

BRAC Talk

▲ Environmental Base Realignment and Closure News ▲

❁ Fall 1999 ❁

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Early property transfer and cleanup management innovation at FISC Oakland



Introduction

The Fleet and Industrial Supply Center (FISC) Oakland, California (BRAC 1995) closed 30 September 1998. The property was leased to the Port of Oakland on an interim basis to permit demolition of existing facilities. The Governor of California signed the Covenant Deferral Agreement on May 27th, 1999 which made it possible for the Navy to transfer all 531 acres to the Port in June 1999. Early property transfer allowed the Port to begin major construction activities sooner than would have otherwise been possible and included an Environmental Services Cooperative Agreement wherein the Port agrees to complete environmental actions on the property for a predetermined price using Navy funding.

No other closed military base in the country has achieved such an unprecedented milestone. The negotiations,

administrative process, closure and final approval of transfer were completed in six months, nearly three years ahead of schedule. A team of environmental, legal, and base conversion specialists from Engineering Field Activity West in San Bruno, California worked with the Port throughout the transfer process.

No other closed military base in the country has achieved such an unprecedented milestone.

A new cleanup management scenario allows the Port of Oakland to perform environmental cleanup while the Navy pays for it. The Navy will pay the Port an estimated \$4.4 million to complete all environmental actions necessary to achieve regulatory closure at the base.

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BRAC Talk

Environmental Base Realignment
and Closure News

Published By
NFESC



Using Appropriated Funds

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*“Early property transfer and cleanup
management innovation at FISC Oakland”
continued from page 1*



Demolition at Building 313 to make way for Port of Oakland redevelopment.

Both the Navy and the Port expect to save money through this agreement since the Port can do the clean up at the same time as they're working on construction projects. By integrating the cleanup with construction efforts, total cost for the environmental work will be considerably less than if the Navy had completed the work as a stand-alone undertaking. Additionally, the Navy transfers ownership of the property earlier thereby reducing oversight and overhead costs.

***Both the Navy and the
Port expect to save money
through this agreement.***

The cleanup management agreement

The cleanup agreement between the Navy and the Port lets the Port integrate cleanup with reuse development work. The Port will provide

limited indemnification to the Navy for post-transfer findings of contamination. Environmental closeout will be managed under an agreement between the Port of Oakland and the California Department of Toxic Substances Control (DTSC). Any long-term monitoring will be accomplished by the Port (see related story “Following the paper trail at FISC Oakland” on page 4).

The Port will integrate cleanup activities into their general reuse construction schedule. Some of the construction will actually be part of the cleanup. For example, if an area designated for reuse as a parking lot is an oil-contaminated site, the soil would be excavated to remove the contamination and to build the parking lot. Remediation and construction would be performed simultaneously, saving considerable time and money. If the same contractor performed both functions, even more money would be saved.

The property has been characterized as having relatively little contamination.

The property has been characterized as having relatively little contamination. Because of its use over the years as a complex of wharves and warehouses for storage, FISC Oakland is a relatively clean site. Most of the environmental problems came from the storage of paints, solvents and petroleum products - like most people's garages, but on a much larger scale.

Reuse

The Port's "Vision 2000" Program will provide intermodal terminal and rail facilities, roadways, public access, and a habitat mitigation planning area. Extensive demolition of the base and harbor dredging are ongoing activities in the reuse construction process.

Conclusion

Through this process, the Navy helped the Port accelerate conversion and redevelopment of this BRAC property, conveyed the property sooner and saved money. The Port of Oakland is saving time and money by integrating the cleanup with reuse construction.

The Navy is always looking for ways to save money, speed up BRAC cleanups, and get BRAC bases into the hands of communities in order to generate jobs and economic activity. "This might be an option at other Navy BRAC sites," said David Olson, head of Environmental Restoration for the Chief of Naval Operations. This venture with the Port of Oakland can serve as a model for bases around the country.

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mental News (NavENews)
#99-05 July 13, 1999
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Changes taking place at Building 711, FISC Oakland, as redevelopment gets under way.

Following the paper trail at FISC Oakland

Here is a brief description of the documents used in the Fleet and Industrial Supply Center Oakland property transfer process (see related story “Early property transfer and cleanup management innovation at FISC Oakland” on page 1).

Covenant Deferral Request

Defers Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 120(h)(3)(A)(ii)(I) requirement to complete remedial action prior to transfer; signed by Governor.

Finding of Suitability for Early Transfer (FOSET)

The public reviewed this document. It includes interim use restrictions (use of groundwater restricted, a soil management plan, a health & safety plan, and proscriptions against berthing) and requires CERCLA hazardous substances notifications.

Environmental Response Obligations Addendum (EROA)

The public reviewed this document. It covers FOSET restrictions, CERCLA Response Action Assurances, and Covenants and Assurances (Deed, Consent Agreement, Cooperative Agreement, and port demolition and remediation contracts).

