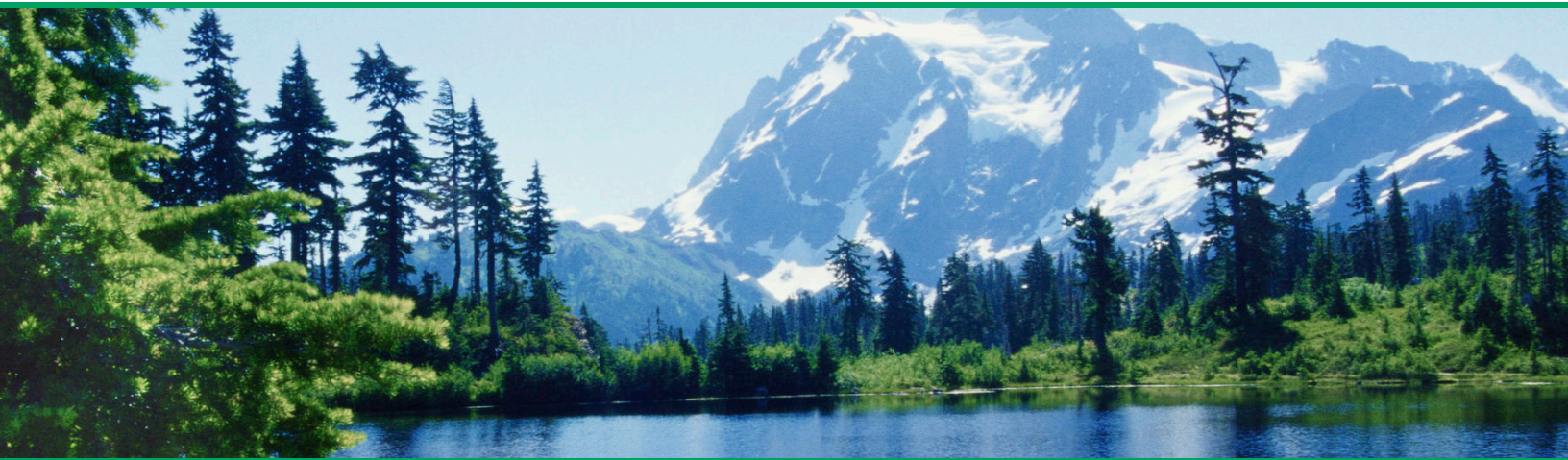




GSA OFFICE OF REAL PROPERTY  
UTILIZATION AND DISPOSAL



# ENVIRONMENTAL FRAMEWORK FOR REAL PROPERTY DISPOSAL

JANUARY  
2018









# FOREWORD

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January 2018

The General Services Administration's (GSA's) *Environmental Framework for Real Property Disposal* (the Framework) is designed to provide Landholding Agencies (LHAs) with an easy-to-use framework for explaining compliance with environmental laws, regulations, and executive orders applicable to the acceptance and disposal of Federal real property. The Framework describes both the LHA's and GSA's responsibilities when addressing Federal environmental and historic requirements in real property disposal. Landholding Agencies may use this handbook as an informational tool when completing the *Excess Real Property Checklist*, the due diligence supplement to the *Standard Form 118, Report of Excess Real Property* (<http://disposal.gsa.gov>).

The materials in the *Environmental Framework for Real Property Disposal* are not intended to constitute legal advice or serve as a substitute for obtaining legal counsel.

# HOW TO USE THIS FRAMEWORK

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The environmental and historic topics covered in this Framework are organized alphabetically. Each topic includes the following sections:

- Acceptance criteria for the Landholding Agency: information that the Landholding Agency should provide to the GSA Office of Real Property Utilization and Disposal when reporting real property excess.
- Disposal criteria for GSA (as the disposal agency): the process GSA Real Property Utilization and Disposal follows to (1) ensure compliance with applicable requirements and (2) provide correct information in the invitation for bids (IFB), offer to purchase, assignment letter or deed.
- Relevant definitions: definitions of terms relevant to that topic that outline the important components of each topic.
- Other pertinent general information: additional information including weblinks to relevant Federal agencies that may provide background information or additional considerations to aid the property disposal process.

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# ACRONYMS USED IN THE FRAMEWORK AND FLOWCHARTS

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<b>ACHP</b>	Advisory Council on Historic Preservation
<b>ACM</b>	Asbestos Containing Material
<b>CATEX</b>	Categorical Exclusion
<b>CERCLA</b>	Comprehensive Environmental Response, Compensation, and Liability Act
<b>CEQ</b>	Council on Environmental Quality
<b>CFR</b>	Code of Federal Regulations
<b>CZMA</b>	Coastal Zone Management Act
<b>EA</b>	Environmental Assessment
<b>EIS</b>	Environmental Impact Statement
<b>E.O.</b>	Executive Order
<b>EPA</b>	U.S. Environmental Protection Agency
<b>ESA</b>	Endangered Species Act
<b>ETA</b>	Early Transfer Authority
<b>FEMA</b>	Federal Emergency Management Agency
<b>FIFRA</b>	Federal Insecticide, Fungicide, and Rodenticide Act
<b>FMR</b>	Federal Management Regulations
<b>FONSI</b>	Finding of No Significant Impact
<b>FR</b>	Federal Register
<b>FWS</b>	U.S. Fish and Wildlife Service
<b>GSA</b>	U.S. General Services Administration
<b>IFB</b>	Invitation for Bids
<b>LBP</b>	Lead-Based Paint
<b>LHA</b>	Landholding Agency

<b>LUCs</b> .....	Land Use Controls
<b>MOA</b> .....	Memorandum of Agreement
<b>NCP</b> .....	National Oil and Hazardous Substances Pollution Contingency Plan
<b>NEPA</b> .....	National Environmental Policy Act
<b>NHPA</b> .....	National Historic Preservation Act
<b>NMFS</b> .....	National Marine Fisheries Service
<b>NPL</b> .....	National Priorities List
<b>O&amp;M</b> .....	Operation and Maintenance
<b>OPS</b> .....	Operating Properly and Successfully
<b>PBS</b> .....	Public Buildings Service
<b>PCB</b> .....	Polychlorinated Biphenyls
<b>pCi/L</b> .....	Picocuries per Liter
<b>ppm</b> .....	Parts per Million
<b>PRP</b> .....	Potentially Responsible Party
<b>RCRA</b> .....	Resource Conservation and Recovery Act
<b>ROD</b> .....	Record of Decision
<b>SAFR</b> .....	Small Arms Firing Range
<b>SHPO</b> .....	State Historic Preservation Officer
<b>SWDA</b> .....	Solid Waste Disposal Act
<b>THPO</b> .....	Tribal Historic Preservation Officer
<b>USC</b> .....	United States Code
<b>UST</b> .....	Underground Storage Tank
<b>VI</b> .....	Vapor Intrusion

# ASBESTOS

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency (LHA) should provide all available information concerning known asbestos containing material (ACM) on the property:

- The type of asbestos.
- The condition of asbestos.
- The location of asbestos.
- Any asbestos control measures taken (e.g., isolation, enclosure, sealing [engineering controls], safe work practices [administrative actions], or personal protective equipment).

### Disposal Criteria

GSA will include in the invitation for bids (IFB), offer to purchase, assignment letter or deed:

- Notice that the property contains ACM.
- A statement that the grantee will comply with all Federal, state, and local laws relating to asbestos, including the presence of friable asbestos.

GSA will also:

- Recommend that potential purchasers inspect the property to be sold prior to submitting a bid (offer).
- Provide a description of where asbestos is located on the property (if known) and describe any control measures, if applicable.

---

## Definitions

**Asbestos** is a naturally forming mineral found in certain types of rock formations that can be separated into fibers. There are six types of asbestos minerals, of which three have been commonly used for commercial purposes. Chrysotile, referred to as white asbestos, constitutes about 95 percent of all the asbestos used in building products.

**ACM** is any material which contains more than one percent asbestos by weight. ACM is produced when asbestos is

broken up into fine fibers that are mixed with a material that binds them together.

Asbestos has been used in a variety of building construction materials for insulation and as a fire retardant. Asbestos has also been used in a wide range of manufactured goods, mostly in building materials, friction products, heat-resistant fabrics, packaging, gaskets, and coatings.

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## General Information

Documentation such as the Operations and Maintenance (O&M) Plan, asbestos surveys, or past building contract actions may help identify the presence of ACM and any asbestos control measures previously taken.

GSA will provide all available asbestos information on the property. GSA also recommends that the potential purchaser inspect the property prior to submitting a bid.

A known release or substantial threat of a release of asbestos into the environment may qualify as a hazardous substance release under CERCLA. If released into the environment, the ACM should be noted on GSA's

Hazardous Substance Activity Certification in the *Excess Real Property Checklist*.

The LHA can determine asbestos-related information through available asbestos surveys, O&M plans, and building contracting documents.

Additional asbestos information can be found:

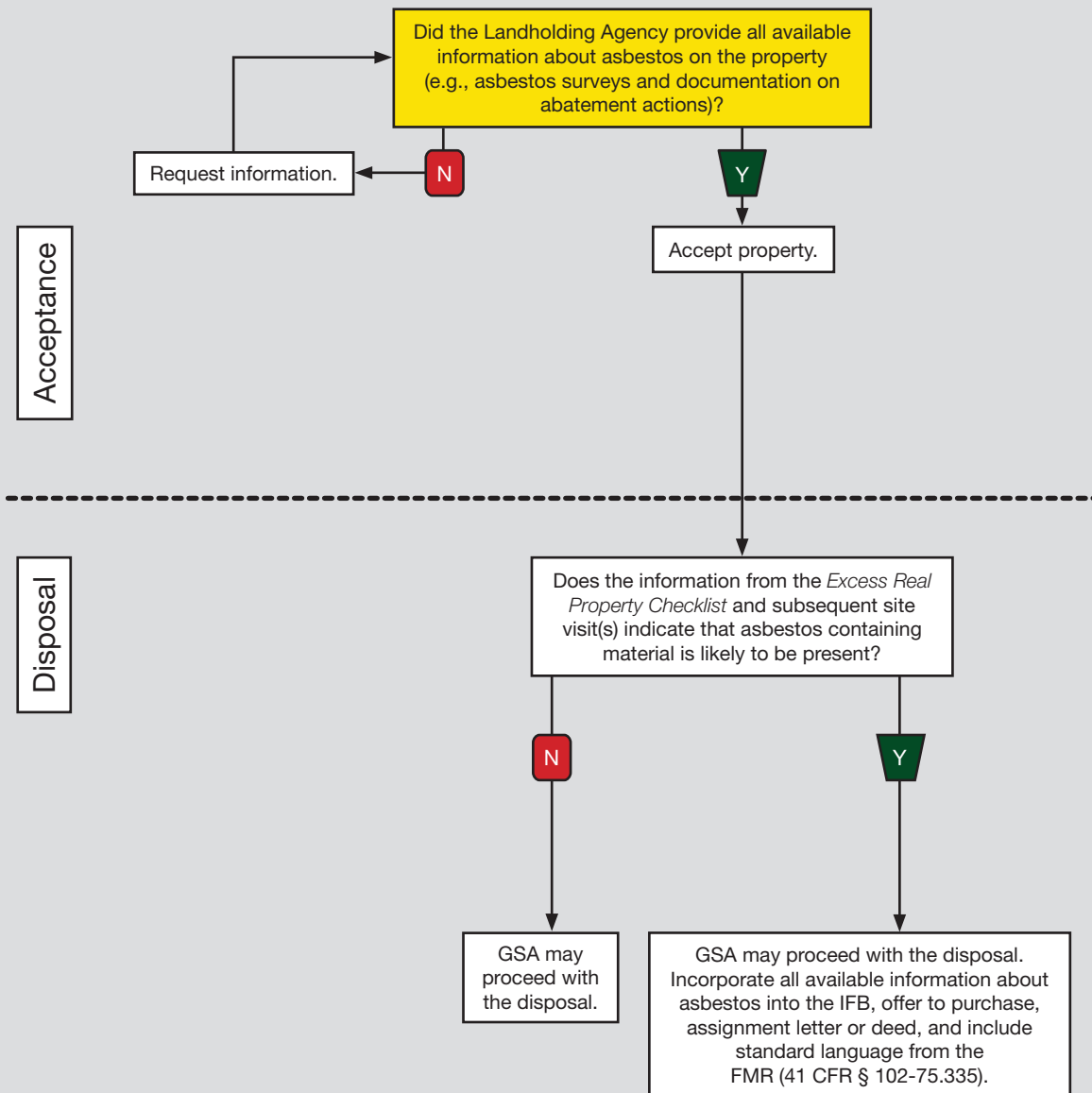
EPA: <http://www2.epa.gov/asbestos/learn-about-asbestos>

OSHA: <https://www.osha.gov/SLTC/asbestos/>

ATSDR: <http://www.atsdr.cdc.gov/Asbestos/>



# PROCESS



# COASTAL ZONE MANAGEMENT ACT (CZMA)

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide:

- Identification of the coastal zone in which the property is located.
- Identification of applicable restrictions for the area from the State Coastal Zone Management Plan.

### Disposal Criteria

GSA will provide the applicable state a negative determination or a consistency determination for the disposal of property located in the state's defined coastal zone. GSA will include in the IFB, offer to purchase, assignment letter or deed:

- Applicable restrictions for the area if it is reasonably foreseeable that the disposal activity will have a direct or indirect effect on the coastal zone.

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## Definitions

The **coastal zone** is comprised of coastal waters, the lands in and under coastal waters, shorelands adjacent to coastal waters, and the lands in and under shorelands, which are

strongly influenced by each other and in proximity to the shorelines of the several coastal states.

