residential housing, lessors must disclose to lessees and sublessees the presence of lead-based paint and/or lead-based paint hazards therein. "Residential housing" means any housing constructed prior to 1978, except housing for the elderly (households reserved for and composed of one or more persons 62 years of age or more at the time of initial occupancy) or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling. A risk assessment or inspection for possible lead-based paint hazards by the Lessee is recommended prior to lease.

(b) Available information concerning known lead-based paint and/or lead-based paint hazards, the location of lead-based paint and/or lead-based paint hazards, and the condition of painted surfaces is contained in the Environmental Baseline Survey that has been provided to the Lessee. Additionally, the following report pertaining to lead-based paint and/or lead-based paint hazards has been provided to the Lessee: Lead Based Paint Risk Assessment for DDMT (Barge, Waggoner, Sumner, and Cannon, December 1995, revised April 1996). Additionally, the Lessee has been provided with a copy of the federally-approved pamphlet on lead poisoning prevention. The Lessee hereby acknowledges receipt of all of the information described in this subparagraph.

(c) The Lessee acknowledges that it has received the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards prior to execution of this Lease.

(d) The Lessee shall not permit use of any buildings or structures on the Leased Premises for residential habitation without complying with this section and all applicable federal, state and local laws and regulations pertaining to lead-based paint and/or lead-based paint hazards. Prior to permitting the occupancy of residential housing, if required by law or regulation, the Lessee, at its sole expense, will abate and eliminate lead-based paint hazards in accordance with all applicable laws and regulations. The Lessee agrees to be responsible for any future remediation of lead-based paint found to be necessary on the Leased Premises.

(e) The Government assumes no liability for remediation or damages for personal injury, illness, disability, or death, to the Lessee, its successors or assigns, sublessees or to any other person, including members of the general public, arising from or incident to possession and/or use of any portion of the Leased Premises containing lead-based paint as residential housing. The Lessee further agrees to indemnify and hold harmless the Government, its officers, agents and employees, from and against all suits, claims, demands or actions, liabilities, judgments, costs and attorneys' fees arising out of, or in any manner predicated upon, personal injury, death or property damage resulting from, related to, caused by or arising out of the possession and/or use of any portion of the Leased Premises containing lead-based paint as residential housing. This section and the obligations of the Lessee hereunder shall survive the expiration or termination of this

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Lease and any conveyance of the Leased Premises to the Lessee. The Lessee's obligation hereunder shall apply whenever the United States of America incurs costs or liabilities for actions giving rise to liability under this section.

17. NOTICE OF THE PRESENCE OF ASBESTOS AND COVENANT:

(a) The Lessee is hereby informed and does acknowledge that friable and non-friable asbestos or asbestos-containing materials (ACM) has been found on the Leased Premises, as described in the final base-wide EBS. The ACM on the Leased Premises does not currently pose a threat to human health or the environment. All friable asbestos that posed a risk to human health was either removed or encapsulated.

(b) The Lessee covenants and agrees that its use and occupancy of the Leased Premises will be in compliance with all applicable laws relating to asbestos; and that the Government assumes no liability for future remediation of asbestos or damages for personal injury, illness, disability, or death, to the Lessee, its successors or assigns, sublessees, or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the Leased Premises described in this Lease, whether the Lessee, its successors or assigns have properly warned or failed to properly warn the individual(s) injured. The Lessee agrees to be responsible for any future remediation of asbestos found to be necessary on the Leased Premises.

18. NOTICE OF POLYCHLORINATED BIPHENYLS (PCBs) EQUIPMENT AND COVENANT:

(a) The Lessee is hereby informed and does acknowledge that equipment containing polychlorinated biphenyls (PCBs) might exist (overhead fluorescent light ballasts) on the Leased Premises, as described in the final base-wide EBS. All PCB-containing equipment has been properly labeled in accordance with applicable law and regulation. Any PCB contamination or spills related to such equipment has been properly remediated prior to execution of the Lease. The PCB equipment does not currently pose a threat to human health or the environment.

(b) Upon request, the Army agrees to furnish to the Lessee any and all records in its possession related to such PCB equipment necessary for the continued compliance by the Lessee with applicable laws and regulations related to the use and storage of PCBs or PCB-containing equipment.

(c) The Lessee covenants and agrees that its continued possession, use and management of any PCB-containing equipment will be in compliance with all applicable laws relating to PCBs and PCB-containing equipment, and that the Army assumes no liability for the remediation of PCB contamination or damages for personal injury, illness, disability or death to the Lessee, its successors or assigns, sublessees or to any other person, including members of the general public arising from or incident to sue, handling, management, disposition, or other activity causing or leading to contact of any kind whatsoever with PCBs or PCB-containing equipment, whether the

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Environmental Protection Provisions

Lessee, its successors or assigns have been properly warned or failed to properly warn that individual(s) insured. The Lessee agrees to be responsible for any remediation of PCBs or PCB-containing equipment found to be necessary from its use and possession during the term of the Lease. This section and the obligations of the Lessee hereunder shall survive the expiration and termination of this Lease and any conveyance of the Leased Premises to Lessee.

19. The Lessee shall not use the Leased Premises for the storage or disposal of non-Department of Defense owned hazardous or toxic materials, as defined in 10 U.S.C. 2692, unless authorized under 10 U.S.C. 2692 and properly approved by the Government.

20. The Army may impose any additional environmental protection conditions and restrictions during the terms of this lease that it deems necessary by providing written notice of such conditions or restrictions to the Lessee.

