

322-4588
1832
12 Nov 98

MEMORANDUM

To: Code 243RR
From: Code 18323

SUBJ: FINDING OF SUITABILITY TO TRANSFER (FOST) 1.36 ACRES OF
NORFOLK NAVAL SHIPYARD, PORTSMOUTH, VA TO PECK RECYCLING COMPANY.

Ref: (a) Peck Recycling Company, ltr dtd 10 Jan 95
(b) Memorandum from 09CE dtd 9 Mar 94

Encl: (1) FOST to Support Realty Instrument

1. We have reviewed the environmental certification for the subject realty instrument forwarded via reference (a) to be consistent with the requirements outlined in reference (b). In support of the referenced realty instrument, enclosure (1) is provided.

2. Please contact me at 322-4588 if you have any questions concerning this matter.


W. F. MULLEN

Copy to:
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1832
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FINDING OF SUITABILITY TO TRANSFER:
Peck Iron & Metal

The property to be transferred (Property) to Peck Iron and Metal Company, Inc. (Peck) consists of 1.36 acres. The National Defense Authorization Act for Fiscal Year 1995, Section 2814 of Public Law 103-160, directed the Navy to transfer the Property to Peck.

SITE BACKGROUND

The Property was purchased by the United States in 1942 as part of a larger parcel, which currently serves as the site of the Refuse Derived Fuels (RDF) plant operated by the Southeastern Public Service Authority. Although not formerly authorized by the Navy, Peck correspondence indicates that Peck has been using the Property since 1945. Authorized use by Peck under Navy lease began 1 Aug 86. This lease was allowed to expire in July 1997 in contemplation of the pending transfer. Succeeding licenses have been in effect since 1 Aug 97 while negotiations for the transfer have taken place.

ENVIRONMENTAL CONDITION OF THE PROPERTY

By letter of 10 Jan 95, Peck stated that no hazardous substance has been released or disposed of on the Property during the term of Peck use. Peck also stated that to the best of its knowledge, no hazardous substance was stored on the Property for a period of one year or more. Pursuant to 09CE memorandum of 9 Mar 94, this certification fulfills Navy policy established in ASN(I&E) memo of 22 Dec 93 regarding the completion of an Environmental Baseline Survey for non-BRAC outgrants. Review of site information subsequently provided by peck indicates that some low level of contamination exists on the Property, consistent with historical operations.

CERCLA STATUS OF PECK

Pursuant to the legislation authorizing the proposed transfer of the Property, Peck is accepting the Property as a Potentially Responsible Party with respect to the Property pursuant to sections 107(a) and 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Sections 9607 and 9620(h)(3) (CERCLA). Accordingly, pursuant to section 120(h)(3)(B) [42 U.S.C. Section 9620(h)(3)(B)] of CERCLA, the Navy is not required to provide

deed covenants regarding the condition of the Site and responsibility for conducting future required Property remedial actions.

FINDINGS

Based on the certification by Peck and a review of available information on the Property, it is determined that the Property is environmentally suitable for transfer to Peck. The Property contains some level of contamination by hazardous substances or petroleum products, but can be transferred for the proposed use, without remediation or future use restrictions, with acceptable risk to human health and the environment. Hazardous substances notice requirements apply and must be complied with, to the extent that information is available.

James R. Bailey

James R. Bailey

Head, Environmental Support Branch

Atlantic Division, Naval Facilities Engineering Command

November 12, 1998

Date