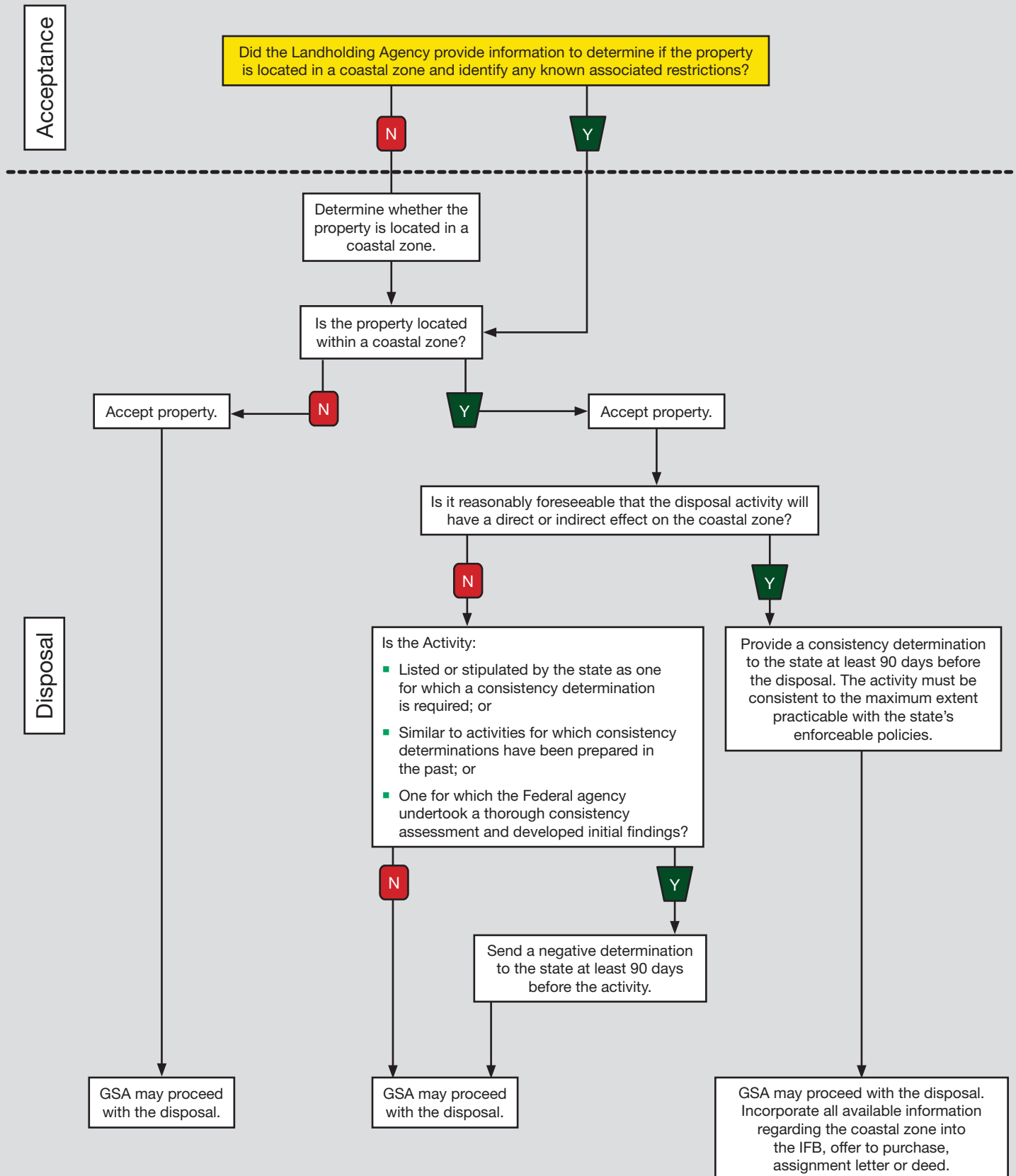
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## General Information

To determine whether the property is in a coastal zone, see the National Oceanic and Atmospheric Administration's State and Territory Coastal Management Program Summaries (<http://coastalmanagement.noaa.gov/>).

CZMA Federal Consistency Overview:  
<https://coast.noaa.gov/czm/consistency/>

# PROCESS





# COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) SECTION 120(h)(3)

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## Criteria

### Acceptance Criteria

The Landholding Agency should complete GSA's Hazardous Substance Activity Certification in GSA's *Excess Real Property Checklist*. This includes:

- A statement indicating the property's National Priorities List status.
- A statement indicating whether any hazardous substance activity took place and information on the substances released, disposed of, or stored for a year or more on the site (40 Code of Federal Regulations (CFR) Part 373).

The Landholding Agency should provide GSA with any applicable environmental studies on the property. If hazardous substance activity occurred on the property, include the type, quantity, and dates of the storage, release, or disposal. The Landholding Agency should also provide correspondence with Federal and state environmental regulatory agencies including any closure reports, decision documents, or notices of any outstanding violations or other concerns.

If the Hazardous Substance Activity Certification indicates there was hazardous substance activity on the property, the Landholding Agency must also include one of the following statements:

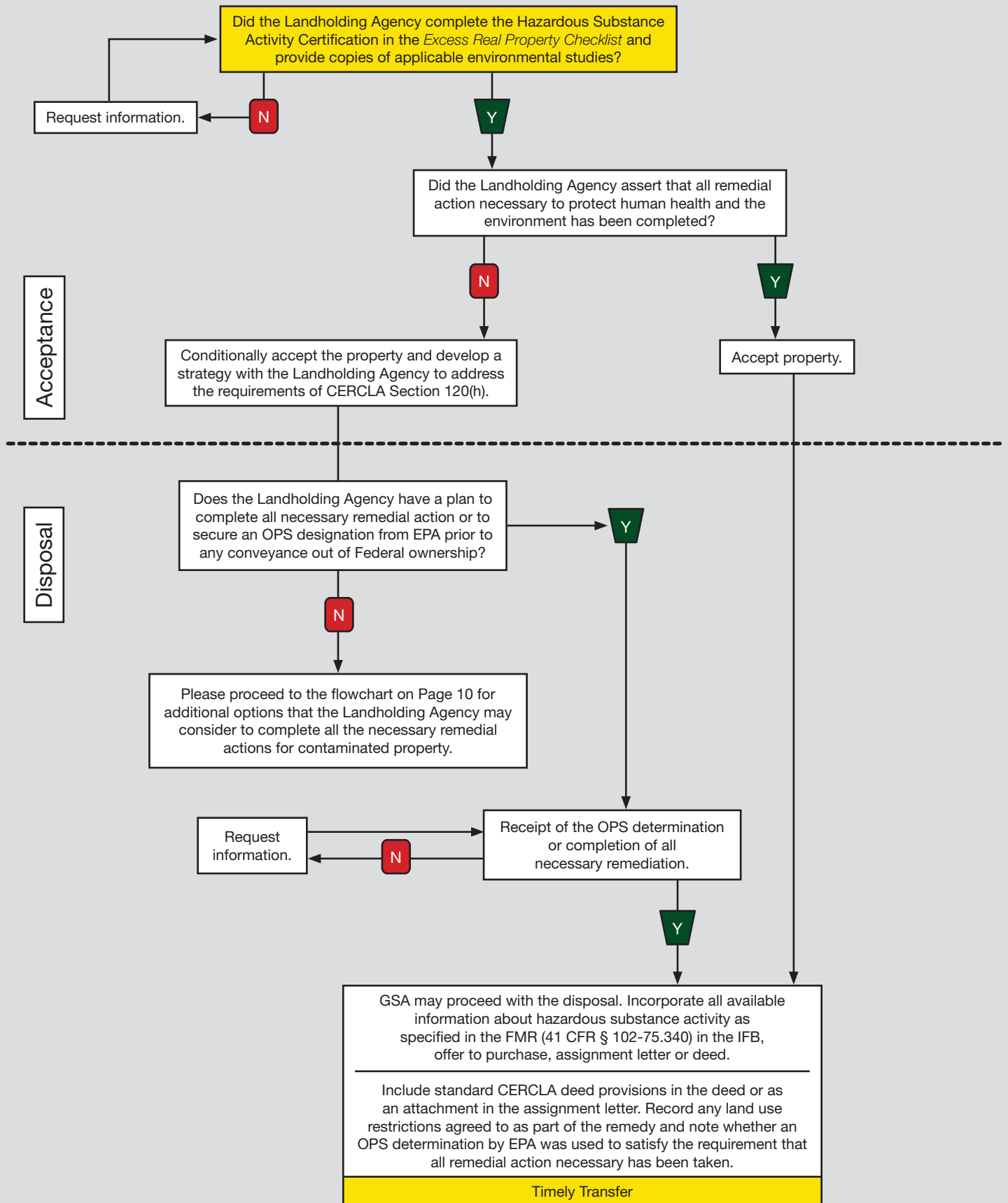
- All remedial action necessary to protect human health and the environment has taken place or will take place via GSA's inclusion of specific institutional controls in the deed;
- All remedial action is in place and that it has been demonstrated to be operating properly and successfully (OPS); or
- If such action has not taken place, a plan to ensure that the remediation will be completed is needed.

### Disposal Criteria

Pursuant to the requirement of CERCLA Section 120(h)(3)(A), GSA will include in the IFB, offer to purchase, assignment letter or deed:

- Notice of hazardous substance activity.
- The required CERCLA Section 120(h)(3)(A) covenant stating that all remedial action necessary to protect human health and the environment has been taken.
- The required CERCLA Section 120(h)(3)(A) covenant that secures access for the United States if any additional remedial action attributable to the United States' ownership of the property is found to be necessary after conveyance.

# PROCESS



# COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA) SECTION 120(h)(3)

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## Definitions

**CERCLA** assigns cleanup responsibilities for releases of hazardous substances to “responsible parties.” CERCLA Section 120 imposes specific requirements on the conveyance of Federal real property out of Federal ownership.

**Delayed Transfer** is a conveyance of real property in which the Government conveys a lease or license to the entire property, or the affected portion, to provide the eventual grantee with access to Government retained areas so that the grantee can perform necessary cleanup. The Government conveys title upon receiving evidence that the remedy has been endorsed by the appropriate environmental regulatory agency.

**Early Transfer** is a transfer mechanism that allows federal property to be conveyed via the Early Transfer Authority (ETA) found in CERCLA Section 120(h)(3)(C).

**ETA** is the authority found in CERCLA Section 120(h)(3)(C) that allows for deferral of the CERCLA Section 120(h)(3)(A) covenant that “all remedial action necessary... has been taken prior to transfer.” ETA requires several assurances as well as concurrence by the Governor of the state (and concurrence by the U.S. Environmental Protection Agency (EPA) for properties listed on the National Priorities List (NPL)) that a property is suitable for early transfer.

**Hazardous substance activity** is defined as (1) the known release of hazardous substances in quantities equal to or greater than the reportable quantity found in 40 CFR § 302.4; (2) the disposal of a hazardous substance at the subject facility; or

(3) the storage for one year or more of a hazardous substance in quantities of 1000 kilograms or more, or the reportable quantity found in 40 CFR § 302.4, whichever is greater. Hazardous substance activity includes storage in quantities greater than or equal to one kilogram if the substances are listed under 40 CFR §261.30 as acutely hazardous substances.

**Land Use Controls (LUCs)** are defined broadly as institutional controls (e.g., restrictive covenants) and engineering controls (e.g., fences and landfill caps) designed to prevent exposure to residual contamination and to protect cleanup remedies.

**OPS** is a designation from the EPA that a long-term treatment system (e.g., a groundwater pump and treat) is in place and is operating properly and successfully.

**Potentially Responsible Party (PRP) Transfer** is a mechanism that pertains to those transactions when the grantee is also a “potentially responsible party” under CERCLA with respect to the property. CERCLA Section 120(h)(3)(B) specifically excludes transfers to PRPs from the requirement that the U.S. provide the CERCLA Section 120(h)(3)(A)(ii) deed covenants.

**Timely Transfer** applies where (a) there is no record of hazardous substance activity, (b) contamination is below action levels with no restrictions on use, or (c) contamination is above action levels but controlled through LUCs, including deed restrictions.

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## General Information

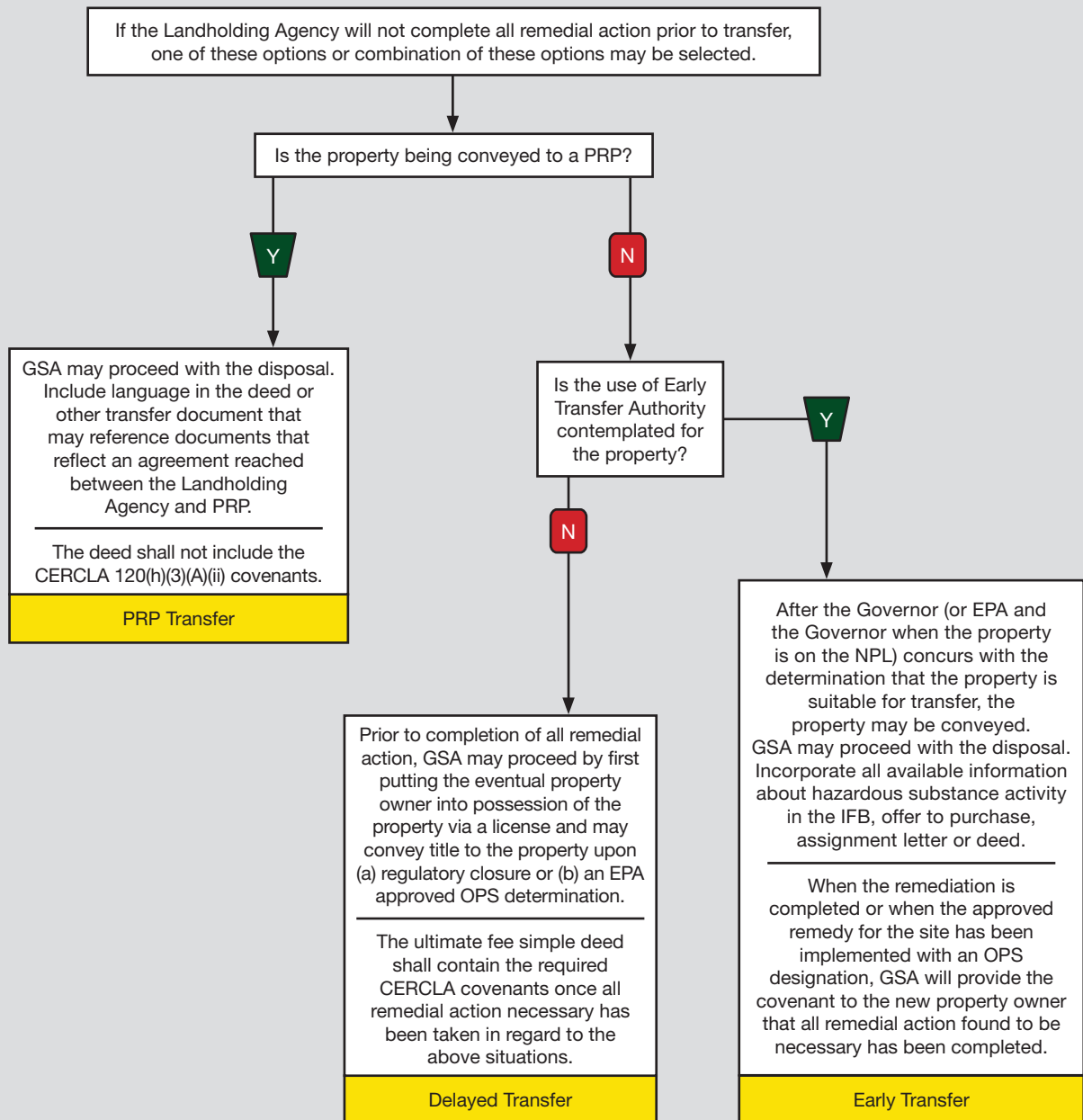
The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) defines the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants in the United States. The NCP was developed by the EPA in response to the Congressional enactment of CERCLA of December 11, 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and by Section 311(d) of the Clean Water Act (CWA).