21. The leased premises contain buildings (Buildings 249, 250, 349, 350, 429, 430, 449, 450, 529, 530, 549, 550, 629, 630, 649 and 650) that are eligible for listing in the National Register of Historic Places. Such properties will be maintained by the Lessee in accordance with the recommended approaches in the *Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings* (U.S. Department of the Interior, National Park Service 1992)(Secretary's Standards). The Lessee will notify the Department of the Army and the State Historic Preservation Officer (SHPO) of any proposed rehabilitation and structural or landscape alterations to these buildings or properties prior to undertaking said rehabilitation or alteration. Any approved rehabilitation or structural or landscape alteration to these buildings or properties must adhere to the Secretary's Standards. Within 30 days of receipt of such notification and adequate supporting documentation, the Army will notify the Lessee in writing that the undertaking conforms to the Secretary's Standards and that the Lessee may proceed or that the undertaking does not conform to the Secretary's Standards and that the Lessee may not proceed. If the Army determines that the undertaking does not meet the Secretary's Standards, the Army will, with the assistance of the Lessee, fulfill the requirements of Section 106 of the National Historic Preservation Act and its implementing regulations, *Protection of Historic Properties* (36 C.F.R. Part 800), in consultation with the Tennessee SHPO. The Lessee will not undertake the proposed action until the Army or the Tennessee SHPO notifies the Lessee that the requirements of Section 106 have been fulfilled and the Lessee may proceed. If the Army or the Tennessee SHPO objects to the Lessee's proposed undertaking, the Army will notify the Lessee that the proposed action may not proceed.

Enclosure 6

Regulatory/Public Comments and Responses for FOSL 7

Please find comments from the Environmental Protection Agency (EPA), Defense Logistics Agency (DLA) and Department of Army comments and Memphis Depot Caretaker responses for FOSL 7.

EPA Comments

1. Lease terms are required to be provided together with attendant lease restrictions. In the instant case, lease restrictions have been attached to the FOSL as Enclosure 5, but the remaining lease terms have not been provided. This information is decidedly pertinent to EPA's comments, required under CERCLA as amended by CERFA, as well as, DoD guidance. I am confident, based on the standard language contained herein, that the Army will comply with this provision via notification of the EPA upon the anticipation to execute a lease. We should make the Army aware that we expect a copy of the lease(s) inclusive of all lease terms and lease restrictions both prior to and after the lease's execution.

COMMENT NOTED - Provided is a copy of the Master Interim Lease that the United States has entered into with the Depot Redevelopment Corporation. The lessee to the United States, the Depot Redevelopment Corporation, is required per FOSL Environmental Protection Provision Number 9, to provide EPA and TDEC copies of any subsequent sublease.

2. Section 1 - Purpose: This section indicates that all proposed uses for this property are light industrial, storage or general office use. EPA should request that the Army also state that part of the property (Parcel 2.7) is intended for residential use.

COMMENT INCORPORATED.

3. Section 3.4 should be amended to add at the end of the paragraph: "The lease will include the PCB notification provision contained in the Environmental Protection Provisions (Enclosure 5).

COMMENT INCORPORATED.

4. Section 4 - Remediation: The choice of words in Section 4, Remediation, which reads: "Environmental contamination on the property described in this document does not present a hazard to leasing it" is confusing. I assume that the Army intended to state something like, "Environmental contamination on the property described in this document does not present a hazard to persons leasing it" or "Leasing will not interfere with any activities required in the remediation of the release or disposal of hazardous substances and/or petroleum products and their derivatives on these parcels." The Army should clarify or reword this.

COMMENT INCORPORATED (will use first suggestion).

5. The statement, "Regulators have concurred with DDMT that Buildings . . ." proceeds to list all the property in the FOSL.

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COMMENT INCORPORATED

6. Section 8, Finding of Suitability to Lease, states that requirements for light industrial use have been met. The Army should also state in this conclusion section that all requirements for residential use have been met for Parcel 2.7.

COMMENT INCORPORATED.

7. Though it is included within the Environmental Protection Provisions, we request that the Army state, in Section 8, that the leasing activities will not disrupt environmental (installation) restoration schedules and activities.

COMMENT NOTED. This type of statement should be made by the Army to regulators, not to a future lessee.

8. The Army should provide assurances that the leasing activities will not substantially delay any necessary response action at the property. Further, restrictions should be placed on the use necessary to ensure that required remedial investigations, response action, and oversight activities will not be disrupted. The facility should also commit itself to provide prospective tenants, as well as the EPA, notice of the results of ongoing investigations, if any.

COMMENT NOTED. We believe that the proactive nature of the BRAC Cleanup Team and the environmental protection provisions provide this assurance.

9. The 'Environmental Restoration, Defense, provision in the Department of Defense Appropriations Act of 1993 (H.R. 5504, 102d Cong.) provides that if DoD transfers or leases real property to a state or the political subdivision of a state, the U.S. shall hold harmless, defend and indemnify the State or political subdivision from all claims, demands, losses, damages, liens, liabilities, injuries deaths, penalties, fines, lawsuits and other proceedings, judgments awards and costs and expenses arising out of, or in any manner predicated upon, the presence, release or threatened release of any hazardous substance, pollutant or contaminant resulting from DoD activities, including the activities of any lessee, licensee or other person on the property during any time that the property was under DoD control. The FOSL does not indicate the existence of such a provision, but it is a statutory imperative, that the lease agreement include such a provision

COMMENT NOTED. The suggested language is provided in the Master Interim Lease (sub-paragraph 15d). The proper reference is the DoD Authorization Act of 1993, not Appropriations Act.

10. Enclosure 2, Category 1 Areas, Parcels 6.3, 9.2, 9.4, 9.5, 10.4, 10.6, 11.3 and 11.4: These parcels have been categorized as Category 1 areas. The description contained in Column 4- Remedial Actions of Enclosure 2 (Table 1 - Description of Property) did not indicate which of these eight parcels/buildings did, in fact, undergo sampling for fumigants. The last sentence in each parcel description stating that "Therefore, the performance of industrial and/or commercial

Enclosure 6

Regulatory/Public Comments and Responses for FOSL 7

operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment" is, thus, a conclusion unsupported in the language of the document. The language in the property descriptions (and the language to the extent it is duplicated in Enclosure 3 (Table 2 - Notification of Hazardous Substance Storage, Release or Disposal)) should be revised and/or augmented to support the conclusion.

