



GSA Office of Real Property Utilization and Disposal



# Environmental Framework for Real Property Disposal







## Foreword

The General Services Administration's (GSA) *Environmental Framework for Real Property Disposal* is designed to provide Landholding Agencies and GSA Utilization and Disposal Realty Specialists with an easy-to-use framework for explaining compliance with environmental laws, regulations, and executive orders applicable to the acceptance and disposal of Federal real property. Landholding Agencies are encouraged to use this handbook as an informational tool when completing the *Excess Real Property Checklist*, the due diligence supplement to the *Standard Form 118, Excess Real Property* (<https://propertydisposal.gsa.gov/>).

The topics covered in this handbook are organized alphabetically. Each environmental topic includes a process diagram, acceptance criteria for the Landholding Agency, disposal criteria for GSA (as the disposal agency), relevant definitions, and other pertinent information.

The materials in the *Environmental Framework for Real Property Disposal* are not intended to constitute legal advice or serve as a substitute for obtaining legal counsel. This framework merely captures compliance with environmental laws, regulations, and executive orders in Federal real property disposal.



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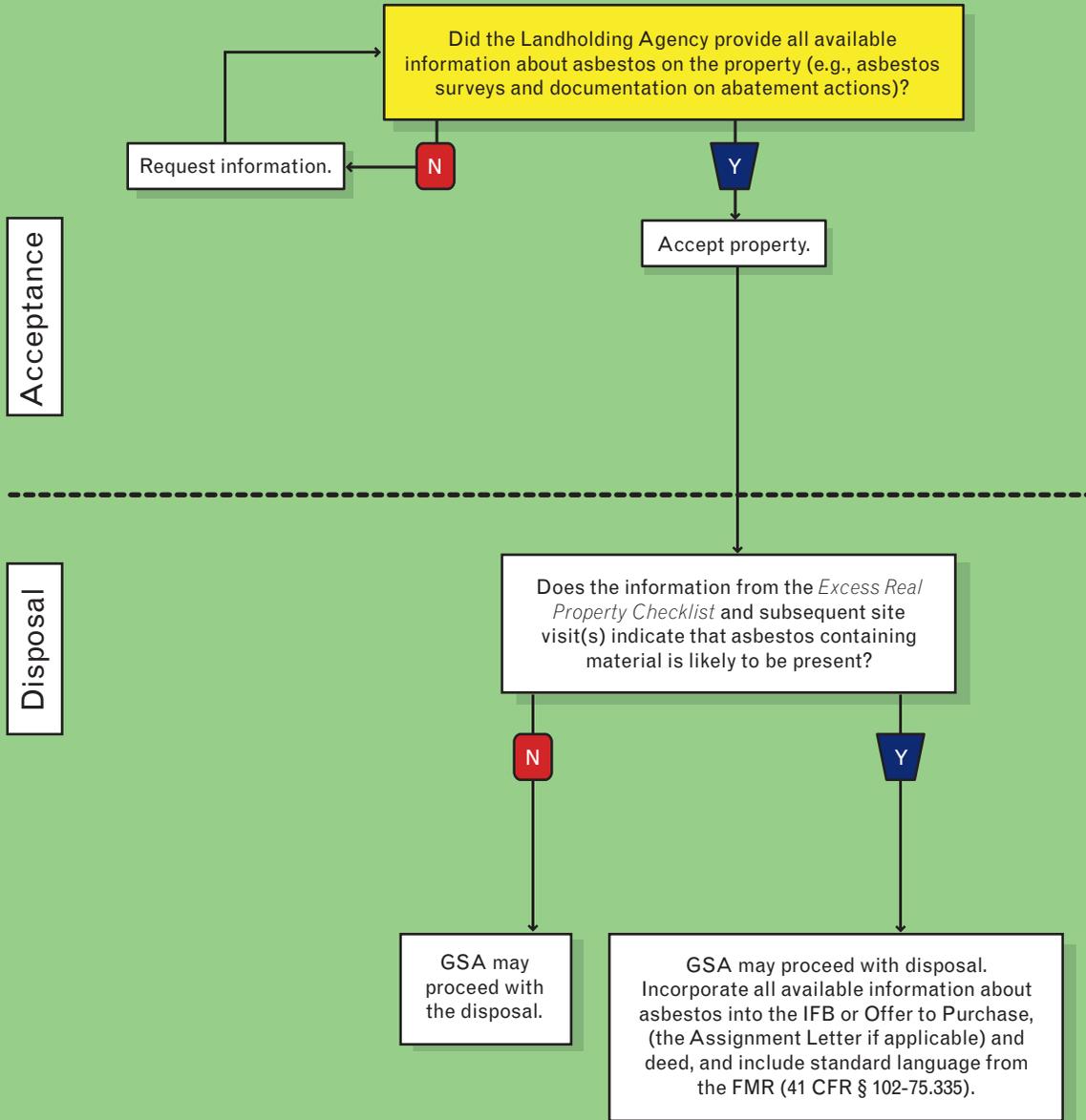
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# Acronyms Used in the Framework And Flowcharts

ACHP	Advisory Council on Historic Preservation
ACM	Asbestos-Containing Material
CATEX	Categorical Exclusion
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CZMA	Coastal Zone Management Act
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
ETA	Early Transfer Authority
FEMA	Federal Emergency Management Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FMR	Federal Management Regulations
FONSI	Finding of No Significant Impact
FWS	Fish and Wildlife Service
GSA	U.S. General Services Administration
IFB	Invitation for Bids
LBP	Lead-Based Paint
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPL	National Priorities List
O&M	Operation and Maintenance
OPS	Operating Properly and Successfully
PBS	Public Buildings Service
PCB	Polychlorinated Biphenyls
pCi/L	Picocuries per Liter
ppm	Parts per Million
PRP	Potentially Responsible Party
RCRA	Resource Conservation and Recovery Act
ROD	Record of Decision
SHPO	State Historic Preservation Officer
SWDA	Solid Waste Disposal Act
THPO	Tribal Historic Preservation Officer
USC	United States Code
UST	Underground Storage Tank

# Asbestos Process



## Criteria

### Acceptance Criteria

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

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

### Disposal Criteria

As part of its disposal responsibilities, GSA will include in the Invitation for Bids (IFB) or Offer to Purchase, (the Assignment Letter if applicable) and deed:

- A notification to warn the purchaser that the property offered for sale contains ACM.
- A recommendation for potential purchasers to inspect the property to be sold prior to submitting a bid (offer).
- A description of where asbestos is located on the property (if known) and any control measures, if applicable.
- A statement that the purchaser will comply with all Federal, state, and local laws relating to asbestos, including the presence of friable asbestos.

## Definitions

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

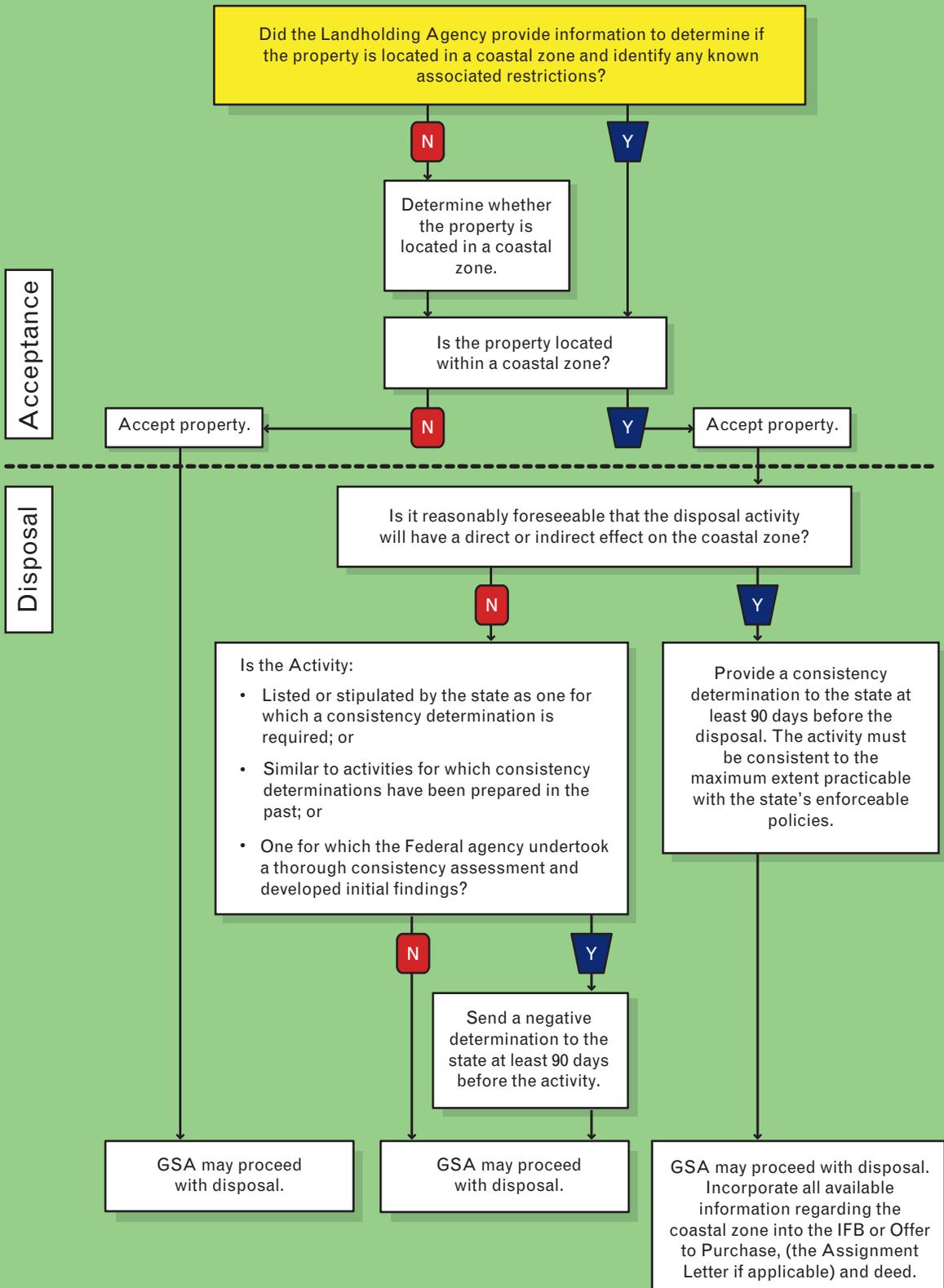
**ACM** is defined as any material which contains more than one percent asbestos by weight.

