

DRAFT FINAL
FINDING OF SUITABILITY TO TRANSFER
(FOST)

Fort Gillem, Georgia

North Landfill Area

FTG-01

April 2023

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LIST OF ACRONYMS AND ABBREVIATIONS

APTIM	HGL-Aptim Applied Science and Technology or Aptim Federal Services, LLC
AST	Aboveground Storage Tank
BRAC	Base Realignment and Closure
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
DMM	Discarded Military Munitions
DoD	Department of Defense
DRMO	Defense Reutilization and Marketing Office
ECP	Environmental Condition of Property
EPP	Environmental Protection Provision
EPA	Environmental Protection Agency
FONSI	Finding of No Significant Impact
FOST	Finding of Suitability to Transfer
FS	Feasibility Study
FTG	Fort Gillem
GA EPD	Georgia Environmental Protection Division
HGL	HydroGeologic, Inc
HHRA	Human Health Risk Assessment
IC	Institutional Control
IRA	Interim Remedial Action
IT	IT Corporation
LUC	Land-use controls
MEC	Munitions and Explosives of Concern
MNA	Monitored Natural Attenuation
MOU	Major Operable Unit
NEPA	National Environmental Policy Act
NLA	North Landfill Area
OPS	Operating Properly and Successfully
OU	Operable Unit
PCB	Polychlorinated Biphenyl
pCi/L	picocuries per liter

POL	Pertroleum, oils, and lubricants
PP	Proposed Plan
RAO	Remedial Action Objectives
RDX	Hexahydro-1,3,5-trinitro-1,3,5-triazine
RI	Remedial Investigation
ROD	Record of Decision
SLERA	Screening-Level Ecological Risk Assessment
TCE	Trichloroethene
TCRA	Time Critical Removal Action
TNT	2,4,6-Trinitrotoluene
TECA	1,1,2,2-Tetrachloroethane
U.S.	United States
USACE	U.S. Army Corps of Engineers
USATHAMA	U.S. Army Toxic and Hazardous Materials Agency
U.S.C.	United States Code
UAO	Unilateral Administrative Order
UST	Underground Storage Tank
UU/UE	Unlimited use and unrestricted exposure
UXO	Unexploded Ordnance
VI	Vapor Intrusion
VOC	Volatile Organic Compound
yd ³	cubic yards

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1. PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability of the North Landfill Area Property (hereafter “the Property”) at Fort Gillem for transfer to the Urban Redevelopment Agency of the City of Forest Park consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h) and Department of Defense policy. In addition, the FOST includes the CERCLA Notice, Covenant, and Access Provisions and other Deed Provisions and the Environmental Protection Provisions (EPPs) necessary to protect human health or the environment after such transfer.

2. PROPERTY DESCRIPTION

Fort Gillem is located in Forest Park, Georgia, a suburb south of Atlanta in Clayton County between Georgia Highway 54 (Jonesboro Road) and U. S. Highway 23 (Moreland Avenue). The North Landfill Area Property consists of 135.941 acres of primarily woodlands and fields. The Property includes FTG-01 and a Groundwater Treatment Building and was previously used as a disposal area from 1941 to approximately 1980. Disposal occurred in the form of landfilling, trenching, burning, surface disposition and indiscriminate burial. The property is intended to be transferred for commercial/industrial use and is consistent with the intended reuse of the Property as set forth in the Fort Gillem Strategic Reuse Plan. The transfer status map is included in Enclosure 1 (Figure 1).

3. ENVIRONMENTAL DOCUMENTATION

A determination of the environmental condition of the Property was made based upon the:

- *Applied Biology, Inc., 1984, Priority Pollutant Analyses on Ground and Surface Waters from Fort Gillem, Georgia, August.*
- *HGL-Aptim Applied Science and Technology (Aptim), 2023, Land Use Control Implementation Plan, FTG-01, North Landfill Area, Fort Gillem, Forest Park, Georgia, April.*

- *HGL-Aptim Applied Science and Technology (Aptim), 2023, Final Record of Decision FTG-01 North Landfill Area, Fort Gillem, Forest Park Georgia, March.*
- *HGL-Aptim Applied Science and Technology (Aptim), 2022, Final Proposed Plan FTG-01 North Landfill Area, Fort Gillem, Forest Park Georgia, November.*
- *Aptim Federal Services, LLC (APTIM), 2022, Final Remedial Investigation and Feasibility Study Addendum, FTG-01, North Landfill Area, Forest Park, Georgia, September.*
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- *Aptim Federal Services, LLC (APTIM), 2021c, Final Performance Monitoring Report, FTG- 01, North Landfill Area, Forest Park, Georgia, June.*
- *Aptim Federal Services, LLC (APTIM), 2020a, Final Remedial Investigation Report, FTG-01, North Landfill Area, Forest Park, Georgia, November.*
- *Aptim Federal Services, LLC (APTIM), 2020b, Interim Remedial Action Completion Report, FTG-01, North Landfill Area Fort Gillem, Forest Park, Georgia, March.*
- *Black & Veatch Waste Science, Inc., 1993, Final Report of Findings for Geophysical Survey, North Landfill Area, Fort Gillem, Forest Park, Georgia.*
- *Ebasco Environmental, 1993, Well Survey Report at Fort Gillem, October.*
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- *Foster Wheeler Environmental Corporation (Foster Wheeler), 1995b, Operation and Maintenance Manual, North Landfill Area Leachate Pump and Treat System, Fort Gillem, Clayton County, Georgia, August.*
- *Foster Wheeler Environmental Corporation (Foster Wheeler), 1996, Remedial investigation of the North Landfill Area, Fort Gillem, Clayton County, Georgia, August.*
- *Geosyntec Consultants, 2016, Volume I Vapor Intrusion Investigation for the North Landfill Area (NLA), United States Army Corps of Engineers, Savannah District (USACE), Fort Gillem, Forest Park, Georgia, March.*
- *Geraghty and Miller, Inc., 1982, Fort Gillem Hydrogeologic Study, Fort Gillem Georgia.*
- *HydroGeoLogic, Inc., (HGL), 2011, OU-I Excavation Report, North Landfill – FTG-01, Fort Gillem, Georgia, March.*
- *ICF Kaiser, 1997, North Landfill Area, Fort Gillem, Feasibility Study, January.*

