



NEPA Categorical Exclusion Determination Form

Program or Field Office: U.S. Department of Energy (DOE) Office of Legacy Management (LM)

Project Title: Reporting of Excess Real Property Determination to U.S. General Services Administration (GSA) for Subsequent GSA Disposal of the Colonie, New York, Site on Behalf of DOE

Location: Colonie, New York, Site

Proposed Action or Project Description:

LM is proposing to report the government-owned and LM-managed Colonie, New York, Site property as excess to the GSA, and to dispose of (real property-ownership transfer) the property by GSA to another entity. The property would remain in the custody of LM until it is transferred by GSA. The identity of any new property owner is unknown. The site is located at 1130 Central Avenue, Colonie, New York, and consists of 11.2 acres of undeveloped, vacant land zoned for industrial use.

The site is a Formerly Utilized Sites Remedial Action Program site that was remediated following the processes of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Pertinent environmental information previously evaluated and documented in the site's Records of Decision is not subject to this LM National Environmental Policy Act (NEPA) review and documentation, but includes:

- Hazardous substances were previously released to the environment but have been remediated through the CERCLA process (as a non-National Priorities List site). The U.S. Army Corps of Engineers completed the remedial actions and issued the Colonie Site Closeout Report in April 2018. The site was transferred to LM in September 2019.
- Three discrete areas of inaccessible, metal-contaminated soil (with concentrations above residential-use standards) remain at the site, and a small plume of contaminated groundwater remains beneath the site in the unconfined alluvial aquifer.
- An environmental easement is being emplaced by LM, which would control access to and the use of the soil from the contaminated areas. An LM site management plan (SMP), which is part of the easement package, describes the specific land use controls and the required ongoing actions by LM and/or future site owners. The easement limits groundwater use and requires an evaluation for vapor intrusion prior to building construction, and LM will continue to monitor the groundwater.

Upon easement recordation by the County of Albany, the land would be reported as excess to GSA and GSA would pursue property disposal. LM would retain ownership of the five onsite groundwater monitoring wells and would require the ability to access the site after ownership has transferred to perform required activities. Additionally, National Historic Preservation Act Section 106 consultation for the disposal undertaking is the responsibility of GSA and not of the reporting landholding agency (DOE). It is anticipated that the county would record the easement by summer 2020, after which LM would report the site as excess to GSA, and then GSA would facilitate the disposal of the site.

Categorical Exclusion(s) Applied:

- B1.24 - Transfer of Real Property
- B1.36 - Determinations of Excess Real Property

For the complete DOE National Environmental Policy Act (NEPA) regulations regarding categorical exclusions, including the full text of each categorical exclusion, see Subpart D of Title 10 *Code of Federal Regulations* Section 1021 (10 CFR 1021).

Regulatory Requirements in 10 CFR 1021.410(b): (See full text in regulation)

The proposal fits within a class of actions that is listed in Appendix A or B to 10 CFR Part 1021, Subpart D

To fit within the classes of actions listed in 10 CFR Part 1021, Subpart D, Appendix B, a proposal must be one that would not: (1) threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of DOE or Executive Orders; (2) require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities; (3) disturb hazardous substances, pollutants, contaminants, or CERCLA-excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases; (4) have the potential to cause significant impacts on environmentally sensitive resources, including, but not limited to, those listed in paragraph B(4) of 10 CFR Part 1021, Subpart D, Appendix B; (5) involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those listed in paragraph B(5) of 10 CFR Part 1021, Subpart D, Appendix B.

There are no extraordinary circumstances related to the proposal that may affect the significance of the environmental effects of the proposal.



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**NEPA Compliance Officer Signature and
Determination Date**

JOYCE CHAVEZ

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CHAVEZ
Date: 2020.07.15 10:09:57 -06'00'
