



DEPARTMENT OF THE ARMY
HEADQUARTERS, U. S. ARMY MATERIEL COMMAND
5001 EISENHOWER AVENUE, ALEXANDRIA, VA 22333-0001

68-87



21 DEC 1989

AMCEN-R

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Real Property Transactions and Environmental Baseline Studies (EBS)

1. References:

- a. AR 200-1, Environmental Protection and Enhancement
- b. AR 200-2, Environmental Effects of Army Actions
- c. AMCEN-R, Memorandum dated 21 Aug 1989, subject: Revision of AR 405-90, Disposal of Real Estate--Compliance with RCRA and Superfund Amendments.
- d. ENVR-EH multiple addressed memo dated 1 Nov 1989, SAB (Enclosed).

2. Enclosed is the current staffed excerpt from ref 1a, establishing the requirement for EBS using the protocol of AR 200-1, Appendix B.

3. The enclosure replaces direction provided previously by ref 1c. The EBS is now more inclusive adding actions controlled by AR 405-10 "Acquisition of Real Property and Interest Therein", and AR 405-80 "Granting Use of Real Estate", as well as AR 405-90 "Disposal of Real Estate".

4. EBS is a separate requirement from other NEPA documentation. The EBS is submitted as part of the NEPA documentation.

5. If in the process of doing an EBS, the real estate "action" is determined to be a type I "property", a record of Environmental Consideration, with a Categorical Exclusion, may be attached to the EBS to complete the NEPA documentation. Do not assume this to be true since the Real Estate "action" of itself may be environmentally disruptive and not qualify for a Categorical Exclusion.

6. Should the property be determined to be a Type II or III it will be necessary to perform all 5 phases of the protocol. A determination of the amount and depth of survey and sampling must be made. The real estate "action" of itself may be environmentally disruptive. Therefore, good documentation is in the best interest of the government.

AMCEN-R

SUBJECT: Real Property Transactions and Environmental Baseline Studies (EBS)

7. It is expected that all real estate actions will require the first three phases of the protocol. Also, much of the information for the first three phases is already available at the installation. A determination must be made of the adequacy of existing data.

8. Technical assistance will often be required. It is therefore recommended that installation activities plan well in advance to allow time to prepare EBS, get the necessary technical assistance, and arrange for funds. Estimates of costs may be obtained from USATHAMA or USEAHA.

9. Documents will be prepared for local signature of property accountable officer (CDR) certifying that the information is to the best of his knowledge.


10. A determination is currently being made by HQDA on how to handle those actions that are currently in the command chain. Notification will be sent in the near future advising you of that determination.

11. We are aware of the difficulty this requirement will cause. The policy has been implemented however, we are attempting to implement it as soon as possible.

12. This Headquarters point of contact is Mr. Meekins, AUTOVON 284-9273.

FOR THE COMMANDER:

Encl
as


STANLEY H. FRIED
Chief, Real Estate Division
Office of the Deputy Chief of Staff
for Engineering, Housing, and
Installation Logistics

AMCEN-R

SUBJECT: Real Property Transactions and Environmental Baseline
Studies (EBS)

DISTRIBUTION:

COMMANDER,

U.S. Army Armament, Munitions and Chemical Command, ATTN:
AMSMC-IS, Rock Island, IL 61299-6000
U.S. Army Aviation Systems Command, ATTN: SAVAI-F,
4300 Goodfellow Boulevard, St. Louis, MO 63120-1798
U.S. Army Communications-Electronics Command, ATTN: AMSEL-PL-IS,
Fort Monmouth, NJ 07703-5000
U.S. Army Depot System Command, ATTN: AMSDS-RM-EF, Chambersburg,
PA 17201-4170
U.S. Army Laboratory Command, ATTN: AMSLC-IS, Adelphi, MD
20783-1145
U.S. Army Missile Command, ATTN: AMSMI-KL, Redstone Arsenal, AL
35898-5000
U.S. Army Strategic Defense Command, ATTN: CSSD-RM, P.O. Box
15280, Arlington, VA 22215-0150
U.S. Army Tank-Automotive Command, ATTN: AMSTA-XE, Warren, MI
48397-5000
U.S. Army Test and Evaluation Command, ATTN: AMSTE-LG-F,
Aberdeen Proving Ground, MD 21005-5055
U.S. Army Troop Support Command, ATTN: SAVAI-F, 4300 Goodfellow
Boulevard, St. Louis, MO 63120-1798

CF:

HQ, Kwajalein Missile Range, ATTN: CSSD-H-KLE, Box 26, APO San
Francisco 96555
White Sands Missile Range, ATTN: STEWS-EL, White Sands Missile
Range, NM 88002-5078
Charles Melvin Price Support Center, ATTN: SAVAS-F, Granite
City, IL 62040-1801
U.S. Army Armament Research, Development and Engineering Center,
ATTN: SMCAR-ISE, Picatinny Arsenal, NJ 07806-5000
U.S. Army Natick Research, Development and Engineering Center,
ATTN: STRNC-DF, Natick, MA 01760-5000
Harry Diamond Laboratories, ATTN: SLCIS-FE, 2800 Powder Mill
Road, Adelphi, MD 20783-1197
Pine Bluff Arsenal, ATTN: SMC PB-FE, Pine Bluff, AR 71602-5000
Rock Island Arsenal, ATTN: SMCRI-EH, Rock Island, IL 61299-5000
Rocky Mountain Arsenal, ATTN: XRMAC-IS, Commerce City, CO
80022-2180
Watervliet Arsenal, ATTN: SMCWV-EH, Watervliet, NY 12189-4050
U.S. Army Dugway Proving Ground, ATTN: STEDP-EN, Dugway, UT
84022-5000
U.S. Army Jefferson Proving Ground, ATTN: STEJP-EH, Madison, IN
47250-5100
U.S. Army Yuma Proving Ground, ATTN: STEYP-EH, Yuma, AZ
85365-9102
Anniston Army Depot, ATTN: SDSAN-DEL-FE, Anniston, AL 36201-5048

AMCEN-R

SUBJECT: Real Property Transactions and Environmental Baseline
Studies (EBS)

DISTRIBUTION: (CONT'D)

COMMANDER,

McAlester Army Ammunition Plant, ATTN: SMC MC-DED, McAlester, OK
74501-5000

Milan Army Ammunition Plant, ATTN: SMC MI-XC, Milan, TN
38358-5000

Mississippi Army Ammunition Plant, ATTN: SMC MS, Stennis Space
Center, MS 39529-7000

Newport Army Ammunition Plant, ATTN: SMC NE-CA, P.O. Box 458,
Newport, IN 47966-0458

Radford Army Ammunition Plant, ATTN: SMC RA-XC, Radford, VA
24141-0298

Riverbank Army Ammunition Plant, ATTN: SMC RB-CA, Riverbank, CA
95367-0678

Scranton Army Ammunition Plant, ATTN: SMC SC-XC, Scranton, PA
18505-1138

Scranton Army Ammunition Plant (for Hays AAP), Attn: SM CHA-CA,
Scranton, PA 18505-1138

Stratford Army Engine Plant, ATTN: DCASR NY-RTAM, AVCO Lycoming,
550 Main Street, Stratford, CT 06497-7554

TEXTRON Lycoming, ATTN: Dept 251-C (A. Penkala), 550 Main
Street, Stratford, CT 06497-2452

Redstone Arsenal Support Activity, ATTN: AMS MI-RA-EH, Redstone
Arsenal, AL 35898-5000

U.S. Army Aberdeen Proving Ground Installation Support Activity,
ATTN: STEAP-FE, Aberdeen Proving Ground, MD 21005-5001

U.S. Army Fort Monmouth, ATTN: SEL FM-EH, Fort Monmouth, NJ
07703-5000

U.S. Army TACOM Support Activity-Selfridge, ATTN: AM STA-XA,
Selfridge Air National Guard Base, MI 48045-5016

U.S. Army Tank-Automotive Command Support Activity, ATTN:
AM STA-XE, Warren, MI 48397-5000

Detroit Arsenal Tank Plant, ATTN: AM STA-CWCP, 28251 Van Dyke
Avenue, Warren, MI 48090

Lima Army Tank Plant, ATTN: AM STA-CLC, 1155 Buckeye Road, Lima
OH 45804-1898

Vint Hill Farms Station, ATTN: SEL VH-EH, Warrenton, VA
22186-5050

HQ Fort Sam Houston (Camp Stanley), ATTN: AFZG-DE-REM (Mr. Ray),
Fort Sam Houston, TX 78234-5000

Defense Construction Supply Center, ATTN: DC SC-WI, Columbus, OH
43216-5000

Defense General Supply Center, ATTN: DG SC-WI, Richmond, VA
23297

Defense Personnel Support Center, Civil Engineering Division,
ATTN: DP SC-WI, 2800 South 29th Street, Philadelphia, PA
19101-8419

AMCEN-R

SUBJECT: Real Property Transactions and Environmental Baseline Studies (EBS)

DISTRIBUTION: (CONT'D)

COMMANDER,

Defense Depot Memphis, ATTN: DDMT-WI, 2163 Airways Boulevard
Memphis, TN 38114-5297

Defense Depot Ogden, ATTN: DDOU-WIA, Ogden, UT 84407-5000

Defense Depot Tracy, ATTN: DDTC-WI, Tracy, CA 95376-5000

Belvoir Fuel and Lubrication Research Facility, ATTN: STRBE-VF,
6220 Culebra Road, P.O. Drawer 28510

USA Plant Representative Office, Bell Helicopter TEXTRON, ATTN:
SAVBE-PI, P.O. Box 1605, Fort Worth, TX 76101-1605

COMMANDER'S REPRESENTATIVE,

Badger Army Ammunition Plant, ATTN: SMCBA-CR, Baraboo, WI
53913-5000

Cornhusker Army Ammunition Plant, ATTN: SMCCO, Grand Island, NB
68801-2041

Joliet Army Ammunition Plant, ATTN: SMCJO-CO, Joliet, IL
60436-5000

Ravenna Army Ammunition Plant, ATTN: SMCRV-CR, Ravenna, OH
44266-9297

St. Louis Army Ammunition Plant, ATTN: SMCSL-COR,
4800 Goodfellow Boulevard, St. Louis, MO 63120-1584

Sunflower Army Ammunition Plant, ATTN: SMCSU-CA, P.O. Box 640,
De Soto, KS 66018-0640

Twin Cities Army Ammunition Plant, ATTN: SMCTC-CR, New Brighton,
MN 55112-5000

Volunteer Army Ammunition Plant, ATTN: SMCVO-CR, P>O> Box 22607,
Chattanooga, TN 37422-2607

DIRECTOR,

Defense Logistics Agency, ATTN: DLAH-WI, Cameron Station,
Alexandria, VA 22314

U.S. Army Materials Technology Laboratory, ATTN: SLCMT-ISF-R,
Arsenal Street, Watertown, MA 02172-0001

The Adj General, Vermont National Guard, ATTN: VT-FE (Maj Nye),
Bldg #5, Camp Johnson, Winooski, VT 05404-1697

General Electric Company, Armament Systems Department, ATTN:
Ms. Bushey, Room 1316, Data Mgt, Lakeside Avenue, Burlington,
VT 05401-4985



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, D.C. 20310-2600

REPLY TO
ATTENTION OF:

1 NOV 1989

ENVR-EH (200-1c)

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Real Property Transactions and Environmental
Baseline Studies

1. In the past, the Army has experienced a variety of problems associated with such real property transactions as sales, transfers, leases, rights-of-way, easements, or the reclaiming of land and buildings. Some of these properties have been contaminated for periods of time by the past operations of the Army associated with the mission and/or unexploded ordnance associated with test firings. In some instances, the Army has also reclaimed property that had been contaminated by the operations of non-Army parties. The revised AR 200-1, "Environmental Protection and Enhancement", currently being reviewed by the U.S. Army Publications and Printing Command, requires an Environmental Baseline Study (EBS) in the decision-making process concerning a proposed real property transaction. The EBS is to be part of the environmental review procedures required by AR 200-2, "Environmental Effects of Army Actions."

2. The purpose of the EBS is to provide a comprehensive environmental evaluation of a property, whether in or outside of the continental U.S., for which a transaction is proposed. The evaluation takes into consideration environmental conditions, particularly hazards and contamination, whether or not the property is controlled by the Army, or on Army-controlled property for which an operating contract is being considered.