## General Information

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

# Coastal Zone Management Act (CZMA)

## Process



## Criteria

### Acceptance Criteria

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

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

### Disposal Criteria

As part of its disposal responsibilities, GSA will provide the state a negative determination or a consistency determination for the disposal of those properties located in the coastal zone.

GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

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

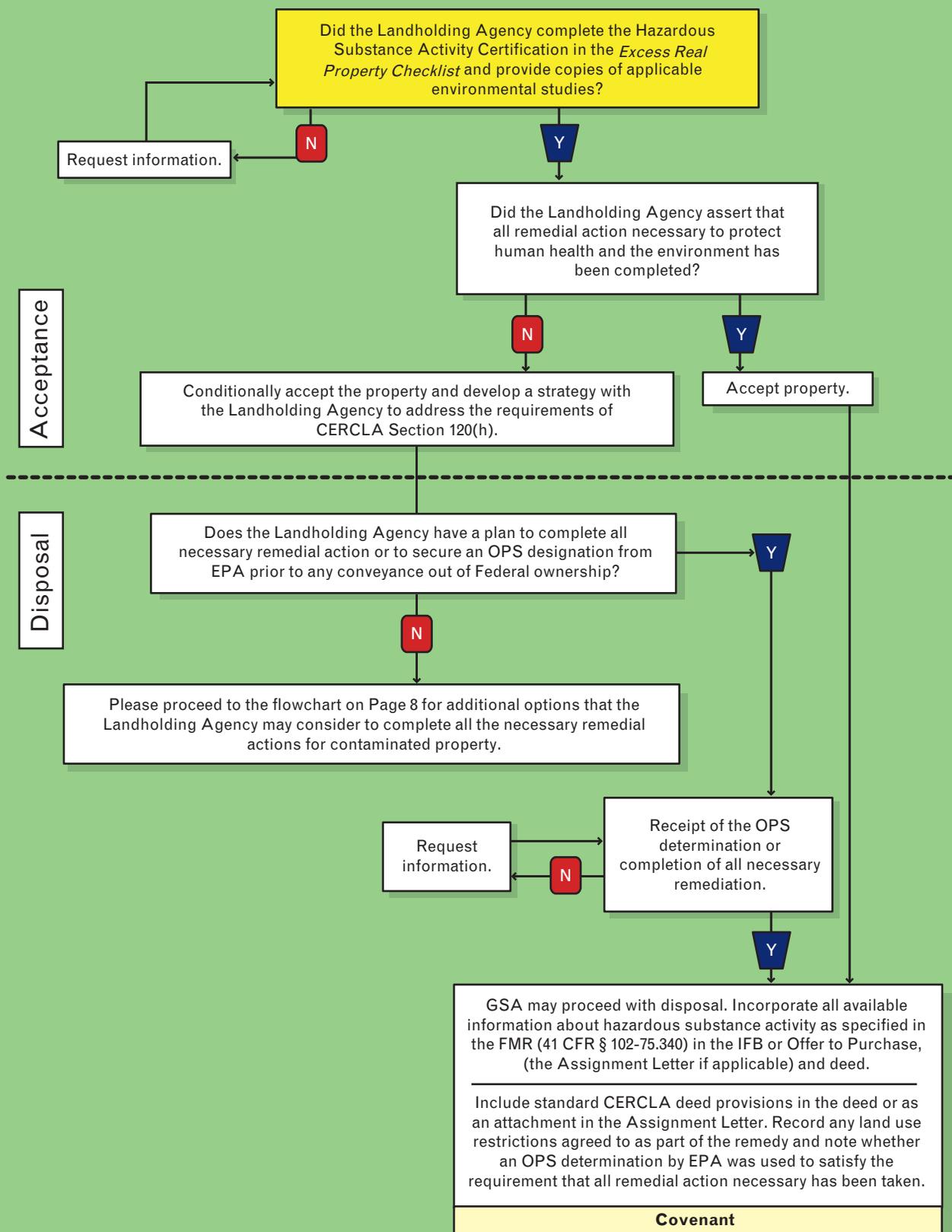
## Definitions

The **coastal zone** is comprised of coastal waters, the lands in and under coastal waters, shorelands adjacent to coastal waters, and the lands in and under shorelands, which are strongly influenced by each other and in proximity to the shorelines of the several coastal states.

## General Information

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

# Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h)(3) Process



## Criteria

### Acceptance Criteria

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

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

The Landholding Agency should provide GSA with any applicable environmental studies on the property. The Landholding Agency should also provide correspondence with Federal and state environmental regulatory agencies including any closure reports, decision documents, or notices of any outstanding violations or other concerns.

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

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

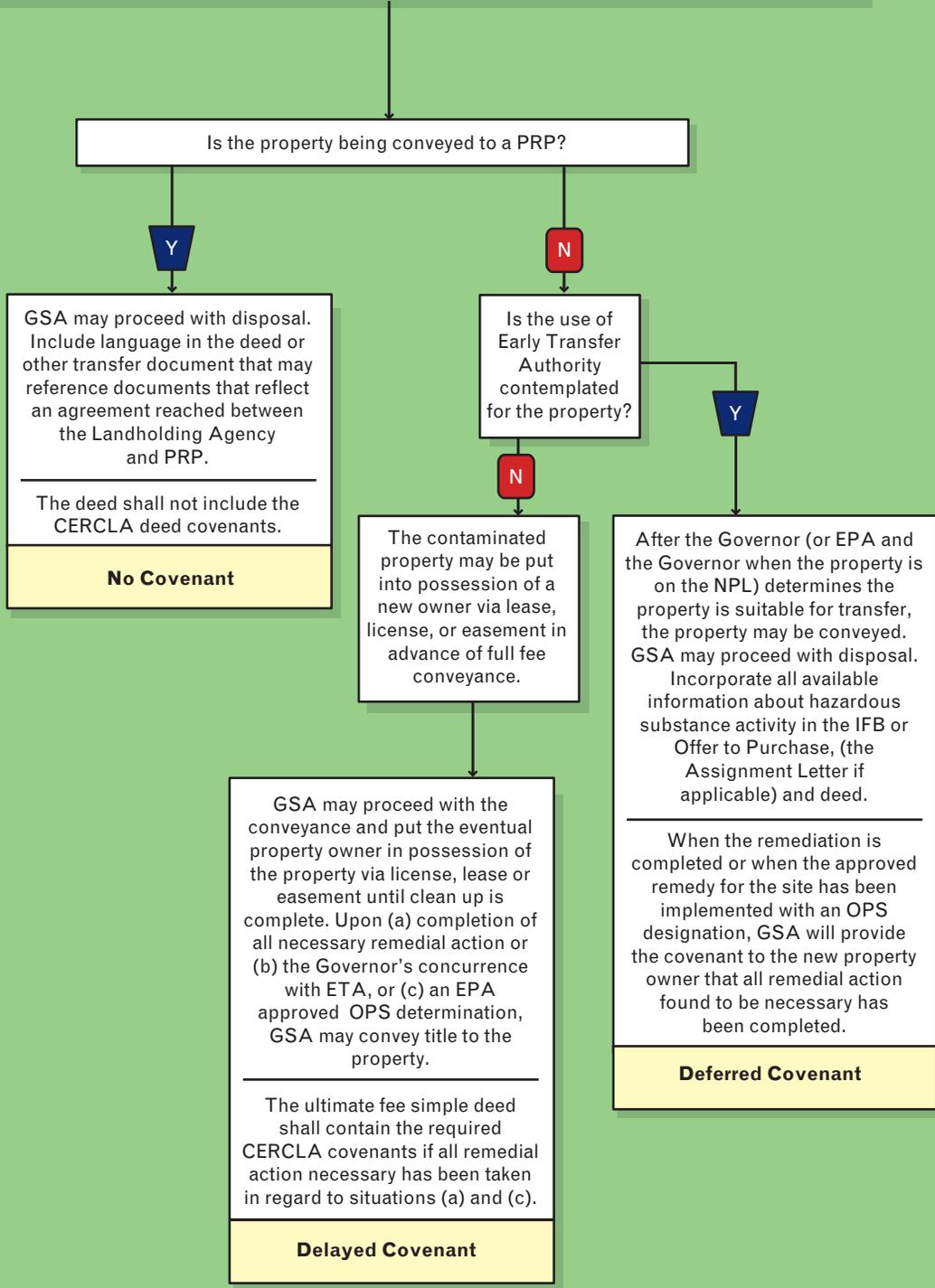
### Disposal Criteria

Pursuant to the requirement of CERCLA Section 120(h)(3)(A), GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

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

# Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h)(3) Alternative Disposal Process

If the property has been conditionally accepted and the Landholding Agency has no plan to complete all remedial action, one of the following options or combination may be selected.



## Definitions

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

**Hazardous substance activity** is defined as (1) the known release of hazardous substances in quantities equal to or greater than the reportable quantity found in 40 CFR § 302.4; (2) the disposal of a hazardous substance at the subject facility; or (3) the storage for one year or more of a hazardous substance in quantities of 1000 kilograms or more, or the reportable quantity found in 40 CFR § 302.4, whichever is greater. Hazardous substance activity includes storage in quantities greater than or equal to one kilogram if the substances are listed under 40 CFR § 261.30 as acutely hazardous substances.

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

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

A **Potentially Responsible Party (PRP)** is an entity that is potentially liable for all or some of a property’s environmental contamination. PRPs comprise property owners, facility operators, arrangers and transporters of hazardous substances.

When the purchaser or grantee is a PRP, the early transfer process is not used and GSA need not provide the CERCLA covenants indicating that all remedial action has been completed or that the U.S. will return to the property to address later-discovered contamination. Language should be included in the deed or other transfer document that reflects the agreement reached between the Landholding Agency and the PRP with regard to prior hazardous substance activity.

