



Designation: ~~D6008–96 (Reapproved 2014)~~ D6008 – 22

Standard Practice for ~~Conducting Environmental Baseline Surveys~~ Determining the Environmental Condition of Federal Property¹

This standard is issued under the fixed designation D6008; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 *Purpose*—The purpose of this practice is to define good commercial and customary practice in the United States for ~~conducting an assessing the environmental baseline survey (EBS) in condition of property (ECP) order to determine of federal real certain property.~~ This practice applies to condition property of federal real property, including under consideration for lease, excess and surplus property at closing and realigning military installations. This effort is installations, claims reverting to federal ownership such as abandoned mines, and other federally-owned property. The steps in this practice are conducted to fulfill certain requirements of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) section 120(h), as amended by the Community Environmental Response Facilitation Act of 1992 (~~CERFA~~)-(CERFA) and the federal real *property disposal* regulations codified in 41 CFR Subpart C (41 CFR 102-75). As such, this practice is intended to help a *user* to gather and analyze data and information in order to classify *property* into ~~seven~~ the applicable environmental condition of property area types (in accordance with the ASTM D5746, Standard Classification of Environmental Condition of Property Area Types)-Types, (see Appendix X1). Once documented, the EBS-ECP report is used to support Findings of Suitability to Transfer (FOSTs), Findings of Suitability to Lease (FOSLs), or uncontaminated *property* determinations, or a combination thereof, pursuant to the requirements of ~~CERFA~~ CERFA and CERCLA § 120(h). *Users* of this practice should note that it does not address (except where explicitly noted) requirements for appropriate and timely regulatory consultation or concurrence, or both, during the conduct of the EBSECP or during the identification and use of the standard environmental condition of property area types.

1.1.1 *Environmental Baseline Survey—Condition of Property*—In accordance with the ~~Department of Defense (DoD) policy,~~ federal landholding agency policies and General Services Administration’s (GSA) federal real property management regulations, an EBSECP will be prepared or evaluated for its usefulness (and updated if necessary) for any federally-owned property to be transferred by deed or leased. The EBSECP will be based on existing environmental information related to storage, release, treatment, or disposal of hazardous substances, munitions, or petroleum products on the property to determine or discover the obviousness of the presence or likely presence of a release or threatened release of any hazardous substance or petroleum product. In certain cases, additional data, including sampling, if appropriate under the circumstances, may be needed in the EBSECP to support the FOST or FOSL. A previously conducted EBSECP may be updated as necessary and used for making a FOST or FOSL. An EBSECP also may help to satisfy other environmental requirements (for example, to satisfy the requirements of CERFA or to facilitate the preparation of environmental condition reports). In addition, the EBSECP provides a useful reference document and assists in compliance with hazard abatement policies related to asbestos and lead-based paint. The EBSECP process consists of discrete steps. This practice principally addresses EBS-related ECP-related information gathering and analysis.

1.1.1.1 *Discussion*—Prior versions of this practice referred to environmental baseline surveys (EBS). The 2018 Department of Defense 4165.66M Base Redevelopment and Realignment Manual changed the focus to ECP. Appendix 3 of DODM 4165.66M

¹ This practice is under the jurisdiction of ASTM Committee E50 on Environmental Assessment, Risk Management and Corrective Action and is the direct responsibility of Subcommittee E50.02 on Real Estate Assessment and Management.

Current edition approved Feb. 1, 2014; Sept. 1, 2022. Published March 2014; December 2022. Originally approved in 1937 as PS 37. Last previous edition approved in 2005; 2014 as ~~D6008-96(2005); D6008-96(2014)~~. DOI: 10.1520/D6008-96R14; 10.1520/D6008-22.

provides direction on the preparation of FOST and FOSL documentation. Section C2.4.2.3 of DODM 4165.66M provides direction for Department of Defense *property* proposed for *disposal* and redevelopment.