COMMENT NOTED. If the recurring statement is causing confusion, it may be deleted. Disclosure of fumigation is not required as is Lead Based Paint or Asbestos. The BCT, including the EPA, elected to sample a representative number of buildings that were either potentially fumigated with pesticides or had stored hazardous materials. Upon examination of these representative samples, the BCT concluded that there were no impacts that would pose unacceptable risks to future occupants. A footnote to Tables 1 and 2 will be made to explain the BCT's approach.

11. Please note that the protection language should be stated in the affirmative, i.e., "will not pose an unacceptable risk to human health or the environment" should be revised to read "will be protective of human health and the environment."

COMMENT NOTED. The Army does not agree with the proposed change because the term "protective" indicates steps being actively taken to protect human health. This is typically not the case. The BCT's review of parcel information merely indicates that there are no unacceptable sources of "environmental" risk.

12. Enclosure 2, Category 2 Areas, Parcel 33.11: There is an apparent discrepancy in the description of the release at this parcel. Section 3.3.1 states that "There is evidence that petroleum or petroleum products were released at. . . Parcel 33.11 outside of Building 756. It is assumed, unless otherwise noted, that the releases were in excess of 55 gallons. The release of petroleum products was either remediated at the time of the release or is currently under evaluation as part of the installation remediation program" In contrast, Section 3.3.2 states, "There is evidence of petroleum product releases at parcel 33.11, but at levels that do not require cleanup." Further, Column 4-Remedial Actions, Enclosure 2 (Table 1 - Description of Property) reads: "There have been no documented releases for either tank, nor was there any evidence of disposal or migration of petroleum products from adjacent property. . . Results indicated less than 20 ppm of total petroleum hydrocarbons; no further remediation was required." The Army should clarify which statement accurately depicts the situation at Parcel 33.11. Furthermore, the Army should strike any references to "releases in excess of 55 gallons." CERFA makes no such reference to minimum reportable quantities of hazardous materials or petroleum products.

COMMENT INCORPORATED/NOTED. Text in Sections 3.31 and 3.32 will be changed accordingly. The reference to 55 gallons will be retained.

13. Also the protection language in column 4-Remedial Actions of Enclosure 2 (Table 1 - Description of Property) and the language as it is duplicated in Column 4-Remedial Actions of Enclosure 3 (Table 2 - Notification of Hazardous Substance Storage, Release or Disposal) should

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Regulatory/Public Comments and Responses for FOSL 7

be revised from "will not pose an unacceptable risk to human health or the environment" to read "will be protective of human health and the environment."

COMMENT NOTED. REFER TO COMMENT RESPONSE # 11.

14. Enclosure 2, Category 3 Areas, Parcels 6.2, 6.4, 9.3, 10.1, 10.5, 11.2 and 32.1: These parcels have been categorized as Category 3 areas. The description contained in Column 4-Remedial Actions of Enclosure 2 (Table 1 - Description of Property) did not indicate which of these seven parcels/buildings did, in fact, undergo sampling for fumigants. Thus, the last sentence in each parcel description stating that "Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment" is, thus, a conclusion unsupported in the language of the document. The language in the property descriptions (and the language to the extent it is duplicated in Enclosure 3 (Table 2 - Notification of Hazardous Substance Storage, Release or Disposal)) should be revised and/or augmented to support the conclusion.

COMMENT NOTED. REFER TO COMMENT RESPONSE # 10.

15. The protection language in column 4-Remedial Actions of Enclosure 2 (Table 1 - Description of Property) and the language as it is duplicated in Column 4-Remedial Actions of Enclosure 3 (Table 2 - Notification of Hazardous Substance Storage, Release or Disposal) should be revised from "will not pose an unacceptable risk to human health or the environment" to read "will be protective of human health and the environment."

COMMENT NOTED. REFER TO COMMENT RESPONSE #11.

16. Enclosure 2, Parcel 7.2: The description contained in Column 4-Remedial Actions of Enclosure 2 (Table 1 - Description of Property) did not indicate whether the parcel/building did, in fact, undergo sampling for fumigants. The last sentence in each parcel description stating that "Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment" is, thus, a conclusion unsupported in the language of the document. The language in the property descriptions (and the language to the extent it is duplicated in Enclosure 3 (Table 2 - Notification of Hazardous Substance Storage, Release or Disposal)) should be revised and/or augmented to support the conclusion.

COMMENT NOTED. REFER TO COMMENT RESPONSE # 10.

17. The protection language in column 4-Remedial Actions of Enclosure 2 (Table 1 - Description of Property) and the language as it is duplicated in Column 4-Remedial Actions of Enclosure 3 (Table 2 - Notification of Hazardous Substance Storage, Release or Disposal) should be revised from "will not pose an unacceptable risk to human health or the environment" to read "will be protective of human health and the environment."

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Regulatory/Public Comments and Responses for FOSL 7

COMMENT NOTED. REFER TO COMMENT RESPONSE # 11.

18. Enclosure 2, Parcel 12.2: The description contained in Column 4-Remedial Actions of Enclosure 2 (Table 1 - Description of Property) did not indicate whether the parcel/building did, in fact, undergo sampling for fumigants. The last sentence in each parcel description stating that "Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment" is, thus, a conclusion unsupported in the language of the document. The language in the property descriptions (and the language to the extent it is duplicated in Enclosure 3 (Table 2 - Notification of Hazardous Substance Storage, Release or Disposal)) should be revised and/or augmented to support the conclusion.

COMMENT NOTED. REFER TO COMMENT RESPONSE # 10.

19. The protection language in column 4-Remedial Actions of Enclosure 2 (Table 1 - Description of Property) and the language as it is duplicated in Column 4-Remedial Actions of Enclosure 3 (Table 2 - Notification of Hazardous Substance Storage, Release or Disposal) should be revised from "will not pose an unacceptable risk to human health or the environment" to read "will be protective of human health and the environment."