- *IT Corporation (IT), 2002, Remedial Design Confirmation Activities, Soil Sampling Within major operable units (MOUs) 200, 400, and 500, North Landfill Area, Fort Gillem, Clayton County, Georgia, September.*
- *IT Corporation (IT), 2001a, MOU 800 Drum Removal, Fort Gillem, Clayton County, Georgia, July.*
- *IT Corporation (IT), 2001b, Interim Remedial Action Construction Report, MOU 600 and OU-A(2) in MOU 200, North Landfill Area, Fort Gillem, Clayton County, Georgia, November.*
- *Law Engineering Testing Company, 1979, Subsurface Investigation, Fort Gillem (Atlanta Army Depot), prepared for the Veteran's Administration, January.*
- *North Wind Services, LLC (North Wind), 2014, Interim Removal Action Report, FTG-01, Eastern Watershed, Fort Gillem, Georgia, July.*
- *Shaw Environmental, Inc. (Shaw), 2010, Interim Remedial Action, Source Area Reduction and Treatment, North Landfill Area – FTG-01, Fort Gillem, Georgia, March.*
- *Stantec, 2022, Environmental Condition of Property Report Update, North Landfill Area – FTG-01, Fort Gillem Georgia, December.*
- *U.S. Army, 2023, Operating Properly and Successfully Determination for FTG-01, North Landfill Area, Fort Gillem, Georgia, April.*
- *U.S. Army, 2017, Action Memorandum, Time-Critical Removal Action at the North Landfill Area, FTG-01, Fort Gillem, Clayton County, Georgia, November.*
- *U.S. Army Corps of Engineers (USACE), 1992, A Preliminary Summary of Chemical Analysis Data from the North Landfill Area, Groundwater Monitoring Program, Fort Gillem, Forest Park, Georgia, December.*
- *U.S. Army Environmental Hygiene Agency, 1993, Wastewater Management Study Number 32-24-H1W7-93, Surface Water Quality Evaluation, U.S. Army, Fort Gillem, Georgia, June.*
- *U.S. Army Toxic and Hazardous Materials Agency (USATHAMA), 1980, Installation Assessment of Fort Gillem, Report No. 167, March.*
- *U.S. Environmental Protection Agency (EPA), 1988, Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA, Interim Final, Office of Solid Waste and Emergency Response, Washington, D.C., EPA/540/G-89/004, OSWER Directive 9355.01, October.*
- *U. S. Environmental Protection Agency (EPA), 1981, Photo Interpretation Report, Fort Gillem, Clayton County, Georgia.*

The information provided is a result of a complete search of agency files during the development of these environmental surveys. A complete list of documents providing information on environmental conditions of the Property is attached (Enclosure 2).

4. ENVIRONMENTAL CONDITION OF PROPERTY

The Department of Defense (DoD) Environmental Condition of Property (ECP) categories for the Property are as follows:

ECP Category 4: North Landfill Area (FTG-01)

A summary of the ECP categories for parcels and the ECP category definitions are provided in Table 1 – Description of Property (Enclosure 3).

4.1 ENVIRONMENTAL REMEDIATION SITES

There is one (1) remediation site located on the Property: FTG-01, Northern Landfill Area. The FTG-01 site is located in the northern portion of Fort Gillem that was in operation from 1941 until approximately 1980. Disposal occurred throughout the area in the form of trenching, burning, and indiscriminate burial. Soil, sediment, surface water, and groundwater assessment activities have been ongoing at FTG-01 since the 1980s. As part of strategies to conduct the assessments, FTG-01 was subdivided into operable units (OUs) based on similar contaminant profiles within soil and groundwater analytical data (Figure 2). All environmental soil and groundwater remediation activities on the Property have been completed or are in place and operating properly and successfully. See November 2020 Remedial Investigation (RI) and 2023 Operating Properly and Successfully (OPS) determination. Additional information on remediation activities can be found in enclosures 3, 4 and 5.

The selected remedy for FTG-01 was approved by the Georgia Environmental Protection Division (GA EPD) and consists of enhanced bioremediation with monitored natural attenuation (MNA) and institutional controls (ICs) to restrict residential use and groundwater use. The enhanced bioremediation alternative consists of the injection of amendments, including emulsified vegetable oil, a dechlorinating microbial culture, buffer, and microbial nutrients into the aquifer to enhance the biodegradation of volatile organic compounds (VOCs) in groundwater. Amendments are injected by direct-push technology to create a series of biobarriers and injection grid perpendicular to the direction of groundwater flow. The injections took place during the initial RI period and are complete.

The performance monitoring component of the alternative evaluates the effectiveness of the remedy after implementation of amendment injection. The MNA component of the alternative provides five years of data to track post-treatment natural attenuation of VOCs in groundwater. ICs will remain in place until remedial action objectives (RAOs) are achieved, and unlimited use and unrestricted exposure (UU/UE) conditions are met. ICs for on-post Army-controlled property include municipal water supply, restricting groundwater use through deed covenants and groundwater monitoring. ICs for off-post receptors include verification that municipal water supply is in place, public education outreach, periodic well surveys to document there are no unauthorized groundwater withdrawals, and groundwater monitoring. Based on an evaluation of FTG-01 groundwater data and field-demonstrated biodegradation rates, it is expected that RAOs will be reached in approximately 15 years. Contaminant concentrations remaining in on-post soil are above UU/UE criteria. ICs/land-use controls (LUCs) and 5-Year Reviews will be required for on-post soil until site contaminations reach concentrations that are safe for UU/UE.

The Army demonstrates the remedial action for FTG-01 is in place and is OPS under the CERCLA §120(h)(3)(b) 42 U.S.C. §9620(h)(3) in the OPS determination dated April 2023.

The Property was not remediated to levels suitable for unrestricted use. The Property is suitable for commercial/industrial use only. The deed will include the following land use restrictions:

Institutional Controls (ICs) for on-post Army Controlled Property include:

- restricting groundwater use through deed covenants, and
- groundwater monitoring.

ICs for off-post receptors include:

- verification that municipal water supply is in place
- public education outreach
- periodic well surveys to document there are no unauthorized groundwater withdrawals, and
- groundwater monitoring.

Based on an evaluation of FTG-01 groundwater data and field-demonstrated biodegradation rates, it is expected that RAOs will be reached in approximately 15 years. See 2022 Final Proposed Plan for additional information.

A summary of the environmental remediation sites is provided in Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal (Enclosure 4).

4.2 STORAGE, RELEASE, OR DISPOSAL OF HAZARDOUS SUBSTANCES

Hazardous substances were stored for one year or more and released or disposed of on the Property in excess of reportable quantities specified in Code of Federal Regulations (CFR) 40 CFR Part 373. All hazardous substance storage operations have been terminated on the Property. Hazardous substances were released in excess of the 40 CFR 373 reportable quantities at the following sites:

- FTG-01, North Landfill Area

The release or disposal of these hazardous substances was remediated as part of the Installation Restoration Program. See Section 4.1 Environmental Remediation Sites for additional information. A summary of the areas in which hazardous substance activities occurred is provided in Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal (Enclosure 4). The CERCLA 120(h)(3) Notice, Description, and Covenant will be included in the Deed (Enclosure 6).

4.3 PETROLEUM AND PETROLEUM PRODUCTS

4.3.1. Underground and Above-Ground Storage Tanks (UST/AST)

- **Current UST/AST Sites** - There is no evidence that petroleum products are currently stored in underground or above-ground storage tanks on the Property.
- **Former UST/AST Sites** - There is no evidence that petroleum products were stored in underground or above-ground storage tanks on the Property.

4.3.2. Non-UST/AST Storage, RELEASE, or Disposal of Petroleum Products

There was non-UST/AST disposal and release of petroleum products in excess of 55 gallons for one year or more on the Property. The NLA was utilized as a landfill and petroleum product release or disposal in excess of 55 gallons occurred at the following buildings or areas: FTG-01, North Landfill Area. The release or disposal of these petroleum products was remediated as part of the installation restoration program. See 2022 Final Proposed Plan and the 2023 Record of Decision (ROD) documenting the permanent site remedy for FTG-01 groundwater for additional information.

A summary of the non-UST/AST petroleum activities is provided in Table 3 – Notification of Petroleum Products Storage, Release, or Disposal (Enclosure 5). The Notice of Petroleum Products Storage, Release or Disposal will be included in the deed for the Property.

4.4 POLYCHLORINATED BIPHENYLS (PCB)

There is no evidence that PCB-containing equipment is located or was previously located on the Property.