3. The Army Environmental Office has extracted from AR 200-1 both paragraph 12-5, Real Property Transactions (encl 1) and Appendix B, Environmental Baseline Study Protocol (encl 2) for interim guidance until the AR can be printed and distributed.

4. Funding for conducting an EBS will be provided by the party that has initiated the proposed transaction, i.e., by the Army proponent or the non-Army party (see encl 1). However, in the following cases, the Army will fund the EBS even though the other party initiated the transaction:

ENVR-EH (200-1c)

SUBJECT: Real Property Transactions and Environmental
Baseline Studies

a. The non-Army party is an applicant to the Army's agricultural and grazing (A&G) leasing program.

b. The non-Army party, due to financial constraints, is either unwilling or unable to conduct an EBS, and the Army proponent determines that the transaction would be in the best interests of the Army. If the Army proponent can provide the funds, the EBS may proceed; otherwise, a request for an exception must be submitted. The ASA(IL&E) might then approve the funding and direct the Army proponent to perform the EBS.

5. For technical assistance in estimating the cost of an EBS, commanders may contact the U.S. Army Toxic and Hazardous Materials Agency (USATHAMA). For other technical assistance, the Army components listed in encl 2 at para B-5a may be consulted.

6. ~~MACOMs are requested to transmit this policy to all Environmental and Real Estate Offices within their jurisdictions and should assure that all real property transactions currently being processed comply with the provisions of both enclosures.~~

7. ~~The Army~~ Environmental Office POC on this matter is Ms. Rhea Cohen, 693-5032.

FOR THE CHIEF OF ENGINEERS:

2 Encls



PETER J. OFFRINGA
Major General, USA
Assistant Chief Of Engineers

DISTRIBUTION:

COMMANDER IN CHIEF, US ARMY EUROPE AND 7TH ARMY

COMMANDER

FORCES COMMAND

US ARMY STRATEGIC DEFENSE COMMAND

US ARMY JAPAN

US FORCES KOREA/EIGHTH US ARMY

US ARMY SOUTH, PANAMA

US ARMY WESTERN COMMAND

ENVR-EH (200-1c)

SUBJECT: Real Property Transactions and Environmental Baseline
Studies

DISTRIBUTION: (CONT)

US ARMY HEALTH SERVICES COMMAND
US ARMY INTELLIGENCE AND SECURITY COMMAND
US ARMY MATERIEL COMMAND
US ARMY MILITARY TRAFFIC COMMAND
US ARMY MILITARY DISTRICT OF WASHINGTON
US ARMY TRAINING AND DOCTRINE COMMAND
US ARMY CORPS OF ENGINEERS
US ARMY ENVIRONMENTAL HYGIENE AGENCY
US ARMY TOXIC & HAZARDOUS MATERIALS AGENCY
CHIEF, NATIONAL GUARD BUREAU
SUPERINTENDENT, US MILITARY ACADEMY

CF:

ASA(IL&E)
DASA(ESOH)
SAPA
SAGC
DAJA-EL
DACS-SF
DASG-ZA

OCT 1989

(EXCERPT FROM AR 200-1, Environmental Protection and Enhancement, to be promulgated 1989-1990.)

AR 200-1, Para 12-5. Real Property Transactions

a. The Army proponent for any real property transaction will comply with the Army policy set forth in this paragraph, in addition to the procedures found in AR 405-10 (Acquisition of Real Property and Interests Therein), AR 405-80 (Granting Use of Real Estate), and AR 405-90 (Disposal of Real Estate).

b. An Environmental Baseline Study (EBS), i.e., an inventory and comprehensive evaluation of the existing environmental conditions, will be conducted on real property prior to a transaction, in accordance with para 12-5c(2) below and the EBS protocol (see appendix B). For definitions of other terms used in this paragraph see para B-1c, appendix B.

c. Compliance with the National Environmental Policy Act (NEPA).

(1) The Army proponent of a real property transaction will ensure compliance with NEPA and with AR 200-2 (Environmental Effects of Army Actions).

(2) As part of the NEPA compliance, the Army proponent will ensure that an EBS will be performed for transactions concerning all real property, whether in or outside of the continental U.S. The purposes of an EBS are to describe the environmental setting; define the nature, magnitude, and extent of any environmental contamination; and develop sufficient information to assess adequately the health and ecological risks

associated with the proposed real property transaction. Once these risks are known and presented to the decision-maker, the Army proponent can choose to proceed or discontinue the transaction.

(a) Scoping, development, and adequacy of an EBS is the responsibility of the Army proponent, which will ensure that the EBS is conducted per the EBS Protocol.

(b) Items to be considered for assessment in the EBS include, but are not limited to: areas of cultural, historical, or archaeological significance; threatened or endangered species; environmentally sensitive areas such as wildlife habitats, sole-source aquifers, surface water supplies, wetlands, or floodplains; DOD, DA, federal, regional, state, and local environmental regulatory compliance; any permit, permit discontinuance or closure requirements; properties or structures with known or potential environmental contamination (i.e., asbestos, radon, unexploded ordnance, or hazardous or toxic materials/substances/wastes); and existing land use plans, Installation Restoration Program (IRP) reports, and other environmental documentation.

(c) Where an Environmental Assessment (EA) or Environmental Impact Study (EIS) is required prior to the real property transaction, the EBS will be the portion of the EA or EIS that describes the "affected environment" as described in AR 200-2.

(d) Non-Army parties will be requested to perform the EBS for transactions that they have initiated.

(e) When the proposed transaction qualifies for a categorical exclusion (CX), as listed in appendix A of AR 200-2, a separate EBS will be prepared prior to the record of environmental consideration (REC) and included with the REC for review.

(f) Review for adequacy will be conducted by the Army office that reviews the associated REC, EA, or EIS. (For the review process see appendix B, para B-8).

(g) If the EBS discloses that a release of contaminants to the environment is known or suspected, the property should be brought to the attention of USATHAMA for consideration under National Contingency Plan (NCP), 40 CFR 300, consistent with DOD and Army funding priorities for the IRP.

d. Deed or transfer agreement.

(1) The Army proponent will be responsible for providing the disposal agency (or other federal agency, if the transaction is subject to a transfer agreement) the notice provisions for the contract of sale and covenants to be incorporated into the deed of conveyance, as required by--

(a) The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9620(h)(1) and (3), on specified disclosures in a deed to property transferred by a federal agency on or in which any hazardous substance was stored for one year or more, or known to have been released or disposed of; and similar state disclosure requirements, if applicable;

(b) The Resource Conservation and Recovery Act

(RCRA), 42 USC 6901, 40 CFR 264.119(b)(1), on notation to a deed to property where there is a closure of a solid waste management unit; and similar state disclosure requirements, if applicable;

(c) RCRA, 42 USC 6901, 40 CFR 270.30(L)(3), on procedures for discontinuance of RCRA permits, and all other applicable federal, state, regional, and local environmental requirements concerning the discontinuance of environmental permits; and,

(d) EO 11988 (Floodplain Management), Sec. 3(d) and EO 11990 (Protection of Wetlands), Section 4. All regulatory or other appropriate use restrictions will be referenced, or such properties will be withheld from conveyance.

(2) The Army, if it controls the subject property, will take these additional steps--

(a) Place restrictions on the future use of the property, ~~in~~ perpetuity, if necessary, to protect human health and the environment, if compliance with para 12-5d(1) above required the removal or in-place treatment of hazardous substance contamination. In the alternative, the Army may retain possession of that portion of the property for which restrictions are not practical, or for which severe restrictions would be necessary, or for which cleanup would not be economical compared to the value of the property after decontamination.

(b) Specifically identify in the deed or transfer agreement any easements or other rights-of-way that must be retained, if continuing operations and maintenance of treatment facilities, periodic groundwater monitoring, or other activities

related to compliance with para 12-5d(1) would necessitate the provision of such access.

(c) Place the same requirements on the recipient of the property as in para 12-5e(4), if the deed or transfer agreement contains a reverter clause and/or reservation of the Army's right to re-enter or reclaim the property.

e. Real property transactions initiated by non-Army parties.

(1) The Army proponent will assure completion of an EBS and should participate actively when a non-Army party performs an EBS. The Army participants will ensure that the EBS is conducted in accordance with the EBS protocol.

(2) In the following cases, the Army will prepare the EBS, even though the other party initiated the transaction.

(a) Non-Army party is an applicant to the Army's agricultural and grazing (A&G) leasing program.

(b) Non-Army party, due to financial constraints, is either unwilling or unable to conduct an EBS, and the Army proponent determines that the transaction would be in the best interests of the Army. If the Army proponent can provide the funds, the EBS may proceed; otherwise, a request for an exception must be submitted per para 12-5f. The ASA(IL&E) can approve the funding and direct the Army proponent to perform the EBS.

(3) The Army proponent that prepares an EBS for a real property transaction initiated by a non-Army party may request technical assistance from the Army components listed in para B-5a, in appendix B.

(4) Outgrants, e.g., leases, licenses, easements, and land use permits will include the requirement that the grantee will conduct an EBS before returning the property to the Army, unless covered by para 12-5e(2)(a) or (b), in which case the Army will conduct the EBS. If the grantee will be using buildings, land, or easements for any type of operation that will result in any form of contamination, the grantee will be required to post a bond. This bond must provide for all projected costs associated with the cleanup of any resultant contamination released during grantee's use. The amount of the bond will be commensurate with the grantee's proposed use of the property and will be determined after consultation with USATHAMA or USAEHA.

f. Exceptions. Exceptions to the provisions of this paragraph may be granted by the ASA(IL&E). A request for exception will be forwarded in writing, together with the estimated cost of performing the EBS, and the suggested source of funding for payment of those costs, through command channels to HQDA, OCE, ATTN: ENVR-E, for coordination, review, and comment through the DASA(ESOH) to the ASA(IL&E).

OCT 1989

(EXCERPT FROM AR 200-1, Environmental Protection and Enhancement, to be promulgated 1989-90.)

Appendix B

Environmental Baseline Study Protocol

Section I

Introduction and Purpose

B-1. Introduction

An Environmental Baseline Study (EBS) is required by AR 200-1, paragraph 12-5, "Real Property Transactions." An EBS is a comprehensive evaluation of the existing facility and environmental conditions, particularly regarding hazards and contamination, which is conducted on real property for which a transaction is proposed, whether or not the property is controlled by the Army, or on Army-controlled property for which an operating contract, facility contract, or third-party contract is being considered. Typically, an EBS is conducted in a tiered approach and could comprise up to five phases. In some cases, such as the continuation of a pre-existing grazing lease that has had a minimal environmental impact, an EBS might only require a short summary of the known environmental conditions of the site, and a visual site inspection prior to determining the potential risks associated with the site. In all cases, the EBS is intended to develop the minimum amount of information required to assess the potential environmental liabilities associated with

the property transaction. An EBS should be conducted early in the planning process of the property transaction planning process so that the Army proponent can be informed of any hazards or contamination associated with the property, consider potential significant adverse impacts on the community or environment, and determine potential environmental liabilities related to the real property transaction.

B-2. Purpose

The purpose of an EBS is to determine the Army's potential liabilities associated with the environmental condition of the proposed property transaction. Once such risks are known, the proponent can choose to proceed or discontinue the property transaction.

Section II

Definitions

B-3. Property and Transactions

a. *Real property.* Land; present possessory interests in land; the structures, fixtures, and other improvements on land; the surface waters and groundwater within the boundaries of the land; other interests in land; and future interests in land, both in and outside of the continental United States.

(1) Type I property. Property where there is little potential for environmental contamination or disruption from past, present, or proposed activities. Typically, this includes sites in locations such as housing, administrative, or

recreational areas where no hazardous materials were known to be stored or used. However, because of the potential for environmental contamination at these properties from such things as leaking underground storage tanks, few properties should be classified as Type I. At the conclusion of the survey phase (see para B-7 below), the Army proponent may decide that no further study is indicated, and may proceed to draft the EBS report.

(2) *Type II property.* Property where there is some potential for environmental contamination or disruption from past, present, or proposed activities. This potential may be due to the past historical usage of the property or to its proximity to critical areas such as a wildlife habitat or a sole source aquifer. When any doubt exists about a Type I property, it should be redesignated as a Type II property. At the conclusion of the survey phase (see para B-7), the Army proponent may decide that no further study is necessary, and that little or no potential ~~exists~~ exists for environmental contamination or disruption from past, present, or proposed activities. In this case, the property should be redesignated to the Type I category, and the EBS report should be drafted.