COMMENT NOTED. REFER TO COMMENT RESPONSE # 11.

20. Enclosure 2, Parcel 32.2: The protection language in column 4-Remedial Actions of Enclosure 2 (Table 1 - Description of Property) and the language as it is duplicated in Column 4-Remedial Actions of Enclosure 3 (Table 2 - Notification of Hazardous Substance Storage, Release or Disposal) should be revised from "will not pose an unacceptable risk to human health or the environment" to read "will be protective of human health and the environment."

COMMENT NOTED. REFER TO COMMENT RESPONSE #11.

21. Parcels 2.7 and 7.1: Parcel 2.7 and 7.1 have been categorized as Category 6 areas, indicating "[a]reas where release, disposal and/or migration of hazardous substances has occurred, but required actions have not yet been implemented." The statement made in the FOSL that "[a]ppropriate health and safety measures will be implemented during all remediation activities to ensure the protection of human health and the environment," is consistent with the Army's requirements. The Army should, however, back up this statement with the specific measures that will effect this protection, both in the Lease and in the final FOSL. EPA does not concur with a finding of suitability to lease these parcels until the removal or remediation close-out documents have been furnished, reviewed and approved by EPA.

COMMENT NOTED. The Army believes the lease restriction in the Master Interim Lease and any subsequent FOSLs is adequate. The EPA participates actively through the BRAC Cleanup Team to make and oversee the cleanup decisions.

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Regulatory/Public Comments and Responses for FOSL 7

22. Enclosure 2, Parcel 2.7: Parcel 2.7 is comprised of the open land surrounding buildings 176, S178, 179, 181, S183 and 184, which were discussed in the FOSL #1. The use proposed for the buildings is residential. The language in Column 4-Remedial Actions of Enclosure 2, Table 1 (Description of Property), which is duplicated in Column 4-Remedial Actions of Enclosure 3, Table 2 (Notification of Hazardous Substance Storage, Release or Disposal), stating "Therefore, the performance of industrial and/or commercial operations at this site in accordance with the Lease Restrictions will not pose an unacceptable risk to human health or the environment" should be revised to express its intended use as residential.

COMMENT INCORPORATED. Text will be changed as indicated.

23. The protection language should be revised from "will not pose an unacceptable risk to human health or the environment" to read "will be protective of human health and the environment," and, further, should be protective of residential use, not merely industrial and/or commercial use.

COMMENT NOTED. REFER TO COMMENT RESPONSE #11.

24. Enclosure 2, Parcel 7.1: The protection language should be revised from "will not pose an unacceptable risk to human health or the environment" to read "will be protective of human health and the environment."

COMMENT NOTED. REFER TO COMMENT RESPONSE # 11.

25. Parcels 11.1, 12.1 and 24.3: These parcels have been placed in Category 7 which indicates "[a]reas that are not yet evaluated or require additional evaluation." In all parcels sampling indicated a release of some type above BCT screening criteria. As with the Category 6 parcels, we should request that they provide the language describing the specific measures which they intend to employ to ensure the protection of human health and the environment during the remediation process, both in the Lease and in the final FOSL.

COMMENT NOTED. Inclusion of the suggested language is impossible until the BCT, including the EPA, can select remedial alternatives.

26. The final sentence in Column 4-Remedial Actions, Enclosure 2 (Table 1 - Description of Property) and its counterpart in Enclosure 3, beginning with "Therefore, . . ." is conclusory without support in the language. The descriptions should be revised and/or augmented to support the conclusion.

COMMENT NOTED.

27. The protection language should be revised from "will not pose an unacceptable risk to human health or the environment" to read "will be protective of human health and the environment."

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Regulatory/Public Comments and Responses for FOSL 7

COMMENT NOTED. REFER TO COMMENT RESPONSE # 11.

28. Enclosure 5 - Environmental Protection Provisions, Paragraph 16: The following language was used in FOSL 6, but was omitted from this FOSL. It seems we should err on the side of protection since we do have a proposed residential use as a facility for housing the homeless. If there is no technical reason why the following language was omitted, EPA requests the inclusion of the following language at the end of paragraph 16(a). "Lead from paint, paint chips and dust can pose health hazards if not managed properly. Such property 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, including learning disabilities, reduced intelligence quotient, behavioral problems and impaired memory. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to lease."

COMMENT NOTED. Do not concur. There are no residential units in this FOSL, and the four units from FOSL 1 are being abated this fall. The perspective lessee is fully informed of the BCT's abatement plan. The perspective lessee has also conducted an independent LBP survey.

29. Enclosure 5, Paragraph 18: Paragraph 18 from FOSL 6 has been entirely omitted from FOSL 7. We request the inclusion of the following language, is based on a presumption that there is not a supportable technical rationale for its exclusion:

18. NOTICE OF POLYCHLORINATED BIPHENYLS (PCBs) EQUIPMENT AND COVENANT:

(a) The Lessee is hereby informed and does acknowledge that equipment containing polychlorinated biphenyls (PCBs) might exist (overhead light ballasts) on the Property, as described in the final base-wide EBS. All PCB-containing equipment has been properly labeled in accordance with applicable law and regulation. Any PCB contamination or spills related to such equipment has been properly remediated prior to execution of the Lease. The PCB equipment does not currently pose a threat to human health or the environment.

(b) Upon request, the Army agrees to furnish to the Lessee any and all records in its possession related to such PCB equipment necessary for the continued compliance by the Lessee with applicable laws and regulations related to the use and storage of PCBs or PCB-containing equipment.