Superfund is the Federal Government’s program to clean up the nation’s hazardous waste sites meeting certain criteria. The NPL primarily serves as an information and management tool as part of the Superfund cleanup process. The NPL is the list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories.



# ALTERNATIVE PROCESSES

## Continuation of Flowchart on Page 8



# ENDANGERED SPECIES ACT (ESA)

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide:

- Information on the presence or likely presence of any Federally proposed or listed threatened or endangered species, and/or proposed or designated critical habitat on the property and all available information including studies.
- Any previous correspondence with U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS).
- Any pre-existing agreement with the FWS/NMFS that regulates the species or habitat.

### Disposal Criteria

GSA will include in the IFB, offer to purchase, assignment letter or deed:

- Notice of the presence of any Federally proposed or listed threatened or endangered species, and/or proposed or designated critical habitat on the property.
- Notice of any additional mitigation measures if the disposal action affects Federally proposed or listed threatened or endangered species, and/or proposed or designated critical habitat (including restrictions in the deed, if required).
- Whether there is a natural resources plan that regulates endangered species and/or critical habitat.

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## Definitions

**Threatened species** are wildlife species listed in 50 CFR § 17.11 or plant species listed in 50 CFR § 17.12 and designated as threatened.

**Endangered species** are wildlife species listed in 50 CFR § 17.11 or plant species listed in 50 CFR § 17.12 and designated as endangered.

**Critical habitat** are areas listed in 50 CFR § 17.95 and 17.96 by the Director of the FWS as having constituent elements essential to the conservation of listed species.

**Informal consultation** precedes or replaces formal consultation as required by ESA Section 7. This includes any form of communication between the Federal agency, applicant, or designated non-Federal representative and applicable Service to determine if a proposed Federal action may affect any Federally candidate/proposed/listed threatened and/or endangered species and/or proposed or

designated critical habitat; explore ways to mitigate potential adverse effects; and determine if either formal consultation for listed species and critical habitat or a conference for proposed species or habitat is necessary.

**Formal consultation** is a mandatory process required by ESA Section 7, when a Federal action will likely adversely affect any listed species and/or critical habitat (e.g., major construction projects).

**Candidate species** are any species of fish, wildlife or plant that FWS has sufficient information on their biological vulnerability, but there are species with higher priority for listing actions.

**Proposed species** are any species of fish, wildlife or plant that is proposed in the Federal Register to be listed under ESA Section 4.

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## General Information

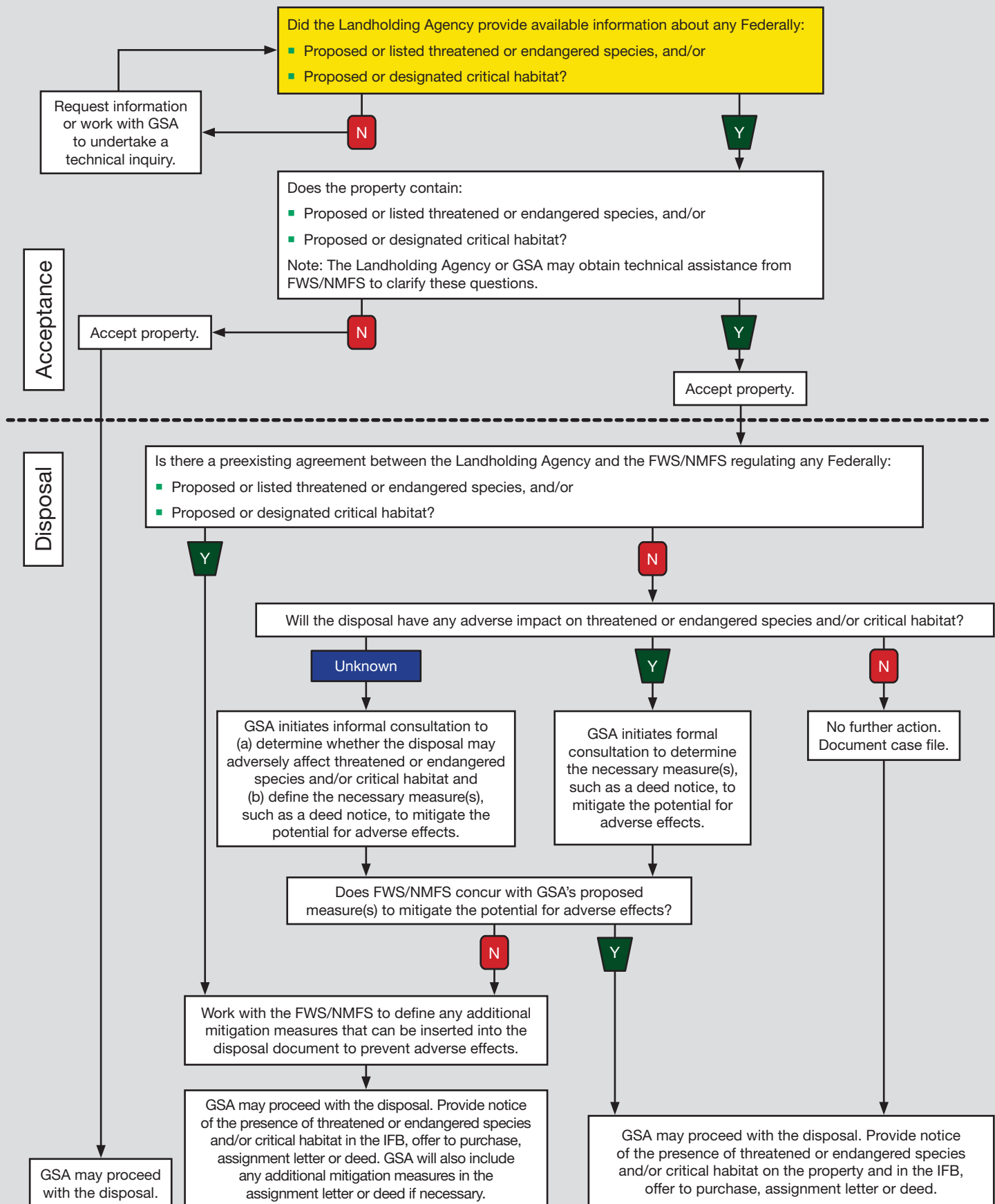
To determine whether a species is Federally candidate/proposed/listed threatened and/or endangered, or an area is a proposed or designated critical habitat, visit the FWS website at <http://endangered.fws.gov/>.

If the LHA discloses the presence of any state-listed threatened and/or endangered species on the property,

GSA may include such state information in the IFB, offer to purchase, assignment letter or deed, although this action is not required by the ESA.

If the LHA had a preexisting agreement with FWS or NMFS regarding specific habitat or species on the property, mitigation measures may be inserted in the transaction documents to reflect that agreement.

# PROCESS





# FLOODPLAINS

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide:

- Information about known flood hazards.
- The location of any known floodway or floodplain on the property.
- A list of restricted uses (along with citations) identified in Federal, state, or local laws and regulations as required by Executive Order (E.O.) 11988.

### Disposal Criteria

GSA will include in the IFB, offer to purchase, assignment letter or deed:

- Disclosure if all or any portion of the property is located in a floodway or floodplain.
- A listing of any identified Federal, state, or local land use restrictions and include any other appropriate use restrictions.

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## Definitions

**Flood hazard** is the probability of meeting or exceeding a certain level of flooding in any one year. The Federal Emergency Management Agency (FEMA) has designated several flood hazard zones that correspond to different insurance rates.

**Floodplains** are defined as lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands. At a minimum, these areas are subject to a one percent or greater chance of flooding in any given year.

**Floodway** is defined as the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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## General Information

To determine the property's proximity to a floodplain, use FEMA's flood hazard boundary map, a flood insurance rate map, or other available information.

FEMA Map and Information:

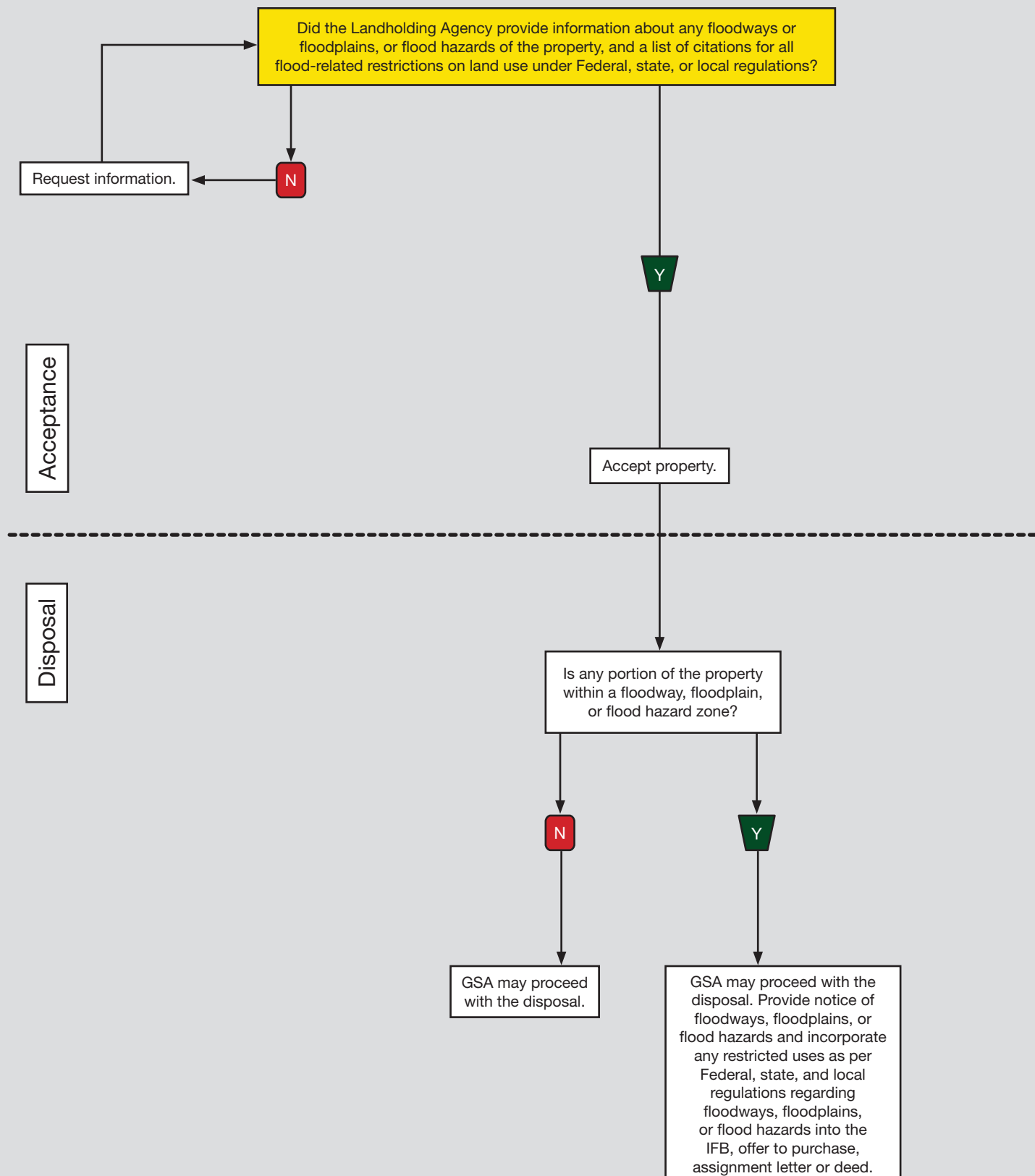
<https://hazards.fema.gov/>

FEMA Map Service Center toll-free number:  
1-800-621-FEMA

In addition, the local government may also be an excellent resource to determine whether the property lies within a floodplain.

For more information on GSA's policies regarding floodplains, search "Floodplain management" at <http://www.gsa.gov>.

# PROCESS



# HISTORIC AND CULTURAL RESOURCES

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide:

- A statement about the historical significance of property including a list of the property's historic and archeological resources; whether the property is listed on or has been nominated for listing on the National Register of Historic Places; whether the property is located within, or adjacent to a designated Historic District; and whether the property is in close proximity to any significant historic resources.
- Information available about any effort by the public to have the property so listed.

- If the Landholding Agency asserts “No” for any of the questions in the Historic, Archeological and Cultural Resources part of the *Excess Real Property Checklist*, GSA requires the signature of the Landholding Agency's Federal Preservation Officer or designee.

### Disposal Criteria

GSA will comply with Section 106 of the National Historic Preservation Act (NHPA) for its undertaking of property disposal. GSA will include in the IFB, offer to purchase, assignment letter or deed:

- Notice of any historic and cultural resources on the property.
- Any mitigation measures that need to be recorded (e.g., restrictive covenants) agreed to with the State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) in the Section 106 consultation.

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## Definitions

An **Area of Potential Effect** is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties including historic properties adjacent to the Federal property.

An **adverse effect** is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that will diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative. 36 CFR § 800.5(a)(2)(vii) specifically includes in its list of “adverse effects” both (1) the outlease of historic real property out of Federal control without mitigation measures in place and (2) the conveyance of historic real property out of Federal ownership without mitigation measures in place.

