



TOWN OF STRATFORD

Michael E. Feeney
Town Manager

2725 MAIN STREET
CONNECTICUT 06615

203-385-4001

January 3, 2003

Mr. Peter W. Szymanski
Stratford Army Engine Plant
550 Main Street
Stratford, CT 06615

Dear Mr. Szymanski:

The Town appreciates the opportunity to comment on the Army Final Draft Finding of Suitability to Lease (FOSL) for the Stratford Army Engine Plant (SAEP). The completion of the FOSL is important to the Town and its plans for the reuse of the SAEP, because the plant has been sitting idle for so long.

While Enclosure (1) contains detailed and substantive comments regarding the FOSL, the Town has larger issues with how the near term use of the plant is portrayed in the document. As you may be aware, the Town initially requested an Interim Master Lease from the Army in July 1999. At about that same time the Army discovered volatile organic compound (VOC) infiltration into the buildings at levels causing concern over occupancy. Based on suspect internal air quality, an air-sampling program was begun, first in the occupied buildings. Later it was expanded into other buildings and areas in an attempt to identify the scope of the problem. Finally, the program was expanded into buildings that the Town identified as prime candidates for reuse. Based on this air sampling and subsequent ground water and soil gas sampling, a ground water plume containing these VOCs was characterized and found to underlie 40-50 acres of the site. During this time, we understand that the Army was trying to decide what internal air quality standard to apply to deem the buildings safe for occupancy under a FOSL.

As reflected in the FOSL, the Army has chosen the Occupational Health and Safety Administration (OHSA) standards, as opposed to the State of Connecticut Department of Environmental Protection (CT DEP) remediation standards. The Town is concerned with this choice for several reasons: 1) The OHSA standards are more than 1,000 times less restrictive than the CT DEP remediation standard; 2) The OHSA standards are not fully protective of human health in that they are not risk based and are not developed using the latest scientific information available; 3) The OSHA standards typically apply to an industrial facility in operation and not one being reoccupied after a long inactive period; 4) That occupancy could not be granted in good faith under OHSA standards with the possibility of business disruption or eviction occurring when the final remediation process begins and the more stringent CT DEP remediation standards are applied. The Town has been working with the State of Connecticut Department of Health (CT DPH) to determine internal air quality standards that would allow safe occupancy of the SAEP buildings. Enclosure (2) contains CT DPH comments regarding the FOSL and an evaluation of indoor air sampling data from SAEP. This document has not yet been fully evaluated by the Town and will be the subject of future discussions between the Town, CT DPH, and CT DEP.



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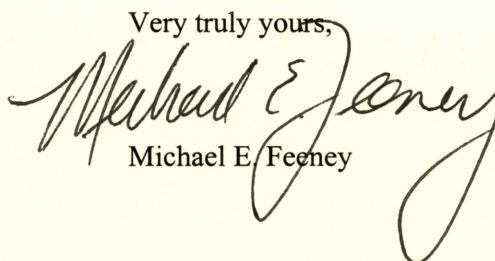
The previous comments are specific to the FOSL itself, but even if it were a perfect document, the Town has reservations regarding the economic feasibility of entering into a Lease-In-Furtherance of Conveyance based on this FOSL. Of primary concern to the Town is:

- a) The remediation process is still too immature to identify likely long-term remedies and their implication on reuse.
- b) There are numerous notices throughout the FOSL, that the leasehold interests could be disturbed and may require termination by the Army due to the need for further environmental investigation and remediation.

In summary, the document does not provide an acceptable basis for the Town to proceed into LIFC negotiations with the Army. The restrictions that the Army may need to place on the property, by an as yet undefined remedial process, creates significant business risks to potential subleases, greatly increasing the difficulty in finding appropriate tenants. We believe that entering into an LIFC now, would be a premature action and recommend that the Army and Town move forward with SAEP reuse through an interim leasing program until such time that the remedial process has advanced sufficiently to remove many of the unknowns.

We are increasingly anxious to resolve these issues and remain committed to acquiring the SAEP for economic development. Should you have any questions regarding these comments, please contact Rick Norris at (203) 381-2045.

Very truly yours,



Michael E. Feeney

RJN/MEF/ld

cc: Adrian Nakayama, DAIM-BO
LTC Stanley Thomas, OEA
Fredric Hyatt, BTC SAEP
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Norman Aldrich, Team Stratford
Kenneth Feathers, CT DEP
Gary Ginsberg, CT DEOH
Byron Mah, EPA

Enclosures

Comments on Finding of Suitability to Lease (FOSL)

21 November 2002

1. Purpose

- a. Specify where requirements for Occupancy Plan are spelled out.
- b. Provide remediation plan against which Army will review Occupancy Plan for consistency.

2. Property Description

- a. "Property to be leased..." Why not use "Property covered by this FOSL consists of...with the exception of property held for use by the Army/government as described in..."
- b. The total acreage including that portion being held back for the FAA is just over 78 acres, should this figure include that portion?