(c) The Lessee covenants and agrees that its continued possession, use and management of any PCB-containing equipment will be in compliance with all applicable laws relating to PCBs and PCB-containing equipment, and that the Army assumes no liability for the remediation of PCB contamination or damages for personal injury, illness, disability, or death to the Lessee, its successors or assigns, sublessees or to any other person, including members of the general public, arising from or incident to sue, handling, management, disposition, or other activity causing or leading to contact of any kind whatsoever with PCBs or PCB-containing equipment, whether the Lessee, its successors or assigns have properly warned or failed to properly warn the individual(s)

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insured. The Lessee agrees to be responsible for any remediation of PCBs or PCB-containing equipment found to be necessary from its use or possession during the term of the Lease. This section and the obligations of the Lessee hereunder shall survive the expiration or termination of this lease and any conveyance of the Leased Premises to Lessee.

If this paragraph is inserted, the paragraphs originally numbered 18 through 20 should be renumbered paragraphs 19 through 21.

COMMENT INCORPORATED. Will include covenant in lieu of explaining rational for omission.

30. The FOSL is acceptable as drafted save for its draft status and the fact that it must meet the below delineated criteria in order to comport with DoD guidance and applicable Laws. The final FOSL will not refer to releases of "reportable quantities" of hazardous materials or "greater than 55 gallons of petroleum products" or any other minimum amounts not specifically noted in CERCLA paragraph 120.

COMMENT NOTED. Army approved guidance language requires these statements. No other source or requirement prohibits these statement.

31. Prior to final submission of comments on the FOSL, final documents must be provided, as well as a copy of the attendant, proposed lease.

COMMENT NOTED. DO NOT CONCUR - There are no proposed subleases at this time. The Depot Redevelopment Corporation will provide EPA and TDEC subleases upon their completion. The Master Interim Lease currently in place is being provided again.

32. The final lease must provide notice of duration and quantity of hazardous substance released, disposed or stored.

COMMENT NOTED. Existing tables and text are acceptable.

33. Correction of the appropriate uses of the property to include residential use for Parcel 2.7, and inclusion of a statement that all requirements for residential use have been met.

COMMENT INCORPORATED.

34. Listing of the specific lease restrictions.

COMMENT NOTED. The specific lease restrictions are provided in the Master Interim Lease and in the FOSL.

35. Description of specific measures which will be taken to ensure that any future remediation activities will not be disrupted, both in the FOSL and Lease.

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COMMENT NOTED. This provision is in the Master Interim Lease and in FOSL 7 as Environmental Protection Provision Number 7.

36. Description of specific "appropriate health and safety measures" to ensure the protection of human health and the environment during remediation activities, both in the FOSL and Lease.

COMMENT NOTED. Health and Safety measures are planned and implemented per Army Regulations and OSHA requirements. The BCT oversees this work.

37. Hold harmless statement consistent with ER,D 1993 for leasing to a state or any political subdivision of a state.

COMMENT NOTED. This statement is provided in Master Interim Lease paragraph 15D.

38. Complete notice of all hazardous substances, as identified in the FOSL and EBS, must be given in the lease/contract.

COMMENT NOTED. Existing tables and text are acceptable.

39. DoD completes removal activities on the Category 6 parcels.

COMMENT NOTED. The Army has the right to lease Category 6 parcels prior to completion of all removal activities.

40. If the military chooses not to respond to these comments, EPA should consider characterizing our comments as "unresolved regulatory comments" pursuant to DoD policy on FOSLs, and have said comments placed as an attachment to the lease agreement.

COMMENT NOTED. EPA, TDEC and public comments and the resulting responses are included in final FOSLs.

41. EPA requests executed leases by the lessee to ensure the inclusion of any unresolved regulatory comments and in order to properly augment our records.

COMMENT NOTED. This provision is included in the Master Interim Lease and is the responsibility of the Depot Redevelopment Corporation.

42. DoD should be placed on notice that their failure to comply with the above-delineated CERCLA requirements, may subject the Facility to citizen suits under CERCLA § 310 for "...failure to perform specified, non-discretionary duties."

COMMENT NOTED.

1. Paragraph 3.2, page 3, lines 6-9: Change "It is assumed, unless otherwise noted, that these releases were in excess of the 40 CFR Part 373 reportable quantities. The release of hazardous substances was either remediated at the time of the release or is currently under evaluation as part of the installation restoration program." to "Existing records do not support the determination that releases exceeded the 40 CFR Part 373 reportable quantities unless otherwise noted. The release of hazardous substances was either remediated at the time of the release or is currently under evaluation as part of the installation restoration program."

COMMENT INCORPORATED.

HQ DLA, CAAE (Karen Moran)

1. Page 3, first line, add colon so it reads "substances were released in: buildings 249,and 835; the open land....." in order to make it clearer where the list starts.

COMMENT INCORPORATED.

2. Page 3, first para, 3rd line from end, sentence beginning "These activities...." Doesn't this simply restate Provision #14? Is this intentional? (That is OK, it is an important point, just checking to see if that is the intention.) Same comment applies in other paragraphs.

COMMENT NOTED. EPA required this language prior to approving the "no risk to human health or the environment" language.

3. Page 3, 2nd para first line, delete "in excess of 55 gallons" as this is covered in the third sentence, or reword in some other way to make clear whether we are stating that it Was in excess or if we are simply saying that we assume it was in excess.

COMMENT INCORPORATED. Removed the third sentence, "It is assumed this storage was in excess of 55 gallons."

4. Page 3, third paragraph. Should we simplify the beginning and increase initial comprehension by stating that none of the Bldg 770 tanks had releases (we could of course still follow this up with the listing)?

COMMENT INCORPORATED.

5. Page 4, section 3.4. Should the Bldg 770 spill in table 3, encl 4, be mentioned?

COMMENT NOTED. Section 3.4 included the following description of the spill: "On July 9, 1990, a 50-gallon PCB-containing liquid spill was reported at Building 770. The Spill Team

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HQ DLA Legal

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responded, applied absorbent, excavated all stained soil and removed soil and absorbent to the appropriate disposal facility."