**The Advisory Council on Historic Preservation (ACHP)** is an independent Federal agency that promotes the

preservation, enhancement, and productive use of our nation's historic resources, and advises the President and Congress on national historic preservation policy. The ACHP administers the NHPA's Section 106 review process and works with Federal agencies on how they consider historic preservation values in their programs (<http://www.achp.gov/>).

The **SHPO** is the official appointed or designated pursuant to Section 101(b)(1) of the NHPA to administer the state historic preservation program.

The **THPO** is the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with Section 101(d)(2) of the NHPA.

An **undertaking** is a project, activity, or program funded in whole or in part under the jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency and those carried out with Federal assistance, financial or otherwise.

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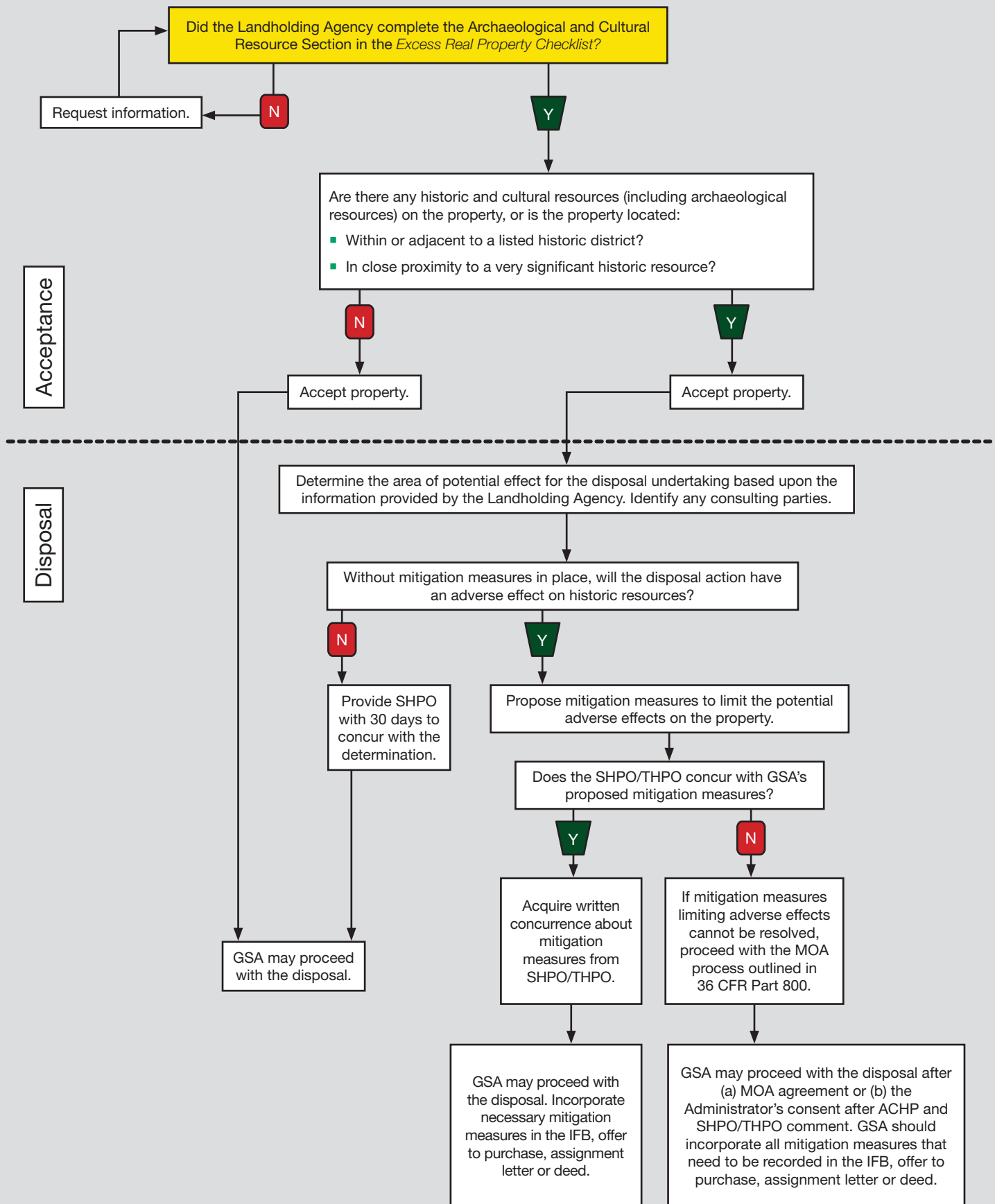
## General Information

The LHA is responsible for identifying historical and cultural resources (including archaeological resources) under its NHPA Section 110 responsibilities. When reporting the property excess, the LHA should review its protection and maintenance plan to ensure that historic resources will not

suffer demolition or neglect during the disposal time frame. The LHA should not initiate the Section 106 process for the property disposal undertaking. GSA will negotiate any necessary measures with the SHPO/THPO to mitigate potential adverse effects on the property's historic resources.



# PROCESS



# LEAD-BASED PAINT (LBP)

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide:

- An inventory of all buildings constructed before 1978.
- Information on the location of Lead-Based Paint (LBP) hazards on the property.
- A completed LBP paint inspection and risk assessment for pre-1978 housing.
- Proof that LBP hazards in pre-1960 housing have been abated. This requirement for LBP abatement may also be passed on to the purchaser as a condition of the sale.

### Disposal Criteria

GSA will include in the IFB, offer to purchase, assignment letter or deed:

- A Lead Warning Statement for any property with improvements constructed prior to 1978.

- A statement disclosing the presence of known LBP and/or LBP hazards and any additional information available for residential property constructed prior to 1978 (target housing).

GSA will also provide potential grantees of target housing with available reports on lead-based paint (including the most recent paint inspection and risk assessment). GSA will require the following as a condition of title transfer:

- A statement by the purchaser affirming receipt of the seller's disclosure statements, records, reports, and a lead hazard information pamphlet.
- A statement by the purchaser that an opportunity to conduct the risk assessment or inspection has been received.
- Signature of the seller/purchaser certifying the accuracy of the statements.

---

## Definitions

**Target housing** is any housing constructed prior to 1978, except housing for the elderly and persons with disabilities or zero bedroom dwellings (unless a child younger than six years old resides or is expected to reside in the housing). A childcare facility is not considered target housing unless located in a common area or dwelling unit at a residence that itself is target housing.

**LBP** is any paint containing more than five-tenths of one percent lead by weight (calculated as lead metal) in the total

nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied.

A **LBP hazard** is any condition that will result in adverse health effects by causing exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or is present in accessible, friction, or impact surfaces. Peeling, chipping, chalking, or cracking LBP is a hazard that needs immediate attention.

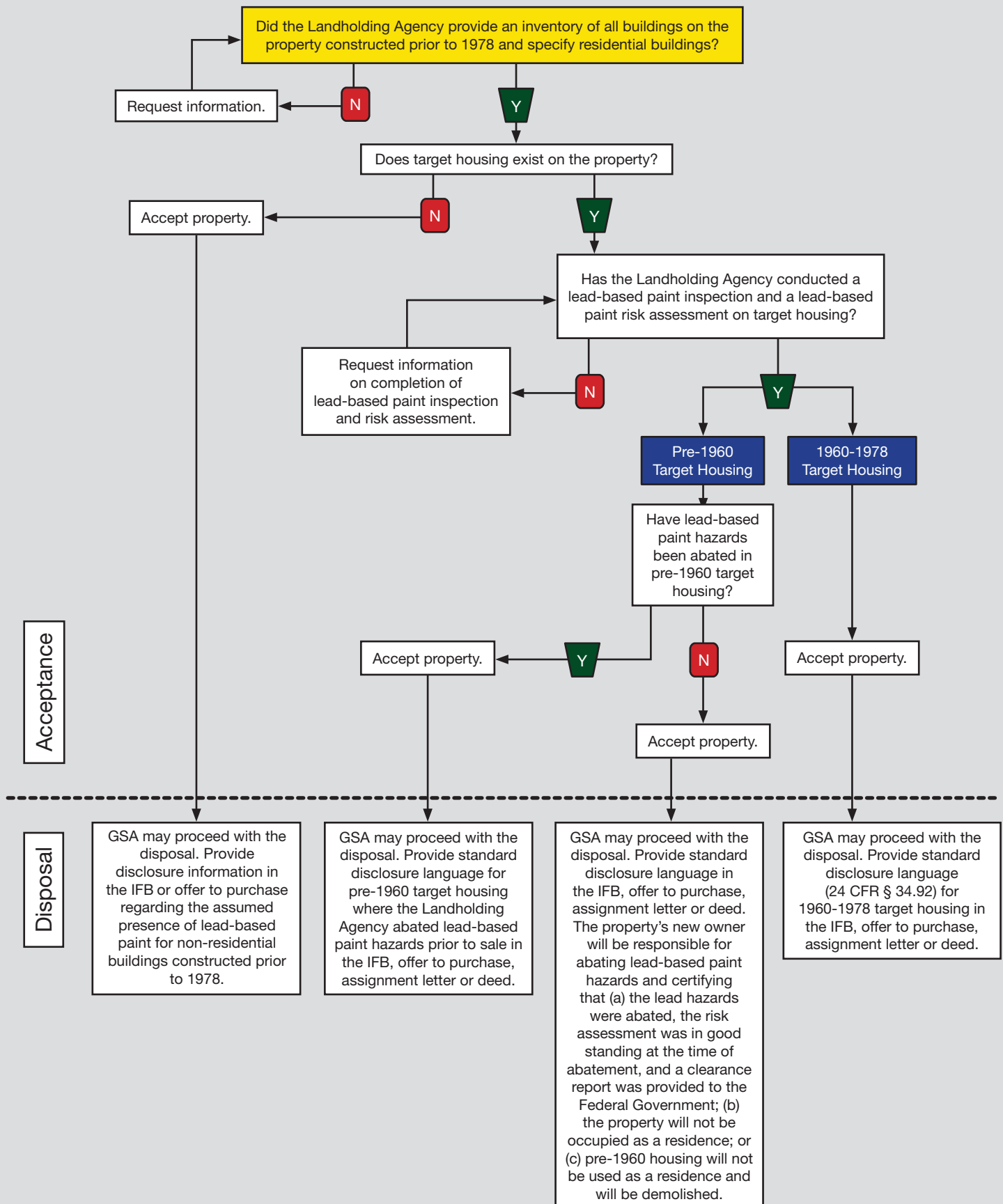
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## General Information

Certain buildings are exempt from the paint inspection, risk assessment, and abatement requirements under special circumstances. For example, a Federal law enforcement agency that has seized a residential property and owned it for less than 270 days is exempt.

For additional guidance on LBP hazards, see the U.S. Department of Housing and Urban Development's website at [https://www.hud.gov/program\\_offices/healthy\\_homes](https://www.hud.gov/program_offices/healthy_homes).

# PROCESS



# MOLD

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide all available information concerning:

- The presence of any known mold hazards within building(s) on the property.
- Any mold abatement measures taken to date.

### Disposal Criteria

GSA will include in the IFB or offer to purchase:

- Notification to the purchaser of any mold hazards on the property.

---

## Definitions

**Mold** is a generic term covering over 100,000 types of fungi. Mold can be found indoors or outdoors in virtually any environment where moisture is available. While there are no Federal statutory responsibilities to abate mold hazards,

indoor mold can be considered a health risk because some types of mold release mycotoxins that may be toxic to humans when ingested, inhaled, or contacted with skin.

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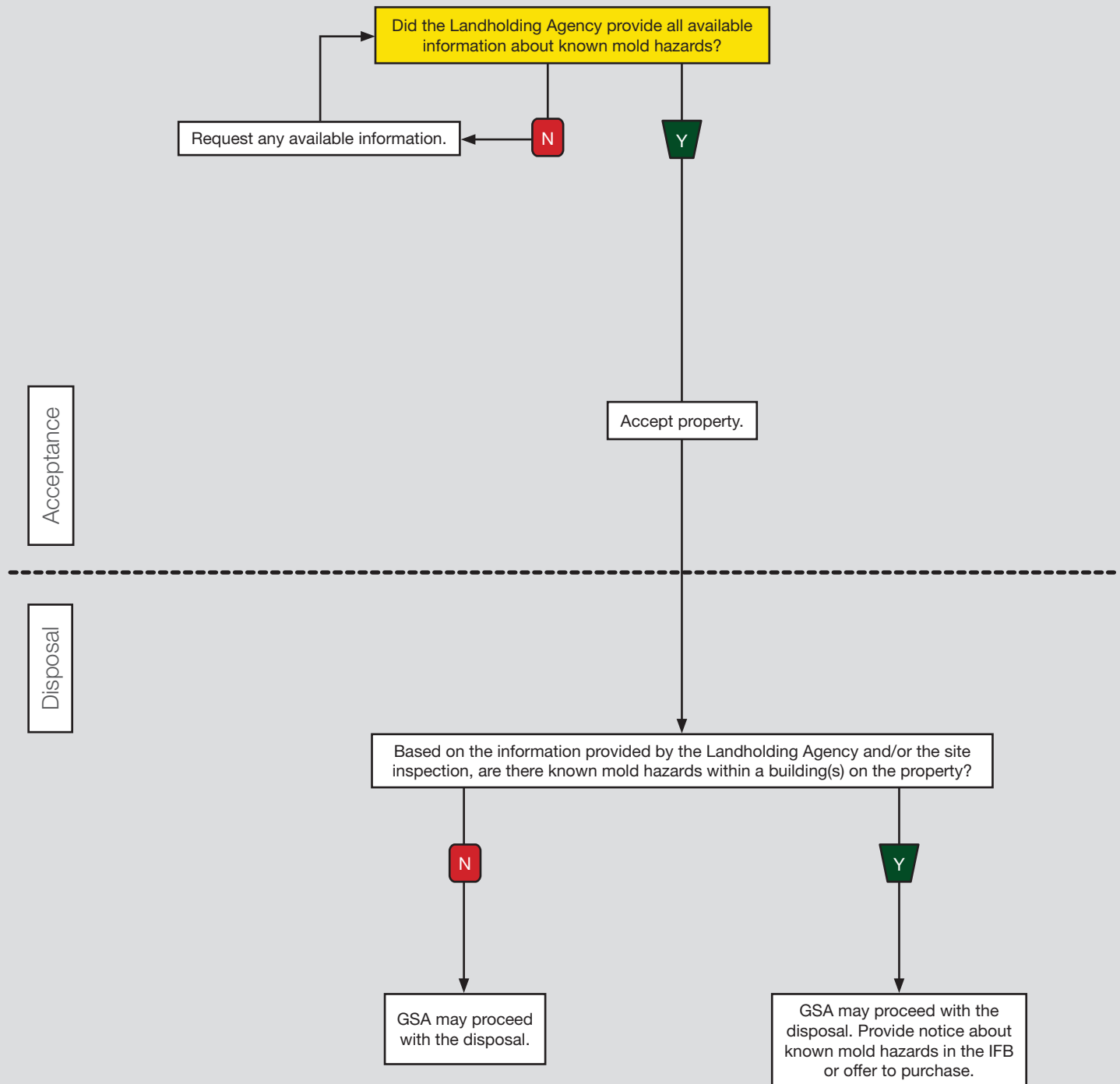
## General Information

GSA requests any available documentation about the presence of indoor mold hazards. In requesting this information about mold, GSA does not require any additional studies if agencies do not have this information available.