4.5 ASBESTOS

There are no buildings or structures with asbestos-containing materials located on the Property. The Groundwater Treatment Building 589 was constructed with the NLA leachate pump and treatment system in August 1995. It is a single-story concrete block building on a concrete slab. An asbestos survey was performed in 2022 and no asbestos was found in the building. See the 2022 Asbestos Survey in Enclosure 2.

4.6 LEAD-BASED PAINT

There are no structures that would contain lead-based paint on the Property. The Groundwater Treatment Building was constructed after lead-based paint was banned in 1978.

4.7 INDOOR FIRING RANGES

There is no evidence that an indoor firing range currently or previously existed on the NLA Property.

4.8 RADIOLOGICAL MATERIALS

There is no evidence that radioactive material or sources were used or stored on the Property. Radiological characterization surveys were completed for select buildings and areas of Fort Gillem in December 2007-January 2008 and March 2010. Results of the surveys revealed there was no information discovered regarding disposal destinations of potentially contaminated demolition materials and obsolete radioactive commodities. The likelihood that potentially contaminated demolition debris was disposed of in the landfill was considered and disregarded. A

Characterization/Final Status Survey of the landfill was deemed unnecessary. See Final Status Survey Report in Enclosure 2.

4.9 RADON

According to the U.S. EPA's categorization of radon zones, Clayton County, Georgia is qualified as a radon Zone 2, meaning that it has a predicted average indoor radon screening level greater than or equal to 2 picocuries per liter (pCi/L) and less than or equal to 4 pCi/L. No radon surveys were conducted on FTG-01.

4.10 MUNITIONS AND EXPLOSIVES OF CONCERN (MEC)

Based on a review of existing records and available information, there is no evidence that Munitions and Explosives of Concern (MEC) are present on the Property. In addition, a potential MEC response occurred in 1994, however the determination was made that items found were not MEC. The Property was previously used as a disposal and burial site for expended ordnance but is unlikely to result in the presence of MEC. The term "MEC" means military munitions that may pose unique explosives safety risks, including: (A) unexploded ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (B) discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard (32 CFR §179.3).

No MEC concerns were identified at FTG-01 in either the 2002 Final No Closed, Transferred, and Transferring (CTT) Range and Site Findings Memorandum or the 2006 Final Historical Records Review. Given the Property's past use, the deed will include a MEC Notice (Enclosure 7).

4.11 OTHER PROPERTY CONDITIONS

There are no other hazardous conditions on the Property that present an unacceptable risk to human health and the environment.

5. ADJACENT PROPERTY CONDITIONS

There are no conditions adjacent to the Property that present an unacceptable risk to human health and the environment.

6. ENVIRONMENTAL REMEDIATION AGREEMENTS

There are no environmental orders/agreements applicable to the Property. The deed will include a provision reserving the Army's right to conduct remediation activities (Enclosure 6).

7. REGULATORY/PUBLIC COORDINATION

The GAEPD and the public were notified of the initiation of this FOST. Regulatory/public comments received during the public comment period will be reviewed and incorporated, as appropriate. A copy of the regulatory/public comments will be included at Enclosure 8 and the Army response will be in Enclosure 9.

8. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

The environmental impacts associated with the proposed transfer of the Property have been analyzed in accordance with NEPA. The results of this analysis are documented in the Environmental Assessment for BRAC 05 Disposal and Reuse of Fort Gillem, Georgia, August 2010 and the Finding of No Significant Impact (FONSI), March 2011. There were no encumbrances or conditions identified in the NEPA analysis as necessary to protect human health or the environment.

9. FINDING OF SUITABILITY TO TRANSFER

Based on the above information, I conclude that all removal or remedial actions necessary to protect human health and the environment have been taken and the Property is transferable under CERCLA section 120(h)(3). In addition, all Department of Defense requirements to reach a finding of suitability to transfer have been met, subject to the terms and conditions set forth in the attached Environmental Protection Provisions that shall be included in the deed for the Property. The deed will also include the CERCLA 120(h)(3) Notice, Covenant, and Access Provisions and Other Deed Provisions. Finally, the hazardous substance notification (Table 2) and notification of petroleum products storage, release or disposal (Table 3) shall be included in the deed as required under the CERCLA Section 120(h) and DoD FOST Guidance.

COL Joshua Davis
Chief, ISE
Office of Deputy Chief of Staff, G-9

Enclosures

- Enclosure 1 -- Site Figures
- Enclosure 2 -- Environmental Documentation
- Enclosure 3 -- Table 1 -- Description of Property
- Enclosure 4 -- Table 2 -- Notification of Hazardous Substance Storage, Release, or Disposal
- Enclosure 5 -- Table 3 -- Notification of Petroleum Product Storage, Release, or Disposal
- Enclosure 6 -- CERCLA Notice, Covenant, and Access Provisions and Other Deed Provisions
- Enclosure 7 -- Environmental Protection Provisions
- Enclosure 8 -- Regulatory/Public Comments
- Enclosure 9 -- Army Response