1.1.2 CERCLA Section 120(h) Requirements—This practice is intended to assist with the identification of federal real *property* and DoD installation areas subject to the notification and covenant requirements of CERCLA § 120(h) relating to the deed transfer of contaminated Federal federal real *property* (42 USC 9601 et seq.), (see [Appendix X2](#)). Examples of other federal landholding agencies that must comply with CERCLA §120(h) requirements include the Bureau of Land Management, the Federal Aviation Administration, and U.S. Forest Service.

1.1.3 CERFA Requirements—This practice ~~can be used to provide information that can be used~~ provides information to partially fulfill the identification requirements of CERFA [Pub. L. 102-426, 106 Stat. 2174], which amended CERCLA. *Property* classified as area Type 1, in accordance with Classification **D5746** is eligible for reporting as “uncontaminated” under the provisions of CERFA. CERFA and the Federal Management Regulations, Real Property Disposal rules codified in 41 CFR 102-75. Additionally, certain *property* classified as area Type 2, where evidence indicates that *storage* occurred for less than one year, may also be identified as uncontaminated. At installations and federal *property* listed on the *National Priorities List*, Environmental Protection Agency (EPA) concurrence must be obtained for the *property* to be considered “uncontaminated” and therefore transferable under CERCLA § 120(h)(4). The EPA has stated that there may be instances in which it would be appropriate to concur with the DoD Component federal landholding agency that certain *property* 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 ~~property~~ *property* (see EPA Office of Enforcement and Compliance Assurance, May 2019). If the information available indicates that the *storage*, *release*, or *disposal* was associated with activities that would not be expected to pose a threat to human health or the environment (for example, housing areas, petroleum-stained pavement areas, and areas having undergone routine application of pesticides), such *property* should be eligible for expeditious reuse.

NOTE 1—Confirmed releases of *emerging chemicals of environmental concern* may require additional consideration (see Office of the Undersecretary of Defense. Policy Memorandum for Clarifications and Upcoming Changes to Department of Defense Instruction 4715.18 in Response to Department of Defense Office of Inspector General Findings, April 2022).

1.1.4 Petroleum Products—Petroleum products and their derivatives are included within the scope of this practice. Areas on which petroleum products or their derivatives were stored for one year or more, known to have been *released* or *disposed* of [CERCLA § 120(h)(4)] are not eligible to be reported as “uncontaminated *property*” under CERFA.

1.1.5 Other Federal, State, and Local Environmental Laws—This practice does not address requirements of any federal, state, or local laws other than the applicable provisions of CERCLA identified in **1.1.2** and **1.1.3**. These applicable or relevant and appropriate requirements (ARARs) may have a bearing upon the ultimate disposition of the federal *property*. Users are cautioned that federal, state, and local laws may impose additional **EBSECP** or other environmental assessment obligations that are beyond the scope of this practice. Users should also be aware that there are likely to be other legal obligations with regard to *hazardous substances* or petroleum products discovered on *property* that are not addressed in this practice and that may pose risks of civil or criminal sanctions, or both, for noncompliance.

1.1.6 Other Federal, State, and Local Real Property and Natural and Cultural Resources Laws—This practice does not address requirements of any federal, state or local real *property* or natural and cultural resources laws. Users are cautioned that numerous federal, state, and local laws may impose additional environmental and other legal requirements that must be satisfied prior to deed transfer of *property* that are beyond the scope of this practice.

NOTE 2—The General Services Administration’s Excess Real Property Due Diligence Checklist for Federal Landholding Agency Customers, November 2017, provides additional detail on federal ARARs.

1.1.7 Non-Federal Property—This standard may also be used by state and local agencies to assess the environmental condition of non-federal *property*.