Additional information on mold:

EPA provides a guide to mold on its website at:  
<http://www.epa.gov/mold/moldresources.html>.

# PROCESS





# NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

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## Criteria

### Acceptance Criteria

The Landholding Agency's NEPA analysis pertains to the action of closing the subject facility and reporting the property excess. The NEPA analysis should be consistent with the Landholding Agency's own implementing NEPA regulations and guidance. With the *Excess Real Property Checklist*, the Landholding Agency should provide:

- A copy of the NEPA analysis and determination.

### Disposal Criteria

GSA will complete the appropriate NEPA analysis for disposition of the property. GSA will complete a Categorical Exclusion (CATEX), an Environmental Assessment (EA), or an Environmental Impact Statement (EIS) in accordance with GSA's implementing guidance, the GSA PBS NEPA Desk Guide.

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## Definitions

A **CATEX** refers to actions or classes of actions excluded from the requirement to perform an EA or EIS because the action(s) do not individually or cumulatively have a significant effect on the quality of the human environment.

An **EA** is a document prepared to analyze and provide evidence for determining whether to prepare an EIS or a Finding of No Significant Impact (FONSI). An EA analyzes potential alternatives to the Federal action and potential impacts of each alternative.

A **FONSI** is a document recording the determination that a project will have no significant impacts on the quality of the human environment.

An **EIS** is a document required for major Federal actions that significantly affect the quality of the environment. An EIS analyzes potential alternatives to the Federal action and potential impacts of each alternative.

A **Record of Decision (ROD)** is a concise public record that states the agency's decision on an action for which a final EIS has been prepared. It identifies alternatives considered, specifies the alternative or alternatives that were considered to be environmentally preferable, and states whether the agency has adopted all practicable means to avoid or minimize environmental impacts from the alternative selected.

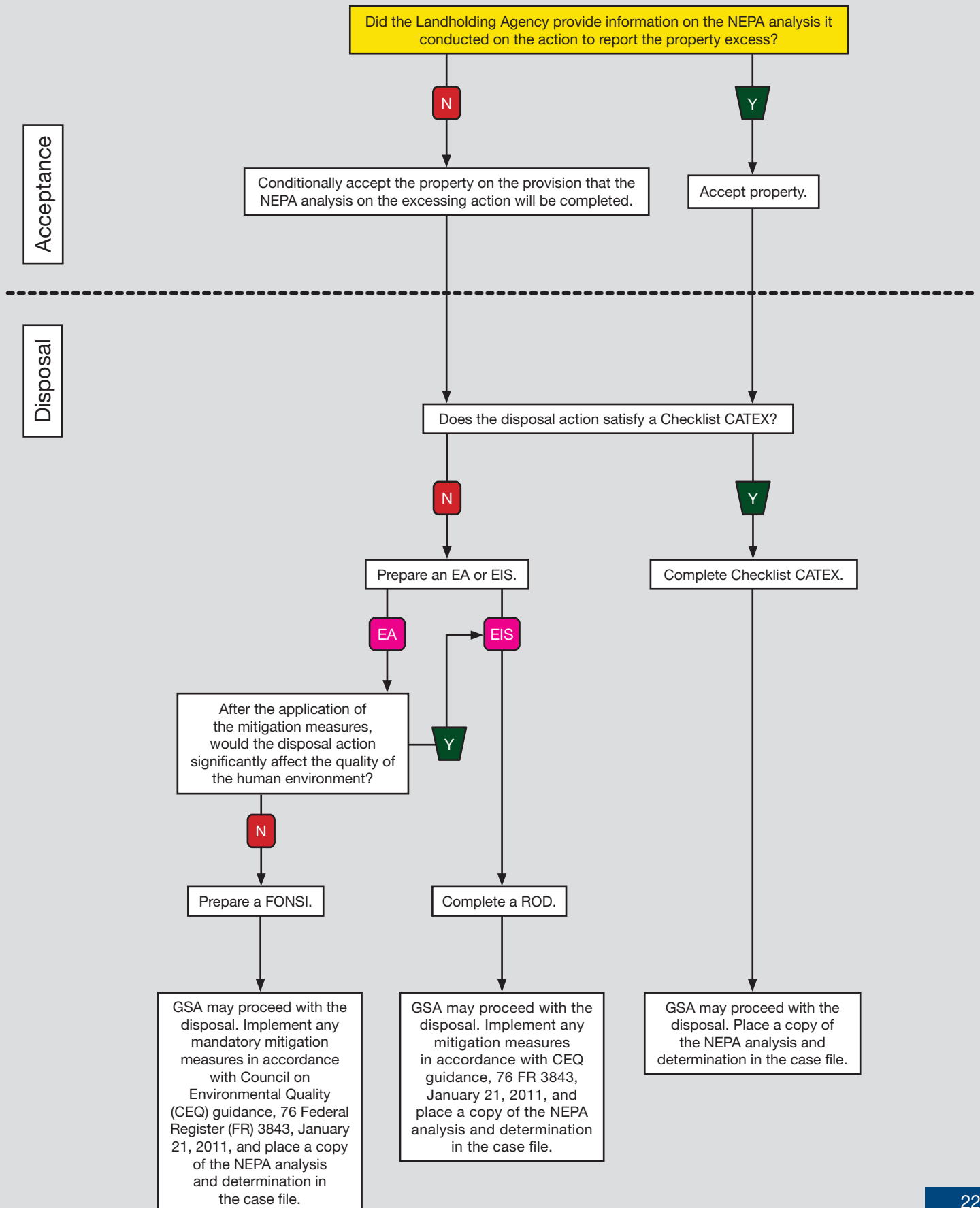
**Mitigation measures** are the methods by which the impact is rectified by either avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; repairing, rehabilitating, or restoring the affected human environment; eliminating the impact by preservation; or compensating for the impact by replacing or providing substitute resources for the environment.

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## General Information

For additional guidance on the GSA's NEPA analysis for real property disposal, see the GSA PBS NEPA Desk Guide by searching "NEPA" at <http://www.gsa.gov>.

# PROCESS



# PESTICIDES

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide all available information concerning:

- The presence of pesticides and known proper usage (i.e., proper application in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] [7 USC § 136 et seq.]).
- Known misapplication of the pesticides, including any spills or leaks. Improper pesticides application may constitute a release under CERCLA and may thus require further documentation in the Hazardous Substance Activity Certification part of the GSA's *Excess Real Property Checklist*.
- When it is known that there has been misapplication of the pesticides, including a spill or a leak. Improper application is further documented in the Hazardous Substances Activity Certification part of the *Excess Real Property Checklist*.

### Disposal Criteria

GSA will include in the IFB, offer to purchase, assignment letter or deed:

- Notification to the purchaser that pesticides were properly applied in the management of the property.

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## Definitions

**Pesticides** are substances or mixtures of substances intended for preventing, destroying, repelling, or mitigating any pest. Although the term pesticides is often used to refer to insecticides, it also includes herbicides, fungicides, and various other substances used to control pests. Under Federal law, a pesticide is also any

substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

**Pesticide use** is defined as the storage of pesticides on the property or the application of pesticides in the management of the property.

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## General Information

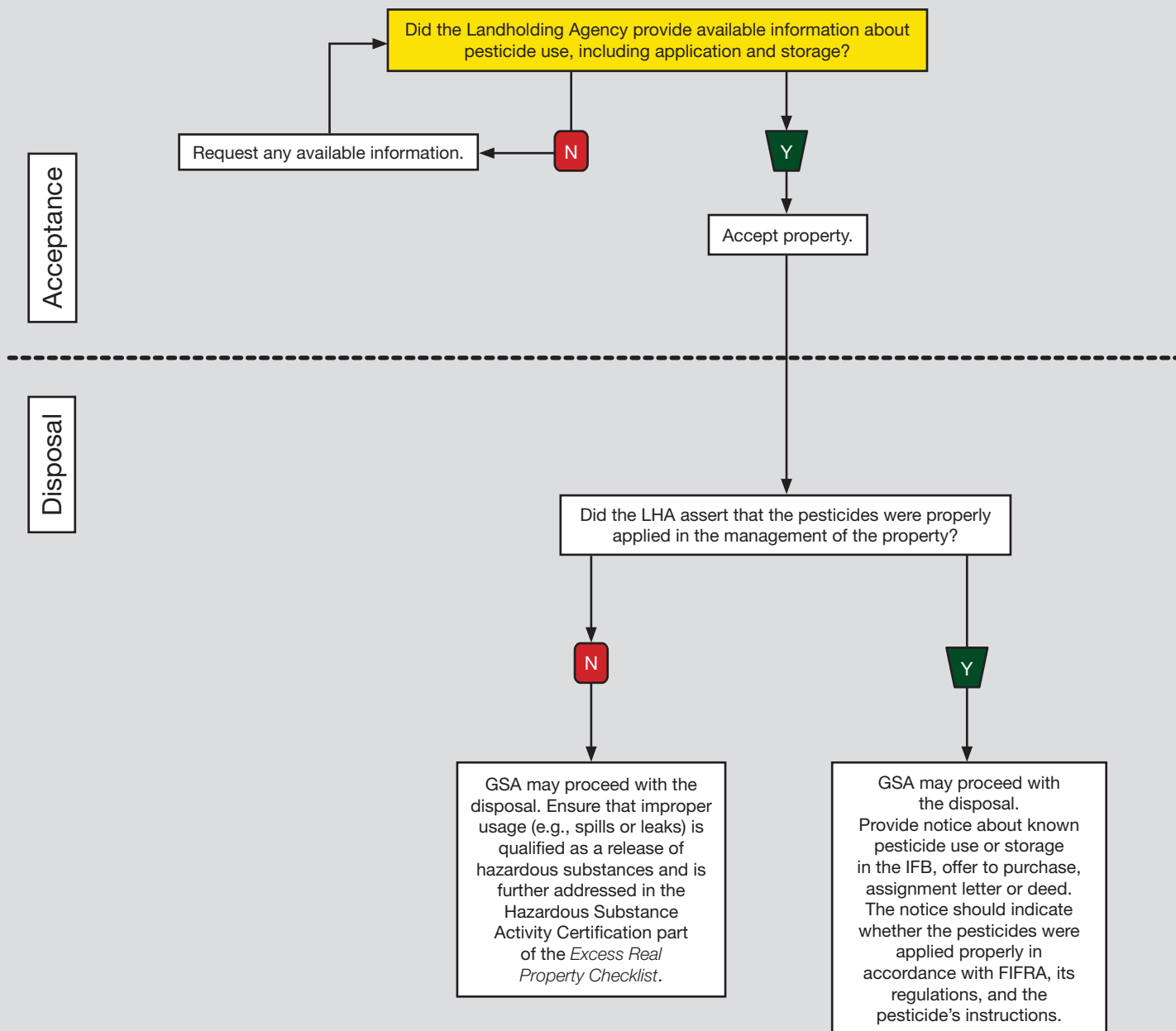
Some types of pesticides are classified as hazardous substances. However, a pesticide that is properly applied in accordance with FIFRA, its implementing regulations, and the pesticide's instructions, does not constitute a release under CERCLA and is not subject to CERCLA hazardous release requirements.

The EPA pesticides website is a good source of information on the use, management regulation, and environmental effects of pesticides; it can be found at: <http://www.epa.gov/pesticides/>.

Human health risk assessments for many pesticides are available from the National Pesticide Information Center (NPIC) at: <http://npic.orst.edu/>.

NPIC can also be contacted by phone at 800-858-7378 or by e-mail at: [npic@ace.orst.edu](mailto:npic@ace.orst.edu).

# PROCESS



# POLYCHLORINATED BIPHENYLS (PCBs)

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide:

- A certification that the property does or does not contain PCB transformers or other equipment regulated under 40 CFR Part 761.
- An inventory of PCB equipment and transformers.
- Documentation of compliance status and assurance that equipment will be maintained in compliance by the Landholding Agency until the date of conveyance.

### Disposal Criteria

GSA will include in the IFB or offer to purchase:

- A statement of whether the property has PCB-containing equipment; and if it does, a statement that the equipment is in compliance with applicable regulations and will be maintained in compliance until the property is transferred.

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## Definitions

**PCBs** are mixtures of synthetic organic chemicals that take the form of oily liquids, waxy solids, or vapor that are colorless to light yellow.

A **PCB transformer** is any transformer that contains PCBs greater than or equal to 500 parts per million (ppm).

**PCB equipment** is any manufactured item, which includes a manufactured article (other than a PCB container) that contains PCBs and has been in direct contact with PCBs, or other PCB equipment, including electronic equipment and fluorescent light ballasts and/or fixtures.

**PCB containers** are packages, cans, bottles, bags, barrels, drums, tanks, or other devices containing PCBs.

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## General Information

PCBs are managed under the Toxic Substances Control Act. For more information on the management, clean-up and disposal of PCB wastes, and the management of PCB-containing materials and equipment still in use, visit EPA's PCB page at <https://www.epa.gov/pcbs>.

The LHA is responsible for maintaining PCB transformers and equipment until transfer and provide written documentation that establishes current compliance status. The LHA must clearly mark or label certain PBC transformers and equipment with the correct warnings, and perform routine inspection requirements to ensure compliance until transfer.