6. Page 6, first paragraph. In addressing the asbestos provisions, should we specify provision 17 as we specified provision 14 earlier? Same comment applies in subsequent paragraphs.

COMMENT NOTED. In the Hazardous Substance section, EPA required the Provision 14 language regarding no excavation to be able to say there would be no risk to human health and the environment. Provision 17 does not provide a basis for no risk.

7. Page 7, last paragraph. The last sentence is very long and more confusing than it needs to be – suggest rewording so it starts with the "Regulators have concurred that the following do not pose risks above.....Provisions: " followed by the long list.

COMMENT INCORPORATED.

8. Encl 1 - This 2 page map is excellent for clearly summarizing parcels in a confusing set.

COMMENT NOTED.

9. Encl 2, page 3 (Generic comment that applies to other sections), first section, fifth sentence. Reword to indicate simply what category the parcel should be, not that it was changed, using "should be" instead of "should change to."

COMMENT NOTED. Parcel began process as an ECP Category 7 and was changed to a 3. Changed sentence to read: "At the June (or October, as appropriate) 1998 meeting, the BCT agreed this parcel should change from an ECP Category 7 to a Category 3 (or 4, as appropriate)."

10. Encl 2, page 4, first section. The statement about the BCT changing the ECP category begs the question of what the rationale was for disregarding the note in the EBS about the acid stains. Suggest adding something. (Generic comment where this instance is repeated in other sections.)

COMMENT NOTED. The BCT did not "disregard" the statement regarding acid stains. The BCT agreed on a Category 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.) instead of a Category 1 due to the acid staining.

11. Encl 2, page 5, second section, first sentence. Give some explanation of what impregnite is, i.e., a fire retardant, a pesticide, etc.

COMMENTED INCORPORATED.

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12. Encl 2, page 6, first section. The hydrofluoric acid spill is covered in more detail than most – is this necessary? {this comment also applies to encl 3, page five second section.} Also add the footnote # 1 at the end, as was done in the next sections.

COMMENT NOTED. Records indicate a release of an unknown amount of hydrofluoric acid. In order to avoid reportable quantity questions, more information regarding this release was provided. Footnote #1 pertains to areas where a decision that further action, whether removal or further investigation, is necessary.

13. Encl 2, page 7, last section, last sentence. Why is it relevant to address performing industrial/commercial operations when the area is to be used for residential purposes? Will this be an interim use?

COMMENT NOTED. Changed to “residential land use.”

14. Encl 3, page 1, first section, last sentence – same comment as directly above.

COMMENT NOTED. Changed to “residential land use.”

15. Encl 3, page 2. Once again, the three references to XXCC-3 or impregnite need some explanation.

COMMENT INCORPORATED.

16. Encl 3, page 4, last section. Wouldn't it be better to say that the BCT determined that no further action was required at this parcel, as in earlier sections?

COMMENT INCORPORATED.

17. Encl 3, page 6, 4th sentence from the end. Reword to read "no further action is required FOR THAT AREA." (Caps added for emphasis only.)

COMMENT INCORPORATED.

Department of Army Comments

AMC (John Farrar)

1. Paragraph 1. At the end of the first sentence it reads “or residential (Parcel 2.7).” Suggest adding the word “only” after the 2.7 to reinforce the fact that it is only in this one parcel where residential will be allowed.

COMMENT INCORPORATED.

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2. Paragraph 2. In some cases (not all), the description defines the land around the buildings as a number such as 7, 12, 11, etc. However, it is my understanding that the entire parcel has this designation (including building) and that the land around the building is called 7.1, 12.1., 11.1, etc. Need to refer to parcels in the same manner to prevent confusion.

COMMENT INCORPORATED.

3. Paragraph 3.1. Is parcel 33.11 a portion of Parcel 33.1 which has been defined separately to be the portion of land that will go with the 1000-gallon fuel tank? -

COMMENT NOTED. Parcel 33.11 is the parcel that contains the fuel tank. The additional references to the parcel in that line will be removed.

4. Paragraph 3.1. At Parcel 32.1 we say "Open land area in Parcel 32.1...." Yet, in Parcel 7.1, 2.7, 11.1 and 12.1 we say "Open land area in Parcel 7...", etc. Why the difference?

COMMENT NOTED. Parcels 7.1, 2.7, 11.1 and 12.1 are the land areas that when added with the buildings make up Parcels 7, 2, 11 and 12. Parcel 32 includes land areas other than Parcel 32.1, for example Parcel 32.2 (which is not in this FOSL) that also contains land areas in Parcel 32, but not in Parcel 32.1. Parcel 32.1 is strictly the land area north and west of Building 835. The second reference to 32.1 in this line will be removed.

5. If any changes are made in the description of the property in the paragraph above, we need to reflect the same changes in paragraph 3.2

COMMENT INCORPORATED.

6. Paragraph 3.3.2. At the beginning of the first sentence I would change it to read as follows: "In Parcel 24.3, outside of Building 770,"

COMMENT INCORPORATED.

7. Paragraph 3.3.2. At the beginning of the second sentence I would change to read as follows: "In Parcel 33.11, outside of Building".

COMMENT NOTED. The second sentence deals with the Building 770 USTs/ASTs. The third sentence begins as requested.

8. Paragraph 3.5. Building 249 - I assume that the Marble Floor Tile does not have asbestos but rather the mastic that holds them to the floor. If this is the case, revise to reflect.

COMMENT NOTED. The floor tiles also contain asbestos. The term "marble" is associated with the color, not the material.

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9. Paragraph 3.5. Building 250 - Do we know what type of floor tiles?

COMMENT NOTED. The color was not reflected in the Asbestos Survey.

10. Paragraph 3.5. Building 349 - Do we know what type of floor tiles?

COMMENT NOTED. The color was not reflected in the Asbestos Survey

11. Paragraph 3.5. Building 449 - Assume it is the mastic that is holding down the marble tiles and not the marble itself?

