

FINDING OF SUITABILITY TO TRANSFER

**PARCEL 24
(HEALTH CLINIC)**

**NAVAL ACTIVITY PUERTO RICO
CEIBA, PUERTO RICO**



Prepared by:

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November 2007

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1.0 PURPOSE

This Finding of Suitability to Transfer (FOST) documents my determination, as the responsible Department of Defense (DoD) component official, that certain real property and associated improvements known as the Health Clinic Parcel, or Parcel 24, located at Naval Activity Puerto Rico (NAPR), Ceiba, Puerto Rico, (hereafter Subject Property) are environmentally suitable for deed transfer. This decision is based primarily on my review of information contained in two of the documents listed in Exhibit A (References) – *CERFA Identification of Uncontaminated Property, Former Naval Station Roosevelt Roads, Puerto Rico* (the CERFA Report; Navy, 2006b), and *Phase I/II Environmental Condition of Property Report, Former Naval Station Roosevelt Roads, Ceiba, Puerto Rico* (the ECP Report; Navy, 2005). Factors leading to this decision and other pertinent information related to property transfer requirements are stated below.

2.0 DESCRIPTION OF PROPERTY

NAPR was formerly known as Naval Station Roosevelt Roads (NSRR) until it ceased operation as an active Naval Station on March 31, 2004, at which point it was designated Naval Activity Puerto Rico. NAPR is located on the east coast of Puerto Rico adjacent to the municipality of Ceiba. The Subject Property is a 2.319-acre parcel of land located in the Downtown area of NAPR, that includes Building 2338 (Former Dental Clinic; 1-story; 13,173 square feet) and an asphalt parking lot. Exhibit B is a vicinity map showing the location of the Subject Property on the former naval station, and Exhibit C is an individual parcel map from the *Draft Report, Parcel Map for the Disposal of Naval Activity Puerto Rico* (GMI, 2005). A survey map of Parcel 24 is provided in Exhibit D.

3.0 PAST USE AND PROPOSED REUSE

The Subject Property has been used as a dental clinic since it was built in a previously undeveloped area in 1993. The *Naval Station Roosevelt Roads Reuse Plan* (CBRE et al, 2004) developed by the Puerto Rico Department of Economic Development and Commerce (DEDC) anticipated the proposed reuse as a Community Based Outpatient Clinic for veterans. In a May 29, 2007 letter to the U.S. Department of Health and Human Services, the Portal del Futuro Authority (PFA), a division of the DEDC acting as the Local Redevelopment Authority, confirmed that the PFA would apply for a public benefit conveyance of the Subject Property for health purposes (PFA, 2007).

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4.0 ENVIRONMENTAL FINDINGS

All available information concerning the past storage, release, or disposal of hazardous substances and/or petroleum products on the former NSRR, as collected through record searches, aerial photographs, personnel interviews, and on-site visual inspections, is contained in the ECP Report. The following summarizes the findings as they relate to the Subject Property and the corresponding Condition of Property Classification assigned to the real property to be transferred.

A. Hazardous Substance Contamination

There is nothing in the records that indicates any hazardous substance has been released or disposed of on the Subject Property, and the ECP investigation did not discover any radioactive materials at the clinic, nor any environmental issues associated with medical waste.

There was once a satellite accumulation area associated with Building 2338 where non-regulated waste was stored. The storage area was no longer in use at the time of the ECP inspection. Immediately prior to closure of NSRR, medical waste generated at the dental clinic was transported to the hospital for staging until the next medical waste pickup. The Bio-Hazardous Waste Management Plan governed the handling, storage and disposal of bio-hazardous waste generated by, or delivered to, the hospital. Waste was disposed of in specified red biohazard bags, transported to Building 2434, the Biohazard Waste Storage Building, and placed in designated storage containers until pickup. A manifest was then prepared and signed by the designated Environmental Protection Specialist (EPS). The EPS kept a copy of the manifest for tracking and filing.

B. Petroleum Contamination

There is nothing in the records to indicate there have been releases or instances of disposal of petroleum products or their derivatives on the Subject Property.

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C. Condition of Property Classification

The ECP Report divided all property at NAPR into parcels, and classified them into one of the three following categories:

- **Category 1** – Areas where no known or documented releases, or disposal of hazardous substances or petroleum products or their derivatives has occurred, including no migration of these substances from adjacent areas.
- **Category 2** – Areas where the release, disposal, or migration, or some combination thereof, of hazardous substances, or petroleum products or their derivatives has occurred, but at concentrations that do not require a removal or remedial action, or all remedial actions necessary to protect human health and the environment have been taken.
- **Category 3** – Areas where a confirmed or suspected release, disposal, or migration, or some combination thereof, of hazardous substances, or petroleum products or their derivatives has occurred, but required investigation and/or response actions have not yet been initiated or are ongoing.

