

April 28, 2022

Brandye L. Williams, COL, GS
Chief, Army Environmental Division (DAIN-ISE)
Office of the Deputy Chief of Staff, G-9
Department of the Army
600 Army Pentagon (Suite 5C140)
Washington, DC 20310

Mr. Jason Wilson, Chief
c/o Mrs. Brandi Little
Governmental Hazardous Waste Branch Land Division
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110

Subject: Response to ADEM Comments dated April 14, 2022, regarding the *Land Use Control Effectiveness Report – 2021*; dated January 13, 2022

Dear Ms. Williams and Mr. Wilson,

On behalf of the McClellan Development Authority (MDA), Matrix Environmental Services, LLC (MES) is pleased to submit Responses to ADEM Comments dated April 14, 2022, regarding the 2021 Land Use Control Effectiveness Report; dated January 13, 2022. Also included are two copies of the revised document and a redline strike out version to assist in your review.

Please contact me at (256) 847-0780 (Anniston) or (770) 594-0331 (Atlanta) if you have any questions or require further information.

Sincerely,
MATRIX ENVIRONMENTAL SERVICES, LLC



Richard Satkin, P.G.
McClellan Program Manager

cc: Jason Odom – MDA
Lisa Holstein -Transition Force
MDA File Copy
MES File Copy

Response to ADEM Review and Comments dated April 14, 2022

RE: *Land Use Control Effectiveness Report – 2021, dated January 13, 2022*

Specific Comment 1

Page 2, Section 2.0: *The bulleted list states that one of the sites with land use controls is Training Area T-31, which includes “Parcels 184(7) and 185(7), 100Q/101Q”. Training Area T-31 is further addressed in Section 2.26. However, Parcels 100Q and 101Q are not mentioned in Section 2.26 or anywhere else in the LUCER. Please address.*

MDA Response:

Reference to 100Q/101Q has been deleted from the Section 2.0 bulleted list associated with Training Area T-31 and a new bullet has been added for Former Rifle/Machine Gun Range (Impact Area) for Parcels 100Q and 101Q. A new subsection 2.31 has been added for Former Rifle/Machine Gun Range (Impact Area) for Parcels 100Q and 101Q.

Specific Comment 2

Page 11, Section 2.20: *The document references a modified covenant that MDA submitted to ADEM for review in December 2021. The text states that “revisions to the land use restrictions would allow residential use.” Please note that since this LUCER was submitted, ADEM and MDA exchanged informal comments regarding modified covenant FY-12-04.01 and the language has been revised to state that the industrial/commercial land use restrictions remain on all 11 parcels except for a surveyed area that has been released for residential reuse. Please revise this section to incorporate the correct revision to the land use controls and update the covenant information to include the date it was filed in Probate.*

MDA Response:

No response is necessary because updated information regarding these covenants will be provided in the 2022 LUCER.

Specific Comment 3

Page 11, Section 2.21: *The text states that “revisions added Calhoun County as a co-holder of the covenant.” Please note that since this LUCER was submitted, ADEM and MDA exchanged informal comments regarding modified covenant FY-17-02.01 and the language has been revised to also include a restriction on residential use of the property. Please revise this section to incorporate the correct revision to the land use controls.*

MDA Response:

No response is necessary because updated information regarding these covenants will be provided in the 2022 LUCER.

Specific Comment 4

Page 12, Section 2.21, Paragraph 4: *The text states that MDA submitted modified covenant FY-17-04.01 to ADEM for review. Revisions will add residential use and groundwater use prohibitions to the parcels listed in the text. The text in the modified covenant also removes references to Range 23 (Parcel 79Q) and incorporates Range 29 (Parcels 87Q-X, 110Q, 111Q and 239Q-X). Please address.*

MDA Response:

Response to ADEM Review and Comments dated April 14, 2022

RE: *Land Use Control Effectiveness Report – 2021, dated January 13, 2022*

Range 23 (Parcel 79Q) is one of several ranges that comprise the Baby Bains Gap Road Ranges. Because there are sometimes multiple parcels that comprises a range each of the parcels are listed on Page 1 of the covenant revision and included on the exhibit for easier interpretation. Page 1 of the covenant revision 5th paragraph has been revised as follows:

“WHEREAS, the MDA is the owner of a portion of that certain real property known as “MRS-4” which includes portions of Parcels 83Q, 223Q, 86Q, 84Q-X, 224Q, 226Q, 79Q and 227Q collectively known as part of the Baby Bains Gap Road Ranges and portions of Parcels 239Q-X, 110Q, 111Q and 87Q-X collectively known as part of Range 29 (see Exhibit “A”, attached hereto) which is located on the grounds of the former Fort McClellan, in the City of Anniston, Calhoun County, Alabama (the "Property), which was conveyed to MDA by deed dated April 1, 2010, and recorded in the Office of the Judge of Probate for said County, Alabama, in Deed Book 3125 at Page 275; and,”

Specific Comment 5

Page 13, Section 2.21, Paragraph 1: The text states that MDA submitted modified covenant FY-18-02.01 to ADEM for review. Revisions will incorporate Range 29, add a groundwater use prohibition and add Calhoun County as a co-holder of the covenant. Range 29 is not mentioned in this covenant; however, it is included in modified covenant FY-17-04.01. Xtreme Concepts, Inc. was also added as a co-holder of the covenant. Please address.

MDA Response:

Reference to Range 29 has been deleted and Xtreme Concepts, Inc. added as an additional co-holder of the covenant.