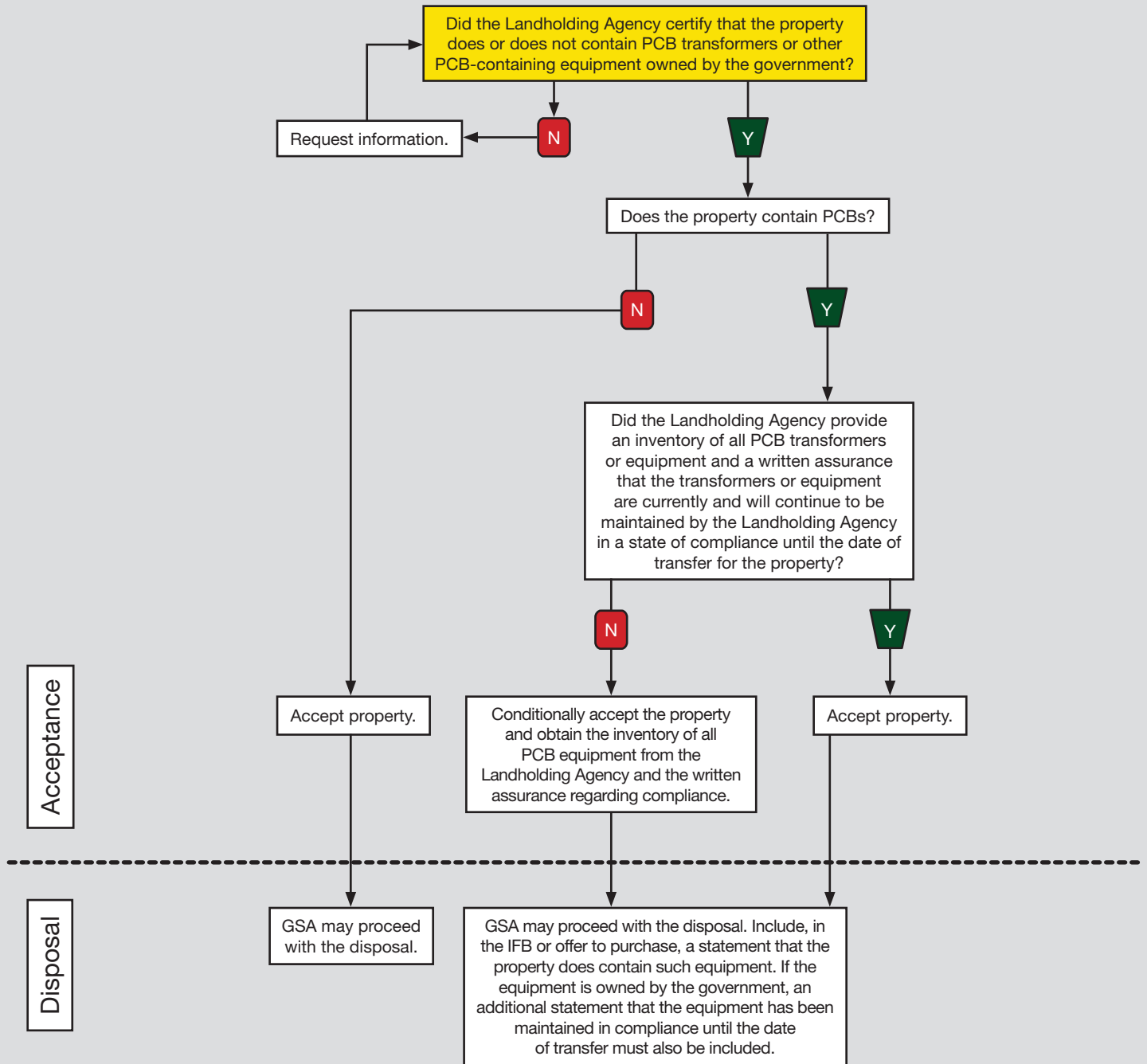
Additional information on PCBs can be found at:

EPA Office of Pollution Prevention and Toxics:  
<http://www.epa.gov/epawaste/hazard/tsd/pcbs/index.htm>.

EPA Hazardous Wastes:  
<http://www.epa.gov/osw/hazard/>.



# PROCESS



# RADON

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide all available information concerning:

- The presence of any known radon hazards and known levels (i.e., at or above 4 picocuries per liter [pCi/L]) within building(s) on the property.
- The results of radon level testing taken to date.
- The known radon mitigation or abatement measures taken to date.

### Disposal Criteria

GSA will include in the IFB or offer to purchase:

- Notification to the purchaser if there are known radon hazards on the property.

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## Definitions

**Radon** (Element 86) is a naturally occurring, radioactive gas that has no color, odor, or taste. Radon is relatively harmless when diluted in the open air, but it can pose a threat when concentrated indoors. The natural decay of uranium (Element 92) and radium (Element 88) in soil, rock, and groundwater emits radon into the air.

Radon can be found in any type of building or structure including homes, offices, or schools. Buildings that are located on or near soil, rock, or groundwater with uranium concentrations or that are constructed with materials (such as concrete) made of rock with uranium or radium may contain radon.

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## General Information

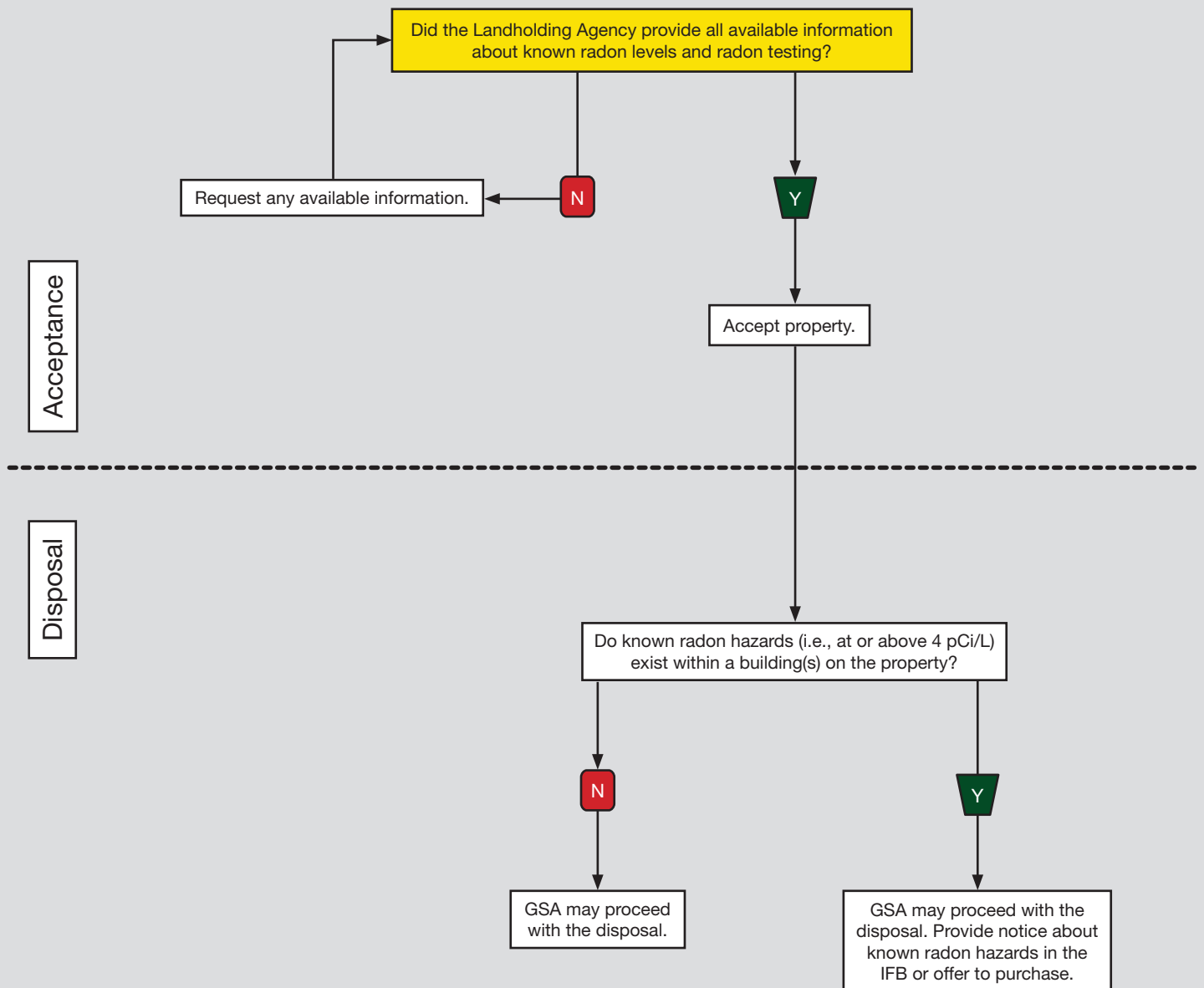
GSA asks the LHA for any available documentation about the presence of radon, including any results from previously-performed radon tests. In requesting this information, GSA does not require the LHA to complete any additional studies.

More information on indoor radon can be found at EPA's radon website: <http://www.epa.gov/radon/>.

EPA regional contacts for radon information are listed at: <http://www.epa.gov/iaq/whereyoulive.html>.

EPA national radon hotline: 1-800-SOS-RADON (1-800-767-7236) or 1-800-55-RADON (1-800-557-2366).

# PROCESS



# RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide all available information concerning:

- Any past or present RCRA corrective actions performed on the site, and any studies or investigation related to them.
- Any current RCRA permits for the storage, treatment, or disposal of hazardous waste on the site.
- The presence of any operating or closed solid waste landfills on the property that are subject to a RCRA permit.
- Any monitoring or maintenance requirements related to these RCRA-permitted landfills.

### Disposal Criteria

GSA will:

- Determine with the Landholding Agency whether any RCRA permits can be assigned to the new property owner or whether the Landholding Agency will retain responsibility for them.
- Determine with the Landholding Agency post-conveyance monitoring and maintenance responsibilities for RCRA-permitted landfills on the site.
- Include in the IFB, offer to purchase, assignment letter or deed a description of the new landowner’s responsibilities for assuming any RCRA operating or solid waste landfill permits and the specific management, monitoring, and maintenance obligations associated with them.

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## Definitions

**RCRA** is a 1976 amendment to the Solid Waste Disposal Act (SWDA) that provides a “cradle to grave” system for managing hazardous waste. RCRA covers waste generators, transporters, and facilities engaged in the treatment, storage, or disposal of hazardous waste. The primary purpose of RCRA is to prevent contamination at operating facilities,

but EPA and state regulators sometimes use RCRA to regulate long-term management of contaminants at closing sites. Both EPA and EPA-designated “authorized states” have the right to enforce RCRA. State RCRA programs must be at least as stringent as the EPA’s program.

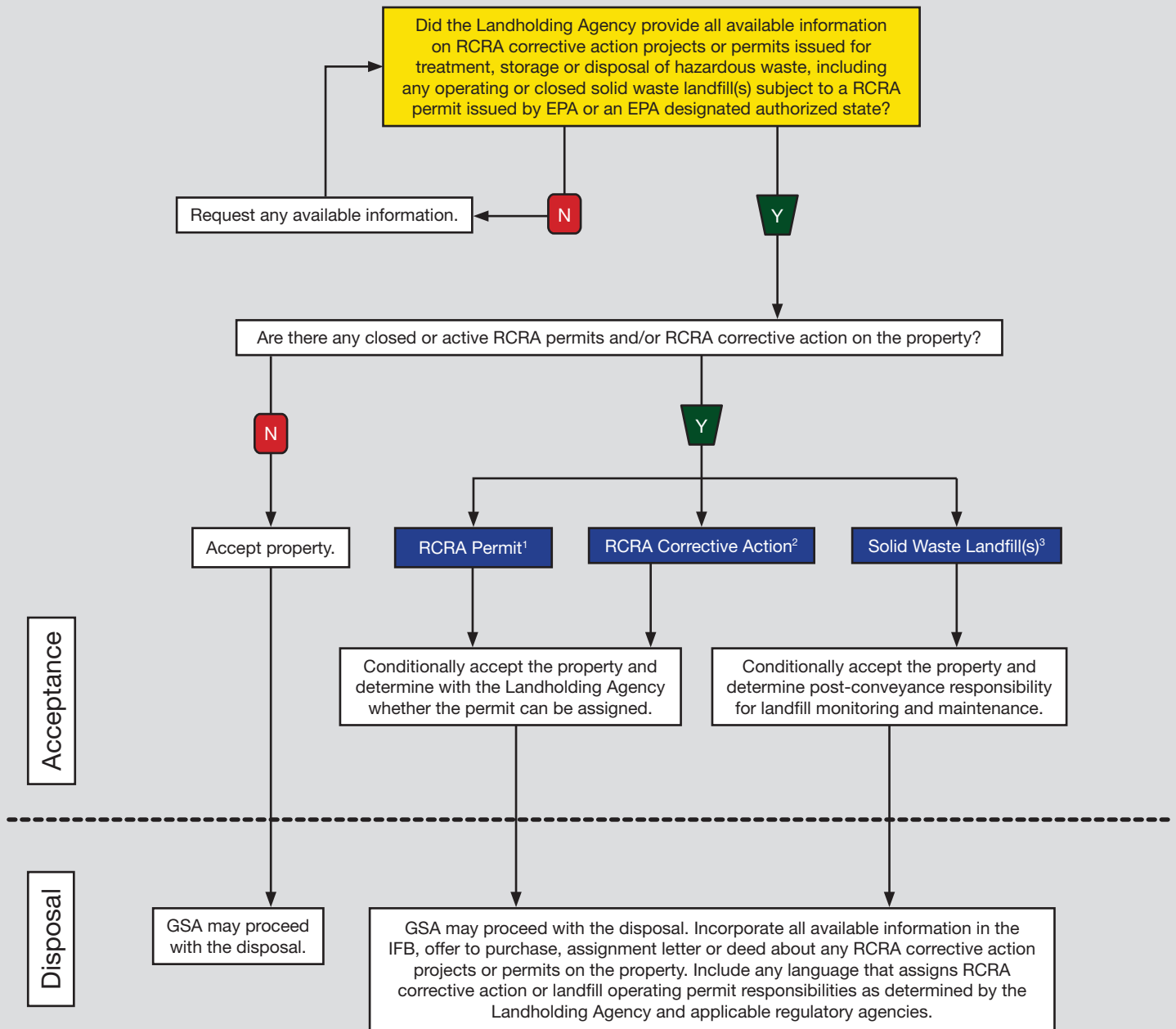
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## General Information

RCRA also regulates Underground Storage Tanks (USTs), but EPA manages them under a separate program discussed in this document. (Please see the “Underground Storage Tanks Process”). EPA has separate state program

approval regulations for USTs, and “authorized states” have the right to manage their own UST programs. Solid waste landfills are regulated by the SWDA and its implementing regulations.