These categories are derived from CERCLA, CERFA and the American Society for Testing and Materials (ASTM) Standard Practice for Conducting Environmental Baseline Surveys (ASTM Standard D 6008-96), which further incorporates ASTM D 5746-98 (2002) Standard Classification of Environmental Condition of Property Area Types for Defense Base Closure and Realignment Facilities.

CERFA stipulates that the federal government must identify “uncontaminated property” scheduled for transfer, and defines this as “...real property on which no hazardous substances and no petroleum products or their derivatives were known to have been released, or disposed of” [(Section 9620(h)(4)(A)]. In accordance with the property condition classification guidelines discussed above, the Subject Property is suitable for deed transfer and is classified as Category 1 (uncontaminated). The Final CERFA Report was submitted to the Puerto Rico Environmental Quality Board (EQB) for concurrence. On 11 August 2006, EQB provided the concurrence statement included as Exhibit E to this FOST.

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D. Other Environmental Aspects

1. Ordnance

There is nothing in the records to indicate ordnance handling, storage, or disposal activities have ever been conducted on the Subject Property.

2. Asbestos-Containing Materials

According to the *Final Asbestos Inspection Report for Naval Activity Puerto Rico, Ceiba, Puerto Rico* (Baker, 2005), eleven suspect homogeneous materials were identified and sampled in Building 2338. None of the materials were found to be asbestos-containing material (ACM). Detailed information about the materials identified and sampled during the asbestos inspection, including summary tables, location drawings, photographs and laboratory reports, is included in the report.

3. Lead-Based Paint

Lead-based paint (LBP) was banned for consumer use in 1978. Building 2338 was constructed in 1993. Therefore, LBP is not expected to be present.

4. Polychlorinated Biphenyls

Only one polychlorinated biphenyl (PCB) containing transformer remains at NAPR. The transformer, located in Building 386, is not on the Subject Property. All other PCB-contaminated transformers and equipment were removed from the former NSRR prior to 1998. Due to the age of the majority of facilities and the size of the station, it is possible that PCB-contaminated fluorescent light ballasts and other minor PCB sources may be present on NAPR. There is nothing in the records to indicate PCBs were ever stored or disposed of on the Subject Property.

5. Radon

According to the *Preliminary Geologic Radon Potential Assessment of Puerto Rico* (USGS, 1993), the Commonwealth of Puerto Rico exhibits generally low indoor radon levels, and a survey of radon concentrations of offices, housing units, schools and other

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buildings was conducted by the DoD between 1989 and 1992 on federal military reservations in Puerto Rico, including the former NSRR. Indoor radon levels ranged from 0.0 to 1.9 picoCuries/Liter (pCi/L), well below the current U.S. Environmental Protection Agency (EPA) residential indoor radon screening action level of 4 pCi/L. The majority of the reservations, including NAPR, are situated on coastal plains, so the low indoor radon levels were not unexpected.

6. Threatened and Endangered Species

As shown on the individual parcel map in Exhibit C, breeding habitat for the endangered yellow-shouldered blackbird has been identified throughout the Subject Property. The Commonwealth of Puerto Rico has committed to zoning the property in a manner that will implement the planning, development, maintenance, mitigation and use requirements described on the parcel maps.

In accordance with the Endangered Species Act, the Navy developed a Biological Assessment for the former NSRR in 2006 to assess the potential impact on any federally protected species from the disposal of NSRR. Given the protection measures addressed in detail in the *Biological Assessment for the Disposal of Naval Station Roosevelt Roads/Naval Activity Puerto Rico Final Report* (Navy, 2006a), the Navy has determined that the disposal of the former NSRR and transfer of the property to future owners is not likely to adversely affect federally-listed species and would not result in adverse modification of designated critical habitat within the project area. The U.S. Fish and Wildlife Service concurred with this determination in a letter dated April 7, 2006.

5.0 REQUIREMENTS APPLICABLE TO PROPERTY TRANSFER

A. NEPA Compliance

In accordance with National Environmental Policy Act (NEPA) requirements, an Environmental Assessment and Finding of No Significant Impact (FONSI) have been prepared and executed in connection with the planned disposal and reuse of NAPR. The FONSI was signed on April 10, 2007.