1.2 Objectives—Objectives guiding the development of this practice are ~~(1)~~ to synthesize and put in writing a *standard practice* for conducting a high quality ~~EBS~~, ~~(2)~~ to facilitate the development of high quality, standardized *environmental condition of property maps* to be included in an **EBSECP** that can be used to support FOSTs, FOSLs, and other applicable environmental condition reports, ~~(3)~~ to facilitate the use of the *standard classification of environmental condition of property area types*, ~~(4)~~ to facilitate the development of a standard guide for preparing and updating ~~EBS reports~~, ~~ECP reports~~, and ~~(5)~~ comply with the Federal Real Property Disposal regulations codified in 41 CFR 102-75.

1.3 *Limitations*—Users of this practice should note that, while many of the elements of an *EBSECP* are performed in a manner consistent with other “~~due~~—*diligence*”~~—~~*due diligence*” functions, an *EBSECP* is not prepared to satisfy a purchaser of real ~~property’s~~*property’s* duty to conduct an “~~appropriate inquiry~~” in order “~~all appropriate inquiries~~”, as defined in 40 CFR 312, to establish an “~~innocent~~”*innocent landowner defense*”~~—~~*defense*” to CERCLA § 107 liability. Any such use of any *EBSECP* by any party is outside the control of the United States Department of Defense and its components and federal agencies and beyond the scope of any *EBSECP*. No warranties or representations are made by the United States Department of Defense, its components, its officers, any federal agency, its employees, or contractors that any *EBSECP report* satisfies any such requirement for any party.

1.4 *Organization of This Practice*—This practice has 15 sections. Section 1 is the scope. Section 2 identifies referenced documents. Section 3, Terminology, includes definitions of terms not unique to this practice, descriptions of terms unique to this practice, and acronyms and abbreviations. Section 4 is the *significance* and use of this practice. Section 5 describes *user’s* responsibilities. Sections 6 – 13 are the main body of the data gathering analysis steps of the *EBSECP* process. Section 14 briefly describes the *EBSECP* Step 3 classification of *environmental condition of property area types*. Section 15 contains a list of keywords. The seven appendices are non-binding and non-mandatory; they provide background, guidance, and examples.

1.5 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate ~~safety~~—*safety, health, and health*environmental practices and determine the applicability of regulatory limitations prior to use.*

1.6 *This international standard was developed in accordance with internationally recognized principles on standardization established in the Decision on Principles for the Development of International Standards, Guides and Recommendations issued by the World Trade Organization Technical Barriers to Trade (TBT) Committee.*

2. Referenced Documents

2.1 ASTM Standards:²

~~D5746~~ [Classification of Environmental Condition of Property Area Types for Defense Base Closure and Realignment Facilities](#)

~~E1527~~ [Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process](#)

~~E1528~~~~E2107~~ [Practice for Limited Environmental Due Diligence: Transaction Screen Process](#)~~Environmental Regulatory Compliance Audits~~

~~D5746~~~~E2247~~ [Classification of Environmental Condition of Property Area Types for Defense Base Closure and Realignment Facilities](#)~~Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property~~

~~E2365~~ [Guide for Environmental Compliance Performance Assessment](#)

2.2 Department of Defense Policies: Federal Landholding Agency Documents:³

~~DoD Policy~~~~Department of the Navy~~ [on the Environmental Review Process to Reach a Finding of Suitability to Lease \(FOSL\); September 1993](#)~~Base Realignment and Closure Implementation Guidance, March 2007~~

~~DoD Policy~~—~~U.S. Army Regulation 200-1~~, [on the Environmental Review Process to Reach a Finding of Suitability to Transfer \(FOST\) for Property Where No Release or Disposal Has Occurred, June 1994](#)~~Environmental Protection and Enhancement, December 2007~~

~~DoD Policy~~—~~Department of Defense Manual 4715.20~~, [on the Environmental Review Process to Reach a Finding of Suitability to Transfer \(FOST\) for Property Where Release or Disposal Has Occurred, June 1994](#)~~Defense Environmental Restoration Program (DERP) Management, August 2018~~