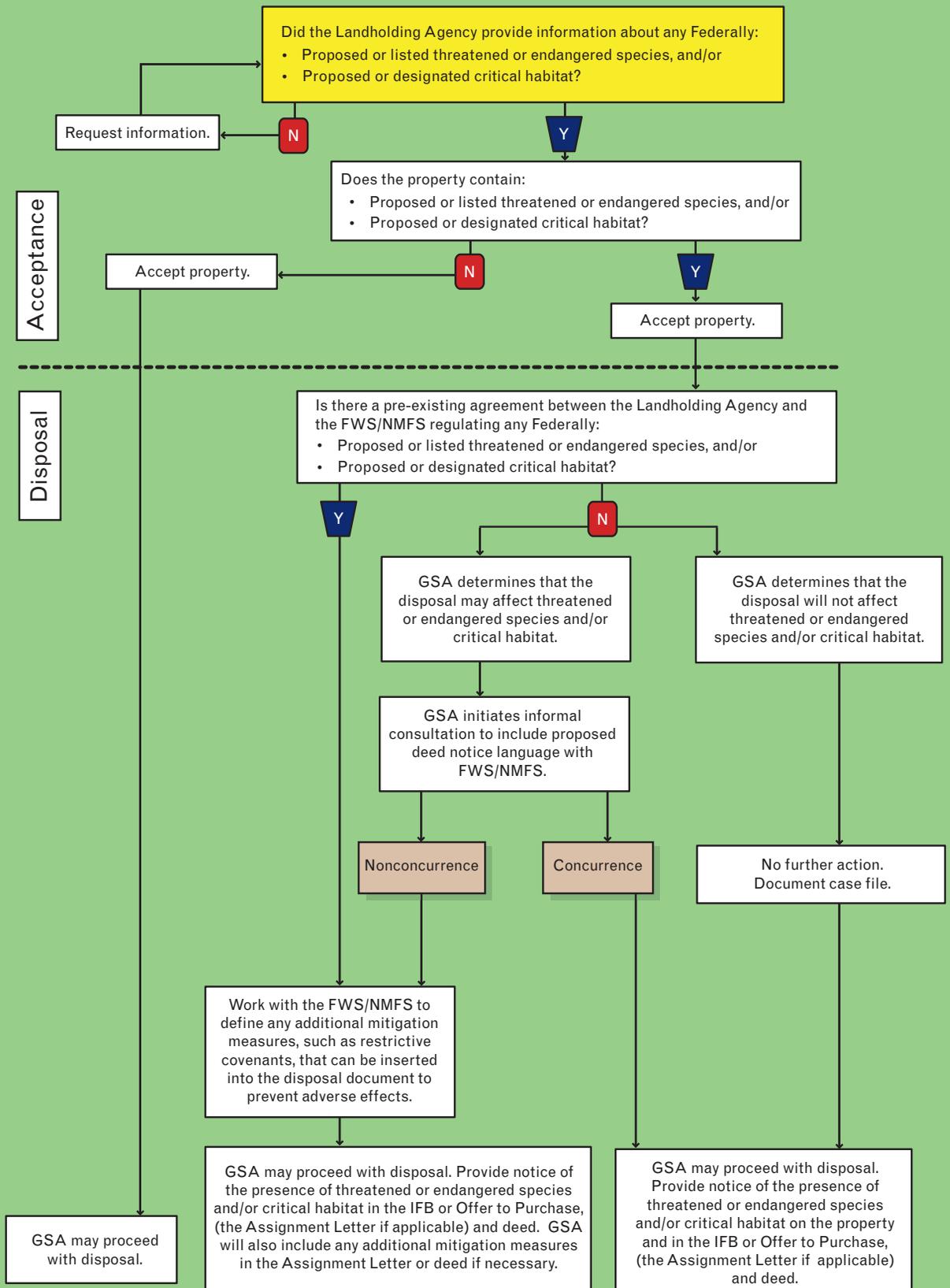
## General Information

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

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

# Endangered Species Act (ESA)

## Process



# Endangered Species Act (ESA)

## Criteria

### Acceptance Criteria

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

- **Information on the presence, or likely presence, of any Federally proposed or listed threatened or endangered species, and/or proposed or designated critical habitat on the property.**

### Disposal Criteria

As part of its disposal responsibilities, GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

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

## Definitions

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

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

**Critical habitat** are areas listed in 50 CFR § 17.95 and 17.96 by the Director of the U.S. Fish and Wildlife Service (FWS) as having constituent elements essential to the conservation of listed species.

**Informal consultation** precedes or replaces formal consultation and includes any form of communication between the Federal agency, applicant, or designated non-Federal representative and FWS to determine if listed species may occur in the action area and what the effects of the action may be to such species. This phase is often used to develop project modifications or alternatives to avoid adverse effects to listed species, which would then preclude the need for formal consultation.

**Formal consultation** is a mandatory process for proposed projects that constitute major construction projects (requiring an Environmental Impact Statement [EIS] for National Environmental Policy Act [NEPA]) that may adversely affect listed species. It is initiated in writing by the Federal agency and concludes with the issuance of a biological opinion by FWS.

## General Information

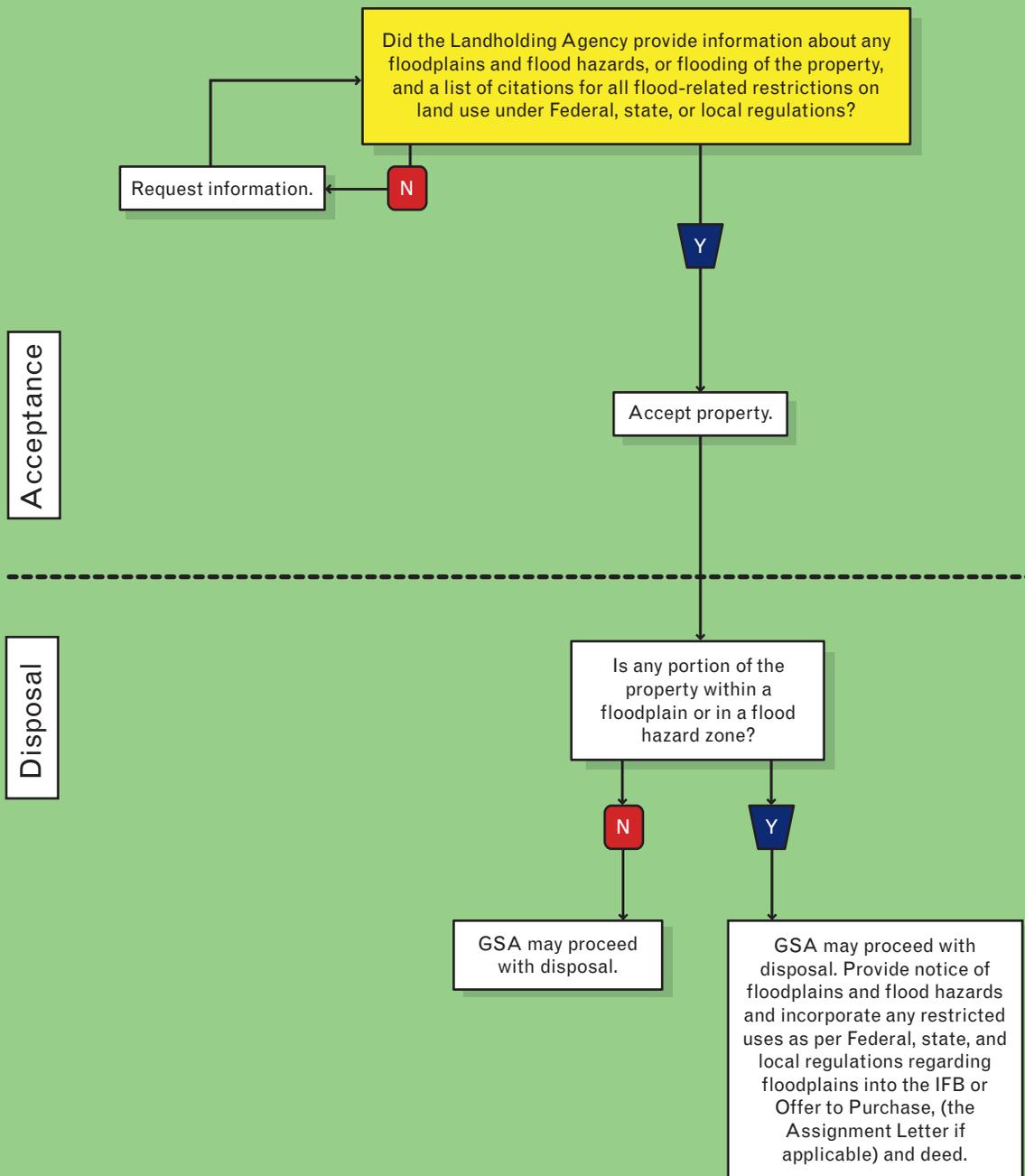
To determine whether a species is Federally proposed or listed threatened or endangered, or an area is a proposed or designated critical habitat, visit the FWS website at <http://endangered.fws.gov/>.

If the Landholding Agency discloses the presence of any state-listed threatened or endangered species on the property, GSA may include such

State information in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed, although this action is not required by ESA.

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

# Floodplains Process



## Criteria

### Acceptance Criteria

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

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

### Disposal Criteria

As part of its disposal responsibilities, GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

- A listing of all Federal, state, or local land use restrictions and include any other appropriate use restrictions.

## Definitions

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

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

**Floodway** is defined as the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation of the 100-year flood more than a designated height (typically one foot).