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B. Hazardous Substance Notice

In accordance with Section 120(h)(3)(A)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), all deeds transferring federal property must provide notice as to those hazardous substances which it is known, based on a complete search of agency files, were stored for one year or more, released or disposed on the Subject Property in excess of those reportable quantities specified under 40 CFR 373, and all response actions taken to date to address any such releases or disposals. No hazardous substances are known to have been stored or released on the Subject Property in excess of their respective reportable quantities, thus, no deed notice is required in this instance.

C. CERCLA Covenant

In accordance with CERCLA Section 120(h)(4)(D)(i), the deed transferring the Subject Property shall contain a covenant warranting that any response action or corrective action found to be necessary after the date of transfer shall be conducted by the United States.

D. CERCLA Access Clause

In accordance with CERCLA Section 120(h)(4)(D)(ii), the deed transferring the Subject Property shall contain a clause granting to the United States, its officers, agents, employees, contractors, and subcontractors the right to enter upon the transferred property in any case that remedial or corrective action is found to be necessary after the date of transfer. The right to enter to be set forth shall include the right to conduct annual physical inspections, tests, investigations, long term monitoring, 5-year reviews, and surveys, including, where necessary, drilling, test pitting, boring, and other similar activities. Such right shall also include the right to construct, operate, maintain, or undertake any other response or remedial action as required or necessary, including, but not limited to, monitoring wells, pumping wells, and treatment facilities. The United States retains the authority to enter to conduct investigations on adjacent parcels as well as the parcel subject to the transfer. These access rights are in addition to those granted to Federal, state, and local authorities under applicable environmental laws and regulations.

E. Land and Groundwater Restrictions

The Navy will transfer all of the Subject Property without restrictions.

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F. Environmental Compliance Agreements / Permits / Orders

On January 29, 2007, the U.S. Department of the Navy and EPA voluntarily entered into an Administrative Order on Consent (Consent Order). The Consent Order set out the Navy's corrective action obligations under the Resource Conservation and Recovery Act (RCRA) and replaced the 1994 RCRA permit as the document memorializing these obligations concerning NAPR. Because there are no RCRA solid waste management units or areas of concern on the Subject Property, there are no RCRA obligations related to the Subject Property at this time. There are no other environmental compliance agreements, permits, or orders associated with the Subject Property.

G. Notification to Regulatory Agencies / Public

In accordance with DoD guidance, EPA Region 2 and the Puerto Rico EQB have been advised of the proposed transfer of the Subject Property, and copies of the ECP Report and Draft FOST were provided to those agencies for review. No review comments were received from either agency. The ECP Report was made available for public review upon finalization. Copies of all transfer documentation will be made available to EPA and EQB representatives upon request after execution of the same.

6.0 SUITABILITY DETERMINATION

NOW THEREFORE, based on my review of the information contained in this FOST and in the ECP and CERFA Reports, I have determined that the Subject Property is presently suitable for deed transfer for unrestricted reuse.

Nov 8, 2007
Date

James E. Anderson
JAMES E. ANDERSON
Director
BRAC Program Management Office Southeast
North Charleston, South Carolina