~~Department of Defense 4165.66M~~, [Base Redevelopment and Realignment Manual, August 2018](#)

~~Department of Defense Instruction 4715.18~~, [Emerging Chemicals \(ECs\) of Environmental Concern, September 4, 2019](#)

~~Department of the Air Force Instruction 32-7020~~, [Environmental Restoration Program, December 2020](#)

~~DoD Policy~~—~~Office of the Undersecretary of Defense~~, [on the Implementation of the Community Environmental Response Facilitation Act \(CERFA\), September 1993](#)~~Policy Memorandum for Clarifications and Upcoming Changes to Department of Defense Instruction 4715.18 in Response to Department of Defense Office of Inspector General Findings, April 2022~~

2.3 Department of Defense Guidance Document:

~~BRAC~~³ [Cleanup Plan Guidebook, Fall 1993](#)

² For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard’s Document Summary page on the ASTM website.

³ Available from Department of Defense, Office of Environmental Security, 3400 Defense Pentagon, Washington, DC 20301-3400.

2.3 *Federal Standards-Regulations:*⁴

- [Title 32, Code of Federal Regulations \(CFR\), Part 179, Munitions Response Site Prioritization Protocol \(MRSPP\)](#)
- [Title 40, Code of Federal Regulations \(CFR\), Part 300, National Oil and Hazardous Substances Pollution Contingency Plan](#)
- [Title 40, Code of Federal Regulations \(CFR\), Part 302, Designation Reportable Quantities and Notification](#)
- [Title 40, Code of Federal Regulations \(CFR\) Part 312, Innocent Landowners, Standards for Conducting All Appropriate Inquiries](#)
- [Title 40, Code of Federal Regulations \(CFR\), Part 355, Emergency Planning and Notification](#)
- [Title 40, Code of Federal Regulations \(CFR\) Part 373, Reporting Hazardous Substance Activity When Selling or Transferring Federal Real Property](#)
- [Title 41, Code of Federal Regulations \(CFR\) Part 102-75 Federal Management Regulations, Subchapter C, Real Property Disposal](#)

2.4 *US EPA References and Databases:*⁵

- [RCRA 40 CFR Part 264, Subpart X Permit Writers Technical Resource Document. EPA, Office of Solid Waste, Washington, DC, June 1997](#)
- [OLEM Directive 9200.2-187, Best Practice Process for Identifying and Determining State Applicable or Relevant and Appropriate Requirements Status Pilot, October 2017](#)
- [EPA Office of Enforcement and Compliance Assurance, Transmittal of Revised Policy Towards Landowners and Transferees of Federal Facilities to Encourage Cleanup and Reuse at Federal Facilities on the National Priorities List \(NPL\), May 2019](#)
- [Envirofacts A single point of access to select U.S. EPA environmental data. This website provides access to several EPA databases to provide the user with information about environmental activities that may affect air, water, and land anywhere in the United States \(<https://enviro.epa.gov/>\)](#)
- [FEDFacts Information about the Federal Electronic Docket Facilities regarding contaminated federal facility sites in specific communities, technical fact sheets and tools and resources to help government agencies and their contractors fulfill cleanup obligations \(<https://www.epa.gov/fedfac>\)](#)
- [Superfund Enterprise Management System \(<https://www.epa.gov/enviro/sems-search>\)](#)

3. Terminology

3.1 This section provides definitions (of terms not unique to this practice), descriptions of terms specific to this practice, and a list of acronyms and abbreviations used herein. The terms are an integral part of this practice and are critical to its understanding and use. Many of these terms are also found in Practice ~~E1527~~.

3.2 *Definitions:*

3.2.1 *aqueous film forming foam (AFFF), n*—a fire suppressant used to extinguish flammable liquid fires such as fuel fires.

3.2.1.1 *Discussion—*

AFFF is often used in facility fire suppression systems, fire fighting vehicles, and at fire training facilities.