ENCLOSURE 1: SITE FIGURES

Figure 1: FTG-01 Property Location Map

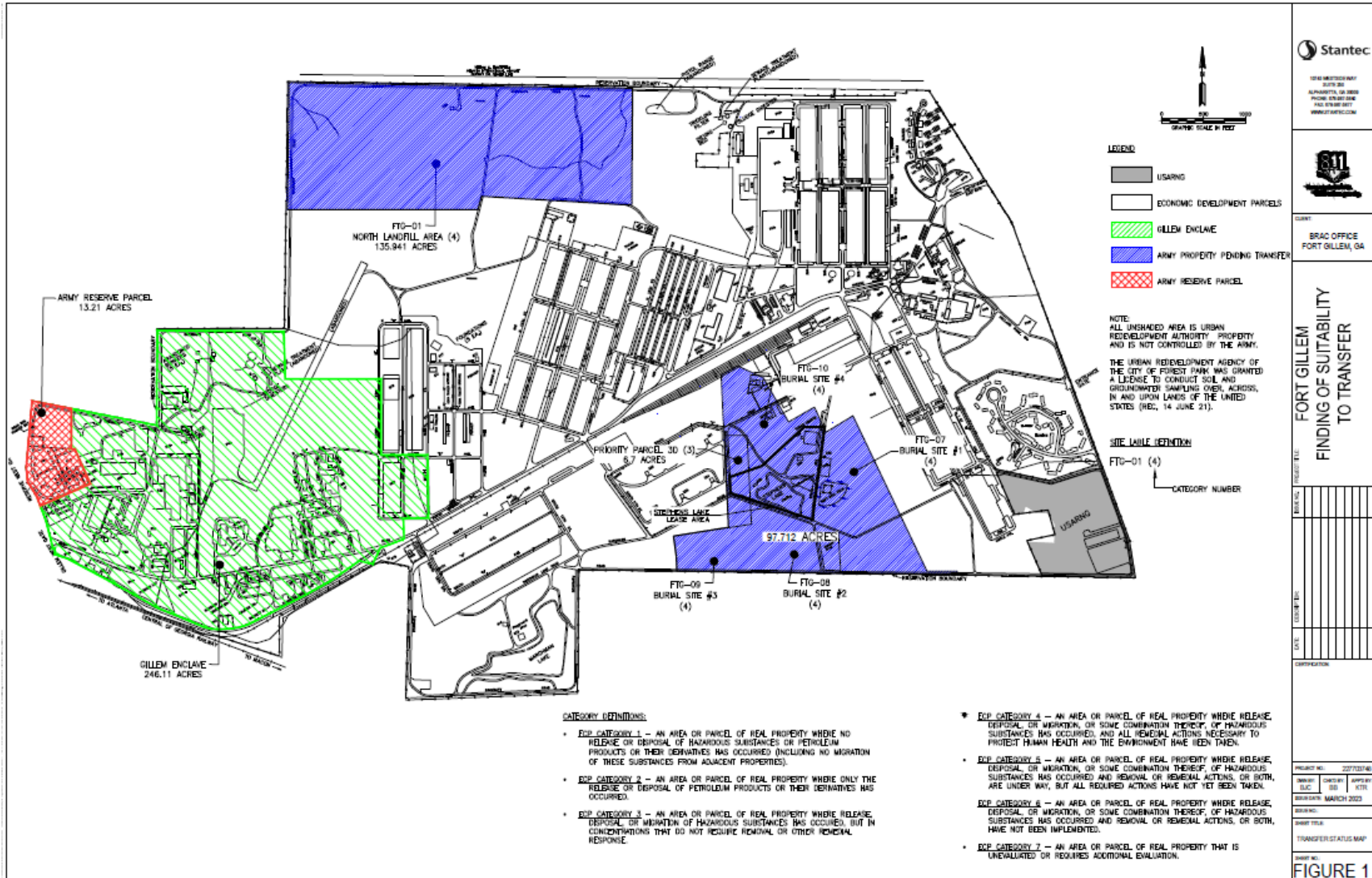
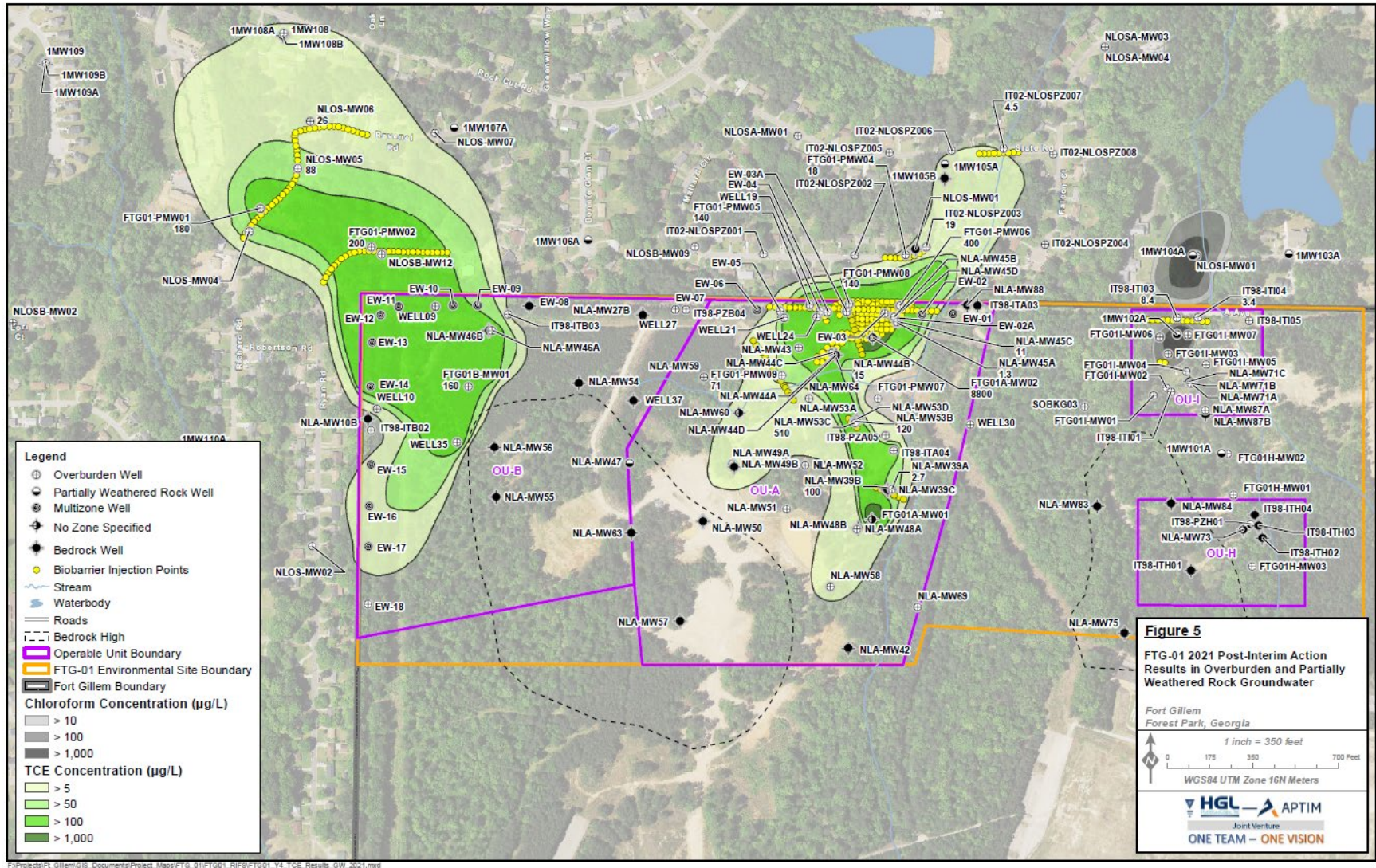


Figure 2: FTG-01 Operable Units A, B, H, and I and Associated Contaminant Plumes



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ENCLOSURE 2: REFERENCES

- Applied Biology, Inc., 1984, *Priority Pollutant Analyses on Ground and Surface Waters from Fort Gillem, Georgia*, August.
- HGL-Aptim Applied Science and Technology (Aptim), 2023, *Land Use Control Implementation Plan, FTG-01, North Landfill Area, Fort Gillem, Forest Park, Georgia*, April.
- HGL-Aptim Federal Services, LLC (APTIM), 2023, *Final Record of Decision, FTG-01, North Landfill Area, Forest Park, Georgia*, March.
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- U.S. Environmental Protection Agency (EPA), 2014, *RCRA Section 7003 Unilateral Administrative Order, Docket No. RCRA-04-2014-4251, Fort Gillem, Forest Park, Clayton County, GA*, September 24.
- U.S. Environmental Protection Agency (EPA), 2017, *RCRA Section 7003 Unilateral Administrative Order, Docket No. RCRA-04-2014-4251, Fort Gillem, Forest Park, Clayton County, GA*, July 27.