(3) *Type III property.* Property where there is known environmental contamination or disruption from past or present activities.

b. Transactions

(1) *Real Property Transaction.* Any acquisition, granting of use, or disposal of real property which includes but is not limited to: a sale or disposal action; a temporary use (i.e.,

an easement or right-of-way) regardless of the proposed duration; an exchange; an interservice support agreement; a transfer of real property to or from another DA or other Federal agency; the granting of a lease, license, or renewal thereof. Also, an operating contract, a facility contract, or a third-party contract concerning the use of Army-controlled property.

(2) *Present possessory.* Real property that is controlled by the DA.

(3) *Army proponent.* The lowest level decision-maker, i.e., the Army unit, element, or organization responsible for initiating and/or carrying out the proposed action.

(4) *Transaction Proponent.* The unit, element, or organization, other than the Army, responsible for initiating and/or carrying out the proposed action.

c. *Environmental disruption.* The results of actions that "significantly affect the environment," as defined in AR 200-2. Such results would include but not be limited to encroachment on endangered species, habitat, or damage to other ecologically sensitive areas, or degradation of water quality.

Section III

Assumptions

B-4. Assumptions

a. *Compliance.* An EBS is required for compliance with AR 200-1, paragraph 12-5, "Real Property Transactions." The EBS Protocol is applicable to the U.S. Army (all active, semi-active,

and inactive installations), the U.S. Army Reserve (all installations and activities), and the Army National Guard (all installations, activities, and sites supported with Federally appropriated funds), wherever the U.S. has jurisdiction. The EBS Protocol is not applicable to the non-military civil works activities of the U.S. Army Corps of Engineers. Transactions covered by paragraph 12-5 include transfers as well as grants, leases, easements, and other tenancy arrangements, whether within the Army where the current operations would or would not continue, or to/from other Federal agencies and the civilian sector. Consequently, this protocol was prepared to include as many real property transaction scenarios as possible. Only those portions of the protocol that are applicable to the particular proposed transaction or use need be carried out.

b. Environmental Assessment/Impact Statement. In the case that the transaction requires an environmental assessment (EA) or environmental impact statement (EIS), the EBS will serve as the "affected environment" portion of the EA or EIS. When the proposed transaction qualifies for a categorical exclusion (CX), as described in Appendix A of AR 200-2, a separate EBS will be prepared prior to the Record of Environmental Consideration (REC) and should be included along with the REC for review.

c. Environmental Sampling. On Army-controlled property, any environmental sampling required for the sampling and investigative phases will be restricted to the installation area. Off-post sampling will be conducted only if a request to do so has been sent through the chain of command to ENVR-E, and

permission granted by DASA(ESOH).

d. Buildings, structures, and fixtures. Buildings, structures, and fixtures will be evaluated for their environmental regulatory compliance only. This would include determining the existence of building contamination. Only those physical plant deficiencies that could affect regulatory compliance will be addressed. This includes such matters as the inadequacy of treatment plant capacity or hazardous waste storage space. Non-regulatory deficiencies such as leaking roofs, insufficient ventilation, or inadequate public utilities (e.g., insufficient electrical service capacity) will not be considered within the context of the EBS. However, because such matters can be very important, they should be determined separately by the Army proponent.

Section IV

Procedures

B-5. Procedure

An EBS may consist of five phases: Scope definition, survey, sampling, investigative, and risk assessment. Following the survey phase, and at every phase thereafter, it is the responsibility of the Army proponent--even in the case that the non-Army party is preparing the EBS--to determine whether the existing information is adequate to assess the risks involved with the proposed property use.

a. *Technical assistance.* The Army proponent is encouraged to

request technical assistance from the following organizations, which can provide advice on data collection and evaluation and on making determinations as to the adequacy of the information gathered in each phase of the study:

(1) U.S. Army Corps of Engineers District, to assist with contracting for conducting the EBS.

(2) U.S. Army Engineering and Housing Support Center (USAEHSC), for evaluating natural and cultural resources.

(3) U.S. Army Environmental Hygiene Agency (USAEHA), for developing and conducting health and ecological risk assessments.

(4) U.S. Army Toxic and Hazardous Materials Agency (USATHAMA), for investigating hazardous chemical contamination.

(5) U.S. Army Corps of Engineers, Huntsville Division (CEHND-ED-PM), for investigating explosives and unexploded ordnance.

b. Pre-existing information. In the case that there is a large amount of pre-existing environmental information, such as an active Installation Restoration Program (IRP) project or environmental monitoring reports; or that the transaction would be intra-Army and the current operations would continue; or that the property is appropriately designated in the Type I category, the Army proponent should consult one of the organizations listed in paragraph B-5 a(1), (2), or (3) for evaluating the pre-existing data for its usefulness as part of the EBS. In other cases, it will be necessary to complete all five phases. This evaluation process is illustrated in Figure B-1.

c. Performing the EBS. Performing the EBS is the

ENVIRONMENTAL BASELINE STUDY (EBS) FLOW CHART

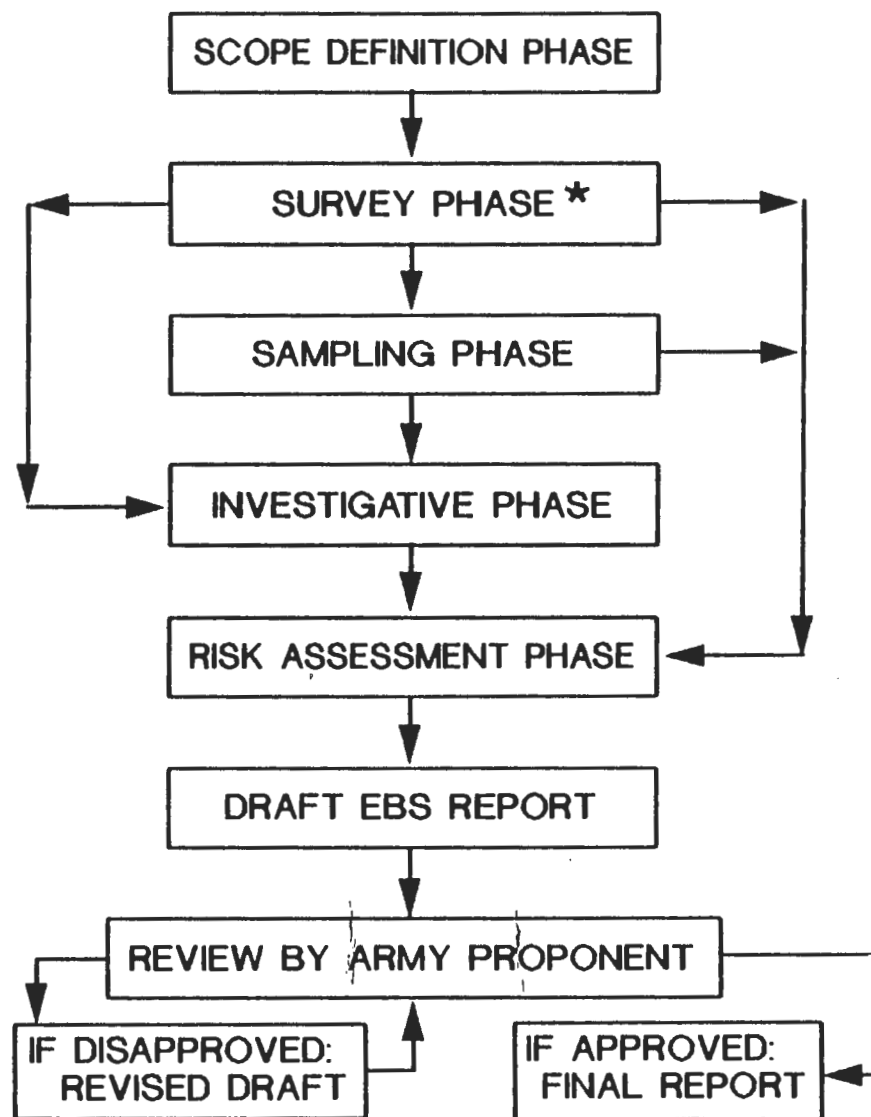


Figure B-1. Environmental baseline study flow chart

★ For a Type I property, the next step after the survey phase is the drafting of EBS Report.

responsibility of the real property transaction proponent (para B-3), unless Army funding has been provided (see para 12-5e(2)). The installation's real estate office must ensure that the EBS is prepared in accordance with the requirements of this protocol. Coordination with the organizations listed in B-5a(1), (2), or (3) is recommended. Assistance, review, and signature shall be requested from the installation environmental officer.

Figure B-1. EBS flowchart.

Section V

Scope Definition Phase

B-6. Scope definition phase

a. *Purpose.* The purpose of the scope definition phase is to outline the type and extent of the real property transactions being considered and initially define the extent of the EBS required. Typically, an EBS is conducted in a tiered approach and could consist of up to five phases if the proposed property transaction warrants such detail. This phase of the EBS is critical, as it will determine which phases need to be conducted prior to assessing the risks involved with the proposed transfer. In some cases it might be necessary to conduct all five phases of

the protocol; for example, the transfer of an Army industrial site, with suspected contamination, to the civilian sector for unrestricted future use. In other cases it might only be necessary to summarize the existing environmental information and conduct a visual site inspection of the property site; for example, the continuation of an existing agricultural lease that has had a minimal environmental impact. In all cases, the EBS is intended to develop the minimum amount of information required to assess the potential environmental liabilities associated with the property transaction.

b. *Real property transaction type.* Describe the real property and property type (see definition in para B-3), and the proposed duration of use that are subject to the transaction.

c. *Property category.* Define the property category (Type I, II, or III) based on such information as prior knowledge and historical records. Where there is any uncertainty regarding the potential for environmental contamination or disruption, the property should be classified as Type II.

d. *Parties.* Identify the Army proponent and the other party or parties to the transaction, and state which party initiated the transaction.

e. *Proposed use(s).* Summarize the proposed and potential future uses.

f. *Restrictions.* List any existing or potential restrictions on the future uses of the property.

g. *Remediation responsibilities.* Define the primary responsible party for any potentially required remediation.

Section VI

Survey Phase

B-7. Purpose

a. Environmental setting. The purpose of the survey phase is to generally describe the environmental setting and to identify and evaluate all subject areas concerned.

(1) Environmental contamination. This phase should determine the existence of, or potential for, environmental contamination. The environmental contamination analysis will address not only the environment (land, surface waters, and groundwater), but also the buildings, structures, and facilities on the land. In addition, a report on the status of current environmental regulatory compliance will be provided. In the event that there is no actual or potential contamination or disruption, it will not be necessary to extend the EBS past this phase.

(2) Additional investigation. Where existing or potential environmental contamination and disruption exists, this phase must determine whether any additional investigation is warranted prior to the risk assessment phase. For sites where there is an extensive amount of information, such as a completed IRP project, it may not be necessary to complete the remaining phases of the study (see B-5b above).

(3) Analysis. Typically, the survey phase will consist of an analysis of existing information along with a visual site

inspection of potential contamination sources. No new information should need to be developed to complete the survey phase.

(a) Evaluation Areas. Areas requiring evaluation include, but are not limited to, all existing and former sites involved in generating, transporting, storing, treating, or disposing of hazardous materials/substances/wastes, wastewaters, solid wastes, petroleum/oils/fuels, explosives, ordnance, and other potential hazards, such as excessive noise, asbestos, or radon gas.

(b) Typical locations. Typical locations to be surveyed include industrial operations, maintenance activities, laboratories, storage facilities, burning grounds, impact areas, landfills, incinerators, treatment plants, underground storage tanks, and former oil or hazardous substance spill sites.

(c) Other Areas. Other matters requiring evaluation include but are not limited to: forests and woodlands, fish and wildlife populations and habitat, threatened and endangered species, soils and vegetation, agricultural and grazing uses, prime and unique farmland, native prairies and grasslands, surface water and groundwater supplies and quality, wetlands and floodplains, outdoor recreation resources, and cultural and historical resources.