3.2.2 *asbestos—asbestos, n*—six naturally occurring fibrous minerals found in certain types of rock formations. ~~Of formations; of the six, the minerals chrysotile, amosite, and crocidolite have been most commonly used in building products. When mined and processed, asbestos is typically separated into very thin fibers. Because asbestos is strong, incombustible, and corrosion-resistant, asbestos was used in many commercial products beginning early in this century and peaking in the period from World War II into the 1970s. When inhaled in sufficient quantities, asbestos fibers can cause serious health problems.~~

3.2.2.1 *Discussion—*

Because *asbestos* is strong, incombustible, and corrosion-resistant, *asbestos* was used in many commercial products beginning early in the 20th century and peaking in the period from World War II into the 1970s.

3.2.3 *asbestos-containing material (ACM) (ACM), n*—any material or product that contains more than 1 % *asbestos*.

3.2.3 *Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)*—the list of sites compiled by EPA that EPA has investigated or is currently investigating for potential hazardous substance contamination for possible inclusion on the National Priorities List.

⁴ Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

⁵ Available from United States Environmental Protection Agency (EPA), William Jefferson Clinton Bldg., 1200 Pennsylvania Ave., NW, Washington, DC 20460, <http://www.epa.gov>.

3.2.4 *contaminated public wells*—*wells, n*—public wells used for drinking water that have been designated by a government entity as contaminated by toxic substances (for example, chlorinated ~~*solvents*~~;*solvents*), or as having water unsafe to drink without treatment.

3.2.5 *drum*—*drum, n*—~~as defined by the U.S. Department of Transportation, a container (typically, but not necessarily, holding 55 gal [208 L] of liquid) that may have been used to store hazardous substances or petroleum products.~~ flat-ended or convex-ended cylindrical packaging made of metal, fiberboard, plastic, plywood, or other suitable materials; this definition does not include cylinders, jerricans, wooden barrels or bulk containers.

3.2.5.1 *Discussion*—

A metal or plastic container (typically, but not necessarily, holding 55 gal [208 L] of liquid) that may have been used to store hazardous substances or petroleum products.

3.2.6 *dwelling*—*dwelling, n*—structure or portion thereof used for residential habitation.

3.2.7 *environmental lien*—*lien, n*—a charge, security, or encumbrance upon title to a *property* to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of *hazardous substances* or petroleum products upon a *property*, including (but not limited to) liens imposed pursuant to CERCLA 42 USC § 9607(1) and similar state or local laws.

3.2.8 *emerging chemicals of environmental concern, n*—as defined in DoDI 4715.18, chemicals relevant to the DoD that are characterized by a perceived or real threat to human health or the environment and that have new or changing toxicity values or new or changing human health or environmental regulatory standards.

3.2.8.1 *Discussion*—

These chemicals are defined as emerging contaminants in Practice E1527. *Per- and polyfluoroalkyl substances (PFAS)* are examples of *emerging chemicals of environmental concern* at federally-owned *property*. Although *PFAS* are not currently regulated as *hazardous substances* under CERCLA, some states have begun regulating the *disposal* or remediation of *PFAS*-impacted soil, sediment, surface water, and groundwater. For federal *property* where firefighting activities, including training, were conducted with *aqueous film-forming foam (AFFF)* and *properties* where electroplating operations were conducted, the *user* may refer to [Appendix X4](#) for guidance addressing *emerging chemicals of environmental concern*. See also the Policy Memorandum for Clarifications and Upcoming Changes to Department of Defense Instruction 4715.18 in Response to Department of Defense Office of Inspector General Findings, April 2022.

<https://standards.iteh.ai/catalog/standards/sist/0ba3b4f6-21d6-452e-ba8a-144d8ab016ba/astm-d6008-22>

3.2.9 *ERNS list*—*list, n*—~~EPA's~~ the Emergency Response Notification System list of reported CERCLA hazardous substance releases or spills in quantities equal to or greater than the reportable quantity, as maintained by the National Response Center. Notification requirements for such releases or spills are codified in 40 CFR Parts 302 (ERNS) is a database used to store information on notifications of oil discharges and 355 hazardous: substances releases.