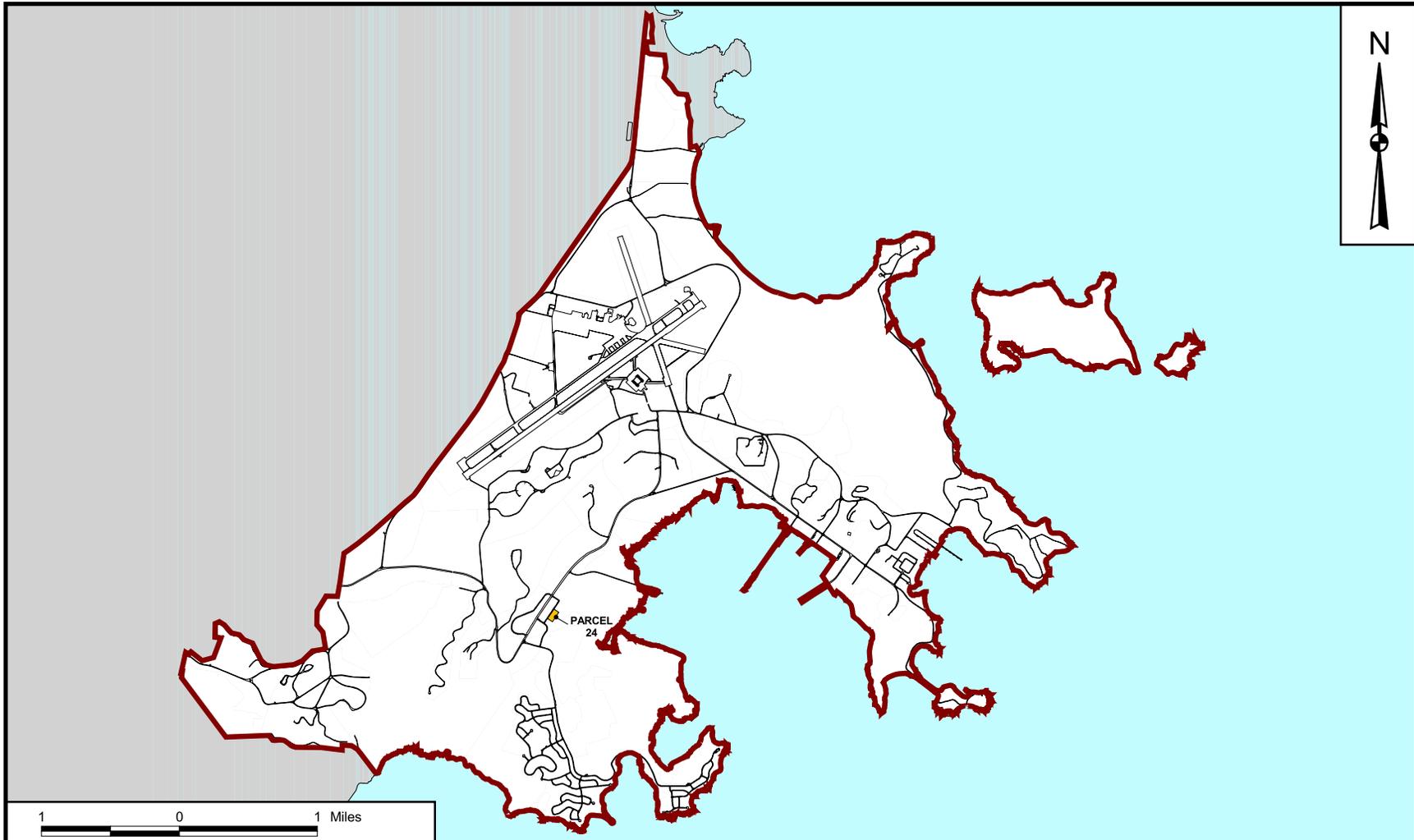
Exhibit A
References

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REFERENCES

- Baker, 2005. (Michael Baker Jr., Inc.) *Final Asbestos Inspection Report for Naval Activity Puerto Rico, Ceiba, Puerto Rico*. Moon Township, Pennsylvania. June 2005.
- CBRE et al, 2004. (CB Richard Ellis Consulting, Cooper Robertson & Partners, Moffatt & Nichol, Puerto Rico Management & Economic Consultants, Inc.) *Naval Station Roosevelt Roads Reuse Plan*. December 2004.
- GMI, 2005. (Geo-Marine, Inc.) *Draft Report, Parcel Map for the Disposal of Naval Activity Puerto Rico*. Hampton, Virginia. September 2005.
- Navy, 2005. (Naval Facilities Engineering Command Atlantic) *Phase I/II Environmental Condition of Property Report, Former U.S. Naval Station Roosevelt Roads, Ceiba, Puerto Rico*. Norfolk, Virginia. July 15, 2005.
- Navy, 2006a. (Naval Facilities Engineering Command Atlantic). *Biological Assessment for the Disposal of Naval Station Roosevelt Roads/Naval Activity Puerto Rico Final Report*. Norfolk, Virginia. January 2006.
- Navy, 2006b. (Department of the Navy, Base Realignment and Closure Program Management Office Southeast) *CERFA Identification of Uncontaminated Property, Former Naval Station Roosevelt Roads, Puerto Rico*. North Charleston, South Carolina. April 27, 2006.
- PFA, 2007. (Portal del Futuro Authority) Letter from Antonio Colorado, Executive Director, to Kathy Beach, Department of Health and Human Services, Program Support Center, Real Property Section, Subject: Application for a Public Health Conveyance, Hato Rey, Puerto Rico. May 29, 2007.
- USGS, 1993. (U.S. Geological Survey) *Open File Report 93-292-K, Preliminary Geologic Radon Potential Assessment of Puerto Rico*. 1993.