COMMENT NOTED. The mastic did not meet the definition of asbestos containing materials. The floor tiles also contain asbestos. The term "marble" is associated with the color, not the material.

12. Paragraph 3.5. Building 549 - Assume the mastic should also be listed as having asbestos?

COMMENT NOTED. The mastic did not meet the definition of asbestos containing materials.

13. Paragraph 3.5. Building 629 - Should mastic be listed along with the floor tiles?

COMMENT NOTED. The mastic did not meet the definition of asbestos containing materials.

14. Paragraph 3.5. Building 630 - Add mastic to floor tile?

COMMENT NOTED. The mastic did not meet the definition of asbestos containing materials.

15. Paragraph 3.5. Building 649 - Add mastic to floor tile?

COMMENT NOTED. The mastic did not meet the definition of asbestos containing materials.

16. Paragraph 3.5. Building 770 - Add mastic to floor tile?

COMMENT NOTED. The mastic did not meet the definition of asbestos containing materials.

17. Should Building 835 be shown on this list? I ask because all other buildings are listed except for 835.

COMMENT NOTED. No asbestos containing materials were identified in Building 835. This section lists only buildings with asbestos containing materials.

18. Paragraph 3.6. It states that only two of the buildings were built prior to 1978. However, the Description of Property at Enclosure 2, Table 1 shows that the majority of the buildings were built prior to 1978.

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COMMENT INCORPORATED.

19. Paragraph 3.7. I would leave out the word "surrounding" in this sentence. It makes it sound like a statement is being made about the land outside of the area that FOSL 7 is for.

COMMENT NOTED. Did not identify the word "surrounding" in Paragraph 3.7. Did identify it in Paragraph 3.9 Unexploded Ordnance, and made the revision there.

20. Paragraph 4. In the second sentence it states: "In addition, environmental conditions on adjacent property do not present a hazard to the leasing of the property." Can we make this statement when (1) Some of the adjacent property is outside of the control of the Army; (2) I doubt if a FOSL has been done for all of the adjacent property. If we need to make this statement, we need to provide the necessary documentation to support it.

COMMENT NOTED. This language is from Army's FOSL guidance. If Army Materiel Command requires a change in this language, please provide alternate language.

21. Paragraph 5. Make a positive statement in the second sentence. These issues will be resolved prior to the execution of this document.

COMMENT INCORPORATED.

22. Enclosure 1. Change this section to match any changes that are made to descriptions of property, etc.

COMMENT INCORPORATED.

23. Enclosure 1. In some of these descriptions it states "Parcel 7.1 includes the open land area in Parcel 7 surrounding Building 249." This makes it sound like it is something more than the land surrounding the building. Also, I thought the parcel itself was being described as 7.1, so why are you referring to Parcel 7? It goes further to say, "Parcel 7.2 includes Building 249 only." Is not Parcel 7.2 Building 249? Therefore, what else could it include? It may be clearer to say "Parcel 7.2 (Building 249)."

COMMENT NOTED. This language came about from comments on earlier FOSLs to avoid confusion regarding exactly what each parcel contained. Think of Parcel 7 as the umbrella covering Parcels 7.1 and 7.2. Parcel 7.1 is only the land in Parcel 7, not land in Parcels 6 or 8 which are adjacent to Parcel 7, and that surround the building, which is Parcel 7.2. Parcels 7.1 and 7.2 make up the entire Parcel 7, which is different from Parcels 6 and 8. The references to the "umbrella" parcels will be eliminated.

24. Enclosure 2, Table 1. Same statement as above where the word "includes" is used.

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COMMENT NOTED.

25. Enclosure 2, Table 1. In Parcel 9.4, strike out the word "for" under Building Number and Property Description.

COMMENT INCORPORATED.

26. Enclosure 2, Table 1, Parcel 33.11 - In the fourth sentence under Remedial Actions we state "... no documented releases...nor was there any evidence of disposal or migration of petroleum products from adjacent property." Does this need to be stated? We have certainly had releases from adjacent property within DDMT. Also this is talking about migration "from" adjacent property, not "to" adjacent property.

COMMENT NOTED. In order to consider this parcel a category 2, the statement must be made that no other petroleum products or hazardous substances have impacted this parcel, either from releases, disposal or from migration to this parcel from other adjacent parcels where disposal or releases may have occurred.

27. Enclosure 2, Table 1, Parcel 7.2 - Under Remedial Actions, the Category 3 (fourth line from bottom) should be a Category 4.

COMMENT INCORPORATED.

28. Enclosure 2, Table 1, Parcel 12.2 - I assume 12.2 is Building 629. If that is the case, do we need the third sentence from the bottom that speaks to the ground surrounding Building 629? This should be under Parcel 12.1 that is the ground surrounding 629.

COMMENT NOTED. The tenant should be aware that the land surrounding the building is part of the restoration program and will undergo further evaluation that may result in a remedial action. Therefore, the information regarding the land surrounding the building should be included in the building's description.

29. Enclosure 2, Table 1, Parcel 7.1. Based upon the text under Remedial Actions, this parcel should be a Category 7 instead of Category 6.

COMMENT NOTED. The BRAC Cleanup Team concurred that this area contained a "hotspot" associated with restoration program site 70, All Railroad Tracks, and will probably undergo some type of remedial action. Even though the parcel will be further evaluated, some type of action will probably occur.

30. Enclosure 2, Table 1, Parcel 2.7. Since work has already begun on removing the topsoil, it would appear that this should be a Category 5 instead of Category 6.

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COMMENT NOTED. This action has since been completed. The BRAC Cleanup Team expects this parcel to change to a category 4 upon receipt and acceptance of the post removal report in November/December.

31. Enclosure 3. Some of the parcels say building "only" instead of "includes" as shown in Enclosure 2. Need to confirm which is correct and be consistent.

COMMENT INCORPORATED.

32. Enclosure 3, Parcel 12.2. Should the sentence regarding the land surrounding Building 629 be deleted since it does not apply to this parcel and is covered where the land surrounding the building is addressed.