3.2.9.1 *Discussion*—

EPA's Emergency Response Notification System is a list of reported CERCLA *hazardous substance* releases or spills in quantities equal to or greater than the reportable quantity, as maintained by the National Response Center. Notification requirements for such releases or spills are codified in 40 CFR Parts 302 and 355.

3.2.9 *Federal Register (FR)*—publication of the United States government published daily (except for Federal holidays and weekends) containing all proposed and final regulations and some other activities of the Federal government. When regulations become final, they are included in the Code of Federal Regulations (CFR) as well as published in the Federal Register.

3.2.10 *hazardous substance*—*substance, n*—~~a substance means that group of substances defined as a hazardous substance pursuant to CERCLA 42 USC § 9601(14), as interpreted by EPA regulations and the courts: “(hazardous A) any substance designated pursuant to section 1321(b)(2)(A) of Title 33, (B) any element, compound, mixture, solution, or substance designated pursuant to Section 9602 of this title, (C) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 USC § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 USC § 6921 under CERCLA § 101(14), et seq.) has been suspended by Act of Congress), (D) any toxic pollutant listed under Section 1317(a) of Title 33, (E) any hazardous air pollutant listed under Section 112 of the Clean Air Act (42 USC § 7412), and (and F) any imminently hazardous chemical substance or mixture with respect to which the Administrator (of EPA) has taken action pursuant to Section 2606 of Title 15. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of~~

~~this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).” Users of this practice should note that certain states may expand this definition to include other substances not meeting the above definition. The user or environmental professional should consider whether the state in which the installation is located has identified such identified substances that appear at 40 CFR §302.4.~~

~~3.2.11 *hazardous waste*—*waste, n*—any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 USC § 6901 *et seq.*) (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress) and so forth. Congress).~~

~~3.2.11.1 *Discussion*—~~

~~Some state waste management programs regulate additional solid wastes as *hazardous waste*.~~

~~3.2.12 *landfill*—*landfill, n*—a place, location, tract of land, area, or premises used for the *disposal* of solid wastes as defined by state solid waste regulations. The term is synonymous with the term *solid waste disposal site* and is also known as a garbage dump, trash dump, or similar term.~~

~~3.2.12.1 *Discussion*—~~

~~The *user* is cautioned that not all garbage dumps and trash dumps have permits issued by either the state or local regulatory agency.~~

~~3.2.13 *local street directories*—*directories, n*—directories published by private (or sometimes government) sources that show ownership, occupancy, or use of sites, or combination thereof, by reference to street addresses. Often local street directories are available at libraries of local governments, colleges or universities, or historical societies. list the occupant(s) of a specific address at the time the occupant data was collected, typically within in a year of the publication date of the directory.~~

~~3.2.13.1 *Discussion*—~~

~~*Local street directories* may not be available for federally-owned *property*.~~

~~3.2.14 *material safety data sheet (MSDS)*—*munitions and explosives of concern, n*—written or printed material concerning a hazardous substance which is prepared by chemical manufacturers, importers, and employers for hazardous chemicals pursuant to OSHA’s Hazard Communication Standard, 29 CFR 1910.1200. distinguishes specific categories of military munitions that may pose unique explosives safety risks, such as unexploded ordnance, as defined in 10 U.S.C. §101(e)(5); discarded military munitions, as defined in 10 U.S.C. §2710(e)(2); or munitions constituents (for example, TNT, RDX), as defined in 10 U.S.C. §2710(e)(3), present in high enough concentrations to pose an explosive hazard.~~

~~3.2.15 *National Contingency Plan (NCP)*—(*NCP*), *n*—the National Oil and Hazardous ~~substances~~ Substances Pollution Contingency Plan found at 40 CFR § 300, which is the EPA’s regulations for how releases of hazardous substances are to be cleaned up pursuant to CERCLA.~~