(4) Simple Transactions. For simple transactions, such as the continuation of existing agricultural leases, it may be necessary to conduct only the survey phase. This must be examined for each specific situation, as even a simple

transaction could pose significant liabilities. For example, agricultural leases could result in soil and groundwater contamination of Army property due to improper use of pesticides and herbicides. Grazing leases could result in claims against the Army in the event that the cattle grazed on contaminated land.

b. *Environmental setting.* This section establishes the environmental framework for the subject property and its vicinity. This information is necessary for investigating the potential migration pathways of contaminants, evaluating the potentially exposed human populations, determining which environmental media may require additional sampling, and determining whether there is the potential for environmental disruption. Sources for this information include IRP documents, Installation Assessments, Installation or Programmatic EA/EISSs, installation master and mobilization plans, regulatory permit applications, and reports prepared by other agencies such as USAEHA, USATHAMA, U.S. Geological Survey, U.S. Soil Conservation Service, and State, regional, and local planning organizations.

(1) *General information.* Special conditions relating to the property, such as inclusion in a public planning district, proximity to a national wilderness area, or other Army or non-Army jurisdictional limitations on real property uses.

(2) *Property information.* Background information that includes a description of the physical and environmental framework of the property. This information should be obtained primarily from a review of existing documentation, which should

be referenced whenever possible.

(a) *History.* Description of past and present activities on/in the real property. Include any data on past and present generation of hazardous substances or wastes.

(b) *Location.* Map should show the subject property in its geographical context. A scale of 1:24,000 is suggested.

(c) *Physiography/surface hydrology.* Topography, floodplain and wetland locations, low and minimum receiving stream flow, water supply capabilities, and flood potential of existing and proposed use.

(d) *Soils.* Type, depth, erosion, and contaminant migration potentials.

(e) *Geology.* Summary of the geology of the region and the subject property, emphasizing the potential for migration of contaminants.

(f) *Hydrogeology.* Depth to uppermost aquifer, ground water quality, rate and direction of flow, water supply capabilities, potential for contaminant migration, and potential for contaminating deeper aquifers.

(g) *Meteorology.* Precipitation and evaporation rates, prevailing wind speed and direction, temperatures.

(h) *Contaminated structures, buildings, or fixtures.* An identification of the structure and the kind of contamination potential, e.g., asbestos, radon, PCB transformers, pesticides/rodenticides/herbicides, chemical agents, explosives.

(i) *Unexploded ordnance.* Description includes

types, locations, and amounts.

(j) *Land use patterns.* Residential, commercial, industrial, agricultural, etc. Compatibility of proposed use with existing neighboring usage.

(k) *Noise.* For Army-controlled property, the Installation Compatible Use Zone (ICUZ) contours. For non-Army property, an assessment of the ambient and, if applicable, the potential noise level contours of the proposed use and the possible impact of such noise on Army activities.

(l) *Existing ecological baseline.* Subject areas include but are not limited to those listed in B-7a(3)(c) above.

(m) *Miscellaneous.* Any additional concerns specific to the property.

c. *Population.* This section summarizes the existing and potential human populations on the property and in the region. This information is needed to assess the potential for exposure to any contamination that might result from the proposed use of the property. Sources of this type of information include the installation master and mobilization plans; State, regional, and local planning agencies; and commercial demographic surveys. In very few cases are future populations on Army-controlled property known, (e.g., stationing of a new infantry division) and must therefore be assumed, using reasonable, yet conservative procedures.

d. *Environmental compliance.* This section summarizes the status of compliance with existing environmental requirements, any closure requirements if pollution control facilities would

have to be abandoned due to the transaction, and any anticipated future regulatory requirements. Sources of this information include the installation's environmental and spill contingency plans, regulatory agency inspection reports, discharge monitoring data, USAEHA environmental audits and program reviews, closure plans, and mobilization environmental exercises.

(1) *Current regulatory status.* Review existing conditions to determine any substantive or administrative violations of environmental regulations. Identify any current or pending enforcement actions.

(2) *Closure requirements.* Review existing facilities to determine necessary closure requirements for existing environmental permits.

(3) *Future regulatory status.* Review proposed property usage to determine future regulatory requirements.

e. *Survey of sites of potential environmental concern.* This section summarizes each site having an existing or potential environmental impact. Suggested sources of this information include IRP documents, RCRA Facility Assessment Documents, Solid Waste Management Unit (SWMU) Evaluations, treatment plant evaluations, permit applications, installation or programmatic EA/EISs, and installation spill contingency plans.

(1) *Site survey summary.*

(2) *Individual site descriptions.*

(a) Site type (e.g., generation, storage, or disposal site).

(b) Site area and site map (maximum scale of 1 inch =

50 feet).

(c) History.

(d) Operating practices.

(3) *Materials/wastes used or generated.*

(a) Material/waste summary.

(b) Physical/chemical/toxicological characteristics.

(c) Migration and dispersal characteristics.

(d) Evidence of impact. Includes an evaluation of the adequacy of existing data adequacy to determine the potential for the presence or absence of contamination or impact.

f. *Exposure assessment.* Includes a summary of the potential for exposing existing and/or future human populations to an adverse environmental impact.

g. *Summary of findings.* All known or identifiable potential sources of contamination and/or environmental disruption, if any, should be identified and evaluated for their adverse environmental impact potential. This report should provide the basis, if applicable, for future sampling and the technical justification where no sampling beyond the existing data is deemed necessary. Recommendations should include a list of those sites or areas, if any, that should be studied further and a description of the kind of study necessary. The report should reach one of the following possible conclusions on all sites:

(1) Risk Assessment. If no additional sampling beyond the existing data is necessary, due to the absence of significant pollution potential, then the risk assessment phase should be conducted.

(2) Investigative. If adequate data are available to determine the presence of contamination or disruption, but not its extent, then the investigative phase should be conducted.

(3) Sampling. If insufficient data are available to determine either the presence or the absence of contamination or disruption, then the sampling phase should be conducted.

(4) EBS draft report. If, at the conclusion of the survey phase, a Type I property remains as originally categorized, no further study will be needed. Therefore, the EBS report may now be drafted.

Section VII

Sampling Phase

B-8. Sampling phase

a. Purpose. The purpose of the sampling phase is to verify the presence or absence of environmental contamination or disruption. Appropriate sampling and analyses are conducted at all areas or sites identified in the survey phase for which additional data are needed in order to assess the risks involved with the property transfer. This sampling is not intended to determine the magnitude and extent of any contamination, but only confirm its presence or absence. Standard methodologies such as those listed in paragraph B-13 should be employed. Following the sampling phase, the resulting data should be evaluated to determine the need for additional study. The outline at b below is provided for scoping purposes; however, a more detailed

outline is not possible because of the site-specific nature of the sampling phase.

b. *Functional elements of the sampling phase.*

- (1) Locations for sampling.
- (2) Analytical parameters.
- (3) Analytical methodology.
- (4) Sampling methodology.
- (5) Quality Assurance/Quality Control procedures.
- (6) Safety and Occupational Health plan.
- (7) Decontamination procedures.
- (8) Data Evaluation procedures.
- (9) Report preparation/presentation.

c. *Report of findings.* This report should include an account of the sampling recommended in the survey phase. A sufficient amount of sampling data should be presented for each site that would reasonably verify the presence or absence of contamination or impact. This report should provide the basis for any future investigation, as well as the technical justification where no further investigation is deemed necessary. The report should reach one of these two possible conclusions on all sites:

(1) Risk Assessment. If no additional investigation is necessary due to the confirmed absence of impacts, then the risk assessment phase should be conducted.

(2) Investigative. If an adequate amount of data are available to determine the presence of an environmental impact, but not its extent, then the investigative phase should be conducted.

Section VIII

Investigative Phase

B-9. Investigative phase

a. *Purpose.* The purpose of the investigative phase is to determine the nature, magnitude, and extent of any environmental impacts. The appropriate study is conducted at all areas or sites identified in the sampling phase as requiring additional data. Standard methodologies such as those listed in paragraph B-13 should be employed. The investigative phase should result in sufficient data to assess the risks associated with the proposed property transaction. A suggested outline for the investigative phase is presented below for scoping purposes. A more detailed outline is not possible because of the site-specific nature of this phase.

b. *Functional elements of the investigative phase.*

- (1) Locations for sampling.
- (2) Analytical parameters.
- (3) Analytical methodology.
- (4) Sampling methodology.
- (5) Field testing methodology.
- (6) Quality Assurance/Quality Control procedures.
- (7) Safety and Occupational Health plan.
- (8) Decontamination procedures.
- (9) Data Evaluation procedures.
- (10) Report preparation/presentation.

c. *Report of findings.* The investigation phase should result in sufficient information to determine the nature, magnitude, and extent of any environmental contamination or disruption. This should include, but not be limited to, defining the lateral and vertical extent of contamination, the magnitude of contamination present, the directions and rates of contaminant migration, and the magnitude and impacts of any environmental disruption. Following the investigative phase, enough information should be provided to adequately conduct the risk assessment phase.

Section IX

Risk Assessment Phase

B-10 Risk assessment phase

a. *Purpose.* The purpose of the risk assessment phase is to characterize the risks associated with the property transfer, when some potential for environmental contamination or disruption has been identified in a preceding phase of the study. This should include both human health and environmental or ecological risks. Standard risk assessment methodologies should be used wherever possible, such as those listed in paragraph B-13 (e.g., the USEPA methods for public health risk assessment and environmental impact assessment used for conducting EAs and EISs). In effect, the risk assessment phase is analogous to the environmental consequences section of an EIS. Occasionally, because of unique site considerations such as military-unique

contaminants, it may be necessary to develop risk assessment methods for the subject real property. Any assumptions required for the risk assessment process should be reasonable yet conservative. All human health risk assessments must be approved by the Office of the Surgeon General, ATTN: SGSP-SP, in accordance with the requirements of paragraph 1-4c(6) in the main text of AR 200-1.

b. *Human health risk assessment.*

(1) *Contamination assessment.*

(a) *Contaminant identification.* Determine the types and quantities of contaminants present at the site.

(b) *Contaminant hazard identification.* Determine the significance of those contaminants (i.e., toxicity, migration potential, etc.). Select driver or indicator contaminants.

(2) *Exposure assessment.*

(a) *Contaminant release analysis.* Evaluate the release potential for each contaminant and identify each on-site release point and estimate the potential quantity of such release.

(b) *Contaminant transport and fate analysis.* Determine the extent and magnitude of those contaminants. Determine the potential exposure pathways. Evaluate the contaminants' physical/chemical properties.

(c) *Exposed populations analysis.* Identify, enumerate, and characterize those human population segments which might become exposed to the contaminants.

(d) *Integrated exposure analysis.* Determine

individual, chemical-specific exposure assessments for each potential exposure route. Determine total exposure to contaminants from all routes.

(e) *Uncertainty analysis.* Analyze the uncertainties associated with the exposure assessment process. This includes such things as the assumed input variables (intake rates, migration characteristics, exposure pathways, contaminant release rates, etc.)

(3) *Public health assessment.*

(a) *Toxicity analysis.* Determine the toxicity of the contaminants.

(b) *Intake analysis.* Determine human intake rates.

(c) *Uncertainty analysis.* Analyze the uncertainties associated with the public health assessment process. This includes such items as the baseline toxicological data, extrapolation of animal studies data to human health effects, use of high-dose animal studies to model low-dose environmental exposure, and use of models for dose-adverse effects.

(4) *Risk characterization.* Determine the public health risks associated with the intakes: i.e., what the likelihood is that humans will experience any of the various forms of toxicity associated with the site contamination. Summarize total risks associated with exposure to the site. (Social, economic, and political considerations are not included.)

c. *Ecological risk assessment.* Determining the impact of environmental disruptions on ecosystems is very difficult, due to their natural variability and the incomplete data derived from

investigations. No single set of risk assessment methods is universally applicable to all ecological risk assessment problems. The variations in types of stresses, receptors, ecological conditions, and available data require risk assessment methodology which can be adapted to site-specific conditions. The methodology summarized below is provided for guidance only, and should be adapted for local conditions where necessary.

(1) *Hazard identification.* Evaluate site-specific data on environmentally disruptive factors. This would include environmental contamination as well as attributes such as a proposed change in land use, wildlife habitats, etc.

(2) *Exposure assessment.* Identify the potential exposed populations and their distribution in the affected areas.

