

M.W.



DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

December 21, 1998

REPLY TO
ATTENTION OF:

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|-----------------------|----------------------|--------------|---------------|
| Post-It Fax Note 7671 | | Date 2-11-99 | # of pages 11 |
| To Fred Hyatt | From M. Welch | | |
| Co./Dept. | Co. | | |
| Phone # | Phone # 860-424-3034 | | |
| Fax # 203-385-6602 | Fax # | | |

Coastal Environment Section
Planning and Environmental Division

Ms. Margaret L. Welch, Senior Coastal Planning
State of Connecticut, Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, Connecticut 06106-5127

This is what Mobile District submitted
CONFIDENTIAL

Dear Ms. Welch:

Please reference previous communication with Mr. Joe Hand of my staff concerning the Coastal Zone Consistency (CZC) process for the disposal and reuse of the Stratford Army Engine Plant (SAEP) Stratford, Connecticut. This letter represents our final determination that the proposed actions (disposal of the SAEP by the U.S. Army and future reuse as determined by the SAEP Local Redevelopment Authority) are consistent with the long-term goals and policies of the Connecticut Coastal Management Program.

The SAEP was recommended for closure by the 1995 Base Realignment and Closure (BRAC) Commission and the closure was subsequently approved by Congress. The U.S. Army proposes to dispose of the SAEP and transfer property title and all Army interest to the Stratford Army Engine Plant Local Redevelopment Authority who would be responsible for future reuse of the facility. The SAEP is situated along the Housatonic River in Stratford, Connecticut (Figures 1 & 2). The exact acreage being transferred is unknown at this time but is being determined in coordination with your office and SAEP personnel.

The SAEP Local Redevelopment Authority (LRA) is comprised of the Stratford Town Council with advice from: Connecticut Department of Environmental Protection; Connecticut Department of Economic and Community Development; local citizens, businesses, and industries. The community is responsible for establishing an LRA to act as the legal entity for participation by the community in reuse actions. The LRA is responsible for developing and obtaining community approval of a reuse plan for excess Army property. The LRA developed a reuse plan which was subsequently adopted by the Stratford Town Council and approved on June 16, 1997.

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The primary redevelopment goals included: expansion of employment opportunities; stabilization and diversification of the town's tax base; and redevelopment which could be accomplished in a fiscally responsible manner. In addition to these primary goals, secondary goals included: increased public access to the Housatonic River; land uses consistent with existing neighborhood conditions; and protection of the natural/coastal environment.

In developing this plan, a number of alternatives were considered ranging from industrial reuse of existing structures to comprehensive site redevelopment (demolition of all major structures). Several elements were common to all plans including: (1) addressing the goals and policies of the Connecticut Coastal Management Act, Stratford Zoning, and Connecticut Department of Environmental Protection, (2) a public access corridor along the waterfront and public parking to facilitate access to the water's edge, (3) waterfront open space to enhance public use and enjoyment of the waterfront, and (4) dedication of Building 19 as a water dependent use or facility intended to enhance public use access and enjoyment of the waterfront (Enclosure 1).

The preferred land use plan, developed by the LRA, provides a framework for the development of approximately 800,000 square feet of building space for office, research and development and flex space. In addition, 100,000 square feet of museum space and almost 16 acres of parkland along the Housatonic River waterfront would be developed. The development concept revolves around creation of a high quality waterfront and open space environment that enhances the site's attractiveness to office users and serves as a resource for surrounding neighborhoods and the town as a whole. The proposed land use plan involves demolition of approximately 1.5 million square feet in major structures and removal of some subsurface utility systems. The plan also incorporates roadway improvements, most notably the extension of Access Road across Main Street, and creates fully serviced sites that would be developed by private sector users in accordance with guidelines established in the reuse plan.

The Town of Stratford enforces a set of Coastal Area Management Regulations to achieve the policies of the Connecticut Coastal Area Management Act and to promote and encourage public access to the coast. These regulations are particularly significant to redevelopment of the SAEP site because of its immediate proximity to and length of shoreline along the Housatonic River. The SAEP site lies entirely within the coastal boundary as defined by Section 22a-94 of the Connecticut General Statutes. Therefore, all new development on the SAEP site is subject to the coastal site plan review requirements and procedures in Sections 22a-105 through 22a-109 of the Connecticut General Statutes.