ENCLOSURE 3: TABLE 1 – DESCRIPTION OF PROPERTY

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
<p>FTG-01</p> <p>135.941 -acre parcel of heavily wooded land, with some open fields and unpaved roads.</p> <p>Building 589</p>	<p>FTG-01</p>	<p>4</p>	<p>FTG-01 is part of the North Landfill Area, adjacent to the northern and western boundary of Fort Gillem.</p> <p>In 1979, a subsurface investigation to consider the area for developing a national cemetery for the Veterans Administration was performed. The study concluded that approximately half the area under consideration was unusable due to buried debris or surface features which made it unfavorable for a cemetery.</p> <p>According to the 1980 USATHAMA Installation assessment, from 1941 until approximately 1980, the Property was utilized for waste disposal activities including landfilling, trenching, burning, and surface disposition of surplus and waste materials including: gas masks, medical supplies; petroleum, oils, and lubricants (POLs); food products; rubber, miscellaneous chemicals; and industrial waste treatment and sewage sludge. Various studies from 1980 through 1996 were completed to better understand the potential sources and extent of contamination in the soil and groundwater both on- and off-post and include the following:</p> <p>1982 – Hydrogeologic Study of Fort Gillem (Geraghty and Miller, Inc.) 1982 – Environmental Survey of Fort Gillem (Environmental Science and Engineering, Inc.) 1984 – Surface Water and Groundwater Sampling Results (Applied Biology, Inc.) 1992 – Analytical Summary Report (USACE) USACE issued a report in 1992 that summarized groundwater and surface water data collected between 1986 and 1991. 1993- Wastewater Management Study 1993 – Geophysical Survey (Black & Veatch Waste Science, Inc.) 1993 - Well Survey Report (Ebasco Environmental)</p>

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
			<p>1994 – Construction of surface water control structures and leachate interception and treatment system to address leachate seep in the northwestern portion of OU-A. The leachate interception and treatment system operated intermittently from late 1995 to the early 2000s (Foster Wheeler, 1995).</p> <p>1995 – Phase I and Phase II Remedial Investigation of Four Study Areas at the North Landfill Area (Foster Wheeler)</p> <p>In 1996, Foster Wheeler prepared the first comprehensive Remedial Investigation (RI) of FTG-01. The following 1997 Feasibility Study (FS) by ICF Kaiser subdivided FTG-01 into Operable Units (OUs) and Major Operable Units (MOUs) based on media and types of contamination. In 2002, IT Corporation completed delineation activities at the areas of FTG-01 identified by the 1996 RI. The contaminants detected included VOCs, SVOCs, metals, and pesticides/PCBs. However, the presence of pesticides was attributed to the application of registered pesticides in accordance with their intended purpose and consistent with applicable laws and regulations.</p> <p>Several Interim Remedial Actions (IRAs) were performed at FTG-01, including drum and soil removals. Drums were removed from FTG-01 in 1995, 1998, and 2000. Also, in 2000 and 2001, an IRA for MOUs 200 and 600 was completed and removed 28,000 tons of lead-containing soil and 2,034 tons of solvent- and petroleum-containing soils.</p> <p>2008 - A second RI was completed by HydroGeoLogic, Inc (HGL) and Shaw Environmental, Inc (Shaw) which evaluated FTG-01 on a watershed basis. Based on the hydrological and drainage features, FTG-01 was subdivided into three distinct watersheds, consisting of the Western, Central, and Eastern Watersheds. Soil, groundwater, surface water, and sediment samples were collected in 2006 to supplement the historical data collected since 1994. Soil, groundwater, surface water, and sediment samples were analyzed for VOCs, SVOCs, pesticides/PCBs, and</p>

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
			<p>metals. A baseline human health risk assessment and screening-level ecological risk assessment (SLERA) were conducted for each of the three watersheds.</p> <p>2009 - Contaminated soil and debris were removed from OU-A and OU-B. In March 2010, the IRA source area reduction and treatment was completed. During this IRA, soil was excavated from OU-A, OU-B, and OU-H. In addition to soil removal, potassium permanganate was placed within the excavation at OU-A and OU-B to address the residual soil contamination beneath the excavation. An IRA was conducted in June 2010 at OU-I that included excavation of source area soil. Approximately 1,700 yd³ were excavated with no addition of potassium permanganate.</p> <p>2012 - An IRA was completed in 2016 and included the removal and off-site disposal of 3,500 tons of soil from FTG-01.</p> <p>2013-2014 – Compliance Status Report (North Wind Services, LLC [North Wind])</p> <p>2014 – Vapor Intrusion (VI) Study (Geosyntec Consultants). In September 2014, the EPA issued a RCRA §7003 Unilateral Administrative Order (UAO) to the Army to investigate the potential for VI from groundwater contamination underlying the property surrounding Fort Gillem. The UAO required the Army to conduct a survey of all water wells and springs, sampling of any water wells and springs identified by the survey, completion of a VI study, mitigation of contamination discovered by these efforts, and public outreach. The Army conducted a VI study in 2014 and 2015 in the mostly residential, off-post buildings around Fort Gillem, including the residential off-post area north of FTG-01.</p> <p>2017 – An Action Memorandum approving a time critical removal action (TCRA) was signed in 2017 to address chlorinated solvents and buried waste in soil. In March 2017, A ROD was issued for soil, which described the IRA as including excavation and off-site disposal of contaminated soil from the site.</p>

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
			<p>2019 - TCRA's at FTG-01 were completed. Between 2000 and 2019, 98,807 cubic yards of contaminated soil and debris was removed from the site. In addition, the Army implemented In-Situ Enhanced Bioremediation at the site to treat VOC contamination in on-post and off-post groundwater from 2017 to 2019. Treatment of off-post groundwater included injection of 358,341 gallons of emulsified vegetable oil SDC-9 and nutrients through 124 injection points at 6 biobarriers. Treatment of on-post groundwater included 977,644 gallons of amendment solution injected into 156 points.</p> <p>2020 – Following the TCRA, the Army finalized the Interim Remedial Action Completion Report in March 2020. An RI was finalized in November 2020 (Aptim 2020). The RI report contained a Human Health Risk Assessment (HHRA) and SLERA that concluded that there is no unacceptable risk to human health or the environment from present or reasonably anticipated future use at the site (industrial) for soil, surface water, or sediment, however further remedial action is required for groundwater for human receptors.</p> <p>2021 - The groundwater interim actions were completed from 2017 to 2021, while the RI was being completed by Aptim.</p> <p>2022 - A subsequent RI/FS Addendum (HGL-Aptim Applied Science and Technology) was issued in 2022 that summarized the findings and conclusions of the RI conducted from 2016 to 2019, described the groundwater IRA implemented from 2017 to 2021 to address on-post and off-post groundwater VOC contamination associated with FTG-01, and described the remedial action alternatives that were evaluated for the FS Addendum. The alternatives evaluation presented in the addendum included the completed remedial action as a component of the final remedy for FTG-01, where appropriate. The RI/FS Addendum was reviewed by the Georgia Environmental Protection Division (GA EPD) with no comments in a letter dated 26 July 2022. The report concluded that the FTG-01 RI and FS are complete.</p>

Building Number and Property Description	ECP Parcel Designation	Condition Category	Remedial Actions
			<p>The groundwater remedial action (enhanced bioremediation treatment) was effective based on the following lines of evidence: reduction of contaminant concentrations, reduction of plume areas, and favorable bioremediation indicator parameters. The Final RI/FS Addendum is dated September 2022. The updated PP dated September 2022 was provided to GA EPD for review. The public comment period was 17 September 2022 – 21 October 2022. GA EPD concurred with the preferred remedial alternative presented in the PP. The ROD documenting the permanent site remedy for FTG-01 groundwater is dated March 2023.</p> <p>The selected remedy for FTG-01 was approved by the GA EPD and consists of enhanced bioremediation with monitored natural attenuation (MNA) and institutional controls (ICs) to restrict residential use and groundwater use. The enhanced bioremediation alternative consists of the injection of amendments, including emulsified vegetable oil, a dechlorinating microbial culture, buffer, and microbial nutrients into the aquifer to enhance the biodegradation of VOCs in groundwater. Amendments are injected by direct-push technology to create a series of biobarriers and injection grid perpendicular to the direction of groundwater flow. The injections took place during the initial RI period and are complete.</p> <p>The performance of industrial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health.</p>

Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas).