(3) *Ecological disruption assessment.* Determine the potential environmental or ecological disruption from the various stresses, commonly relying on modelling.

(4) *Risk characterization.* Determine the ecological risks associated with the exposures and/or disruptions; i.e., what the likelihood is that an ecosystem will experience any degradation due to environmental contamination and/or disruption. Summarize total risks associated with exposure to the site, together with estimates of costs and duration of time needed for mitigation or remediation of the contamination and/or disruption from past, present, or proposed activities. (Social and political considerations are not included.)

d. *Report of findings.* At the conclusion of the risk assessment phase, sufficient information should exist to

determine the potential public health and ecological risks associated with the proposed property transaction. This information should be presented in a final report that summarizes the findings of this phase.

Section X

Environmental Baseline Study (EBS) Report

B-11. EBS report

Following completion of the EBS, the entire EBS effort will be compiled in a single draft report. The EBS report format should follow the format of the EBS Protocol.

a. *Executive summary.* The Army proponent will ensure that the EBS report contains an executive summary of all findings and recommendations resulting from each phase of the study. This summary will draw conclusions and provide recommendations on the acceptability of the proposed real property transaction. For a Type I property, the summary will include the following statement: "The survey phase of this study has identified little or no potential for environmental contamination or disruption from past, present, or proposed activities."

b. *Review process.* The Army proponent will forward the draft EBS report along with the associated REC, EA, or EIS to the appropriate Army reviewing office. The reviewing office will use the EBS Protocol section-by-section as guidance for determining the adequacy of the draft EBS.

(1) Adequate EBS. If the EBS is deemed adequate, the

Army proponent will incorporate it by reference and provide a copy of the EBS executive summary within the associated final REC, EA, or EIS. The complete EBS will be preserved in the same files as the background materials that support the REC, EA, or EIS, and in the same location and together with the final REC, EA, or EIS. In addition, if the transaction is such that the Army retains possessory rights (e.g., reverter clause, reservation of right to re-enter, outgrants, land use permits), copies of the complete EBS report will be preserved, at a minimum, in the Army proponent's office and in the Army real estate office that carried out the transaction.

(2) Inadequate EBS. If the EBS is deemed inadequate, the reviewing office will return it to the Army proponent for revision and resubmittal for review.

Section XI-----

Modifications

B-12. Request for change

Prior to conducting an EBS, the Army proponent should ensure that the methodology to be used complies with the guidance presented in this Protocol. Request to use a methodology outside the scope of this Protocol should be submitted in writing through command channels to HQDA, OCE, ATTN: ENVR-E for approval prior to conducting the EBS.

Section XII

References

B-13. References

A listing of suggested references is included below. This list should not be considered all-inclusive.

a. Army Regulations (ARs).

- (1) AR 200-2, Environmental Effects of Army Actions, 23 December 1988.
- (2) AR 405-10, Acquisition of Real Property and Interests Therein.
- (3) AR 405-80, Granting Use of Real Estate.
- (4) AR 405-90, Disposal of Real Estate.

b. U.S. Army Construction Engineering Research Laboratory (USACERL) publications.

- (1) Environmental Review for Management Action (environmental audit protocol, draft technical report).
- (2) ~~Guidelines~~ Guidelines for Review of EA-EIS Documents, Technical Report N-92.
- (3) Procedures for Environmental Impact Analysis and Planning, Technical Report N-130.

c. USAEHA publications.

- (1) Environmental Operations Review Protocol.
- (2) Environmental Sampling Guide, TG 155, July 1987.
- (3) Water Quality Information Paper No. 32: Risk Analysis and the Development of Water Quality Criteria, September 1988.

d. USEPA publications.

- (1) Expanded Site Inspection, Transitional Guidance for

Fiscal Year 1988, Office of Solid Waste & Emergency Response (OSWER) Directive 9345.0-02 (USEPA, Office of Remedial Response (OERR), October 1987).

(2) Guidance on Feasibility Studies under CERCLA (USEPA, OSWER, April 1985).

(3) Guidance on Remedial Investigations Under CERCLA, (USEPA, OSWER, May 1985).

(4) Handbook, Ground Water, EPA-625/6-87-016 (USEPA, Office of Research and Development (ORD), March 1987).

(5) Handbook for Sampling and Sample Preservation of Water and Wastewater, EPA-600/4-82-029 (USEPA, ORD, September 1982).

(6) Methods for Chemical Analysis of Water and Wastes, EPA-600/4-79-020 (USEPA, ORD; revised March 1983).

(7) Preliminary Assessment Guidance, Fiscal Year 1988, OSWER Directive 9345.0-01, (USEPA, OERR, January 1988).

(8) Preparation of Soil Sampling Protocol: Techniques and Strategies, EPA-600/4-83-020 (USEPA, ORD May 1984).

(9) RCRA Ground Water Monitoring Technical Guidance Enforcement Document, OSWER Directive 9950.1 (USEPA, OSWER, September 1986).

(10) RCRA Facility Assessment Guidance, Draft, (USEPA, OSWER, October 1986).

(11) RCRA Facility Investigation Guidance, EPA 530/SW-87-001, (USEPA, OSWER, March 1988).

(12) Sediment Sampling Quality Assurance Users Guide, EPA-600/4-85-048 (USEPA, ORD, July 1985).

(13) Soil Sampling Quality Assurance User's Guide,
EPA-600/4-84-043 (USEPA, ORD, May 1984).

(14) Superfund Exposure Assessment Manual,
EPA-540/1-88/001 (USEPA, OERR, April 1988).

(15) Superfund Public Health Evaluation Manual, EPA
540/1-86-060 (USEPA, OERR, December 1986).

(16) Test Methods for Evaluation of Solid Waste, SW
846, 3d edition (USEPA, OSWER, November 1986).

e. Miscellaneous.

(1) U.S. Department of Health and Human Services,
Public Health Service, Occupational Safety and Health Guidance
Manual for Hazardous Waste Site Activities, October 1985.

(2) Water Pollution Control Federation, Wastewater
Sampling for Process and Quality Control, 1980.

28 APR REC'D
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages 6

APR 19 1994

To: Randy B. Haytia
From: C. Struble
Dept: Agency
Phone #
Fax #
Fax #

NSN 7540-01-317-736R

5000-101

GENERAL SERVICES ADMINISTRATION

MEMORANDUM

SUBJECT: Military Base Closures: Guidance on EPA Concurrence in the Identification of Uncontaminated Parcels under CERCLA Section 120(h)(4)

FROM: Elliott P. Laws
Assistant Administrator

TO: Waste Management Division Directors, Regions I-X
Regional Counsels, Regions I-X
Federal Facilities Leadership Council

This memorandum is intended to provide guidance concerning the implementation of CERCLA section 120(h)(4). Specifically, it addresses the approach EPA should use in determining whether to concur that a parcel has been properly identified by the military service as "uncontaminated" and therefore transferrable pursuant to CERCLA §120(h)(4).

I. Background

In October 1992, Congress enacted the Community Environmental Response Facilitation Act (CERFA) which, among other things, added a new subsection (4) to CERCLA §120(h). Congress found that the closure of Federal facilities is having adverse effects on the economies of local communities and that environmental remediation requirements are frequently a constraint to the reuse of the facilities. The Act further states that Federal agencies should "expeditiously identify real property that offers the greatest opportunity for reuse and redevelopment...". CERCLA §120(h)(4) directs federal agencies with jurisdiction over real property on which federal government operations are to be terminated to identify parcels of the real property:

"on which no hazardous substances and no petroleum products or their derivatives were stored for one year or more, known to have been released, or disposed of."

CERFA and this policy refer to such parcels as "uncontaminated". The identification must be based on an investigation of the property including minimum requirements set forth in CERCLA §120(h)(4)(A). For parcels of property that are part of a

Bob
Bayer
info
Sund
STAKE
INFO
FOR EBS
FOR NPL SITES, EPA
MUST CONCUR
IN 18 MONTHS
OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE



facility on the National Priorities List, the identification is not complete until the EPA concurs in the results. For any other parcels, the identification is not complete until the appropriate State official concurs in the results.

The identification of a parcel is based on a review of available information. The military service remains obligated to address any contamination found to pose a threat to human health or the environment. Although parcels that are identified as satisfying the CERCLA §120(h)(4) requirements can be sold or otherwise transferred expeditiously, any such transfer must include a covenant committing the United States to perform any remedial action or corrective action found to be necessary after the date of transfer.

For real property that is part of a military base which was slated for closure prior to CERFA's enactment, the identification and concurrence is to be completed within 18 months of CERFA's enactment. The mandated period for these installations to identify parcels expires April 19, 1994, but the obligation to obtain concurrence continues beyond that date. For property on military bases designated for closing subsequent to CERFA, the identification and concurrence is to be completed within 18 months of the designation.

II. Purpose

In meeting its obligation under CERCLA §120(h)(4), EPA is concerned with both protecting human health and the environment and achieving Congress' goal of expeditiously transferring uncontaminated real property to communities for economic redevelopment. Interpreting CERCLA §120(h)(4) to allow the expeditious transfer of parcels where there is no indication that the storage, release or disposal of hazardous substances or petroleum products poses a threat to human health or the environment would aid Congress' intent by increasing the amount of property which would be available for expedited reuse.

EPA believes that there may be instances in which it would be appropriate to concur with the military service that certain parcels can be identified as uncontaminated under CERCLA §120(h)(4) although some limited quantity of hazardous substances or petroleum products have been stored, released or disposed of on the parcel. If the information available indicates that the storage, release or disposal was associated with activities which would not be expected to pose a threat to human health or the environment, such parcels should be eligible for expeditious reuse.

III. Guidance

The determination of whether to concur in the identification of an uncontaminated parcel, where the information provided by the military service reveals some level of storage, release, or disposal of hazardous substances or petroleum products, should be made on a case-by-case basis. The decision-maker should apply best professional judgment based on the available information in making determinations under CERCLA §120(h)(4). The objective should be to include parcels where there is no indication that the storage, release or disposal of hazardous substances or petroleum products has resulted in an environmental condition that poses a threat to human health or the environment. The decision-maker should assume that the property may be transferred to the private sector without any environmental response action being taken on the property.

EPA's ability to concur with the identification of parcels will depend on the information available concerning the current and historical uses of the parcel, the proximity of the parcel to sources of contamination requiring response actions and the nature of the threat, if any, reasonably associated with the type of activity or contamination associated with the parcel.

The following are examples of three categories of parcels where EPA would generally concur:

Housing: In housing areas it is likely that hazardous substances and petroleum products contained in heating oil and household products have been stored, released or disposed of; but it is unlikely that, in the absence of evidence of significant fuel spills, such materials would pose a threat to human health or the environment.

Stained Pavement: There may be evidence of incidental releases of petroleum products on roadways and parking lots, but no indication that such releases pose a threat to human health or the environment.

Pesticides: In the absence of evidence indicating a threat to human health or the environment, e.g., contamination of surface or groundwater, or proximity to sensitive habitat, the routine licensed application of pesticides should not disqualify a parcel under CERCLA §120(h)(4). If information concerning the use of the parcel indicates extensive application of pesticides, EPA may determine that the particular circumstances require that its concurrence be conditioned on further information concerning the nature and quantities of pesticides applied or the results of confirmatory sampling to assure that residual levels do not pose a threat to human health or the environment.

The examples described above are intended to provide assistance to the decision-maker, but not to strictly limit the application of the policy. The authority to make these determinations has been delegated to the Regions. For questions or further information concerning this guidance please contact Bob Carr at 202-260-2038.

cc: S. Herman
J. Nelson
M. Stahl
T. Fields
S. Wasserman Goodman

NOTICE: The policies set out in this memorandum do not represent final agency action and are intended solely as guidance. They are not intended, nor can they be relied upon, to create any rights enforceable by any party in litigation with the United States. EPA officials may decide to follow the guidance provided in this memorandum, or to act at variance with the guidance, based on an analysis of specific site circumstances. Remedy selection decisions are made and justified on a case-specific basis. The Agency also reserves the right to change this guidance at any time without public notice.