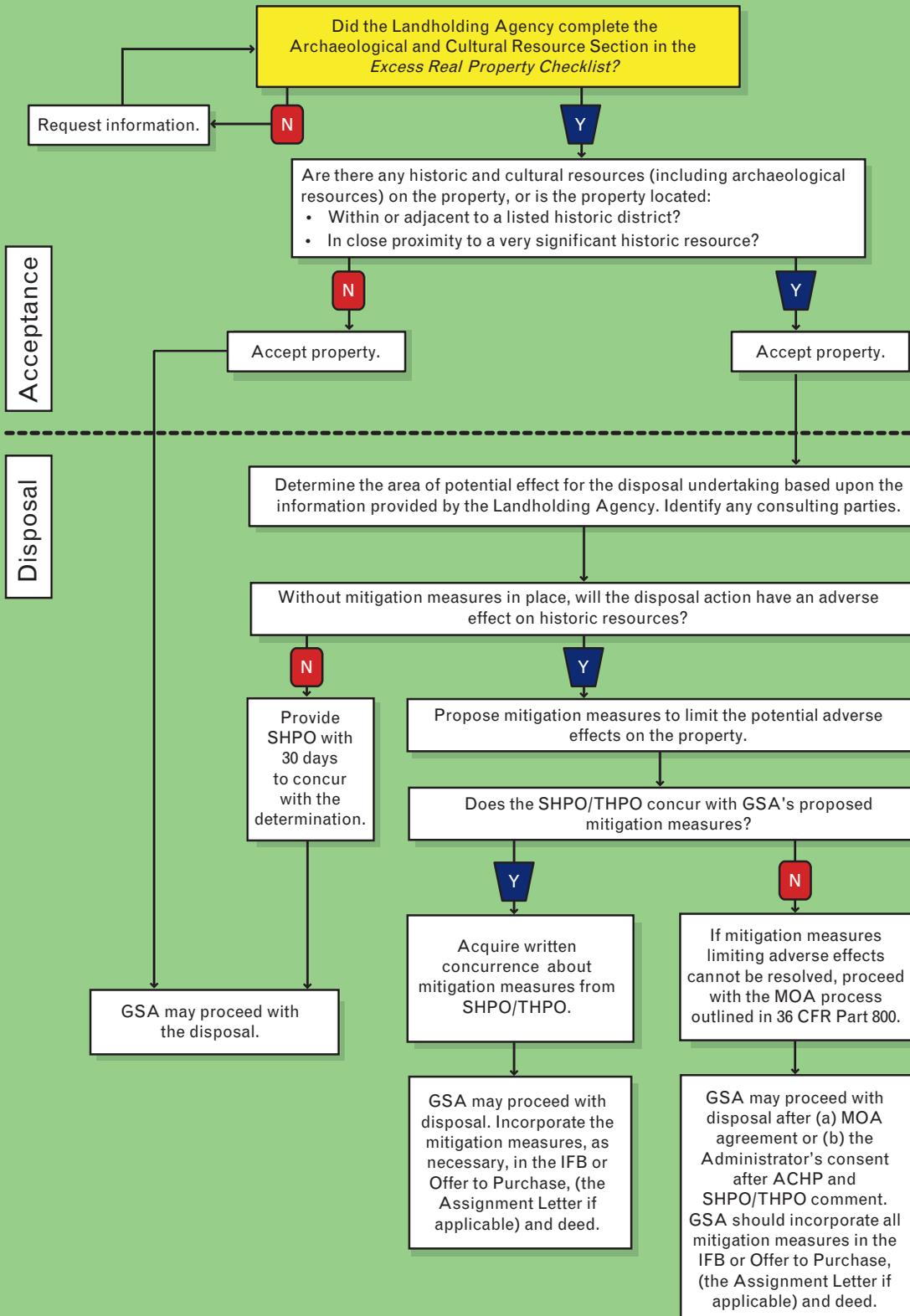
## General Information

To determine the property's proximity to a floodplain, use FEMA's flood hazard boundary map, a flood insurance rate map, or other available information. Flood maps may be obtained at <http://www.fema.gov/> or by calling 800-358-9616.

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

For more information on GSA's policies regarding floodplains, see the Public Buildings Service (PBS) *Floodplain Management Desk Guide* by searching "Floodplain management" at <http://www.gsa.gov>.

# Historic and Cultural Resources Process



## Criteria

### Acceptance Criteria

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

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

If the Landholding Agency asserts "No" for any of the questions in Part 10 of the *Excess Real Property Checklist*, GSA requires the signature of the Landholding Agency's Federal Preservation Officer or designee.

### Disposal Criteria

GSA will comply with Section 106 of the National Historic Preservation Act (NHPA) for its action of property disposal. GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

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

## Definitions

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

An **adverse effect** is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that will diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

The **Advisory Council on Historic Preservation (ACHP)** is an independent Federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources,

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

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

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

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

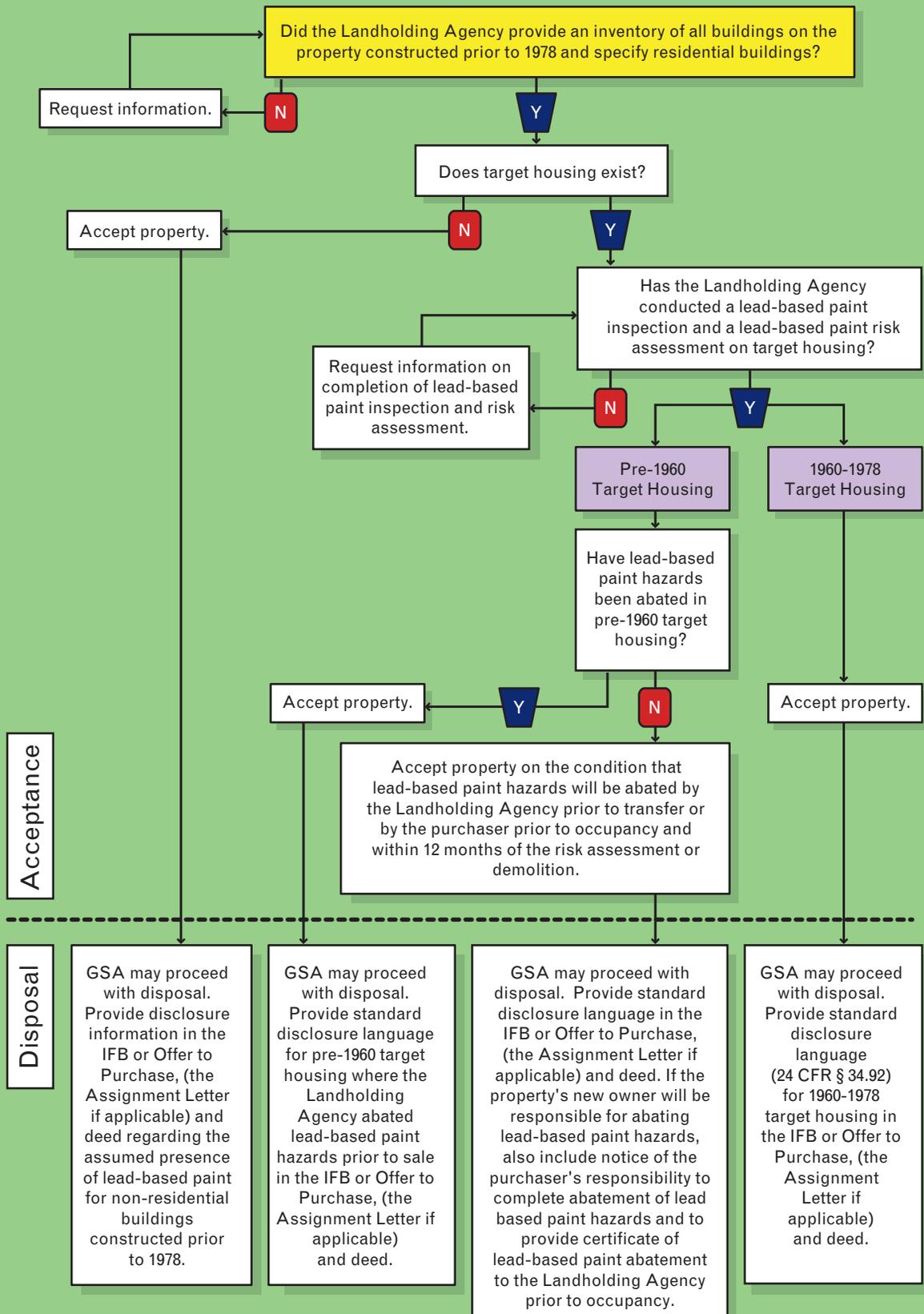
## General Information

The Landholding Agency is responsible for identifying historical and cultural resources (including archaeological resources) under its NHPA Section 110 responsibilities. When reporting the property excess, the Landholding Agency should review its protection and maintenance plan to ensure that historic resources will not suffer demolition or neglect during the disposal time frame.

The Landholding Agency should not initiate the Section 106 process for the property disposal undertaking. GSA will negotiate any necessary measures with the SHPO/THPO to mitigate potential adverse effects on the property's historic resources.

# Lead-Based Paint (LBP)

## Process



# Lead-Based Paint (LBP)

## Criteria

### Acceptance Criteria

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

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

### Disposal Criteria

As part of its disposal responsibilities, GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

- A Lead Warning Statement.
- A statement disclosing the presence of known LBP and/or LBP hazards and any additional information available.
- A list of records or reports that have been provided to the purchaser.
- A statement by the purchaser affirming receipt of the seller's disclosure statements, records, reports, and a lead hazard information pamphlet.
- A statement by the purchaser that an opportunity to conduct the risk assessment or inspection has been received.
- Signature of the seller/purchaser certifying the accuracy of the statement(s).

## Definitions

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

**LBP** is defined as any paint containing more than five-tenths of one percent lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied.