Exhibit B
Vicinity Map



DRAWN BY	DATE
S. STROZ	8/29/07
CHECKED BY	DATE
L. ANDERSON	8/29/07

COST/SCHEDULE-AREA

SCALE
AS NOTED



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CONTRACT NUMBER 0043	
APPROVED BY —	DATE —
APPROVED BY —	DATE —
DRAWING NO. —	REV 0

Exhibit C
Parcel Map

THREATENED AND ENDANGERED SPECIES CONSERVATION MEASURES—PARCEL 24

**Common Name—Health Clinic
Conveyance—PBC
Neighboring Parcel(s)—25**

Yellow-shouldered Blackbird

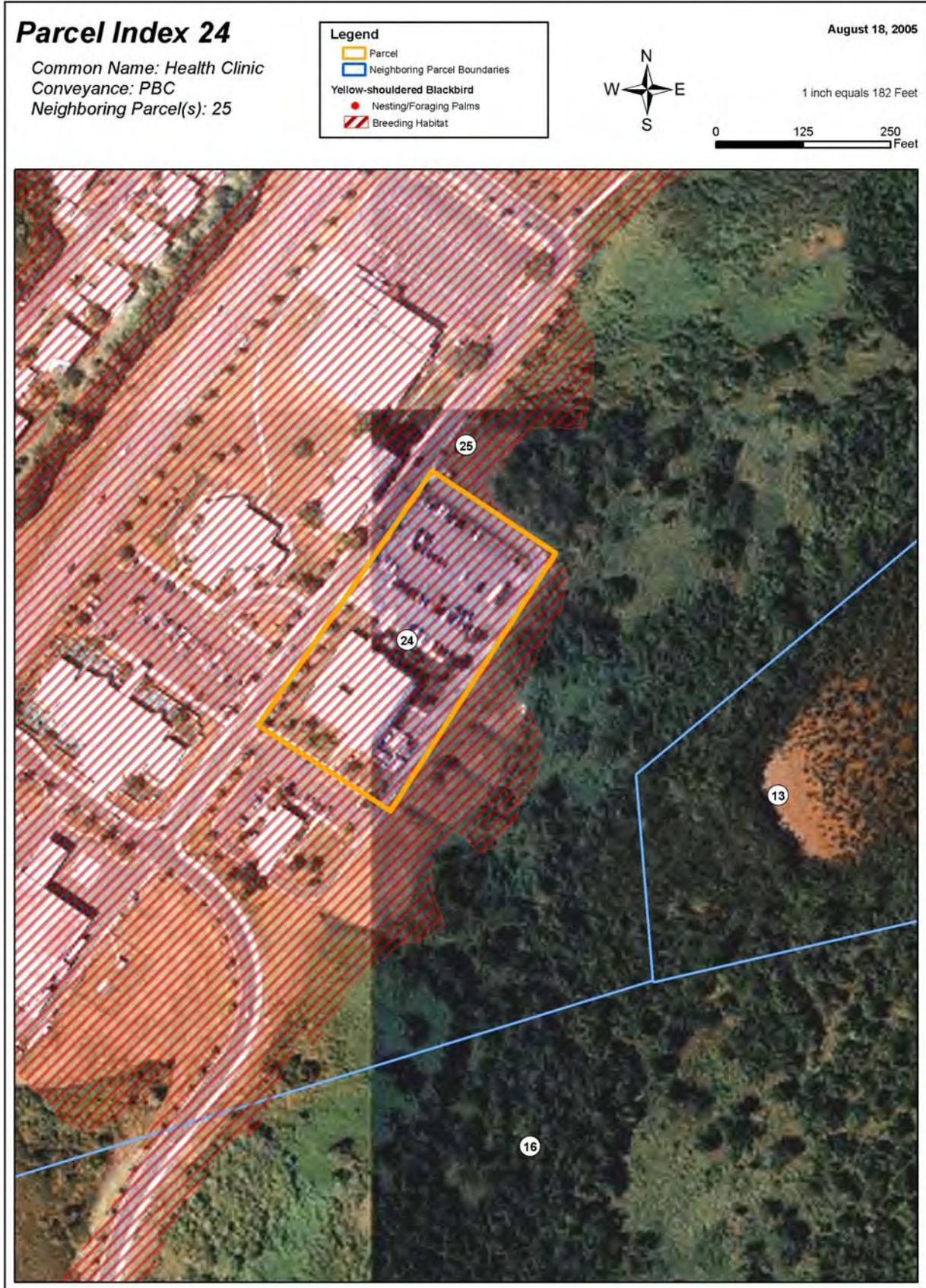
GENERAL REQUIREMENTS

- Consult with the U.S. Fish and Wildlife Service regarding any development plans.
- Pesticide and herbicide applications must follow Commonwealth of Puerto Rico regulations.