*FOST
Where there
has been a Release*

- f. A description of hazardous substances or petroleum products management practices (to include storage, release, treatment or disposal) at the property and at adjacent properties, to the extent such information is reasonably available.
 - g. Any relevant information obtained from records reviews and visual and physical inspections of adjacent properties.
 - h. Description of ongoing response actions or actions that have been taken at or adjacent to the property.
 - i. Reference to key documents examined (e.g., aerial photographs, spill incident reports, investigation results). (The documents will be made available by DoD upon request to DoD.)
4. Analysis of Intended Use. Before the signing of a FOST, an analysis of the intended use of the property, if known, will be conducted and will include:
 - a. An evaluation of the environmental suitability of the property for transfer by deed for the intended purpose, if known, including the rationale for the determination of such suitability.
 - b. A listing of specific recommended restrictions on use of the property, if any, to protect human health and the environment or the environmental restoration process. For remediated parcels such restrictions would include those documented in the Record of Decision (ROD) under the National Contingency Plan (NCP) or equivalent decision documents.
 - c. The covenant required by CERCLA 120(h)(3), which must be based on either (1) a determination that no remedial action is required or (2) a determination that all remedial action necessary to protect human health and the environment has been taken. The determination that no remedial action is required or that all remedial action has been taken shall be supported by the appropriate documentation required by the program (e. g.,

CERCLA, RCRA, UST, DERP, state law) under which the property was evaluated and addressed. Such decision document may include a CERCLA ROD, No Further Action ROD, NFRAP, or other such similar RCRA UST, DERP, or state law documentation. The intent is to use the processes under existing cleanup authorities and programs, and not create an additional separate process, to determine whether property requires remedial action or can be transferred as is. For property that requires remedial action, whether or not an NPL site and regardless of which cleanup authority is used, the covenant that all remedial action has been taken may only be made after a demonstration to EPA that an approved remedy is installed and operating properly and successfully.

C. Finding of Suitability to Transfer (FOST).

After completion and review of the EBS, the intended use analysis, and any available local community reuse plan, the DoD Component will sign a FOST once a determination has been made that the property is suitable for transfer by deed for the intended purpose, if known, because the requirements of CERCLA Section 120(h)(3) have been met for the property, taking into account the potential risk of future liability.

IV. PROCEDURES AND RESPONSIBILITIES.

- A. Regulatory agencies will be notified at the initiation of the EBS and the FOST. The process of development of these documents will be designed to assure that regulators are provided adequate opportunity to express their views. Regulators will be provided with workable draft documents as they become available, including the EBS and the proposed FOST. Regulatory comments received during the development of these documents will be reviewed and incorporated as appropriate. Any unresolved regulatory comments will be included as attachments to the EBS or the FOST.
- B. The regulatory agencies and public will be notified of the intent to sign a FOST. This will take place at the earliest possible time, but no later than 30 days prior to a transfer by deed. The notification will be mailed to the regulatory agencies and will include the draft FOST. Either the EBS report or a summary of the findings of the EBS process that pertain to the parcel to be transferred will be made available to the public.

SEDAEBS.SOW

28 Sep 95

APPENDIX A
ANNEX ?
PREPARATION OF AN
ENVIRONMENTAL BASELINE SURVEY FOR
SENECA ARMY DEPOT ACTIVITY
ROMULUS, NEW YORK

1.0 GENERAL STATEMENT OF SERVICES

1.1 Background.

1.1.1 Location. Seneca Army Depot Activity (SEDA) is a US Army facility located in Seneca County, New York. SEDA occupies approximately 10,600 acres. It is bounded on the west by State Route 96A and on the east by State Route 96. The cities of Geneva and Rochester are located to the northwest (14 and 50 miles, respectively); Syracuse is 53 miles to the northeast and Ithaca is 31 miles to the south. The surrounding area is generally used for farming.

1.1.2 History.

1.1.2.1 General. Construction of the site began in 1941. Subsequent expansion included the airstrip from the former Sampson Air Force Base. SEDA's mission included reception, storage and distribution of ammunition and explosives, GSA strategic and critical materials and Office of Civil Defense engineering equipment; providing receipt, storage and issue of items that supported special weapons activity and performance of depot-level maintenance, demilitarization and surveillance on conventional ammunition and special weapons.

1.1.2.2 Previous Investigations. Previous investigations have been performed at various SEDA units. An "Installation Assessment" and an "Update" (USATHAMA Reports No. 157 (1980) and 157(U) (1987), respectively) were conducted by the U.S. Army Toxic and Hazardous Materials Agency. The purpose of the assessments was to identify potentially contaminated areas at the Depot. The U.S. Army Environmental Hygiene Agency's Groundwater

Contamination Survey No. 38-26-0868-88, "Evaluation of Solid Waste Management Units, Seneca Army Depot" identified and described all SWMU's identified at SEDA at the time. A formal Preliminary Assessment entitled "SMWU Classification Report, Seneca Army Depot Activity" presented all currently available information on the current universe of SWMU's. Site Investigations, to confirm the conclusions of the Preliminary Assessments, have been completed at sites where the potential for contamination was present. Sites where contamination was confirmed have undergone (or will undergo) RI/FS investigations.

1.1.2.3 Regulatory Status. SEDA was included on the Federal Facilities National Priorities List on 13 July 1989. In March 1995, the Base Realignment and Closure Commission submitted its recommendation that SEDA be selected for closure. It is anticipated that this recommendation will be approved by both the President and the Congress and that the recommendation will become law in early FY 1996. The Base Realignment and Closure Act requires addressing environmental issues, at Base closure properties to be investigated, pursuant to CERCLA.

1.1.3 BRAC Environmental Restoration Program.

1.1.3.1 Public Laws 100-526 and 101-510 designated more than 100 Department of Army facilities for closure and realignment. As a result, it became necessary to investigate and cleanup, as necessary, environmental contamination prior to the release and reuse of Army Base Realignment and Closure (BRAC) property. The BRAC environmental restoration program was established in 1989 when the first round (BRAC I) of base closures was announced. Since 1989, subsequent rounds of base realignments and closures have been identified through public law every two years (BRAC 91, BRAC 93, and BRAC 95). The BRAC environmental restoration program is patterned after the Army's Installation Restoration Program (IRP) except it has been expanded to include such categories of contamination as asbestos, radon, polychlorinated-biphenyls (PCBs), radiological hazards, unexploded ordnance and other environmental concerns which are not normally addressed under the Army IRP.

1.1.3.2 For BRAC 95, the environmental restoration program begins by conducting an Environmental Baseline Survey (EBS). The EBS describes the environmental condition of the property which is used to determine the suitability to lease or transfer of excess BRAC property. Procedures for conducting and preparing an EBS have been established by DoD.

1.1.3.3 In October 1992, Public Law 102-426, the Community Environmental Response Facilitation Act (CERFA) amended Section 120 (h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and established new procedures with respect to contamination assessment, cleanup, and regulatory agency notification and concurrence for Federal facility closures. The primary CERFA objective is for Federal agencies to expeditiously identify real property offering the greatest opportunity for immediate reuse and redevelopment. Although CERFA does not mandate the Army transfer real property so identified, the first step in satisfying the objective is the requirement to identify real property where no CERCLA regulated hazardous substances or petroleum products were stored, released, or disposed. For the purposes of this statement of work, the term "real property" means land and rights in land, ground improvements, utility distribution systems, and buildings, and other structures of the Army-owned facility, as identified in Section C.1.1.1.

1.1.3.4 Security Requirements. During the performance of work associated with this contract, compliance with SEDA security requirements is mandated. These requirements are presented in Section 9.0.

2.0 OBJECTIVES

2.1 To conduct an Environmental Baseline Survey (EBS) of the SEDA property (including the SEDA airstrip and the lake housing area) in accordance with the DoD Fast Track Cleanup at Closing Installations memorandum dated 9 Sep 93 and the DoD, subject: Finding of Suitability to Transfer, 1 Jun 94.

2.2 To identify parcels at SEDA, in accordance with CERFA, which have no history of contamination (based on information gathered from the EBS).

2.3 To prepare a sampling and analysis plan for areas which require sampling and analysis to more accurately identify the environmental condition of property (7 categories of parcels).

2.4 To collect data provided by the BRAC Cleanup Team (BCT), evaluate data provided and identify data gaps.

3.0 DETAILED DESCRIPTION OF SERVICES

3.1 General Requirements. All work performed by the A-E shall be designed and implemented in a manner which complements earlier investigations and shall conform to this SOW and the requirements of EPA, NYSDEC, AEC and SEDA. In the event that any conflicts arise, it will be the Huntsville Division Project Manager's responsibility to assure resolution. The A-E shall as an independent A-E, and not as an agent of the Government, supply the necessary personnel, facilities, equipment, and materials (except as furnished by the Government) to accomplish the work described. All work shall be performed under the general supervision of a Professional Engineer registered in the State of New York.

3.2 (Task 1) Site Visit and Records Review. The A-E shall visit the installation (and the subareas referenced herein) for the purpose of gaining familiarity with the physical characteristics of the site. Additionally, the A-E shall review pertinent records and prior investigations.

3.2.1 The A-E shall review the following sources in the following order:

3.2.1.1. The A-E shall perform a detailed search of Federal Government records, including USEPA region files, pertaining to the real property to identify areas where storage (for one year or more), release or disposal of hazardous substances or any petroleum product or their derivatives has occurred.

3.2.1.2. The A-E shall perform a search of Federal, State, and local government records of each property adjacent to the BRAC parcel. Records shall be searched for evidence of any hazardous substance or petroleum product release which may cause or contribute to contamination on any real property. Records shall include groundwater monitoring well data from adjacent properties, regulatory inspection reports, and a review of the Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS). For cost estimating purposes, the A-E shall assume 12 adjacent properties.

3.2.1.3 The A-E shall review aerial photographs that may reflect prior uses of the real property and that are obtainable through State or local government agencies.

3.2.1.4 The A-E shall conduct a site visit to gather information to determine the environmental condition of the property.

3.2.1.4.1 The A-E (three persons maximum) shall, after coordination with installation and the Contracting Officer's Representative, make a seven working day visit to SEDA. For cost estimating purposes, the A-E shall plan for one contingency follow-up site visit for a period of five working days.

3.2.1.4.2 The A-E shall contact the installation's Safety Office, Security Office, Facility Engineer, and BRAC Environmental Coordinator (BEC) to coordinate the work to be done on site. The A-E shall obtain information on potential restriction of access, site activity, and any permits which may be required during the initial site visit.

3.2.1.4.3 The A-E shall obtain the following information

during the site visit to SEDA: (1) information describing hazardous waste sources, migration pathways and human and environmental receptors, (2) data relating to the varieties and quantities of any hazardous materials/wastes which may have been stored, released, or disposed on site, (3) records of disposal practices and operating procedures at the site in order to identify location of waste materials on site, waste haulers, and waste generators, (4) historic aerial photography for each site to determine past practices which may have caused environmental releases, (5) information which will allow the Army to identify parcels in accordance with CERFA. This information shall be used in the preparation of the EBS Report and CERFA Report.

3.2.1.4.4. The A-E shall, during the site visit, review available records to determine all areas where radioactive material has been used. At a minimum, the A-E shall research records from the installation Safety Office to identify these areas. The A-E shall document any evidence of radioactive contamination retrieved through personal communications, including suspected location and quantity of contamination and the persons interviewed.

3.2.1.4.5 The site visit shall consist of interviews with current and former employees involved in operations on the real property to determine the environmental condition of the property and to determine any areas requiring environmental evaluation not already documented in the records reviewed.

3.2.1.4.6 The site visit shall include a visual inspection of the real property including buildings, structures, equipments, pipe, or pipeline. Inspection methods shall include the use of visual inspection from automobiles and surveys conducted by walking as appropriate to ensure the inspection is conducted to the degree necessary to determine storage, release, or disposal of hazardous substances or petroleum products and their derivatives. Suspected storage, release, or disposal identified by one survey method shall be further investigated by more detailed methods. For example, contamination identified by automobile survey shall be verified by a walking inspection.

3.2.1.4.7 The site visit shall include a visual inspection, insofar as permitted, of property adjacent to the BRAC 95 installation to identify sources of contamination which may affect the real property. The A-E shall request permission to enter and physically inspect all adjacent, third-party owned properties for such evidence as ground staining. If access is denied by a third party property owner, inspection shall be confined to visual observation from the installation real property, from public streets, and other publicly accessible points.