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Stratford's Plan of Development, *Stratford Visions: 2001*, sets forth goals and policies to guide governmental decision making in the Town. The Plan of Development seeks to encourage development and access to suitable sections of the Housatonic River for marinas, parks, and beaches. The Plan also seeks to preserve and improve the shoreline's environmental quality. By meeting the letter of the coastal area management regulations described in the Zoning Regulations and the spirit of these goals, the redevelopment of SAEP could provide valuable recreational and environmental amenity to the Town of Stratford.

Regarding the LRA's reuse plan and activities within the Army's purview we offer the following concerning coastal zone consistency.

Water-Dependent Use. As stated in the LRA Redevelopment Plan, "*The preferred plan presents a significant opportunity to improve waterfront access and visibility. Consequently, waterfront and open space along the Housatonic River should be an integral part of site reuse and development. This type of approach will also enhance the visibility and attractiveness of the site to neighbors and potential office, R&D, light manufacturing and other possible users. Public water access should be provided through improvements to the existing seaplane ramp that extends out beyond the intertidal flats into the Housatonic River*". As noted earlier, each alternative considered included a provision for water dependent use (Building 19) as well as a provision of public waterfront access.

The preferred land use alternative designated Building 19 for reuse to meet the needs of a water dependent use. This was done, in part, to address an existing state mandate, under the Connecticut Coastal Management Act, to include water dependent uses on coastal sites such as SAEP. Based on a review of the redevelopment alternatives, the LRA was concerned that this building was of such poor quality that its retention at such a key waterfront location could detract from the marketability and viability of the overall redevelopment program. In addition, Connecticut Department of Environmental Protection officials raised questions concerning the viability of this location to support a water dependent use. As a result, it was decided to eliminate this use from the redevelopment plan and instead recommend the demolition of Building 19. However, in the event that an appropriate water dependent user were to come forward with an economically and environmentally viable plan that was consistent with state and local policies regarding waterfront uses, the LRA would endeavor to accommodate such a user within the reuse plan. Such a user would best be accommodated either within Building 19 or in a new building constructed on the site of Building 19 using the same foundation slab and utilities.

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Easement for Public Access. The Army's disposal action would be undertaken in a manner that would ensure consistency with the Connecticut Coastal Management Program. An important aspect of that program is the assurance of water-dependent uses of waterfront properties, and a principal means of achieving water-dependent use is through the provision of public access. The Army recognizes that the community's reuse plan envisions a waterfront park along the SAEP's frontage on the Housatonic River. To meet the Army's obligation for consistency with the State's program the Army would include in conveyance documents, as a condition of acceptance of title, an affirmative obligation on the part of the transferee to provide public access to the Housatonic River. The Army would further require that the public access granted by the property recipient meet the regulatory standards established by the State of Connecticut for public use of waterfront property.

Easement for Public Park. In the event the Town of Stratford withdrew its request for a public benefit conveyance of 15.7 acres for a park, or other federal agencies failed or declined to sponsor a public benefit conveyance enabling establishment of a park, the Army would include in its conveyance document a requirement for establishment of a public park of not less than 15 acres along the Housatonic River. The Army has no reason to expect that the Town of Stratford's request for a public benefit conveyance would not be approved and carried into execution. The Army recognized its independent obligation to assure consistency with the Connecticut Coastal Management Program and, thus, would resort to this encumbrance as a reserve mechanism to ensure compliance.

Stormwater Management. Currently, runoff at SAEP is collected by a network of six storm drainage systems. Each of the storm drain systems is equipped with a pumping station because of the low elevation of the plant and proximity of the Housatonic River and Long Island Sound. Effluent from the storm drainage systems is pumped through the Oil Abatement Treatment Plant and is discharged to the Housatonic River through outfall-007.