Category 2: Areas where only release or disposal of petroleum products has occurred.

Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response.

Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.

ENCLOSURE 4: TABLE 2 – NOTIFICATION OF HAZARDOUS SUBSTANCE STORAGE, RELEASE, OR DISPOSAL

Building Number	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
FTG-01 (Includes OU-A, OU-B, OU-H, and OU-I)	Chlorinated volatile organic compounds (VOCs), primarily trichloroethene (TCE), 1,1,2,2-tetrachlorethane (TECA), carbon tetrachloride, and chloroform, and lead	1941-1981 Disposal and Release	<p>FTG-01 is part of the North Landfill Area, adjacent to the northern and western boundary of Fort Gillem.</p> <p>In 1979, a subsurface investigation to consider the area for developing a national cemetery for the Veterans Administration was performed. The study concluded that approximately half the area under consideration was unusable due to buried debris or surface features which made it unfavorable for a cemetery.</p> <p>According to the 1980 USATHAMA Installation assessment, from 1941 until approximately 1980, the Property was utilized for waste disposal activities including landfilling, trenching, burning, and surface disposition of surplus and waste materials including: gas masks, medical supplies; POLS; food products; rubber, miscellaneous chemicals; and industrial waste treatment and sewage sludge. Various studies from 1980 through 1996 were completed to better understand the potential sources and extent of contamination in the soil and groundwater both on- and off-post and include the following:</p> <p>1982 – Hydrogeologic Study of Fort Gillem (Geraghty and Miller, Inc.) 1982 – Environmental Survey of Fort Gillem (Environmental Science and Engineering, Inc.) 1984 – Surface Water and Groundwater Sampling Results (Applied Biology, Inc.) 1992 – Analytical Summary Report (USACE) USACE issued a report in 1992 that summarized groundwater and surface water data collected between 1986 and 1991. 1993- Wastewater Management Study 1993 – Geophysical Survey (Black & Veatch Waste Science, Inc.)</p>

			<p>1993 - Well Survey Report (Ebasco Environmental)</p> <p>1994 – Construction of surface water control structures and leachate interception and treatment system to address leachate seep in the northwestern portion of OU-A. The leachate interception and treatment system operated intermittently from late 1995 to the early 2000s (Foster Wheeler, 1995).</p> <p>1995 – Phase I and Phase II Remedial Investigation of Four Study Areas at the North Landfill Area (Foster Wheeler)</p> <p>In 1996, Foster Wheeler prepared the first comprehensive RI of FTG-01. The following 1997 FS by ICF Kaiser subdivided FTG-01 into OUs and MOUs based on media and types of contamination. In 2002, IT Corporation completed delineation activities at the areas of FTG-01 identified by the 1996 RI. The contaminants detected included VOCs, SVOCs, metals, and pesticides/PCBs. However, the presence of pesticides was attributed to the application of registered pesticides in accordance with their intended purpose and consistent with applicable laws and regulations.</p> <p>Several IRAs were performed at FTG-01, including drum and soil removals. Drums were removed from FTG-01 in 1995, 1998, and 2000. Also, in 2000 and 2001, an IRA for MOUs 200 and 600 was completed and removed 28,000 tons of lead-containing soil and 2,034 tons of solvent- and petroleum-containing soils.</p> <p>2008 - A second RI was completed by HGL and Shaw which evaluated FTG-01 on a watershed basis. Based on the hydrological and drainage features, FTG-01 was subdivided into three distinct watersheds, consisting of the Western, Central, and Eastern Watersheds. Soil, groundwater, surface water, and sediment samples were collected in 2006 to supplement the historical data collected since 1994. Soil, groundwater, surface water, and sediment samples were analyzed for VOCs, SVOCs, pesticides/PCBs, and metals. A baseline human health risk assessment and SLERA were conducted for each of the three watersheds.</p>
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		<p>2009 - Contaminated soil and debris were removed from OU-A and OU-B. In March 2010, the IRA source area reduction and treatment was completed. During this IRA, soil was excavated from OU-A, OU-B, and OU-H. In addition to soil removal, potassium permanganate was placed within the excavations at OU-A OU-B, and OU-H to address the residual soil contamination beneath the excavations. An IRA was conducted in June 2010 at OU-I that included excavation of source area soil. Approximately 1,700 yd³ were excavated with no addition of potassium permanganate.</p> <p>2012 - An IRA was completed in 2016 and included the removal and off-site disposal of 3,500 tons of soil from FTG-01.</p> <p>2013-2014 – Compliance Status Report (North Wind Services, LLC [North Wind])</p> <p>2014 –VI Study (Geosyntec Consultants). In September 2014, the EPA issued a RCRA §7003 UAO to the Army to investigate the potential for VI from groundwater contamination underlying the property surrounding Fort Gillem. The UAO required the Army to conduct a survey of all water wells and springs, sampling of any water wells and springs identified by the survey, completion of a VI study, mitigation of contamination discovered by these efforts, and public outreach. The Army conducted a VI study in 2014 and 2015 in the mostly residential, off-post buildings around Fort Gillem, including the residential off-post area north of FTG-01.</p> <p>2017 – An Action Memorandum approving a TCRA was signed in 2017 to address chlorinated solvents and buried waste in soil. In March 2017, A ROD was issued for soil, which described the IRA as including excavation and off-site disposal of contaminated soil from the site.</p> <p>2019 - TCRAs at FTG-01 were completed. Between 2000 and 2019, 98,807 yd³ of contaminated soil and debris was removed from the site. In addition, the Army implemented In-Situ Enhanced Bioremediation at the site to treat VOC contamination in on-post and off-post groundwater from 2017 to 2019.</p>
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		<p>Treatment of off-post groundwater included injection of 358,341 gallons of emulsified vegetable oil SDC-9 and nutrients through 124 injection points at 6 biobarriers. Treatment of on-post groundwater included 977,644 gallons of amendment solution injected into 156 points.</p> <p>2020 – Following the TCRA, the Army finalized the Interim Remedial Action Completion Report in March 2020. An RI was finalized in November 2020 (Aptim 2020). The RI report contained a HHRA and SLERA that concluded that there is no unacceptable risk to human health or the environment from present or reasonably anticipated future use at the site (industrial) for soil, surface water, or sediment, however further remedial action is required for groundwater for human receptors.</p> <p>2021 - The groundwater interim actions were completed from 2017 to 2021, while the RI was being completed by Aptim.</p> <p>2022 - A subsequent RI/FS Addendum (HGL-Aptim Applied Science and Technology) was issued in 2022 that summarized the findings and conclusions of the RI conducted from 2016 to 2019, described the groundwater IRA implemented from 2017 to 2021 to address on-post and off-post groundwater VOC contamination associated with FTG-01, and described the remedial action alternatives that were evaluated for the FS Addendum. The alternatives evaluation presented in the addendum included the completed remedial action as a component of the final remedy for FTG-01, where appropriate. The RI/FS Addendum was reviewed by the GA EPD with no comments in a letter dated 26 July 2022. The report concluded that the FTG-01 RI and FS are complete. The groundwater remedial action (enhanced bioremediation treatment) was effective based on the following lines of evidence: reduction of contaminant concentrations, reduction of plume areas, and favorable bioremediation indicator parameters. The Final RI/FS Addendum is dated September 2022. The updated PP dated September 2022 was provided to GA EPD for review. The public comment period was 17 September 2022 – 21 October 2022. GA EPD concurred with the preferred remedial alternative presented in the PP. The ROD</p>
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			<p>documenting the permanent site remedy for FTG-01 groundwater is dated March 2023.</p> <p>The selected remedy for FTG-01 was approved by the GA EPD and consists of enhanced bioremediation with MNA and ICs to restrict residential use and groundwater use. The enhanced bioremediation alternative consists of the injection of amendments, including emulsified vegetable oil, a dechlorinating microbial culture, buffer, and microbial nutrients into the aquifer to enhance the biodegradation of VOCs in groundwater. Amendments are injected by direct-push technology to create a series of biobarriers and injection grid perpendicular to the direction of groundwater flow. The injections took place during the initial RI period and are complete.</p> <p>The performance of industrial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health.</p>
<p>* The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or ‘Superfund’) 42 U.S.C. §9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1,000 kilograms or the hazardous substance’s CERCLA reportable quantity (whichever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substances CERCLA reportable quantity. See 40 CFR Part 373.</p>			