3. Environmental Condition

- a. If determination of suitability made solely made solely on the Final EBS and Draft RI (March 2000), why did it take 2.5 years to make this finding?
- b. Identify other documents that were used by the Army in making the suitability decision.
- c. The list provided in Enclosure 2 implies that no environmental documents were created since March 2000.

3.1 Environmental Condition of Property Categories

- a. When will CERFA Parcel 18 (Causeway) be changed to ECP Category 4?
- b. CERFA Parcel numbers in Enclosure 1 do not match tables or EBS Figure 4-1 "SAEP Parcelization and Site Locations, Environmental Baseline Survey"

3.2.1. Hazardous Substance Storage, Release, and Disposal

- a. States, "All operations involving hazardous substances have been terminated on the property." When did this occur? There are still materials stored on the site. Explain how the facility is being maintained without the use of any hazardous materials.
- b. States that Occupancy Plan must be non-interfering with the ongoing remediation, which has not yet been defined or initiated. When must such an Occupancy Plan be submitted?

3.2.2. Investigation/Remediation Sites

- a. States that the operable units are in the process of being remediated, when they are in the RI stage and the implementation plan has not been established.
- b. Define the operable units. Originally the LRA was told that OU-1 dealt with soil contamination of the causeway/dike and OU-2 dealt with the ground water beginning with the chromium area and later being expanded to cover the entire VOC plume.
- c. Identify the causeway and RCRA closure area as remediated sites.
- d. Does not discuss the potential for migration of contaminants between parcels and off site. Given the level of the water table and the nature and location of contaminants in soil and water, the potential should be addressed. If the conclusion is that there is no such risk, the FOSL should so state.

3.3.1 Storage, Release, or Disposal of Petroleum Products

- a. States "All industrial operations involving petroleum products have been terminated on the property," however, it does not discuss other ongoing uses of petroleum products on the site.
- b. Table 3 is Enclosure 5.

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

- a. Identify location, capacity, and product stored in the 5 remaining AST.
- b. Include an inventory of the 44 UST and 58 AST. Only 10 tanks are shown in Enclosure 5.
- c. Discusses UST/AST closure and appears to be an effort to declare closeout completion based on the alleged presence of CTDEP. Are there closure reports and does CTDEP agree that the tanks were properly closed?

3.4. Polychlorinated Biphenyl (PCB) Equipment

- a. Verify number and location of PCB transformers. Map provided to LRA does not match inventory list. The inventory list shows 2 transformers at the same substation location. Each of these transformers should be listed separately to ensure accurate notification.
- b. Are there other PCB-containing components on site, such as ballasts that should be noticed?
- c. Are all of the PCB transformers remaining on the facility actively being used to provide electrical service? What is the process the Army would use to abandon excess transformers?

3.5. Asbestos

- a. These comments rely on an outdated ACM study. The paragraph has the effect of transferring liability for all ACM that has become friable during the intervening time to the lessee/sub lessee.

3.7. Radiological Materials

- a. Sentence in line 5 beginning "A Final Status..." missing word after "resulted."

3.8. Radon

- a. The Radon study referred to was completed by an Army tenant for his own use. Can the Army legally rely upon that report?

3.10.1. Indoor Air Quality

- a. The second sentence implies that voids beneath the slabs are the only path for VOC contamination of the indoor air. Do the borings for the test wells show significant voids?
- b. The first paragraph also implies that the only place air sampling is being conducted is in B-2 and B-12.
- c. The section implies that the cost for the preparation of the indoor air-sampling plan will be the responsibility of the lessee/sub lessee. Since the plan is clearly a component of the remedy and the Army is determining suitability, why is the cost being shifted?
- d. Paragraph two states "In order to address an unacceptable exposure to human health based upon standards established by the Occupational Health and Safety Administration (OHSA)..." To date the LRA has not been made aware of any exceedances of the OHSA

standards. The air sampling will actually be used to establish a clean up strategy as required by the CTDEP Remediation Standard Regulation.

- e. The LRA does not agree that the decision to use of OHSA standards for determining occupancy of the buildings is fully protective of human health. What is your justification for using OHSA standards rather than those of CTDEP?
- f. This section does not adequately describe the scope of the indoor air quality issue at the plant.

4. Future Remediation Activities

- a. Update submittal date of the Draft Final RI to regulators.
- b. Under Soil Contamination. First sentence insert "risk" after "...poses an unacceptable..."
- c. The Town/LRA must know the schedule for excavation, capping, and/or on site treatment of soils to understand what areas of the plant are leaseable.
- d. The LRA/Town must know the plan for ground water remediation to determine if the reuse of B-2 is economically feasible.
- e. States that the lease will restrict access to the Former Chrome Plating Room. The Army should define other areas that it anticipates restricting use of or excluding during remediation.
- f. This FOSL should be reviewed in light of the Draft Final RI, which will be submitted to the regulators for review in early January.

8. Environmental Protection Provisions

- a. What other documents form the basis for the terms and conditions that will be required in the lease?