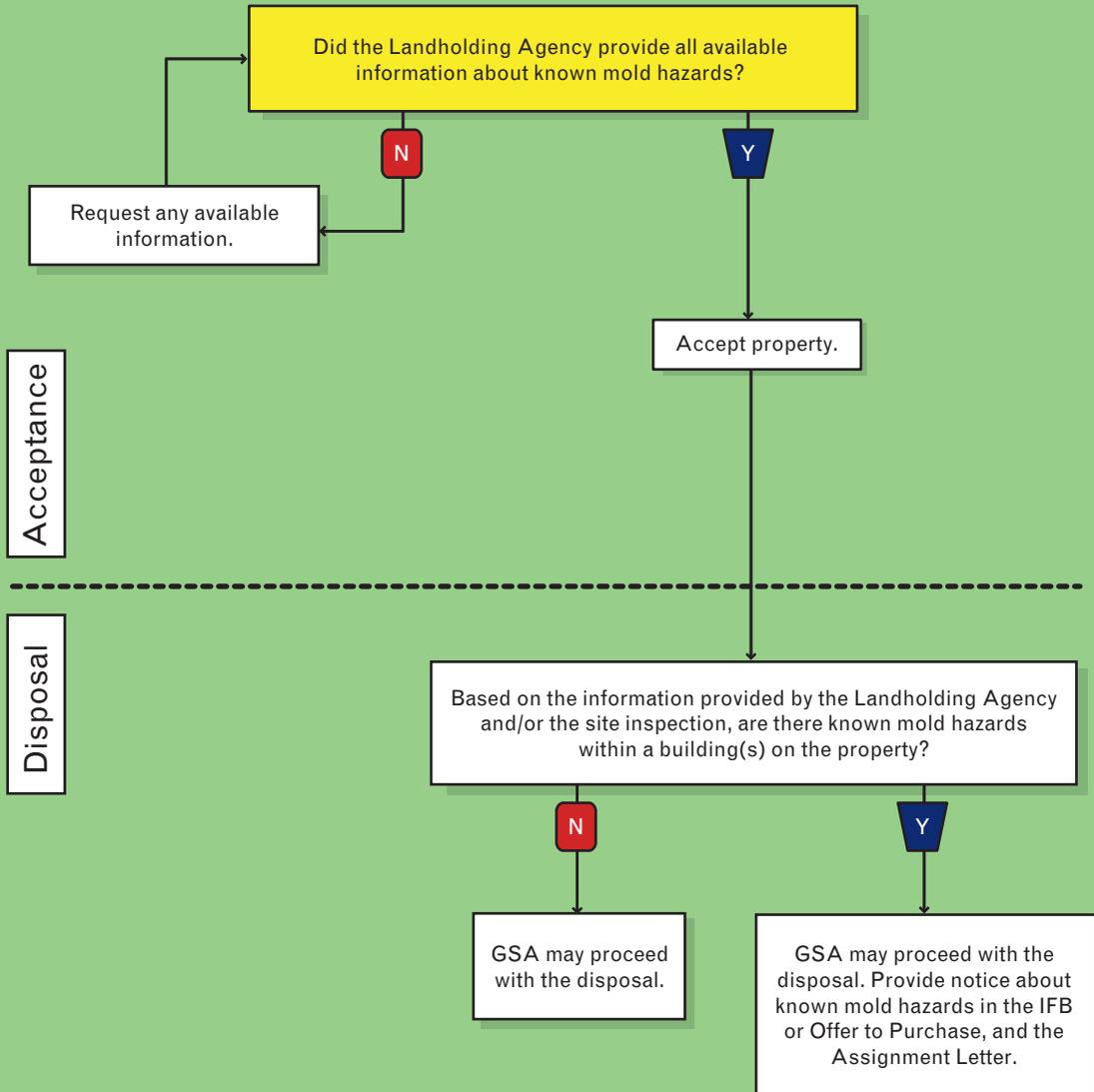
A **LBP hazard** is defined as any condition that will result in adverse health effects by causing exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or is present in accessible, friction, or impact surfaces. Peeling, chipping, chalking,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

## General Information

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

For additional guidance on lead based paint hazards, see the US Department of Housing and Urban Development's (HUD's) website at <http://www.hud.gov/offices/lead/index.cfm>.

# Mold Process



## Criteria

### Acceptance Criteria

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

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

### Disposal Criteria

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As part of its disposal responsibilities, GSA will include in the IFB or Offer to Purchase, and the Assignment Letter:

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

## Definitions

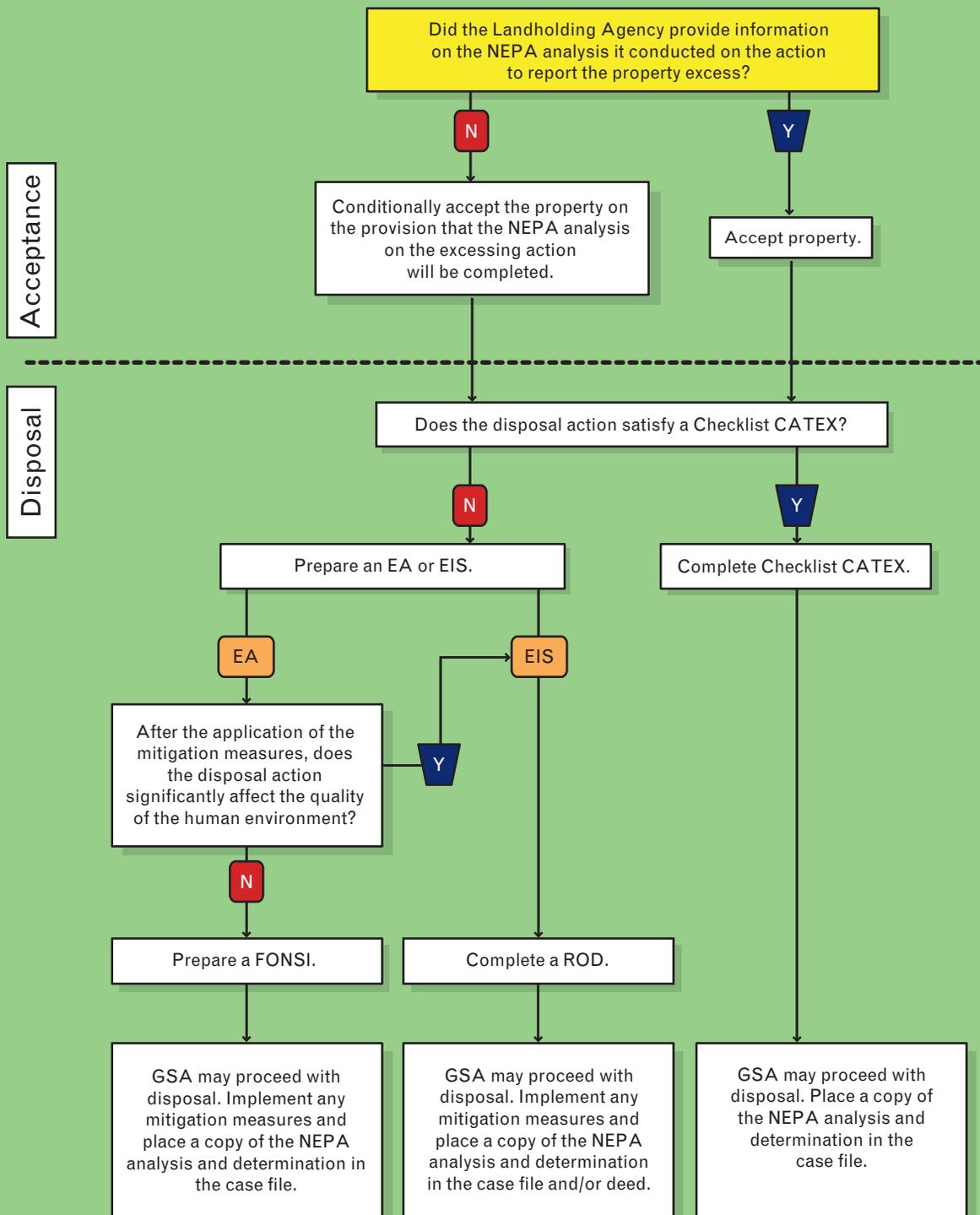
**Mold** is a generic term covering over 100,000 types of fungi. Mold can be found indoors or outdoors in virtually any environment where moisture is available. While there are no Federal statutory responsibilities to abate mold hazards, indoor mold can be considered a health risk because some types of mold release mycotoxins that may be toxic to humans when ingested, inhaled, or contacted with skin.

## General Information

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

# National Environmental Policy Act (NEPA)

## Process



# National Environmental Policy Act (NEPA)

## Criteria

### Acceptance Criteria

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

- A copy of the NEPA analysis and determination.

### Disposal Criteria

As part of its disposal responsibilities, GSA will complete the appropriate NEPA analysis for disposition of the property. GSA will complete a Categorical Exclusion (CATEX), an Environmental Assessment (EA), or an EIS in accordance with GSA's implementing guidance, the *GSA NEPA Desk Guide*.

## Definitions

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

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

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

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

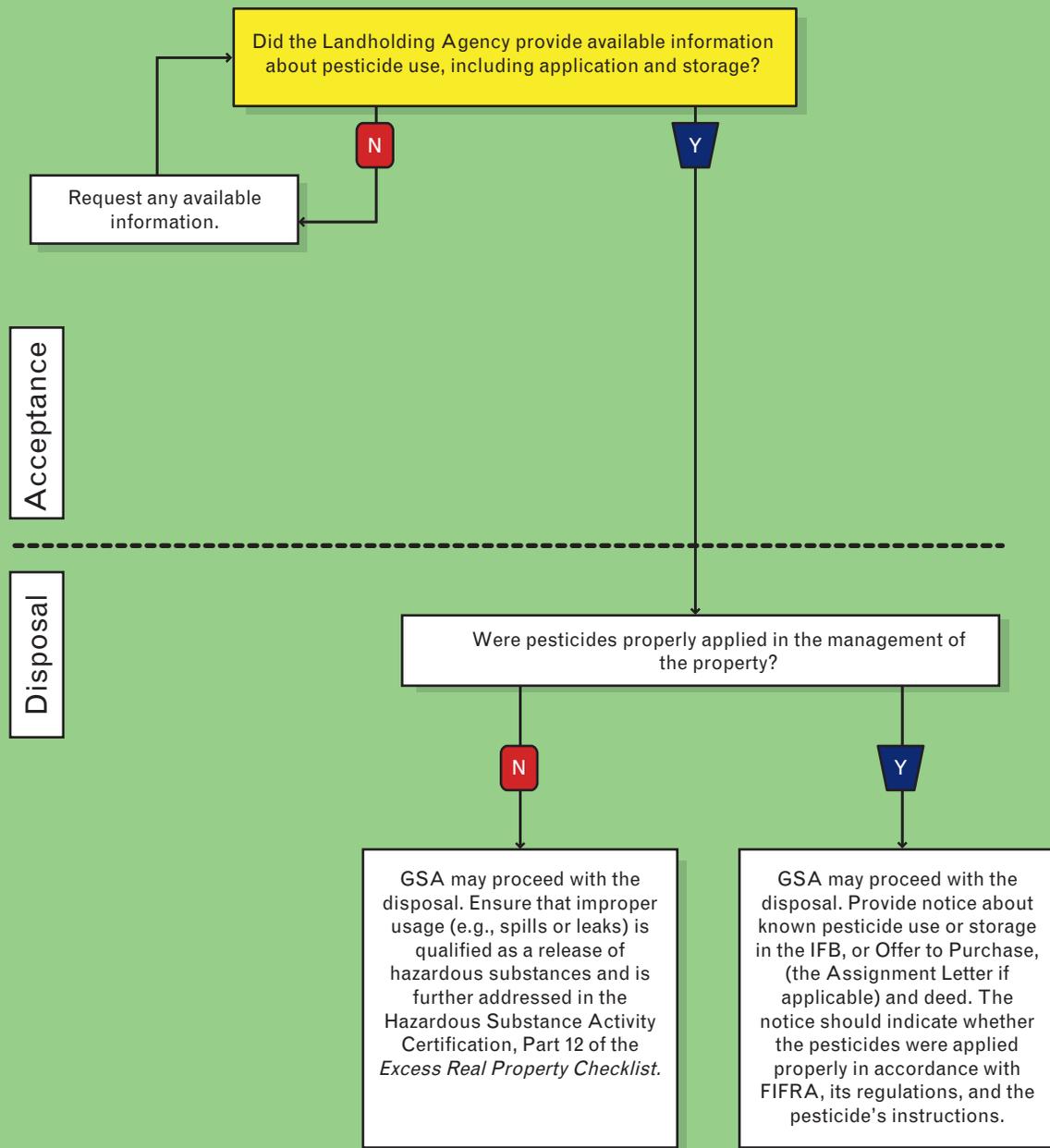
A NEPA **Record of Decision (ROD)** is a concise public record that states the agency's decision on an action for which a final EIS has been prepared. It identifies alternatives considered, specifies the alternative or alternatives that were considered to be environmentally preferable, and states whether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