3.2.1.5 The A-E shall review the recorded chain of title documents regarding the BRAC 95 installation. The A-E shall review transfer documents at the time the Army acquired the real property. In those cases where the Army acquired the real property after 1970, the chain of title documents from 1945 to the date of transfer shall also be reviewed.

3.2.2 In addition to gathering data on storage, release, and disposal of hazardous substances and petroleum products and their derivatives, the A-E shall gather data on non-CERCLA related environmental or safety issues. These non-CERCLA related environmental or safety circumstances may be known or suspected to exist on the BRAC property and would limit or preclude the transfer of this property for unrestricted use. Such circumstances would include the presence of asbestos, radon, unexploded ordnance, lead based paint, and PCBs. The A-E shall provide a description of these non-CERCLA qualifiers. Where information does not exist, area delineation for these non-CERCLA hazards shall be based on probability. For example, a family housing area otherwise qualified to be designated a CERFA parcel, but built prior to 1978, shall be delineated and identified as containing a probable lead-based paint hazard.

3.2.3 For areas where release or disposal of hazardous substances or petroleum products and their derivatives has occurred, sufficient information shall be gathered to accurately describe the parcel's environmental condition as described by the seven categories presented in Section 3.4.2.

3.3 (Task 2) Preparation of the Environmental Baseline Survey (EBS). The A-E shall conduct and prepare an Environmental Baseline Survey (EBS) at SEDA in accordance with References 12.1 through 12.3 to determine the environmental condition of all property. The EBS shall include: a detailed search and review of available information (Army, federal, state, and local); analysis of aerial photographs; interviews with current and/or former employees; visual inspections; identification of sources of contamination; identification of ongoing response actions and identification of areas requiring sampling and analysis to determine the condition of the property. The EBS will focus on the base closure property and adjacent property which may impact the condition of the base closure property. The following Work Breakdown Structure (WBS) shall be used.

WBS .10	Environmental Baseline Survey
WBS .20	CERFA
WBS .30	Sampling and Analysis Plan
WBS .40	Meetings and Briefings
WBS .50	Project Management

3.4 (Task 3) Preparation of CERFA Letter Report.

3.4.1 The A-E shall, in accordance with the CERFA identification process required by law, prepare a CERFA Letter Report to document compliance in meeting the "requirement for identification of land on which no hazardous substances or petroleum products or their derivatives were stored, released, or disposed". The definition of "uncontaminated property", or "CERFA clean" shall meet the definition provided in the CERFA law (storage for one year or more, etc.). The CERFA letter report shall consist of a summary of the parcel categorizations from the EBS report and include a map of the environmental condition of the property. Each parcel listed shall contain information as to the size of the parcel in acres. The CERFA letter report will reference the EBS report. Included shall be a map showing the classification of property and shall summarize the rationale for categorizing parcels as they are shown on the map.

3.4.2 In order to meet the CERFA identification requirements, the A-E shall use the following criteria to categorize individual parcels.

3.4.2.1 CERFA Parcels (Environmental Condition of Property - Category 1). The A-E shall identify that portion of the real property as a CERFA Parcel for either of the following conditions.

3.4.2.1.1 Investigation reveals no evidence of storage for one year, release, or disposal of hazardous substances, petroleum, or petroleum derivations and no evidence the real property is threatened by such releases from adjacent property.

3.4.2.1.2 No evidence exists for the release or disposal of hazardous substances or petroleum products. The parcel, however, has historically been used to store less than reportable quantities of hazardous substances IAW 40 CFR 302.4, or 600 or fewer gallons of petroleum derivatives.

3.4.2.2 CERFA Disqualified Parcels (Environmental Condition of Property - Categories 2-7). All other parcels which do not meet the description of a CERFA parcel (category 1) shall be identified as one of the designations between categories 2 and 7, as appropriate. The A-E shall not identify that portion of the real property as a CERFA Parcel for any one of the following conditions.

3.4.2.2.1 Investigation indicates the parcel was the site of any disposal or release of hazardous material, petroleum, or petroleum derivatives.

3.4.2.2.2 The parcel was used to store hazardous materials in amounts exceeding their reportable quantity as listed under 40 CFR 302.4 or petroleum or petroleum derivatives in quantities exceeding 600 gallons.

3.4.2.2.3 Investigation reveals no evidence exists of contamination and no history of storage, disposal or release of hazardous substances, petroleum or petroleum derivatives; however, the parcel is threatened by the spread of hazardous substances or petroleum related contamination from other parcels. In this situation, the A-E shall provide the rationale describing

the perceived threat from off-parcel contamination.

3.4.2.2.4 The parcel was the site of environmental contamination, but has since been cleared for unrestricted use because remedial efforts or natural processes (such as natural, in-situ bioremediation) have eliminated or reduced contamination below the State and Federal requirements (CERCLA).

3.4.2.3 Parcels not requiring CERFA evaluation. The A-E does not have to report on that portion of the real property which meets any of the following conditions.

3.4.2.3.1 The parcel is to be retained indefinitely by DA or another DOD agency.

3.4.2.3.2 The parcel has already been transferred by deed to a party outside the federal government, or by transfer assembly to another federal agency.

3.4.2.3.3 A statute mandate transfer of the parcel to a specific federal agency, by a specific date, with strict limitations on the receiving agency's re-use of the parcel.

3.4.3 Hazardous substances shall be defined as those substances listed in 40 CFR 302.4 - CERCLA Hazardous Substance Table. "Petroleum" includes any petroleum product or its derivatives, including aviation fuel and motor oil. Application of petroleum product, such as a road asphalt, in or on the ground in a manner intended for use, shall not constitute a disposal or release.

3.5 The A-E shall, in the event of discovery of unrecorded environmental contamination posing imminent threat to human health or the environment in accordance with CERCLA, immediately notify the BRAC Environmental Coordinator or the installation's supporting environmental office.

3.6 Sampling and Analysis Plan.

3.6.1 During the review of records and information assessment, the A-E shall determine areas where data gaps exist and/or sampling and analysis would be required to verify the environmental condition of the property.

3.6.2 The contract shall identify those areas requiring additional information and make a professional estimate on:

- a. type of effort required (geophysics, sampling, etc.)
- b. location of samples
- c. number of samples
- d. types of samples (soil, groundwater, etc.)
- e. estimated depth of monitoring well
- f. chemical analyses recommended for each sample

3.7 Meetings: The A-E shall attend the following briefing or meetings that shall occur during the performance of this task. The A-E shall provide any meetings or status reports in accordance with the basic contract.

3.7.1 The A-E (two persons maximum) shall attend two one day meetings at SEDA to discuss contract progress and any reports required by this statement of work.

3.7.2 The A-E (two persons maximum) shall provide two one-day briefings, at the state or EPA Regional office. The purpose of the briefings shall be to inform other government or regulatory agencies on project status.

3.8 Regulatory Compliance. The A-E shall follow all applicable or relevant and appropriate regulations (ARARs) during the conduct of this task order. The list of potential ARARs for this project shall be identified in the EBS Report.

3.9 (Task 4) Project Management. The A-E shall, during the life of this delivery order (DO), manage the DO in accordance with Appendix A of the basic contract SOW. The A-E shall perform all project management associated with this DO as a part of this task including but not limited to, preparing and submitting a master network schedule, cost and manpower plan, monthly progress reports, monthly individual performance reports and cost/schedule variance report, work task proposals and a program plan in accordance with Section 4.5 of Appendix A to the basic contract SOW.

4.0 SUBMITTALS AND PRESENTATIONS

4.1 Format and Content. The reports shall present all data, analyses and recommendations. All drawings shall be of engineering quality in drafted form with sufficient details to show interrelations of major features on the installation site map. When drawings are required, data may be combined to reduce the number of drawings. The report shall consist of 8- $\frac{1}{2}$ x 11" pages with drawings folded, if necessary, to this size. A decimal paragraphing system shall be used, with each section and paragraph of the reports having a unique decimal designation. The report covers shall consist of vinyl 3-ring binders and shall hold pages firmly while allowing easy removal, addition, or replacement of pages. A report title page shall identify the A-E, the Corps of Engineers, Huntsville Division, and the data. The A-E identification shall not dominate the title page. Each page of draft and draft-final reports shall be stamped "DRAFT" and "DRAFT-FINAL", respectively. Each report shall identify the members and title of the A-E's staff which had significant, specific input into the report's preparation or review. Submittals shall include incorporation of all previous review comments accepted by the A-E as well as a section describing the disposition of each comment. Disposition of comments submitted with the final report shall be separate from the report document. All final submittals shall be sealed by the registered Professional Engineer-In-Charge.

4.2 Presentations. The A-E shall make presentations of work performed according to the schedule in paragraph 4.6. Each presentation shall consist of a summary of the work accomplished and anticipated followed by an open discussion among those present. The A-E shall provide a minimum of two persons at the meetings which are expected to last one day each.

4.3 Conference Minutes. The A-E shall be responsible for taking notes and preparing the minutes of all conferences, presentations, and review meetings. Conference notes shall be prepared in typed form and the original furnished to the Contracting Officer (within five (5) working days after date of

conference) for concurrence and inclusion in the next monthly report. This report shall include the following items as a minimum:

a. The date and place the conference was held with a list of attendees. The roster of attendees shall include name, organization, and telephone number;

b. Written comments presented by attendees shall be attached to each report with the conference action noted. Conference action as determined by the Government's Project Manager shall be "A" for an approved comment, "D" for a disapproved comment, "W" for a comment that has been withdrawn, and "E" for a comment that has an exception noted;

c. Comments made during the conference and decisions affecting criteria changes must be recorded in the basic conference notes. Any augmentation of written comments should be documented by the conference notes.

4.4 Confirmation Notices. The A-E shall be required to provide a record of all discussions, verbal directions, telephone conversations, etc., participated in by the A-E and/or representatives on matters relative to this contract and the work. These records, entitled "Confirmation Notices", shall be numbered sequentially and shall fully identify participating personnel, subject discussed, and any conclusions reached. The A-E shall forward to the Contracting Officer as soon as possible (not more than five (5) work days), a reproducible copy of said confirmation notices. Distribution of said confirmation notices shall be made by the Government.

4.5 Progress Reports and Charts. The A-E shall submit progress reports to the Contracting Officer with each request for payment. The progress reports shall indicate work performed and problems incurred during the payment period. Upon award of this delivery order, the A-E shall, within 15 days, prepare a progress chart to show the proposed schedule for completion of the project. The progress chart shall be prepared in reproducible form and submitted to the Contracting Officer for approval. The actual progress shall be updated and submitted by the 15th of

each month and may be included with the request for payment.

4.6 Proposed Schedule. The proposed schedule for the EBS and Letter Report is given below. All work and services under Appendix A, Annex ?, shall be completed by ?????? 199?.

<u>Milestone</u>	<u>Date</u>
Assumed Notice to Proceed	15 Nov 95
Pre-Draft EBS	15 Feb 96
Comments to A-E	15 Mar 96
Draft EBS	15 Apr 96
Comments to A-E	15 May 96
Draft-Final EBS	15 Jun 96
Final EBS	15 Jul 96
Pre-Draft CERFA Letter Report	15 Jun 96
Comments to A-E	15 Jul 96
Draft CERFA Letter Report	15 Aug 96
Comments to A-E	15 Sep 96
Draft-Final CERFA Letter Report	15 Oct 96
Final CERFA Letter Report	15 Nov 96
Public Review Period	TBD
Meetings/Presentations	TBD

4.7 Submittals.

4.7.1 General Submittal Requirements.

4.7.1.1 Distribution. The A-E is responsible for reproduction and distribution of all documents. The A-E shall furnish copies of submittals to each addressee listed in paragraph 4.7.2 in the quantities listed in the document submittal list. Submittals are due at each of the addresses not later than the close of business on the dates shown in paragraph 4.6.

4.7.1.2 Partial Submittals. Partial submittals will not be accepted unless prior approval is given.

4.7.1.3 Cover Letters. A cover letter shall accompany each document and indicate the contract number, delivery order number, project, project phase, the date comments are due, to whom comments are submitted, the date and location of the review

conference, etc., as appropriate. (Note that, depending on the recipient, not all letters shall contain the same information.) The contents of the cover letters should be coordinated with CEHND-PM prior to the submittal date. The cover letter shall not be bound into the document.