Environmental Services Cooperative Agreement

This agreement describes the Port’s responsibilities in completing the environmental program. The Port signs Remedial Action Plans, sets up institutional controls, implements remedies, and performs long-term management of the cleanup. The Navy will pay the Port at defined task and milestone stages. In order to maintain control of construction schedules for their \$700 million Vision 2000 project, the Port offered to indemnify Navy for unforeseen contamination at the site during the

construction period. The Port plans to obtain pollution liability and remediation cost overrun insurance. In order to reduce the cost of such insurance for the Port, the Navy will continue to be responsible in the highly unlikely event that the Port encounters unexploded ordnance, hazardous radiological or post-transfer findings of “catastrophic” proportions. After the construction period, traditional Navy indemnification is provided by incorporation of CERCLA Section 330 “Louisville Lite” language (see <http://www.nfesc.navy.mil/enviro/ps/pmill/> and *BRAC Talk* Winter 1998, page 3, “Covenants and indemnification in property transactions”). A Warranty and CERCLA covenant will be issued upon completion of environmental program.

Quitclaim Deed

Agreement for Transfer of Property

This is the binding document for the Quitclaim Deed, Cooperative Agreement and the Consent Agreement. It ties in the Covenant Deferral approval and restates response assurances. It also addresses miscellaneous provisions such as transfer of personal property, termination of the lease, and interim management of the sanitary sewer serving the city of Alameda that crosses the FISC Oakland site.

Consent Agreement (Port of Oakland and California Department of Toxic Substances Control)

This agreement defines the response action process, lists tasks and schedule commitments and includes a draft land use covenant and environmental restriction agreement.

CERCLA Response Action Assurances

Four CERCLA Response Action Assurances are fulfilled as follows:

- ① Provide for necessary restrictions on the use of the property to ensure protection of human health and the environment.

Done! In this case, the Consent Agreement provides groundwater and residential use restrictions. The Cooperative Agreement provides interim measures for groundwater, residential, berthing, and soil management restrictions, and placement of institutional controls.

- ② Provide that there will be restrictions on use necessary to ensure that required remedial investigations, response action, and oversight activities will not be disrupted.

Done! The Deed provides proscriptions against disruption of remedial activities.

- ③ Provide that all necessary response action will be taken and identify the schedule for investigation and completion of all necessary response action as approved by the appropriate regulatory agency.

Done! The Cooperative Agreement has requirements for completion of the environmental program. The Consent Agreement covers completion of the environmental program and a schedule for progress. The Deed contains the remediation obligation.

- ④ Provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response action, subject to Congressional authorizations and appropriations.

Done! The Cooperative Agreement contains funding assurances.

CERCLA Deferral Findings

Four CERCLA Deferral Findings are outlined below.

- ① The property is suitable for transfer to the use intended by the transferee, and the intended use is consistent with the protection of human health and the environment.

Yes! The Finding of Suitability for Early Transfer (FOSET) was signed 19 April 1999.

- ② The deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains [the response action] assurances.

Yes! All of the following contain these assurances: Deed, Cooperative Agreement, Consent Agreement, Agreement for Transfer.

- ③ The Federal agency requesting deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the suitability of the property for transfer.

Yes! Notice was published in the Oakland Tribune on 6 February 1999. The public comment period was 9 February 1999 to 11 March 1999.

- ④ The deferral and the transfer of the property will not substantially delay any necessary response action at the property.

Yes! The Deed contains assurances against disruption; the Consent Agreement contains schedules and a coordination process with DTSC.

BRAC Surfing

SOUTHDIV BRAC website

<http://204.4.86.119/disposal>
(SOUTHDIV Intranet)

Contains timelines for environmental cleanup and disposal at SOUTHDIV BRAC bases. Each parcel on each site is organized so that the environmental and disposal schedules can be seen and evaluated side by side

Get on the BRAC track

<http://navfacilitator.navfac.navy.mil/brac/default.htm>
(NAVFAC Intranet)

Anyone with access to the Naval Facilities Engineering Command (NAVFAC) Intranet, the NAV*FACilitator, should visit this new BRAC Office site.

New EPA newsletter

<http://www.epa.gov/swerffir/>
(EPA Internet)

Check out EPA's newsletter "**Partners In Progress**", from the Federal Facilities Restoration and Reuse Office. The October 1998 issue has an interesting article about EPA's involvement with Naval Air Facility Adak, Alaska (BRAC 1995). (Scroll down the page if you don't see "**Partners In Progress**" on your screen.)

Got a minute?

<http://navfacilitator.navfac.navy.mil/env/ir.htm>
(NAVFAC Intranet)

Minutes from the **Quarterly IR Teleconferences** are posted here. This one hour forum allows Navy Remedial Program Managers (RPMs) and Remedial Technical Managers (RTMs) to interact with their counterparts throughout the Navy's family of engineering field divisions (EFDs) and engineering field activities (EFAs). There is a comprehensive list of past topics for you to browse through.

Stand firm for the "Long Term"

<http://www.nfesc.navy.mil/enviro/ps/raoltm/index.html>
(NFESC Internet)

This is the new web site for the Navy and Marine Corps **RAO/LTM Work Group** (Remedial Action Operations and Long Term Monitoring).