# PROCESS



<sup>1</sup>RCRA Permit – Typically hazmat treatment, storage, or management operations.

<sup>2</sup>RCRA Corrective Action – Ongoing or past or part of an ongoing study or investigation.

<sup>3</sup>Landfills (operating and closed) – Operation, monitoring, and maintenance.

# SMALL ARMS FIRING RANGE (SAFR)

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide all available information concerning the presence of an indoor small arms firing range and/or an outdoor small arms firing range on the property.

If the property contains a small arms firing range, the Landholding Agency should provide information on:

- The location and any present activity on the range.
- Any range management plan (if available).
- Any closure or cleanup activities previously executed or planned.
- Any applicable correspondence with the appropriate regulatory agency or agencies.
- Any restrictions on use.
- Any information on the activity concerning CERCLA and RCRA hazardous substances.

### Disposal Criteria

GSA will include in the IFB, offer to purchase, assignment letter or deed:

- Notice that informs the grantee that the property contains an active, inactive, or closed SAFR along with available information on the SAFR.
- For an active or inactive SAFR, additional notice that the grantee must either (1) maintain the current status (active or inactive) post-conveyance or (2) close the range in accordance with Federal, state, and local standards.
- The nature and extent of any known contamination as well as any removal or remedial response taken at the property.
- A clear description of any land use controls (LUCs) with associated responsibility for their oversight.
- A statement indicating that the property's condition does not preclude the potential existence of SAFR-associated risks.

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## Definitions

**SAFRs** are ranges that allow pistols and rifles that shoot .50 caliber or smaller ammunition, as well as shotgun ammunition. SAFRs include government and commercial rifle, pistol, trap, skeet, and sporting clay ranges.

**Active SAFR** is a range being used for its intended purpose as a small arms firing range.

**Inactive SAFR** is a range that is not being actively used but has not been closed in accordance with the applicable Federal, state, and local regulatory standards (thus allowing it to be potentially used in the future as an active range).

**Closed SAFR** is a range that has been formerly closed (with any necessary remedial action completed or underway) in accordance with applicable Federal, state, and local regulatory standards.

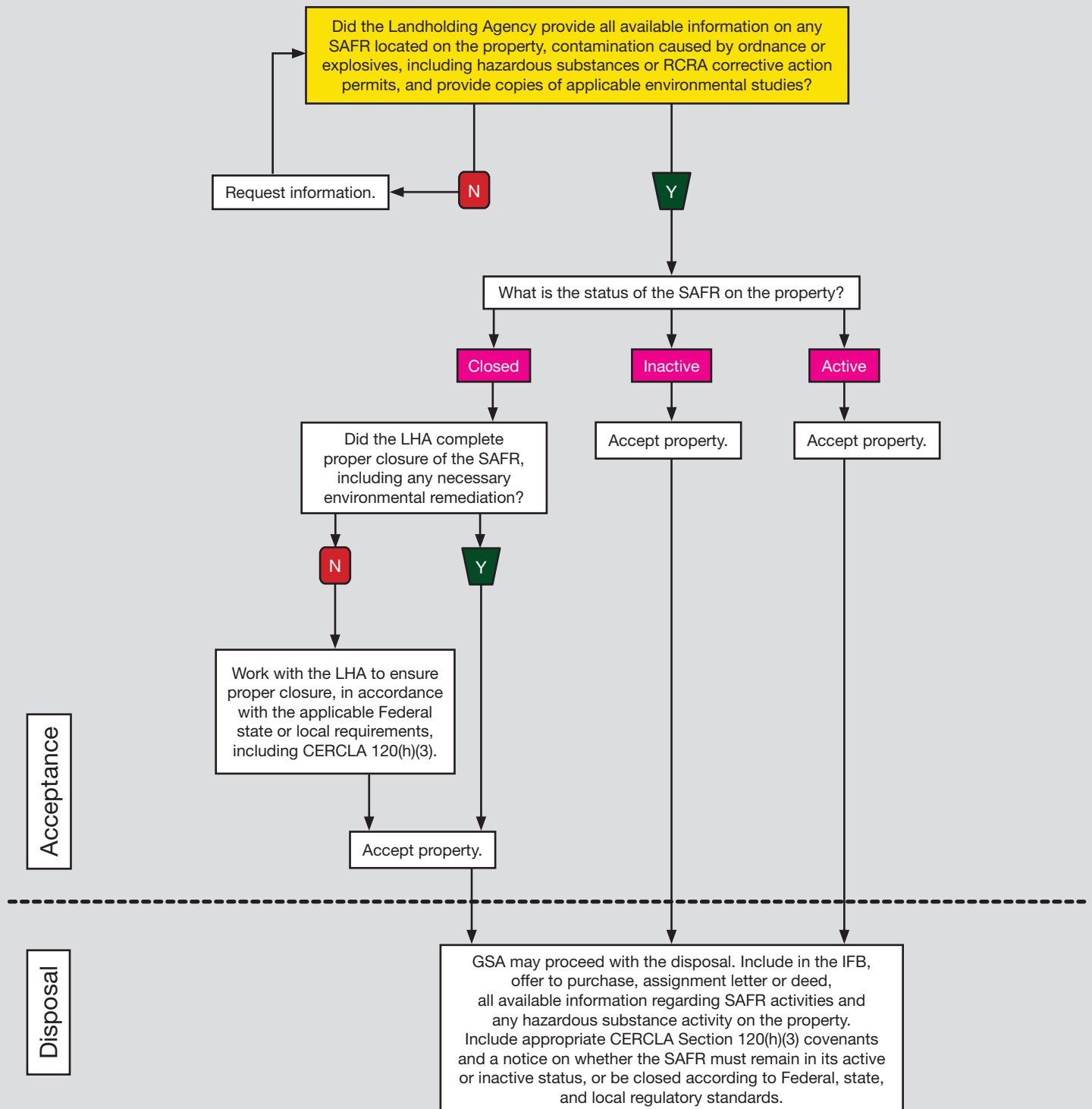
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## General Information

Federal environmental statutes that apply to SAFR include the CERCLA, specifically Section 120(h)(3)(A), and RCRA.



# PROCESS



# UNDERGROUND STORAGE TANKS (USTS)

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide all the information required in EPA Form 7530-1 to include:

- The location of each UST.
- The capacity of each UST.
- The compliance status of each UST.
- The regulated substance stored currently and/or previously stored.

### Disposal Criteria

GSA will include in the IFB, offer to purchase, assignment letter or deed:

- All available information (i.e., location, capacity, compliance status, and substances stored) for all USTs.
- The Landholding Agency's certification that the USTs have been maintained and are currently in compliance with all applicable laws and regulations as of the date of transfer.
- For a summary of Federal UST regulations, see EPA's "Musts for USTs, A Summary of Federal Regulations for Underground Storage Tank Systems;" EPA Office of Solid Waste and Emergency Response, July 1995, at: <http://www.epa.gov/OUST/pubs/musts.pdf>.

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## Definitions

**USTs** are defined as any combination of tanks (including underground pipes connected thereto) that are used to contain an accumulation of regulated substances

(as defined at 40 CFR 280.12), and the volume of which is 10 percent or more beneath the surface of the ground, with certain exceptions.

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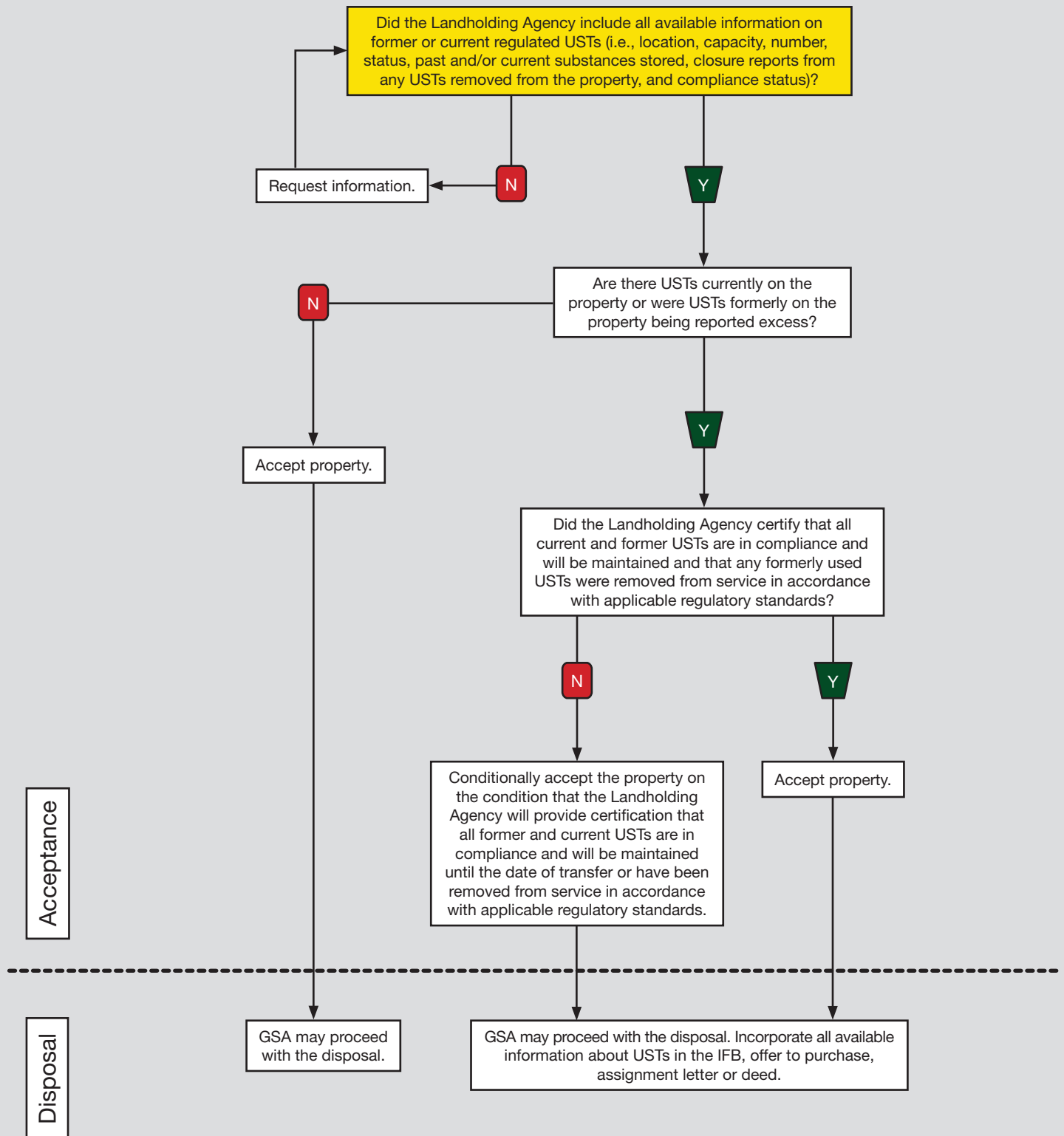
## General Information

In 1984, Congress added Subtitle I to the RCRA, which directed EPA to develop a comprehensive regulatory program for USTs. EPA's Office of Solid Waste and Emergency Response administers the Federal UST Program. However, EPA issued state program approval regulations that permit states to operate their own UST programs in lieu of the Federal program. As a result, all states now have a lead role in managing UST programs. For more information on USTs, visit EPA's UST page at: <http://www.epa.gov/OUST/index.htm>.

More information on EPA and state UST programs can be found on the websites and in the publication listed below.

- For overview information on the Federal UST Program, see 40 CFR Part 280 or go to: <http://www.epa.gov/swerust1/overview.htm>.
- For information and links to state UST programs, go to: <http://www.epa.gov/swerust1/fsstates.htm>.

# PROCESS



# VAPOR INTRUSION (VI)

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency should provide all available information concerning:

- Any known vapor intrusion hazards.
- Any mitigation measures taken to date.
- Any cleanup actions taken to date.

### Disposal Criteria

When volatile chemicals are present at levels that could potentially cause vapor intrusion into structures, GSA will include in the IFB, offer to purchase, assignment letter or deed:

- A notice identifying that there are certain volatile chemicals on the property and that these volatile chemicals may have the potential to cause vapor intrusion within structures on the property.
- The nature and extent of any known volatile chemicals.

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## Definitions

**Vapor Intrusion** is the migration of hazardous vapors from a subsurface vapor source, such as contaminated soil or groundwater, into a structure. This intrusion occurs through cracks and gaps in basement floors and walls or foundations, or along utility conduits, sump pumps, or other openings, into the indoor air. This migration of vapors is similar in concept to that of naturally occurring radon gas that also seeps into surrounding locations.

**Volatile chemicals** may include but are not limited to:

- chlorinated solvents such as perchlorethylene (PCE), trichloroethylene (TCE), vinyl chloride (VC), trichloroethane (TCA) and carbon tetrachloride;

- non-chlorinated substances such as benzene, toluene, ethylbenzene and xylene (BTEX), all four of which are frequently found as part of a number of petroleum products;
- semi-volatile organic compounds (SVOCs), such as anthracene, pyrene and naphthalene;
- inorganic substances, such as elemental mercury, radon, and hydrogen sulfide; and
- petroleum products such as oil, gasoline, diesel fuel, and certain pesticides.
- (as defined at 40 CFR 280.12), and the volume of which is 10 percent or more beneath the surface of the ground, with certain exceptions.

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## General Information

If there is a chance for vapor intrusion to develop because of the presence of volatile chemicals, GSA will work with the LHA to determine whether the volatile chemicals are present in quantities greater or less than EPA screening levels.