4.7.1.4 Supporting Data and Calculations. The tabulation of criteria, data, calculations, etc., which are performed but not included in detail in the report shall be assembled as appendices. Criteria information provided by CEHND need not be reiterated, although it should be referenced as appropriate. Persons performing and checking calculations are required to place their full names on the first sheet of all supporting calculations, etc., and initial the following sheets. These may not be the same individual. Each sheet should be dated. A copy of this statement of work shall be included as Appendix A in the Pre-Draft report only.

4.7.1.5 Reproducibles. One camera-ready, unbound copy of each submittal shall be provided to the Contracting Officer in addition to the submittals required in the document and submittal list.

4.7.2 Addresses.

Commander
U.S. Army Corps of Engineers,
Huntsville Division
ATTN: CEHND-PM-MD (Ms. Richards)
4820 University Square
Huntsville, AL 35816

Commander
U.S. Army Corps of Engineers
New York District
ATTN: Mr. Battaglia
Romulus, New York, 14541

Commander
USACHPPM (PROV)
ATTN: MCHB-ME-R (Mr. Hoddinott)
Building E1677
Aberdeen Proving Ground, MD
21010-5422

Commander
Missouri River Division
ATTN:CEMRD-EP-C (Mr. Williams)
12565 W. Center Road
Omaha, NE 68144-3869

Commander
 U.S. Army Material Command
 ATTN: AMCEN-A
 Eisenhower Avenue
 Alexandria, Va. 22333-0001

Commander
 Seneca Army Depot
 ATTN: SDSSE-HE (Mr.Absolom)
 Romulus, New York, 14541

Commander
 U.S. Army Environmental Center,
 ATTN: Mr. Kleiser/Mr. Buck
 Aberdeen Proving Ground, MD
 21010-5401

4.7.3 Document and Submittal List

Letter Reports

	<u>EBS</u>	<u>CERFA Letter Report</u>
CEHND-PM	4	4
USAMC	0	0
CENAN	2	2
AEC	4	4
CEMRD-EP-C	4	4
SDSSE-HE	8	8
USACHPPM	<u>8</u>	<u>8</u>
TOTAL	30	30

6.0 SECURITY REQUIREMENTS

6.1 Security Regulations. The following requirements must be followed by the A-E at Seneca Army Depot to facilitate entry and exit of A-E employees and to maintain security.

6.1.1 Personnel Registration.

6.1.1.1 A list of all A-E employees, subcontractors and suppliers indicating firm name and address will be furnished through POC/COR to the Counterintelligence Division, Building 710, 72 hours prior to commencement of work.

6.1.1.2 A confirmation of employment SDSSE-SC Form 268 will be executed by the A-E concerning each employee, to include all subcontractors and their personnel. No forms will be transferred

to another file if the A-E has other on-going contracts at SEDA. The A-E will provide a list of personnel who are authorized to sign Form 268 for the firm. A sample of each signature is required. Counterintelligence Division must be notified, in writing, of any changes to this list. All completed forms will be provided through COR/POC to the Counterintelligence Division 72 hours prior to commencement of work. Failure to complete Form 268 correctly will result in employee's denial of access to Seneca. The Counterintelligence Division must be notified, in writing through POC/COR to Counterintelligence, at least 72 hours prior to requesting any action. The chain of command for all A-E actions will be through POC/COR to Counterintelligence Division. There will be no exceptions.

6.1.1.3 Camera permits require written notice from the POC/COR prior to access. Open camera permits will not be issued. The following information is required:

- (a) Camera make, model and serial number.
- (b) Contract name and name of individual responsible for the camera.
- (c) Dates camera will be used.
- (d) Where it will be used.
- (e) What will be photographed and why.

6.1.1.4 If a rental, leased or privately owned vehicle is required in place of a company vehicle, the following information is needed:

- (a) Name of individual driving.
- (b) Year, make, model, color and license plate of the vehicle.
- (c) Typed letter on company letterhead indicating that the company assumes responsibility for rental, leased or privately owned vehicles.

6.1.1.5 All access media will be destroyed upon expiration date of contract. If an extension is required, a list of employee names and new expiration data must be furnished to the Counterintelligence Division. Contract extensions must be made prior to the contract expiration data or new Form 268s will be

required for each individual that requires an extension.

6.1.2 Traffic Regulations.

6.1.2.1 Traffic laws, State of New York, apply with emphasis on the following regulations.

6.1.2.2 Speed Limit: Controlled Area as posted

Ammo Area - 5 mph

Limited/Exclusion Area - 25 mph

6.1.2.3 All of the above are subject to change with road conditions or as otherwise posted.

6.1.3 Parking. A-E vehicles (trucks, rigs, etc.) will be parked in areas designated by the director of Law Enforcement and Security. Usually parking will be permitted within close proximity to the work site. Do not park within 30 feet of a depot fence, as these are clear zones.

6.1.4 Gates.

6.1.4.1 Post 1, Main Gate - NY Highway 96, Romulus, New York is open for personnel entrance and exit 24 hours daily, 7 days a week.

6.1.4.2 Post 3, entrance to North Depot Troop Area, Located at end of access road from Route 96-A is open 7 days a week for personnel and vehicle entrance and exit.

6.1.5 Security Regulations

6.1.5.1 Prohibited Property.

6.1.5.1.1 Cameras, binoculars, weapons and intoxicating beverages will not be introduced to the installation, except by written permission of the Director/Deputy Director of Law Enforcement and Security.

6.1.5.1.2 Matches or other spark producing devices will not be introduced into the Limited/Exclusion or Ammo Area' except when the processor of such items is covered by a properly validated match or flame producing device permit.

6.1.5.1.3 All vehicles and personal parcels, lunch pails, etc. are subject to routine security inspections at any time while on depot property.

6.1.5.1.4 All building materials, equipment and machinery must be cleared by the Director of Engineering and Housing who

will issue a property pass for outgoing equipment and materials.

6.1.6 A-E Employee Circulation

6.1.6.1 A-E employees are cleared for entrance to the location of contract work only. Sight-seeing tours or wandering from the work site is NOT AUTHORIZED.

6.1.6.2 Written notification will be provided to the Counterintelligence Division (Ext. 30202) at least 72 hours prior to overtime work or prior to working on non-operating days.

6.1.6.3 Security Police (Ext. 30448/30366) will be notified at least two hours in advance of any installation or movement of slow moving heavy equipment that may interfere with normal traffic flow, parking or security.

6.1.7 Unions. Representatives will be referred to the depot Industrial Labor Relations Officer (Ext. 41377).

6.1.8 Offenses. (Violations of law or regulations.)

6.1.8.1 Minor. Offenses committed by an A-E personnel which are minor in nature will be reported by the Director of Law Enforcement and Security to the Contracting Officer who in turn will report such incidents to the A-E for appropriate disciplinary action.

6.1.8.2 Major. Serious offenses committed while on the installation will be reported to the FBI. Violators may be subject to trial in Federal Court.

6.1.9 Explosive Laden Vehicles.

6.1.9.1 Vehicles such as vans, cargo trucks, etc., carrying explosives will display placards or signs stating "EXPLOSIVES."

6.1.9.2 Explosive laden vehicles will not be passed.

6.1.9.3 When an explosive laden vehicle is approaching, pull over to the side and stop.

6.1.9.4 When catching up with an explosive laden vehicle, slow down and allow that vehicle to remain at least 100 feet ahead.

6.1.9.5 When approaching an intersection where an explosive laden vehicle is crossing - STOP - do not enter the intersection until such time as the explosive carrier has passed

through and cleared the intersection.

6.1.9.6 When passing a vehicle that is parked and displaying "Explosive" signs, slow down to 10 miles per hour and take every precaution to allow more than ample clearance.

6.1.10 Clearing Post. All A-E employees are required to return all identification badges and passes on the last day of employment on the depot. The A-E is responsible for the completion of all turn-ins by his employees and informing the Counterintelligence Division and the depot organization administering the contract, for termination of any employee's access to the depot.

10.0 MANAGEMENT OF FUNDS

The matrix in Table establishes the funding allocation structure by task for this delivery order. Funds for this delivery order will be managed at the level specified in this matrix. No transfer of funds by the A-E between tasks will be allowed without the prior approval of the Contracting Officer or the Contracting Officer's Representative.

11.0 PUBLIC AFFAIRS

The A-E shall not publicly disclose any data generated or reviewed under this contract. The A-E shall refer all requests for site information to the SEDA Public Affairs Office and requests for contract information shall be forwarded to the Contracting Officer, Huntsville Division. Reports and data generated under this contract shall become the property of the Department of Defense and distribution to any other source by the A-E, unless authorized by the Contracting Officer, is prohibited. The A-E shall notify the Contracting Officer and Installation Public Affairs Office prior to any contacts with regulatory agencies.

12.0 REFERENCES

GENERAL

Base Realignment and Closure Act Documents

- 12.1. DoD BRAC Cleanup Plan Guidebook, Fall 1993
- 12.2 DoD Memorandum, SUBJECT: Fast, Track Cleanup at Closing Installations, 9 Sep 93, containing DoD Policy on the Environmental Review Process to Reach a Finding of Suitability To Lease (FOSL) and DoD Policy on the Implementation of the Community Environmental Response Facilitation Act (CERFA).
- 12.3 DoD Memorandum, subject: Finding of Suitability To Transfer, 1 Jun 94.
- 12.4 Military Standards. AR 40-5, AR 200-1, AR 202-2, AR 420-40, TM 5-801-2.
- 12.5. Federal Standards. 29 CFR; 36 CFR Part 800; 40 CFR.
- 12.6. Community Environmental Response Facilitation Act, 1992, H.R. 4016.

GENERAL

SEDA Installation Restoration Program

- 12.7 Interim Final, "Guidance for Conducting Remedial Investigations/Feasibility studies Under CERCLA", U.S. EPA, Office of Solid Waste and Emergency Response, October 1988.
- 12.8 "Federal Facility Agreement under CERCLA Section 120 in the matter of Seneca Army Depot, Romulus, New York", Docket No. II-CERCLA-FFA-00202, USEPA, U.S. Department of the Army, and the New York State Department of Environmental Conservation, November 1990.

SPECIFIC

SEDA Installation Restoration Program

- 12.9 "SWMU Classification Report, Seneca Army Depot Activity"; Final, Parsons Engineering Science, Inc., September 1994 (Draft, ERC Environmental).
- 12.10 "Workplan for Remedial Investigation/Feasibility Studies at the Ash Landfill, Seneca Army Depot, Romulus, New

York", Environmental Science and Engineering, 1991.

12.11 "Remedial Investigation Report at the Ash Landfill Site."; Final, Parsons Engineering Science, Inc., October 1994.

12.12 "Feasibility Study Report at the Ash Landfill Site."; Draft, Parsons Engineering Science, Inc., August 1994.

12.13 "Workplan, Architect-Engineer Services for Performing a Remedial Investigation/Feasibility Study at the Open Burning Grounds"; Final, C.T. Main, October, 1991.

12.14 "Remedial Investigation Report at the Open Burning Grounds."; Final, Parsons Engineering Science, Inc., September, 1994.

12.15 "Feasibility Study Report at the Open Burning Grounds."; Draft, Parsons Engineering Science, Inc., March 1994.

12.16 "Expanded Site Inspection, Seven High Priority SWMU's; SEAD-4,16,17,24,25,26 and 45."; Draft-Final, Parsons Engineering Science, Inc., May 1995.

12.17 "Expanded Site Inspection, Three Moderate Priority SWMU's; SEAD-11,13 and 57."; Draft-Final, Parsons Engineering Science, Inc., May 1995.

12.18 "Expanded Site Inspection, Eight Moderately Low Priority AOC's; SEADs-5,9,12 (A and B), (43,56,69), 44 (A and B),50,58 and 59."; Draft, Parsons Engineering Science, Inc., April 1995.

12.19 "Expanded Site Inspection, Seven Low Priority AOC's; SEADs-60,62,63,64 (A,B,C and D),67,70 and 71."; Draft, Parsons Engineering Science, Inc., April 1995.

12.20 "Generic Work Plan for RI/FS"; Final, Engineering Science, Inc., August 1995.

12.21 Various, "Project Scoping Plans for Performing a CERCLA Remedial Investigation/Feasibility Study (RI/FS) at the _____, Seneca Army Depot Activity."; Preliminary-Draft/Draft, Parsons ES, Inc., 1995.