COMMENT NOTED. The tenant should be aware that the land surrounding the building is part of the restoration program and will undergo further evaluation that may result in a remedial action. Therefore, the information regarding the land surrounding the building should be included in the building's description.

33. Enclosure 5. The last sentence on page 6 - Is this really what we want to say? Perhaps this is OK with the SHPO but I would think the Army would always want to have to give a response, positive or negative. Perhaps this needs to be discussed further.

COMMENT INCORPORATED. Revised text to concur with the Memorandum of Agreement concerning historical properties at the former Defense Distribution Depot Memphis, Tennessee signed by the Department of Army, Advisory Council on Historic Places and the Tennessee State Historic Preservation Officer.

DAIM-BO Comments

1. FOSL #7 is legally sufficient. We recommend, however, that the following changes be made.

COMMENT NOTED.

2. Section 5 (Page 9) - Section needs to be upgraded to reflect that regulators comments were received and that some are unresolved.

COMMENT INCORPORATED. According to EPA's comments, unresolved comments would be those that we did not respond to. We have responded to all of EPA's comments; therefore, we do not consider any to be unresolved.

3. Enclosure 5, Paragraph 16. Lead-based paint warning and covenant. It appears that we have incorrectly used the "non-residential" lead-based paint warning and covenant for this FOSL. Parcel 2.7 (land surrounding the residential housing discussed in FOSL 1) is arguable residential. If the buildings in Parcel 2.7 are utilized for residential housing, the land surrounding these

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buildings, including the yards, flower beds, etc. will have impacts associated with chipping and peeling lead-based paint. To that end, we acknowledged and incorporated EPA's request that part of the property (Parcel 2.7) is residential (Enclosure 6, Page 1, Comments 2 and 33). Accordingly, the model warning and covenants for lead-based paint on residential property should be utilized.

COMMENT INCORPORATED.

Enclosure 7 References

I. The statutory and regulatory requirements relating to FOST/FOSLs are as follows:

CERCLA §120(h), 42 U.S.C. §9620(h) - Property Transferred by Federal Agencies

10 U.S.C. § 2667(f) as amended by section 2906 of the FY 94 Defense Authorization Act requiring DOD and EPA to consult on FOSL procedures

40 CFR PART 373 - Reporting Hazardous Substance Activity when Selling or Transferring Federal Real Property.

II. The DOD Guidance relating to FOST/FOSLs is as follows:

DOD Guidance on the Environmental Review Process to Reach a Finding of Suitability to Transfer (FOST) for Property Where Release or Disposal has Occurred, dated 1 June 1994.

DOD Guidance on the Environmental Review Process to Reach a Finding of Suitability to Transfer (FOST) for Property Where No Release or Disposal has Occurred, dated 1 June 1994.

DOD Policy on the Environmental Review Process to Reach a Finding of Suitability to Lease (FOSL), dated 18 May 1996.

DOD Fast Track to FOST - A Guide to Determining if Property is Environmentally Suitable to Transfer , July 1997

DOD Fact Sheet – A Field Guide to FOSL, Fall 1996

DOD Memorandum, Subject: Clarification of “Uncontaminated” Environmental Condition of Property at Base Realignment and Closure (BRAC) Installations, dated 21 October 1996

DOD Memorandum, Subject: Asbestos, Lead paint and Radon Policies at BRAC Properties, dated 31 October 1994

III. U.S. Environmental Protection Agency (EPA) Guidance

Guidance for Evaluation of Federal Agency Demonstrations that Remedial Actions are Operating Properly and Successfully Under CERCLA Section 120(h)(3), (Interim) dated August 1996

EPA Memorandum, Subject: Military Base Closures: Guidance on EPA concurrence in the Identification of Uncontaminated Parcels under CERCLA Section 120(h)(4), re-issued March 27, 1997

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References

IV. Department of the Army Guidance

AR 200-1, Environmental Protection and Enhancement, dated 21 February 1997

DAIM-BO Memorandum, Subject: Clarification of Meaning of Uncontaminated Property for Purposes of Transfer by the United States, dated 9 December 1996

V. WWW BRAC Sites

1. DOD Sites –

DOD Base Closure and Transition Office –
<http://emissary.acq.osd.mil/bctoweb/bctohome.nsf>

DOD Environmental Base Realignment and Base Closure (BRAC) Program
<http://www.dtic.mil/envirodod/envbrac.html>

DOD Base Closure and Community Reinvestment
<http://www.acq.osd.mil/iai/bccr.htm>

DOD Office of Economic Adjustment
<http://www.acq.osd.mil/oea/index.html>

2. Environmental Protection Agency

EPA OSWER Federal Facilities Base Realignment and Closure
<http://www.epa.gov/swerffrr/brac.htm>

3. Department of the Army

Army Base Realignment and Closure Office
<http://www.hqda.army.mil/acsimweb/brac/brac3.htm>

CERL BRAC/NEPA "How To" Manual
<http://www.cecer.army.mil/facts/sheets/PL19.html>

Corps of Engineers Base Realignment and Closure (Camp Bonneville)
- Good Slide Presentation of Process.
<http://www.nps.usace.army.mil/geotech/bnvl/brac95/index.htm>

Presidio of San Francisco BRAC Environmental Restoration Program
- General information as well as facts on Presidio Cleanup and Conversion
<http://www.presidiosanfran.com>

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References

4. Department of the Air Force

Air Force Base Conversion Agency
<http://www.afbca.hq.af.mil>

5. Department of the Navy

Navy NAVFAC Base Closure Site
<http://164.224.238.53:81/csohome.nsf>

Navy Facilities Engineering Command - information on Navy BRAC sites
http://www.ncts.navy.mil/homepages/navfac_es/bcp.htm

Navy Environmental BRAC News
<http://www.navy.mil/homepages/navfac/env/newslet.html>