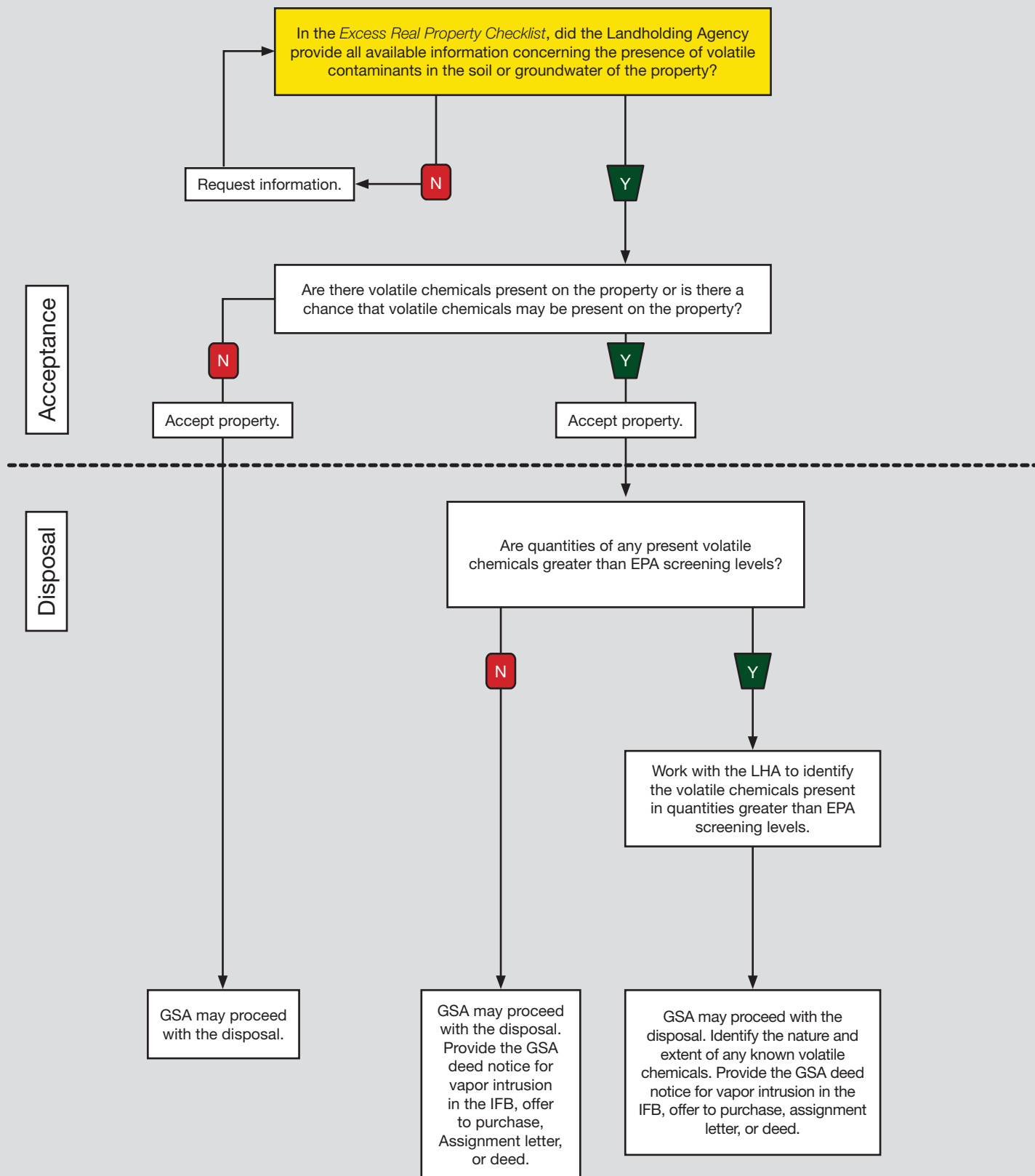
If levels of contaminants exceed EPA screening levels, there is a possibility that such contamination will need to be addressed under the CERCLA Section 120 (h) framework.

If vapor intrusion is present at the site, see EPA's Vapor Intrusion Guide, *OSWER Technical Guide for Assessing and Mitigating the Vapor Intrusion Pathway from Subsurface Vapor Sources to Indoor Air*, for a recommended framework for assessing vapor intrusion to support risk management decisions.

Additional information on vapor intrusion can be found at:

- EPA Office of Solid Waste and Emergency Response has a page dedicated to vapor intrusion: <http://www.epa.gov/oswer/vaporintrusion>
- For a complete list of volatile chemicals and their screening levels: <http://www2.epa.gov/vaporintrusion>

# PROCESS



# WETLANDS

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## Criteria

### Acceptance Criteria

In the *Excess Real Property Checklist*, the Landholding Agency provides detailed information about any known wetlands, including any permits, studies, or certified wetland delineations, and a list of restricted uses (with the citations) identified in Federal, state, or local regulations as required by E.O. 11990.

### Disposal Criteria

GSA will include in the IFB, offer to purchase, assignment letter or deed:

- Information about the presence of any wetlands.
- A list of any identified Federal, state, and local restrictions on land use.
- Other appropriate restrictions as required by E.O. 11990.

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## Definitions

**Waters of the United States** is defined in 40 CFR 122.2 as (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate “wetlands”; (c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition; (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial sea; and (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States.

**Wetlands** are defined in 33 CFR § 328.3 as those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, vernal pools, and similar areas.

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## General Information

There are several data sources that may help verify the location of wetlands. The primary reference tool for wetland mapping in the United States is the National Wetlands Inventory at <http://www.fws.gov/wetlands/>. An Environmental Baseline Survey or a Phase I Environmental Due Diligence Report may also contain information about the presence of wetlands. In addition, the local government may be an excellent resource for determining whether a wetland is on the property.

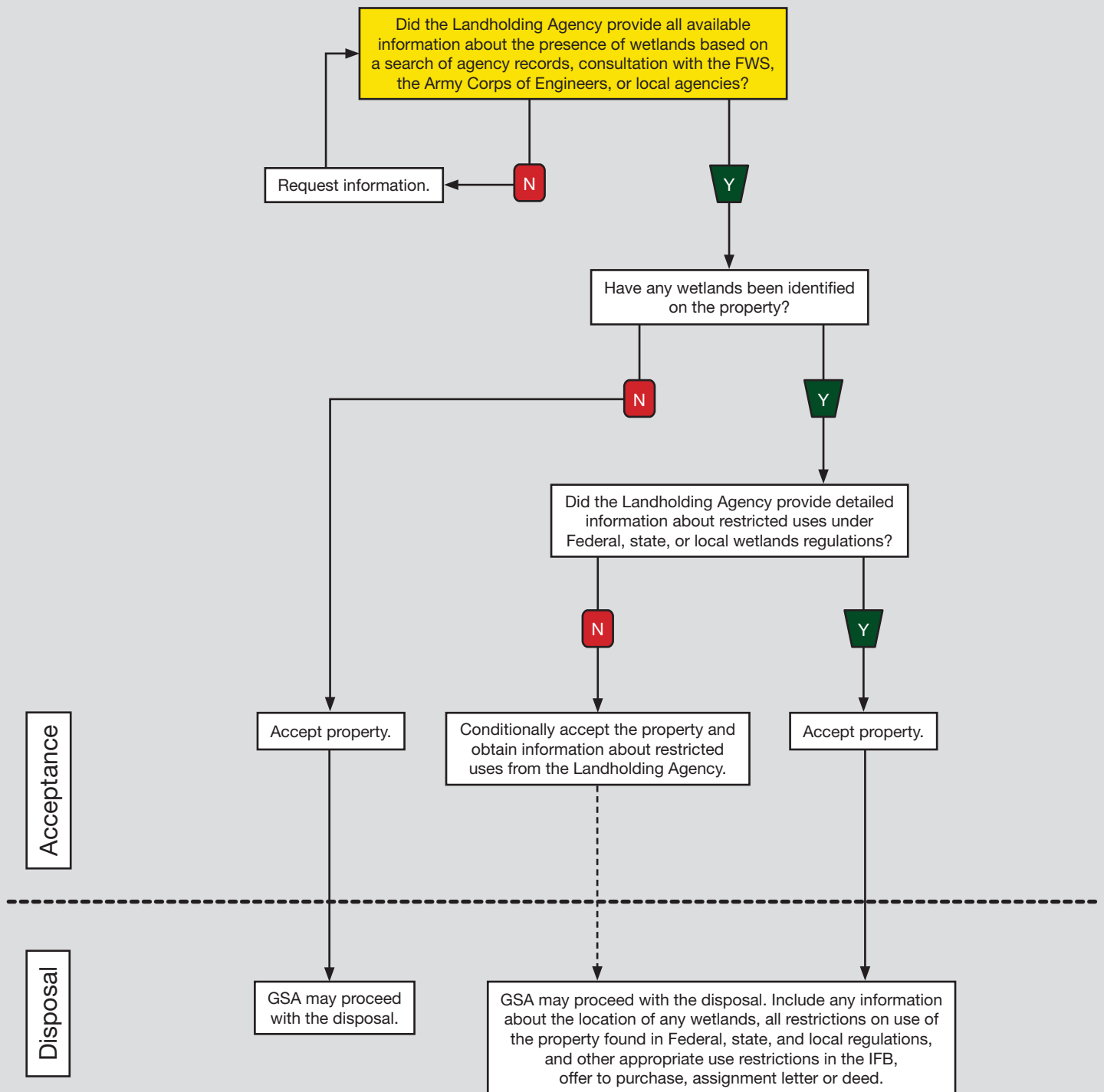
If the presence of a wetland is suspected on a property, GSA can conduct a wetland delineation study on a reimbursable basis.

Additional information on wetlands can be found at:

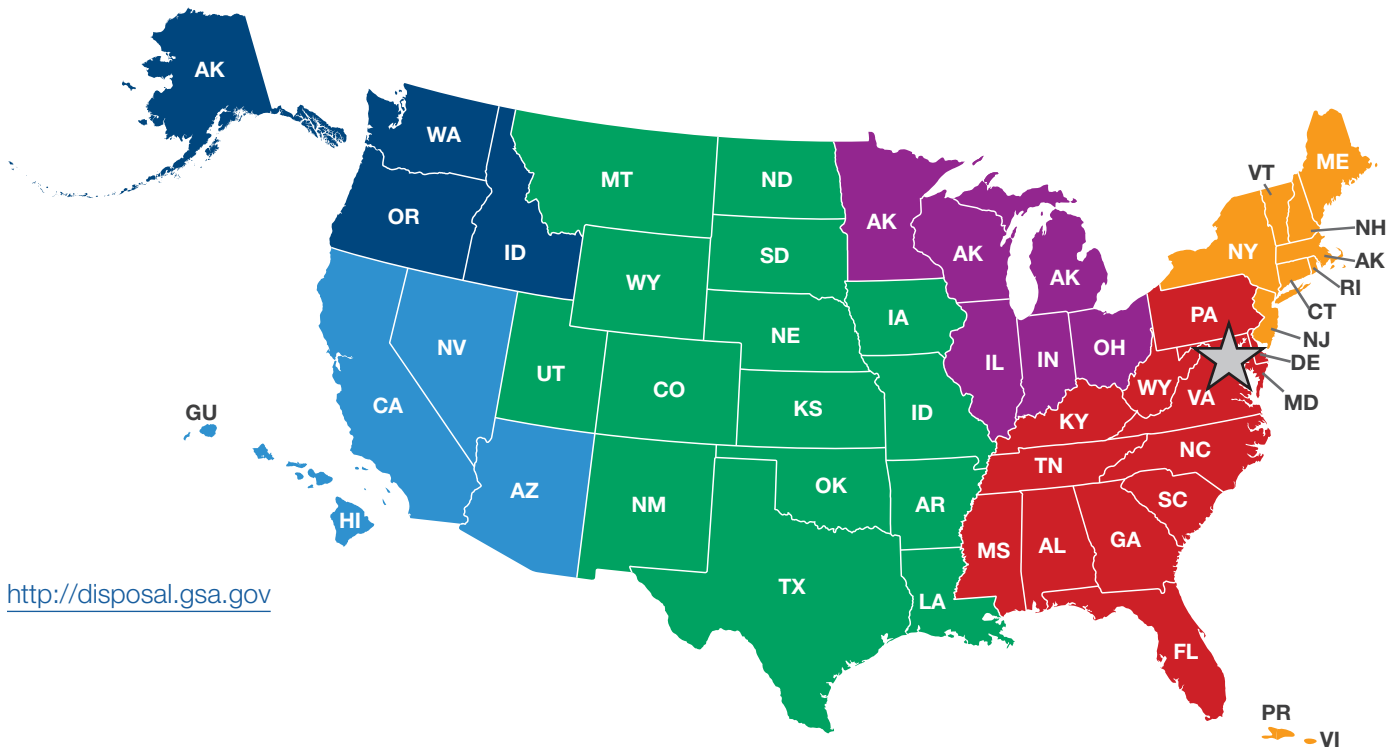
- EPA Wetland's website: <http://www.epa.gov/wetlands/>.
- USACE Wetlands website: [http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/rw\\_bro.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/rw_bro.pdf).
- FWS National Wetlands Inventory: <http://www.fws.gov/wetlands/>.
- USGS Topographical Maps: <http://topomaps.usgs.gov/>.



# PROCESS



# GSA UTILIZATION AND DISPOSAL OFFICES



## Central Office

Office of Real Property Utilization and Disposal  
U.S. General Services Administration  
1800 F Street, NW, Room 5127  
Washington, DC 20405  
202-501-0084



## New England Region

U.S. General Services Administration  
10 Causeway Street, 10th Floor  
Boston, MA 02222  
617-565-5700 or 800-755-1946



## Great Lakes Region

U.S. General Services Administration  
230 South Dearborn Street, Suite 3774  
Chicago, IL 60604  
312-353-6045 or 800-755-1946



## Southeast Sunbelt Region

U.S. General Services Administration  
77 Forsyth Street NW, Suite 130  
Atlanta, GA 30303  
404-331-5133 or 800-473-7836



## Greater Southwest Region

U.S. General Services Administration  
819 Taylor Street, Room 11A30  
Ft. Worth, TX 76102  
817-978-2331



## Pacific Rim Region

U.S. General Services Administration  
50 United Nations, Room 4341  
San Francisco, CA 94102  
888-472-5263



## Northwest Arctic Region

U.S. General Services Administration  
400 15th Street, SW, Room 1138  
Auburn, WA 98001  
253-931-7547 or 800-814-6205



## National Capital Region

U.S. General Services Administration  
301 7th Street, SW, Room 7709  
Washington, DC 20407  
202-205-2127







GSA Office of Real Property Utilization and Disposal  
<http://disposal.gsa.gov>  
U.S. General Services Administration  
1800 F Street, NW  
Washington, DC 20405  
<http://www.gsa.gov/>