9. Finding of Suitability to Lease

- a. The latest documents cited as a basis for this FOSL are dated in Spring 2000. That being the case, why did it take so long to reach this FOSL? What more recent documents were used to support this FOSL?
- b. Last paragraph. Enclosure numbers are incorrect.

Enclosure 1. Site Map

- a. Parcel numbers shown on map do not match CERFA Parcel Numbers making evaluation of table information difficult.

Enclosure 2. Documents Reviewed/Supporting FOSL

- a. Add additional documents that were used as a basis for this FOSL.

Enclosure 3. Table 1. Description of Property

- a. EBS Parcel Numbers do not match the map in enclosure 1.
- b. Parcel 8. Severity of VOC contamination in this parcel not made clear.
- c. Parcel 10. Does not spell out nature of contaminants even if SAEP is not the source
- d. Parcel 12. The description contradicts Section 4, which restricts access to the Former Chrome Plating Room due to anticipated environmental remedial action.
- e. Parcel 13. This parcel, and other parcels, indoor air monitoring is required to meet some standard. If the parcel meets OHSA requirements, then the requirement for air monitoring is for possible follow-on remediation and remediation and should so state.

- f. Parcel 15. Description states that no subsurface exploration has been done, but the RI indicates VOCs in the ground water of adjacent parcels. If there is no reason to suspect that VOC exceedances exist in the ground water under this parcel then it should so state.
- g. Parcel 16. This and other parcels have buildings that house PCB-containing transformers that should be mentioned.
- h. Parcel 18. When will this parcel be reclassified to ECP Category 4? Building B-59 has been demolished.
- i. Parcel 27. Building B-5 has been demolished.
- j. Parcel 31. Is this area above the main VOC plume or is it an area of separate VOC contamination.

Enclosure 4. Table 2. Notification of Hazardous Substance Storage, Release, of Disposal

- a. There are no dates provided in the Date of Storage, Release, or Disposal column.
- b. Parcel 8. Describe PCB transformer installation.
- c. Parcel 12. Hexavalent chromium was released, but there is no description of initial remedial actions taken. The section should identify the “Chrome Room” as unusable.
- d. Parcel 18. Building B-59 has been demolished. The radiological contaminant is not listed in the “Name of Hazardous Substance(s)” column.
- e. Parcel 19. The “Name of Hazardous Substance(s)” column lists both PCBs and cadmium as contaminants, while the “Remediation” column says that the soil contains “cadmium and/or PCBs.” What does the soil really contain?
- f. Parcel 27. Building B-5 has been demolished.

Enclosure 5. Table 3. Notification of Petroleum Products Storage, Release, and Disposal

- a. Table appears to be incomplete because it speaks to only 10 of the 102 storage tanks.
- b. Table does not address current petroleum product storage on the site.

Enclosure 6. Environmental Protection Provisions

- a. Para 2. What is the process for sublease consent by the Army? The Army did not provide written consent for previous leases.
- b. Para 8. (a).1. Does the concrete and asphalt paving provide sufficient isolation of contaminants to meet the CTDEP direct exposure criteria?
- c. Para 8.(b).4. How much notice will be given if the Army decides to temporarily exclude an area from use? Same comment for para 9.(b).2.
- d. Para 10.(b).1.b. The Town/LRA does not agree that the OHSA standards for internal air quality are the appropriate standards. Explain the statement: “for consistency with planned remediation work.” The last sentence appears to be an empty offer because as stated earlier, the LRA was told that none of the buildings exceeded the OHSA standards.
- e. Para 10.(b).1.c. This section appears to attempt to shift the liability for complying with a standard that is protective of human health with regard to indoor air quality to the Lessee.
- f. Para 10.(b).2.b. Army should provide indoor air quality test schedule.
- g. Para 10.(b).2.c. The current levels of VOCs in many of the buildings are such that if OHSA standards are approached a significant change in rate of volatilization or transport of the contaminant has occurred such that we will have bigger issues to worry about than what standard to select. The threat of having to evacuate an area of the building may be enough to prevent it from being leased to a good tenant.
- h. Paras 13 and 14. Implies that the Army is still accumulating and storing Hazardous Waste on the site, which contradicts Section 3.2.1. that states, “All operations involving

hazardous substances have been terminated on the property.” What is the Town’s liability for the Federal Government handling hazardous waste on premises leased by the Town?

- i. Para 13. Identify Government hazardous waste management facilities that the Army anticipates will be in place during the period of the lease.
- j. Para 14. Identify SAEP accumulation points for hazardous and other wastes that will be in use by the Government during the lease period.
- k. Para 16. States that lessee or sub lessee shall not alter the leased premises in any way “which may adversely affect the Stratford Army Engine Plant environmental program, environmental cleanup ...” Provide the LRA with a description of the environmental program and environmental cleanup plan. Provide examples of work and conditions that may require a performance and payment bond. “Work” in the proximity of operable units of the IRP may require written approval by the Government Remedial Project Manager. How will work required prior to the issuance of the IRP be handled and how are parties to know that the work will not interfere with or be superceded by the IRP? For example work may need to be done to a building that will later be demolished.