How to dispose of non-BRAC property properly

http://web2.xservices.com/newmip/mip_newhomefront.asp
Provider - General Services Administration
Topic - Military Property Disposal

We listed this site in our Spring 1999 issue, but it has a **new address** now. The Homepage says "This site was developed to provide interested parties in military properties with updated information regarding disposal developments in your local communities. These properties, while similar to full size military bases are being disposed of in accordance with the Federal Property Act of 1949, not the modified disposal process utilized for Base Realignment and Closure (BRAC) property."

The report card on the Navy Yard

<http://www.hqconstruction.com/index.htm>

Contains information on the relocation of Naval Sea Systems Command from Arlington, Virginia to the Washington Navy Yard, and the **recent improvements** made at the Washington Navy Yard.



ROD Issued for NAS Barbers Point



The Department of the Navy issued the Record of Decision (ROD) concerning disposal and reuse of Naval Air Station (NAS) Barbers Point (BRAC 1993), which is located on the island of Oahu in Hawaii. On behalf of Secretary of the Navy Richard Danzig, Deputy Assistant Secretary of the Navy William J. Cassidy Jr. presented the environmental document to Hawaii Governor Benjamin Cayetano at a ceremony on July 2, 1999 in Honolulu. The ROD is the final step in the environmental evaluation process mandated by the National Environmental Policy Act (NEPA) of 1969. NEPA requires all federal agencies to consider the impact that major federal actions, such as the disposal and reuse of NAS Barbers Point, may have on the environment. The ROD announces Navy's decision to dispose of NAS Barbers Point property in keeping with the reuse plan prepared by Hawaii and the Defense Department's community-based reuse objectives. The Navy concluded Hawaii's proposed redevelopment of the naval air station property responds to local economic conditions, promotes rapid economic recovery from the impact of the air station's closure, and is consistent with the federal government's five-part plan for revitalizing base closure communities.

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BRAC Talking

By Joyce Patterson



The **Fleet and Industrial Supply Center Oakland** is in the spotlight! We wanted to print this success story in our last issue, but had to wait until official documents were signed. It's official now, and we are happy to bring you the details. See the article "Early transfer and innovative cleanup management at FISC Oakland" on page 1, and "Following the paper trail at FISC Oakland" on page 4.

The **BRAC Cleanup Contacts list** (see insert) is included in every other issue of *BRAC Talk*. For this update, we eliminated "DIVISION" and "EFA" from Engineering Field Division and Engineering Field Activity names. BRAC bases are now listed in alphabetical order under ATLANTIC, CHESAPEAKE, NORTHERN, NORTHWEST, PACIFIC, SOUTHERN, SOUTHWEST, and WEST. The list is on the DENIX DOD menu at <http://www.denix.osd.mil/denix/DOD/Working/Closure/NAVY/bracpocs.html>

We added quite a few people to our mailing list this year from **Local Redevelopment/Reuse Authorities (LRAs) and Restoration Advisory Boards (RABs)**. We would like to hear from you so we can share your cleanup news with the rest of the Navy BRAC environmental community. If you would like to see an article about *your* base in the next issue of *BRAC Talk*, please contact:

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BRAC Installation web sites

El Toro MCAS, CA
 Long Beach Naval Complex, CA
 Salton Sea Test Base, CA
 San Diego NTC, CA
 Southern Division Intranet BRAC
 Tustin MCAS, CA

<http://www.efdswn.navy.mil/Pages/Envrnmntl.htm>
www.efdswn.navy.mil/Pages/Envrnmntl.htm
<http://www.efdswn.navy.mil/Pages/Envrnmntl.htm>
<http://www.efdswn.navy.mil/Pages/Envrnmntl.htm>
<http://204.4.86.119/disposal>
<http://www.efdswn.navy.mil/Pages/Envrnmntl.htm>

Click on Restoration Advisory Boards
 Click on Restoration Advisory Boards
 Click on Restoration Advisory Boards
 Click on Restoration Advisory Boards
 Click on Restoration Advisory Boards

Non-Navy Sites

Adak NAF, AK
 Alameda NAS, CA
 Annapolis NSWC, MD
 Cecil Field NAS, FL
 El Toro MCAS, CA
 Mare Island NSY, CA
 Mare Island NSY, CA
 Memphis NSA, TN
 Moffett Field, CA

<http://www.adakisland.com/>
<http://www.ci.alameda.ca.us/bragnet/>
<http://www.davidtaylorannapolis.com>
<http://cecilfield.com/> (until 30 October 1999)
<http://eltoroairport.org/index.html>
<http://www.geocities.com/SouthBeach/Boardwalk/5147>
<http://209.21.13.19/sites/>
http://www.zaptek.com/millington/base_reuse.html
<http://ccf.arc.nasa.gov/jf/mfa/thesite.html>
<http://www.best.com/~walterb/moffett/index.html>
http://cityinter.ci.orlando.fl.us/departments/planning_and_development/ntc.html
http://members.xoom.com/ex_Yardbird



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