ENCLOSURE 5: TABLE 3 – NOTIFICATION OF PETROLEUM PRODUCT STORAGE, RELEASE, OR DISPOSAL

Building Number	Name of Petroleum Product(s)	Date of Storage, Release, or Disposal	Remedial Actions
FTG-01	POLs, motor oil, other unknown petroleum products.	1941-1980 Disposal and release	<p>The Installation Survey Assessment completed by USATHAMA in 1980 noted that POLs were being disposed of in FTG-01. The following remedial actions were taken with regard to areas of FTG-01 with petroleum disposal/releases:</p> <p>1998: MOU 800 Drum Removal – 61 empty, partially full, or full containers were collected, sampled, and characterized and disposed of according to applicable local, state, and federal regulations. (IT, 2001a). Some of these drums contained petroleum products.</p> <p>2000-2001 MOU 600 Lead Contaminated Soil Removal: Approximately 2,034 tons of solvent-and petroleum containing soils, 1 drum of motor oil and approximately 120 crushed drums were removed.</p>

ENCLOSURE 6: CERCLA NOTICE, COVENANT, AND ACCESS PROVISIONS AND OTHER DEED PROVISIONS

The following CERCLA Notice, Covenant, and Access Provisions, along with the Other Deed Provisions, will be placed in the deed to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities.

I. Property Covered by Notice, Description, Access Rights, and Covenant Made Pursuant to Section 120(h)(3)(A) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)):

For the Property, the Grantor provides the following notice, description, and covenant and retains the following access rights:

A. Notices Pursuant to Sections 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(i)(I) and (II)):

Pursuant to sections 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h), is provided in Exhibit ___, attached hereto and made a part hereof.

B. Description of Remedial Action Taken, if Any, Pursuant to Section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)):

Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the Property is provided in Exhibit ___, attached hereto and made a part hereof.

C. Covenant Pursuant to Sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B)):

Pursuant to section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B)), the United States warrants that -

(a) all remedial action necessary to protect human health and the environment with respect to any hazardous substance identified pursuant to section 120(h)(3)(A)(i)(I) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 remaining on the Property has been taken before the date of this deed, and

(b) Any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States.

D. Access Rights Pursuant to Section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)):

The United States retains and reserves a perpetual and assignable easement and right of access on, over, and through the Property, to enter upon the Property in any case in which a remedial action or corrective action is found to be necessary on the part of the United States, without regard to whether such remedial action or corrective action is on the Property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, testpitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States to meet its responsibilities under applicable laws and as provided for in this instrument. Such easement and right of access shall be binding on the Grantee and its successors and assigns and shall run with the land.

In exercising such easement and right of access, the United States shall provide the Grantee or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the Property and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States shall use reasonable means to avoid and to minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the Property at a reasonable charge to the United States. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the Grantee, nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States.

In exercising such easement and right of access, neither the Grantee nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States or any officer or employee of the United States based on actions taken by the United States or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the grantee and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

II. OTHER DEED PROVISIONS:

A. "AS IS"

The Grantee acknowledges that it has inspected, or has had the opportunity to inspect, the Property and accepts the condition and state of repair of the Property. The Grantee understands and agrees that the Property is conveyed "AS IS" without any representation, warranty, or guaranty by the Grantor as to quantity, quality, title, character, condition, size, or kind, or that the same is in a suitable condition or fit to be used for the purposes intended by the Grantee, and no claim for allowance or deduction upon such grounds will be considered.

No warranties, either express or implied, are given with regard to the condition of the Property including, without limitation, whether the Property does or does not contain asbestos or lead-based paint. The Grantee shall be deemed to have relied solely on its own judgment in assessing the condition of the Property including, without limitation, any asbestos, lead-based paint,

or other conditions on the Property. Any failure of the Grantee to inspect or to exercise due diligence to be fully informed as to the condition of the Property will not constitute grounds for any claim or demand against the Grantor.

Nothing in this “As Is” provision will be construed to modify or negate the Grantor’s obligation under the “Covenant Pursuant to Sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B))” or any other statutory obligations.

B. HOLD HARMLESS

To the extent authorized by law, the Grantee, for itself, its successors and assigns, covenants and agrees to indemnify and hold harmless the Grantor, its officers, agents, and employees from (1) any and all claims, damages, judgments, losses, and costs, including fines and penalties, arising out of the violation of the covenants, conditions, and restrictions in this deed by the Grantee, its successors and assigns, and (2) any and all claims, damages, judgments, losses, and costs arising out of, or in any manner predicated upon, exposure to asbestos, lead-based paint, or other condition on the Property after the date of the conveyance herein.

The Grantee, its successors and assigns, covenant and agree that the Grantor shall not be responsible for any costs associated with modification or termination of the notices, use restrictions, and restrictive covenants in this Deed, including without limitation, any costs associated with additional investigation or remediation of asbestos, lead-based paint, or other condition on any portion of the Property.

Nothing in this “Hold Harmless” provision will be construed to modify or negate the Grantor’s obligation under the “Covenant Pursuant to Sections 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§ 9620(h)(3)(A)(ii) and (B))” or any other statutory obligations.

C. POST-TRANSFER DISCOVERY OF CONTAMINATION

If a release or threatened release of a hazardous substance is discovered on the Property after the date of the conveyance herein, the Grantee, its successors or assigns shall be responsible for such newly discovered release or threatened release of a hazardous substance unless the Grantee, or its successors or assigns is able to demonstrate that such release or threatened release of a hazardous substance was due to the Grantor’s activities, use, or ownership of the Property. If the Grantee, or its successors or assigns believe the newly discovered hazardous substance is due to the Grantor’s activities, use, or ownership of the Property, the Grantee, or its successors or assigns shall immediately secure the site and notify the Grantor of the existence of the hazardous substance and the Grantee, or its successors or assigns shall not further disturb or allow the disturbance of such hazardous substance without the prior written permission of the Grantor.