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

## General Information

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

# Pesticides Process



## Criteria

### Acceptance Criteria

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

- The presence of pesticides and known proper usage (i.e., proper application in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] [7 USC § 136 *et seq.*]).
- Known misapplication of the pesticides, including any spills or a leaks. Improper pesticides application may constitute a release under CERCLA and may thus require further documentation in the Hazardous Substance Activity Certification, Part 12 of the *GSA's Excess Real Property Checklist*.
- When it is known that there has been misapplication of the pesticides, including a spill or a leak. Improper application is further documented in the Hazardous Substances Activity Certification (Part 12 of the *Excess Real Property Checklist*).

### Disposal Criteria

As part of its disposal responsibilities, GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

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

## Definitions

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

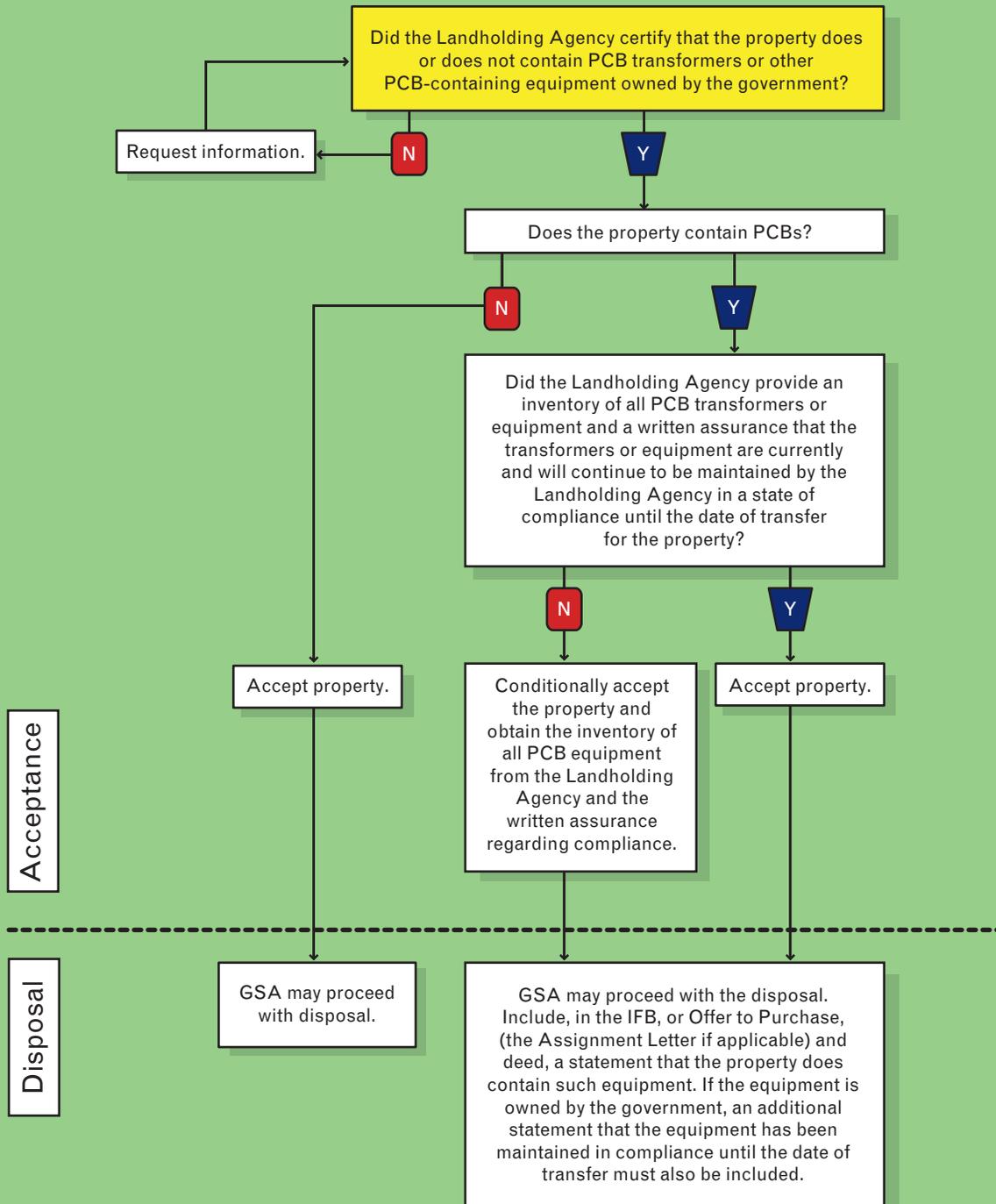
**Pesticide use** is defined as the storage of pesticides on the property or the application of pesticides in the management of the property.

## General Information

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

# Polychlorinated Biphenyls (PCBs)

## Process



# Polychlorinated Biphenyls (PCBs)

## Criteria

### Acceptance Criteria

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

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

### Disposal Criteria

As part of its disposal responsibilities, GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

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

## Definitions

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

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

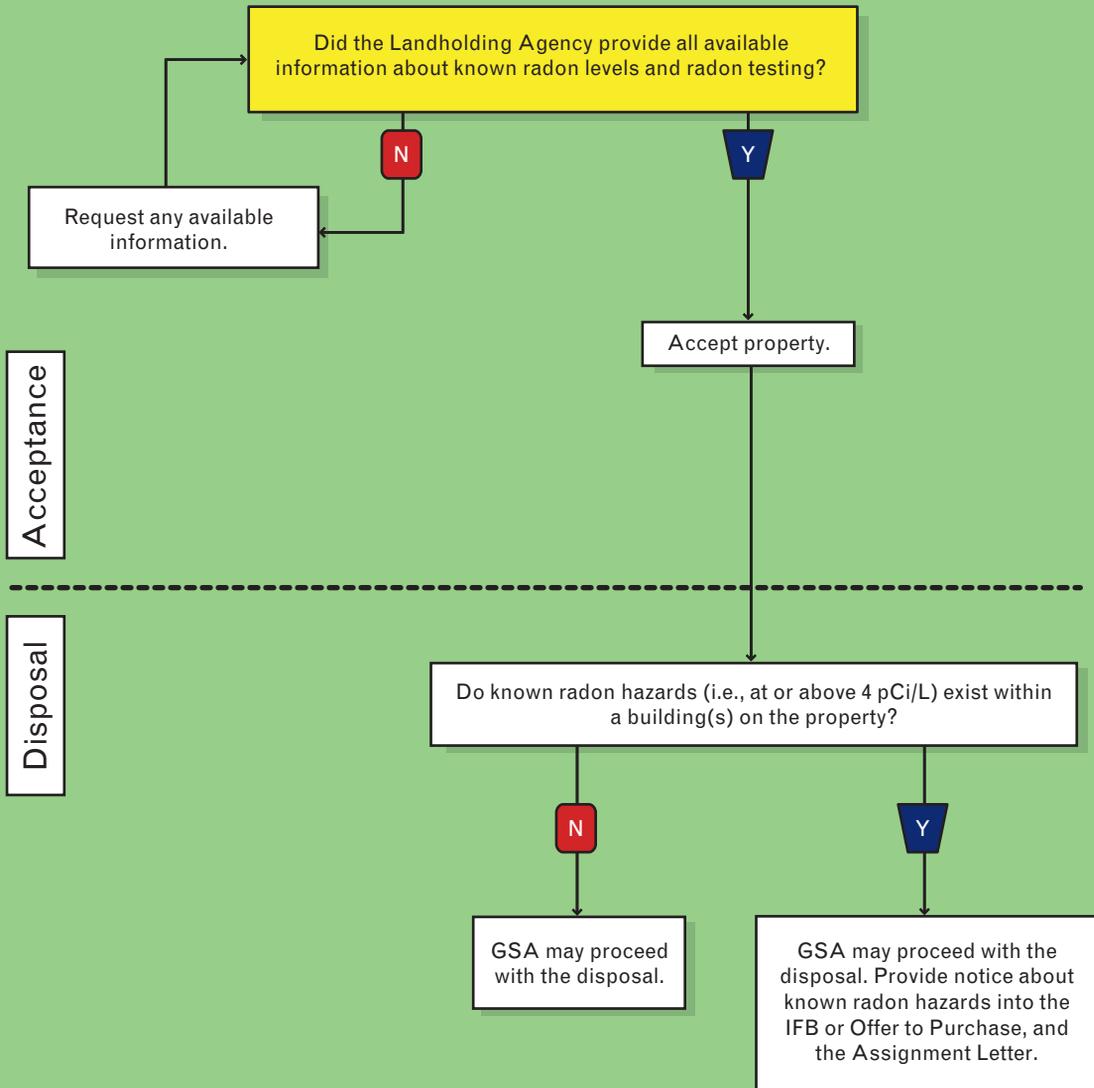
**PCB equipment** is any manufactured item, which includes a manufactured article (other than a PCB container) that contains PCBs and has been in direct contact with PCBs, or other PCB equipment, including electronic equipment and fluorescent light ballasts and/or fixtures.