Activity	Conservation Measures
Development Planning	Save as many existing on site palms and trees as possible in new development plans.
Demolition/Remodeling	Schedule activity from September 1 through March 14 or conduct outdoor survey of building(s) (ledges, etc.) and nearby trees (within 50 m of the building) for yellow-shouldered blackbird nests prior to start date if the development activity is scheduled to occur between March 15 and August 30. Consult with USFWS if a yellow-shouldered blackbird nest is found.
Grounds Maintenance	No trimming or cutting of palms and trees between March 15 and August 30 except in an emergency (i.e., downed trees and palms from storms).
Building Maintenance	Check for yellow-shouldered blackbird nests prior to any outdoor building maintenance activities between March 15 and August 30. Determine identity of any bird nest found. Notify and consult with USFWS if a yellow-shouldered blackbird nest is found.
General Operations	Before moving parked outdoor equipment (e.g., carts, vehicles) check for yellow-shouldered blackbird nests (March 15-August 30). Notify USFWS if a yellow-shouldered blackbird nest is located.
Property Sale/Lease	Notify buyer/lessee of all mitigation requirements (see above) and include mitigation with all legal documents.

NOTICE:

Consult with the U.S. Fish and Wildlife Service if you have any questions on the conservation measures. Property owners that cannot adhere to the conservation measures must consult with the U.S. Fish and Wildlife Service to seek a Section 10.0 permit for authorization to modify the identified critical habitat. Failure to comply with the identified conservation measures violates Section 9.0 and/or Section 10.0 of the Endangered Species Act. The U.S. Fish and Wildlife Service has the authority to prosecute violations under the Endangered Species Act.



Parcel Index 24

Common Name: Health Clinic
Conveyance: PBC
Neighboring Parcel(s): 25

Legend

- Parcel
- Neighboring Parcel Boundaries
- Cleanup Status
 - Complete with Land Use Controls
 - Complete
 - Cleanup Remaining



August 18, 2005

1 inch equals 182 Feet



Exhibit D
Survey Map

Exhibit E
CERFA Concurrence

**CERFA Identification of Uncontaminated Property
Former Naval Station Roosevelt Roads, Puerto Rico**

Accordingly, this CERFA Uncontaminated Property Report reflects final site categorizations that may differ from those presented in the Final ECP report.

In summary, all NAPR property not otherwise identified as sites belonging to Categories 2 or 3 are classified as "CERFA Clean" (i.e. uncontaminated) as defined in CERFA [§9620 (h)(4)(A)]. The bulk of the NAPR acreage is classified as such. Of the approximately 8,400 acres of NSRR property, about 7,000 acres have been identified as "CERFA Clean" (i.e., Category 1). Figure 1 depicts the results of this classification.

Included in the CERFA Clean classification are a total of 14 SWMUs. Ten of these SWMUs were identified by EPA in the 1994 RCRA Part B permit, and an additional four sites were identified by the ECP. All 14 of these sites were originally identified based on a suspected release or disposal activity, but subsequent investigations determined that no release or disposal activity occurred. EPA has indicated their concurrence with this determination in the draft §7003 Order on Consent by designating each of these sites as having achieved "corrective action complete without controls" designation. The SWMUs and ECP sites designated as CERFA Clean are SWMUs 5, 15, 20, 21, 22, 47, 48, 49, 50, 52, 63 (ECP 9), 64 (ECP 10), 65 (ECP 11), and 66 (ECP 12). These sites are presented in Table 1.

The remaining property has been classified as Category 2 or 3 and as such is not qualified for designation as CERFA Clean.

Submitted

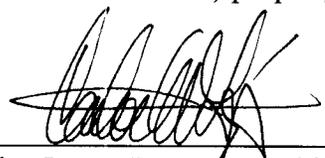


R. DAVID CRISWELL, P. E.
BRAC Environmental Coordinator

4/27/06
Date

Concurrence

Concurrence with CERFA Identification of Uncontaminated Property is indicated by signature below. This concurrence applies only to the identification of "CERFA Clean" (i.e. uncontaminated) property, identified in this document as ECP Category 1.



Carlos Lopez Freytes, President
Environmental Quality Board
Commonwealth of Puerto Rico

8/11/06
Date