The OATP has recently been redesigned to bring it into compliance with new toxicity performance standards. Several problems were noted during a 1990 design investigation, including: the continuous or intermittent presence of oil, copper, 1,1,1 -TCA, and ammonia to the waste collection stream; and inadequate pump capacities to prevent localized flooding with resulting direct discharge to the Housatonic River caused by a two-year return frequency storm event.

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SAEP's NPDES permit (No. CT0002984), originally issued by the Connecticut Department of Environmental Protection (CTDEP) in 1991, allows direct discharge to the Housatonic River from all eight outfalls, (OFs) 001 through 008. Connecticut has the authority to administer all Clean Water Act (CWA) programs, including the NPDES permit program, the industrial pretreatment program, and the storm water discharge permit program. The NPDES permit requires quarterly sampling and analysis of effluent from OF-007 and OF-008 for acute and chronic aquatic toxicity. No known violations of the NPDES permit have been reported since November 1994.

Stormwater runoff from the site would likely be decreased over current conditions as a result of expanded waterfront open space. The preferred land use alternative may provide an opportunity to improve the quality and reduce the quantity of stormwater runoff at the site. Future reuse of SAEP by others would have to consider stormwater management and conform to applicable Federal, State and Local programs. For this reason, the Army does not deem further actions on its part to ensure compliance by future users.

Coastal Flood Hazard Area. The SAEP property is located within coastal flood hazard zones as determined by the Federal Emergency Management Agency (FEMA). The Local Reuse Authority recognizes this and all construction within those zones will comply with FEMA regulations and the National Flood Insurance Program. Flood-proofing of new structures will be required and in general first floor elevations will be above the 100-year floodplain. The Stratford Zoning Regulations require that all building elevations shall conform to the national flood damage prevention ordinance (amended April 17, 1991). The Zoning Regulations also prohibit the construction of any new building or impervious surface within 50 feet of the mean high water line of any watercourse or within 50 feet of any freshwater inland wetland or within 75 feet of a State defined sensitive coastal resource. Prohibited construction includes additions to existing buildings, accessory buildings, tennis courts, driveways, parking areas, or terraces. Exceptions to these setback requirements include structures or surfaces for water dependent uses or access to coastal amenities, as provided for in the State and Local coastal area management regulations.

Cleanup of Contaminated Sites. Under Department of Defense and Army policy, the Army's environmental restoration efforts for SAEP will attempt to facilitate the land use and redevelopment needs, to the extent reasonably practicable, as stated by the community's reuse plans approved prior to the remedy selection process. It is the Army's expectation that the community at-large, and in particular the LRA's redevelopment plan, will take the environmental condition of the property, planned remedial activities, and

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technology and resource constraints into consideration in developing their reuse plan. For SAEP, the LRA's redevelopment plan, specifically the land use plan, is the basis for the land use assumptions the Army will consider during the remedy selection process. After considering these reuse assumptions, the Army will select an appropriate remedy and take all remedial action necessary to protect human health and the environment in accordance with CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300).

The Army is obligated in the event of a transfer by deed of the property to abide by Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) which requires that: (A)(ii) *A covenant warranting that all remedial action necessary to protect human health and the environment with respect to any such substances remaining on the property has been taken before the date of transfer...* Therefore, with these requirements, the Army is obligated and will conduct remedial action if contamination is found on portions of the SAEP property.

Based on our review of the Connecticut Coastal Management Program we have determined that the proposed actions (disposal of the SAEP by the U.S. Army and future reuse as determined by the SAEP LRA) are consistent with the long-term goals and policies of the Connecticut Coastal Management Program. We have carefully reviewed the LRA's reuse plan and have incorporated easements within the Army's authority to insure consistency. We have no authority to enforce the LRA but existing regulations would ensure their redevelopment is consistent. We request your concurrence with this determination as soon as possible in order that the proposed disposal of the Stratford Army Engine Plant may proceed to completion.

Should you have any questions, please contact Mr. Joe Hand or myself at telephone numbers (334) 694-3881 or (334) 694-4141, respectively. Thank you very much for your assistance in this matter.

Sincerely,



for Susan Ivester Rees
Chief, Coastal Environment
Section

Enclosures