The Grantee, for itself, its successors and assigns, as part of the consideration for the conveyance of the Property, hereby releases the Grantor from any liability or responsibility for any claims arising solely out of the release or threatened release of any hazardous substance on the Property occurring after the date of the conveyance herein where such hazardous substance was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents, contractors, or any person other than the Grantor after the date of the conveyance herein. This “Post-Transfer Discovery of Contamination” provision shall not affect the Grantor’s responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and

regulations, or the Grantor's obligations under the "Covenant Pursuant to Section 120(h)(3)(A)(ii) and B of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B))."

D. ENVIRONMENTAL PROTECTION PROVISIONS

The Grantee shall neither transfer the Property, lease the Property, nor grant any interest, privilege, or license whatsoever in connection with the Property without including the environmental protection provisions set forth in Exhibit __, attached hereto and made a part hereof, and shall require the said provisions be included in all subsequent deeds, easements, transfers, leases, or grant of any interest, privilege, or license in, of, on, or to the Property or any portion thereof.

E. NOTICE OF PETROLEUM OR PETROLEUM PRODUCT STORAGE, RELEASE OR DISPOSAL

The Grantee is hereby provided the summary of the storage, release, or disposal of petroleum or petroleum products on the Property attached hereto as Exhibit __ and made a part hereof. Said summary is based on the best information available to the Department of the Army and believed to be correct, however any error or omission related thereto shall not constitute grounds or reason for any claim by the Grantee against the Grantor including, without limitation, any claim for allowance, refund, or deduction from the purchase price.

ENCLOSURE 7: ENVIRONMENTAL PROTECTION PROVISIONS

The following conditions, restrictions, and notifications will be attached, in a substantially similar form, as an exhibit to the deed and be incorporated therein by reference in order to ensure protection of human health and the environment.

1. LAND USE RESTRICTIONS

The United States Department of the Army has undertaken careful environmental study of the Property and concluded that the land use restrictions set forth below are required to ensure protection of human health and the environment. The Grantee, its successors or assigns, shall not undertake nor allow any activity on or use of the Property that would violate the land use restrictions contained herein.

Residential Use Restriction. The Grantee covenants for itself, its successors and assigns, not to use the Property for residential purposes. For purposes of this provision, residential use includes, but is not limited to, single family or multi-family residences; childcare facilities; and nursing home or assisted living facilities; and any type of educational facility for children/young adults in grades kindergarten through 12.

Groundwater Restriction. Grantee is hereby informed and acknowledges that the ground water under Property has elevated levels of chlorinated volatile organic compounds (VOCs), primarily trichloroethene (TCE), 1,1,2,2-tetrachlorethane (TECA), carbon tetrachloride, and chloroform. The Grantee covenants for itself, its successors and assigns, not to access or use ground water underlying the Property for any purpose without the prior written approval of United States Department of the Army and the Georgia Environmental Protection Division (GA EPD). For the purpose of this restriction, "ground water" shall have the same meaning as in section 101(12) of CERCLA.

Modifying Restrictions. Nothing contained herein shall preclude the Grantee, its successors or assigns, from undertaking, in accordance with applicable laws and regulations and without any cost to the Grantor, such additional action as would be necessary to allow uses of the Property that are otherwise prohibited by the land use restrictions set forth herein. Prior to any such use of the Property, the Grantee shall consult with and obtain the approval of the Grantor and, as appropriate, the state or federal regulators, or the local authorities. Upon the Grantee's obtaining the approval of the Grantor and, as appropriate, state or federal regulators, or local authorities, the Grantor agrees to prepare and execute an instrument modifying or terminating, as appropriate, the land use restrictions set forth herein. The recordation of any such instrument shall be the responsibility of the Grantee or its successors or assigns and shall be accomplished at no additional cost to the Grantor.

Submissions. The Grantee, its successors and assigns shall submit any requests for modifications to, or termination of, the above land use restrictions to the Grantor and GA EPD, by first class mail, postage prepaid, addressed as follows:

Grantor –

Department of the Army
Office of the Deputy Chief of Staff, G-9
Base Realignment and Closure Branch
600 Army Pentagon
Washington, DC 20310-0600

State Regulator –

Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King, Jr. Drive\
Suite 1054, East Tower,
Atlanta, Georgia 30334

2. NOTICE OF THE POTENTIAL PRESENCE OF MUNITIONS AND EXPLOSIVES OF CONCERN (MEC) AND RESERVATION OF EASEMENT

The Grantee is hereby notified that due to the former use of the Property as a military installation, it may contain munitions and explosives of concern (MEC). The term MEC shall mean specific categories of military munitions that may pose unique explosives safety risks and includes: (1) unexploded ordnance (UXO), as defined in 10 U.S.C. §101(e)(5); (2) discarded military munitions (DMM), as defined in 10 U.S.C. §2710(e)(2); and (3) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in concentrations that pose an explosive hazard, as defined in 32 CFR § 179.3.

The Grantor represents that, to the best of its knowledge, no MEC is currently present on the Property. Notwithstanding the Grantor's determination regarding the absence of MEC on the Property, the parties hereto acknowledge that there is a possibility that MEC may be present on the Property. If the Grantee, its successors or assigns or any other person should find any MEC on the Property, they shall immediately stop any intrusive or ground-disturbing work in the area and in any adjacent areas and shall not disturb, remove or destroy it, but shall immediately notify the local police department so that appropriate explosive ordnance disposal personnel can be dispatched to address such MEC as required under applicable law and regulations.

The Grantor retains and reserves a perpetual and assignable easement and right of way in, on, over, and across the Property for the purpose of performing such munitions response actions including investigation, sampling, testing, test-pitting, surface and subsurface clearance operations on the Property, or on adjoining property, as may be necessary for the Grantor to meet its responsibilities under applicable laws and regulations and as provided for in this deed; together with the right to obtain and use such utility services, including water, gas, electricity, sewer, and communications services as may be available on the Property at a reasonable charge to the Grantor.

The Grantor shall provide the Grantee or its successors or assigns, as appropriate, reasonable prior notice of the Grantor's intention to exercise its rights under this easement and right-of-way except when it is impracticable to do so in emergency situations. The Grantor shall use reasonable means but shall not be required to incur significant additional cost to avoid or minimize interference with the Grantee's and the Grantee's successors' and assigns' quiet enjoyment of the Property. Excluding reasonable charges for utility services, no fee, charge, or compensation shall be due the Grantee or its successors or assigns for the Grantor's exercise of this easement and right-of-way.

The Grantee, its successors and assigns shall have no claim at law or in equity against the Grantor arising from or related to any interference by the Grantor with their quiet enjoyment of the Property.

3. PESTICIDE NOTICE AND COVENANT

The Grantee is hereby notified and acknowledges that registered pesticides have been applied to the Property and may continue to be present thereon. The Grantor and Grantee know of no use of any registered pesticide in a manner (1) inconsistent with its labeling or with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136, et seq.) and other applicable laws and regulations, or (2) not in accordance with its intended purpose.

The Grantee covenants and agrees that if the Grantee takes any action with regard to the Property, including demolition of structures or any disturbance or removal of soil that may expose, or cause a release of, a threatened release of, or an exposure to, any such pesticide, the Grantee assumes all responsibility and liability therefor.

ENCLOSURE 8: REGULATORY/PUBLIC COMMENTS

[This enclosure will be updated once the FOST has been released for public comment.]

ENCLOSURE 9: ARMY RESPONSE

[This enclosure will be updated once the FOST has been released for public comment.]