



Exercising Early Transfer Authority NWIRP BRISTOL AND NIROP FRIDLEY



The Navy recently succeeded in developing the documentation required to allow the Early Transfer of excess property at Naval Weapons Industrial Reserve Plant (NWIRP) Bristol Tennessee and Naval Industrial Reserve Ordnance Plant (NIROP) Fridley, Minnesota. The documentation, which was signed by the Secretary of the Navy and approved by the Governor of the State of Tennessee for NWIRP Bristol, and the Environmental Protection Agency (EPA) Regional Administrator with the concurrence of the Governor of Minnesota for NIROP Fridley, were the first to allow non-BRAC property to be transferred to private interests prior to the lengthy completion of all required environmental clean-up actions.

Project Summary

Under the authority of CERCLA, the Navy along with technical and legal assistance from NAVSEA and General Services Administration (GSA) developed the Covenant Deferral Request (CDR). The CDR is the formal request to allow the Navy to transfer property by deed prior to completing all necessary remediation and outlines the conditions that must be met to ensure that the necessary cleanup will be completed after the property has been transferred. Approval of the CDR is required in order for the Navy to exercise the Early Transfer authority provided by CERCLA Section 120(h)(3)(C). The Navy is currently conducting environmental investigative and remedial activities at NWIRP Bristol and NIROP Fridley to address hazardous substance contamination at these facilities. Although SOUTHDIV anticipates that it may take until the year 2001 at NWIPP Bristol and 2004 at NIROP Fridley before all necessary remediation systems are operational and functional, both facilities can now be transferred for reuse while ensuring adequate future protection of human health and the environment. Postponing transfer until final cleanup has been achieved would unduly jeopardize effective reutilization of these valuable facilities. The approval of the CDRs supported the development and execution of another Navy document, the Finding of Suitability for Transfer (FOST). This document addresses environmental matters pertaining to the overall suitability of the property for deed transfer.

Regulatory Requirements/Community Involvement

For both CDRs the regulatory agencies were closely involved with the development of the documents from the early stages. In both cases, the necessary approval/concurrence of the Governor was based on the recommendation of the Tennessee Department of Environmental Conservation (TDEC) or the Minnesota Pollution Control Agency (MPCA). In addition, representatives from EPA Region 5 were closely involved with the NIROP Fridley CDR development in order to recommend approval of the CDR to the Regional Administrator. For NIROP Fridley, the pending transfer of the NAVSEA facility was discussed with the Restoration Advisory Board (RAB). The RAB is supportive of the early transfer and views it as an opportunity to keep the plant a viable part of the community after the Navy leaves. NWIRP Bristol does not have a RAB. A notice advising the community of the Navy's intentions to conduct an Early Transfer was posted in local newspapers for both facilities. In both cases, no public comments were received during the public comment period.

Site/Location:	NWIRP Bristol, TN and NIROP Fridley, MN
Site Description:	660,000 square foot building and approximately 100 acres of land in Bristol Tennessee. 80 acres with 1.7 million square feet of floor space in Fridley Minnesota
Team Contact:	Art Conrad (SOUTHDIV RPM), 843-820-5520 NWIRP Bristol Joel Sanders (SOUTHDIV RPM), 843-820-5562 NIROP Fridley Steve Beverly, SOUTHDIV Legal Counsel, 843-820-5708 Jim Blederman, GSA HQ Environmental Counsel Sandy Balmar, GSA HQ Real Estate Counsel
Technology:	NA
Contaminant:	Soil and groundwater impacted; Early transfer authorized prior to completion of all remedial actions
Action Levels:	Maintain protection of human health and the environment, maintain integrity of remediation and monitoring systems, and allow Navy access to sites until all required cleanup actions are complete
Legal Driver:	Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 120(h)(3)(C)
Decision Document:	Covenant Deferral Request (CDR)/Finding of Suitability to Transfer (FOST)

Construction Challenges

This was the first time any Navy organization developed Early Transfer documentation. At the time the process was initiated, the legislation authorizing Early Transfers was relatively new and the Navy had not yet fully developed guidance on how to implement non-BRAC early transfers. Since both facilities were being closed and the Operator's leases were terminating in 1998 for NWIRP Bristol and 2000 for NIROP Fridley, it was imperative to dispose of the property as soon as possible to avoid the expense of retaining excess property.

Obtaining final approval of the CDRs required a great degree of coordination among several organizations, from both a technical and legal perspective. Coordination among SOUTHDIV, NAVFAC HQ, NAVSEA, CNO and ASN was required to ensure all Navy interests were being addressed. GSA, as the real estate broker for the government, was intimately involved throughout the development of the CDR. The State Regulatory Agencies, State Attorney Generals office and EPA were also closely involved to ensure the States interests and applicable regulatory requirements were addressed. Multiple iterations of the CDR were necessary before all involved parties interests were satisfied. Development of the deed language was particularly challenging.

Cost Avoidance Measures

NWIRP Bristol is now closed. Closure of NIROP Fridley is expected in 2000. Without the approval of the Early Transfer, both facilities would remain in caretaker condition for years waiting for regulatory concurrence that all environmental remediation is complete. The annual caretaker costs for these closed facilities are estimated at \$500,000 for NWIRP Bristol and \$1,000,000 for NIROP Fridley. Although neither facility has yet been transferred by deed, GSA is actively pursuing the sale of these properties.

Project Successes

The success of the project was largely due to the relationship and trusts developed between the Navy and the State and Federal Regulators. SOUTHDIV was able to provide the regulators with a level of comfort that selling the property doesn't mean that the Navy will not complete the necessary cleanup actions.

SOUTHDIV was able to successfully use electronic communication to distribute the draft documents to the entire team in parallel and receive comments. Without this innovative method of document review, SOUTHDIV would not have been able to bring so many different parties together in such a short time frame.

Having the Early Transfer approved is a major success for the Bristol and Fridley communities. These valuable industrial assets can continue as viable parts of the local economy rather than becoming abandoned facilities.

Lesson Learned

Early discussions with the involved Navy personnel, the city and state government representatives, GSA, and especially the state and federal regulators was essential prior the delivery of the documents requiring signature. Up front coordination with all parties is imperative.

Initially, SOUTHDIV expected that both documents would run parallel for the most part. Early on in the process it became apparent that significant differences with the two states and the two GSA regions, and the addition of EPA for NIROP Fridley required site specific issues to be addressed.



Figure 1: Naval Industrial Reserve Ordnance Plant entrance.