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

## General Information

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

# Radon Process



## Criteria

### Acceptance Criteria

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

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

### Disposal Criteria

As part of its disposal responsibilities, GSA will include in the IFB or Offer to Purchase, and the Assignment Letter:

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

## Definitions

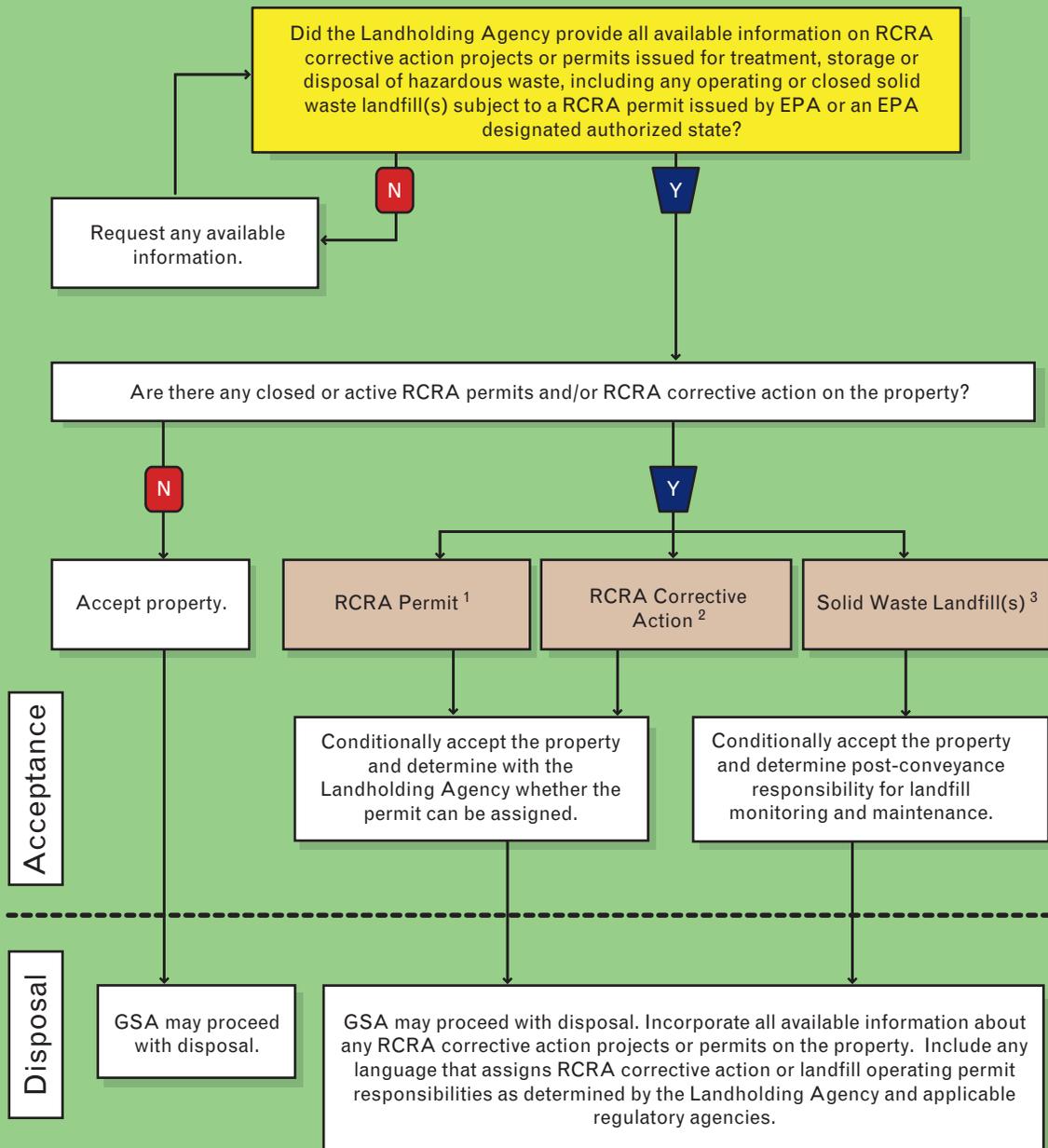
**Radon** (Element 86) is a naturally occurring, radioactive gas that has no color, odor, or taste. Radon is relatively harmless when diluted in the open air, but it can pose a threat when concentrated indoors. The natural decay of uranium (Element 92) and radium (Element 88) in soil, rock, and groundwater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

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

## General Information

GSA asks the Landholding Agency for any available documentation about the presence of radon, including testing results. In requesting this information about radon, GSA does not expect the Landholding Agency to complete any additional environmental studies. Landholding Agencies were required to test their buildings for radon in 1989 pursuant to Section 2669 of the *Indoor Radon Abatement Act of 1988* (15 USC § 2661 *et seq.*) and therefore may have information related to radon in their possession.

# Resource Conservation and Recovery Act (RCRA) Process



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

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

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

# Resource Conservation and Recovery Act (RCRA)

## Criteria

### Acceptance Criteria

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

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

### Disposal Criteria

As part of its disposal responsibilities, GSA will:

- Determine with the Landholding Agency whether any RCRA permits can be assigned to the new property owner or whether the Landholding Agency will retain responsibility for them.
- Determine with the Landholding Agency post-conveyance monitoring and maintenance responsibilities for RCRA-permitted landfills on the site.
- Include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed a description of the new landowner's responsibilities for assuming any RCRA operating or solid waste landfill permits and the specific management, monitoring, and maintenance obligations associated with them.

## Definitions

**RCRA** is a 1976 amendment to the *Solid Waste Disposal Act (SWDA)* that provides a "cradle to grave" system for managing hazardous waste. RCRA covers waste generators, transporters, and facilities engaged in the treatment, storage, or disposal of hazardous waste. The primary purpose of RCRA is to prevent contamination at operating facilities, but EPA and state regulators sometimes use RCRA to regulate long-term management of contaminants at closing sites. Both EPA and EPA-designated "authorized states" have the right to enforce RCRA. State RCRA programs must be at least as stringent as the EPA's program.

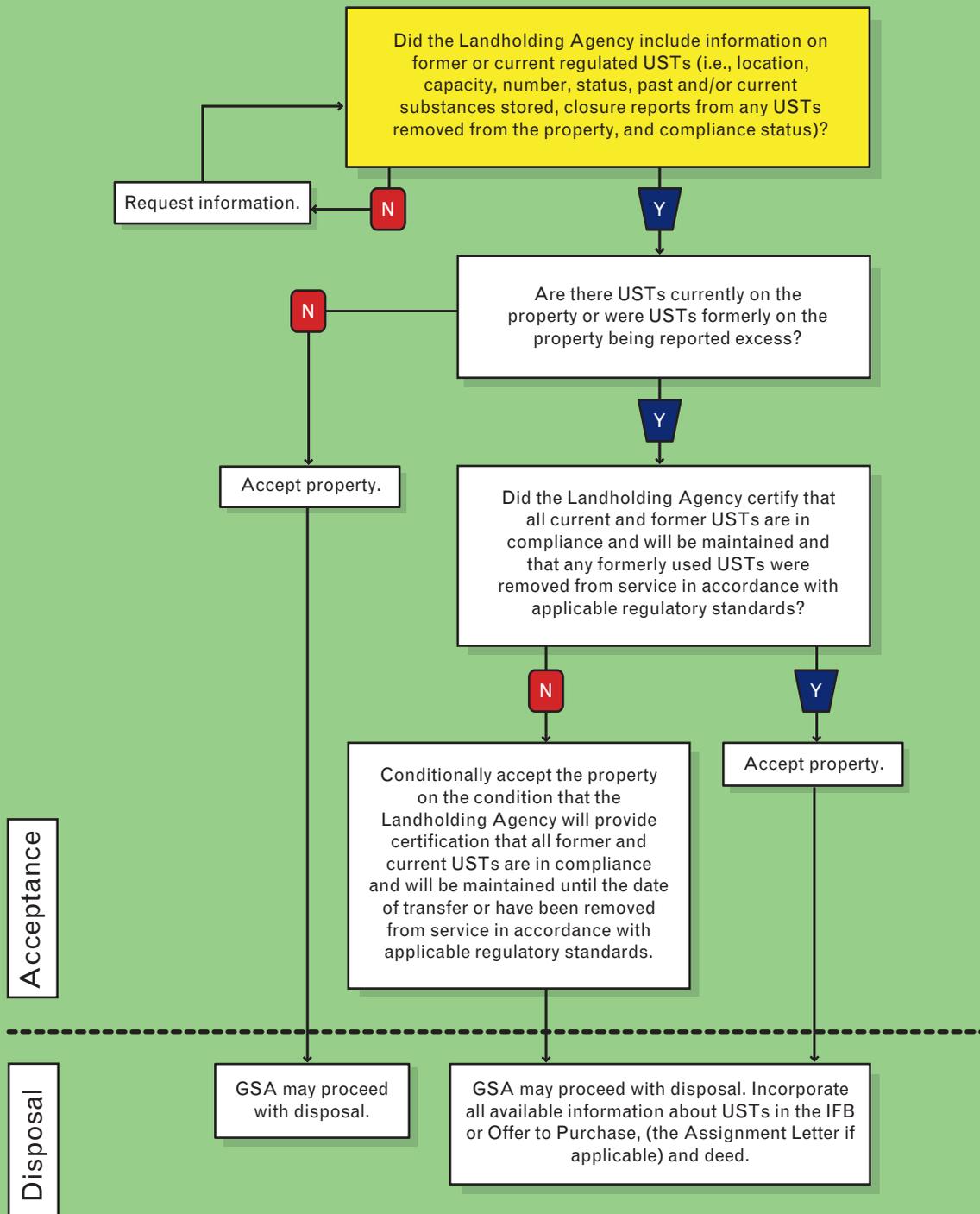
## General Information

**RCRA** also regulates Underground Storage Tanks (USTs), but EPA manages them under a separate program discussed in this document. (Please see the "Underground Storage Tanks Process.") EPA has separate state program approval regulations for USTs, and "authorized

states" have the right to manage their own UST programs. In regard to solid waste landfills, these are regulated by the SWDA and its implementing regulations.

# Underground Storage Tanks (USTs)

## Process



# Underground Storage Tanks (USTs)

## Criteria

### Acceptance Criteria

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

- The location of each UST.
- The capacity of each UST.
- The compliance status of each UST.
- The number of USTs in use.
- The substances stored currently and/or previously stored.

### Disposal Criteria

As part of its disposal responsibilities, GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

- All available information (i.e., location, capacity, compliance status, and substances stored) for all USTs.
- The Landholding Agency's certification that the USTs have been maintained and are currently in compliance with all applicable laws and regulations as of the date of transfer.

## Definitions

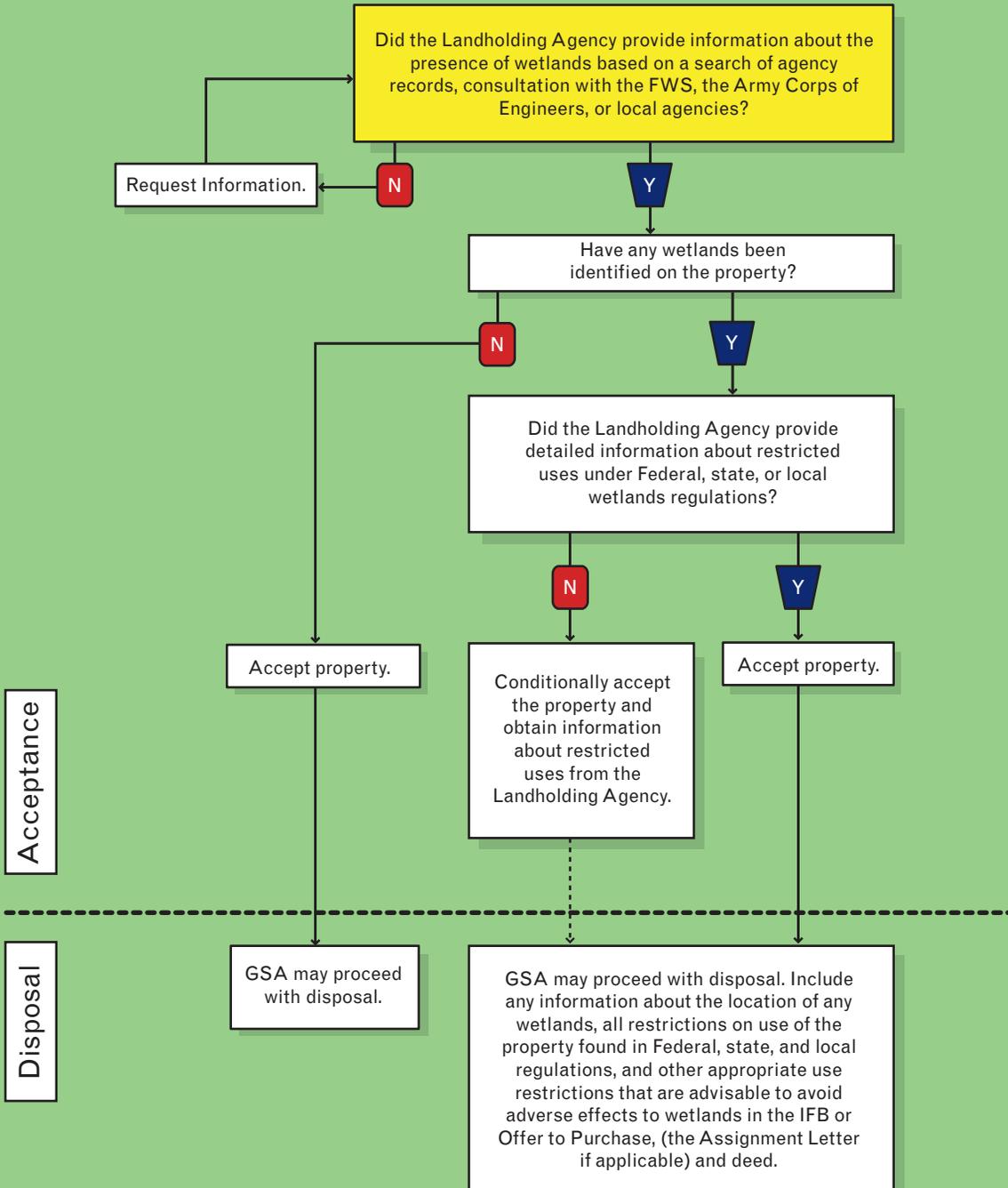
**USTs** are defined as any combination of tanks (including underground pipes connected thereto) that are used to contain an accumulation of regulated substances, and the volume of which is 10 percent or more beneath the surface of the ground, with certain exceptions.

## General Information

In 1984, Congress added Subtitle I to the RCRA, which directed EPA to develop a comprehensive regulatory program for USTs. EPA's Office of Solid Waste and Emergency Response administers the Federal UST Program. However, EPA issued state program approval regulations that permit states to operate their own UST programs in lieu of the Federal program. As a result, all states now have a lead role in managing UST programs.

For more information on USTs, visit EPA's UST page at <http://www.epa.gov/OUST/index.htm>.

# Wetlands Process



## Criteria

### Acceptance Criteria

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

- Detailed information regarding any known wetlands, including any permits or certified wetland delineations, and a listing of restricted uses (along with the citations) identified in Federal, state, or local regulations as required by Executive Order 11990.

### Disposal Criteria

As part of its disposal responsibilities, GSA will include in the IFB or Offer to Purchase, (the Assignment Letter if applicable) and deed:

- Information about the location of any wetlands.
- A listing of all Federal, state, and local restrictions on land use.
- Other appropriate restrictions as required by Executive Order 11990.

## Definitions

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

Wetlands generally include swamps, marshes, bogs, and similar areas.

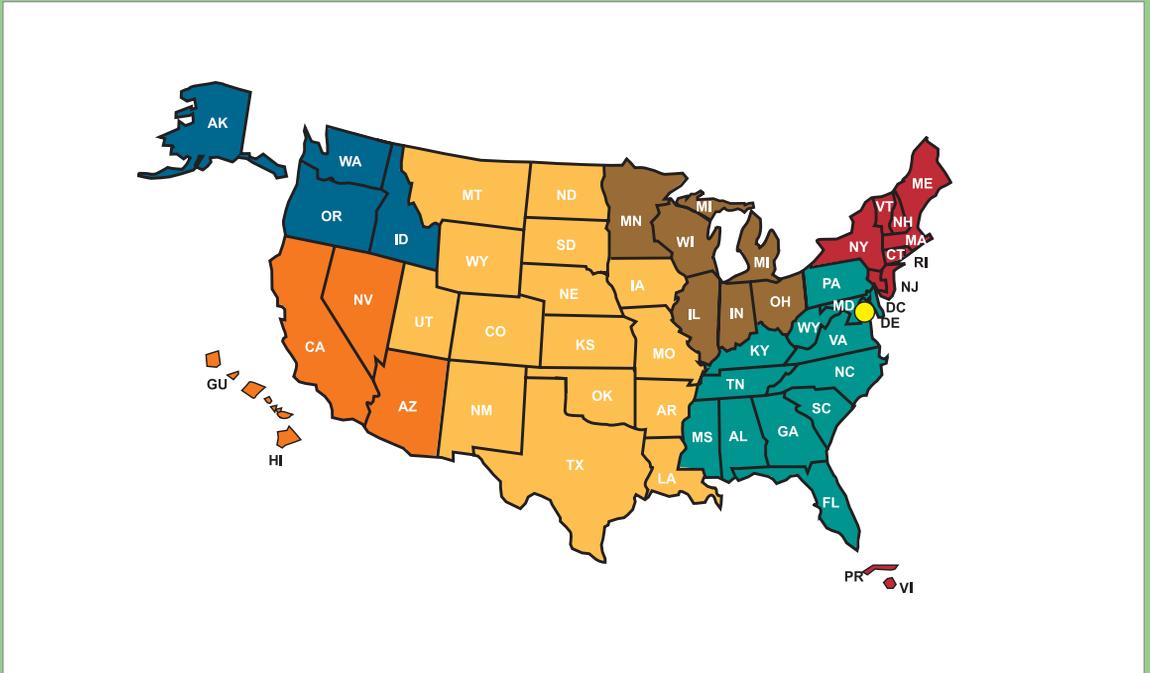
## General Information

There are several data sources that may help verify the location of wetlands. The primary reference tool for wetland mapping in the United States is the National Wetlands Inventory at <http://www.nwi.fws.gov/>. An Environmental Baseline Survey or a Phase I Environmental Due Diligence Report may also contain information about the presence of wetlands.

If a wetland delineation study is required, it is recommended that the local Army Corps of Engineers district office be contacted to obtain a listing of certified contractors who can perform wetland delineations in the local area. In addition, the local government may be an excellent resource for determining whether a wetland is located on the property.

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# GSA Utilization and Disposal Offices



<https://propertydisposal.gsa.gov/>



Central Office  
Office of Real Property Utilization and Disposal  
U.S. General Services Administration  
1800 F Street, NW, Room 7040  
Washington, DC 20405  
202-501-0084



Greater Southwest Region  
U.S. General Services Administration  
819 Taylor Street, Room 8A10  
Ft. Worth, TX 76102  
817-978-2331  
Fax-on-Demand 817-978-2063



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



Pacific Rim Region  
U.S. General Services Administration  
450 Golden Gate Avenue  
San Francisco, CA 94102  
888-472-5263  
Fax-on-Demand 415-436-7402



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



Northwest Arctic Region  
U.S. General Services Administration  
400 15th Street, SW  
Auburn, WA 98001  
253-931-7547 or 800-814-6205  
Fax-on-Demand 253-931-7554



Southeast Sunbelt Region  
U.S. General Services Administration  
401 West Peachtree Street  
Atlanta, GA 30365  
404-331-5133 or 800-473-7836



National Capital Region  
U.S. General Services Administration  
301 7th Street, SW  
Washington, DC 20407  
202-205-2127



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