~~3.2.16 *National Priorities List*—*List, n*—list compiled by EPA pursuant to CERCLA 42 USC § 9605(a)(8)(B) of *properties* with the highest priority for cleanup pursuant to EPA’s Hazard Ranking System. See 40 CFR Part 300.~~

~~3.2.17 *occupants*—*occupants, n*—those tenants, subtenants, or other persons or entities using the *property* or a portion of the *property*.~~

~~3.2.18 *owner*—generally the fee owner of record of the property.~~

~~3.2.19 *petroleum exclusion*—the exclusion from CERCLA liability provided in 42 USC § 9601(14), as interpreted by the courts and EPA: “The term (hazardous substance) does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).”~~

~~3.2.18 *petroleum products*—*per- and polyfluoroalkyl substances (PFAS)*, *n*—those substances included within the meaning of the petroleum exclusion to CERCLA, 42 USC § 9601(14) as interpreted by the courts and EPA, that is: “petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a group A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).”of manufactured chemicals consisting of polymeric chains of carbon bonded to fluorine atoms, usually with a polar functional group at the head.~~

~~3.2.18.1 *Discussion*—~~

PFAS are fluorinated substances with a carbon chain structure. In perfluoroalkyl substances (PFAAs), each carbon atom in the chain is fully saturated with fluorine (carbon-fluorine bonds only), whereas the carbon chain in polyfluoroalkyl substances is mostly saturated with fluorine (carbon-fluorine bonds), but also contains carbon-hydrogen bonds.

3.2.19 ~~Phase I Environmental Site Assessment~~—Assessment, n—the process described in Practice [E1527](#) and Practice [E2247](#).

3.2.20 ~~pits, ponds, or lagoons~~—lagoons, n—man-made or natural depressions in a ground surface that are likely to hold liquids or sludge containing *hazardous substances* or petroleum products. ~~The likelihood of such liquids or sludge being present is determined by evidence of factors associated with the pit, pond, or lagoon, including, but not limited to, discolored water, distressed vegetation, or the presence of an obvious wastewater discharge.~~

3.2.20.1 Discussion—

The likelihood of such liquids or sludge being present is determined by evidence of factors associated with the pit, pond, or lagoon, including, but not limited to, discolored water, distressed vegetation, or the presence of an obvious wastewater discharge.

3.2.21 ~~property~~—property, n—the real *property*, that is the subject of the EBS described in this practice as well as the real property adjacent to the subject property (which may be privately owned). ~~Real property includes buildings and other fixtures and including buildings, fixtures, and other improvements located on the property and affixed to the land.~~

3.2.22 ~~property tax files~~—files, n—the files kept for property tax purposes by the local jurisdiction where the *property* is located and includes records of past ownership, appraisals, maps, sketches, photos, or other information that is *reasonably ascertainable* and pertaining to the *property*.

3.2.23 ~~RCRA generators~~—generators, n—those persons or entities that generate *hazardous wastes*, as defined and regulated by RCRA. ~~RCRA and have submitted EPA form 8700-12 to the EPA.~~

3.2.24 ~~RCRA generators list~~—list, n—list kept by EPA of those persons or entities that have notified EPA that they generate hazardous wastes, as defined and regulated by RCRA.

3.2.25 ~~RCRA TSD facilities~~—facilities, n—those facilities on which treatment, *storage*, or *disposal*, or a combination thereof, of *hazardous wastes* takes place, as defined and regulated by RCRA, subject to regulation and permitting under RCRA or a delegated state's hazardous waste management program; these facilities have submitted EPA Form 8700-23 to the EPA.

3.2.26 ~~RCRA TSD facilities list~~—list, n—list kept by EPA of those facilities on which treatment, storage, or disposal, or a combination thereof, of hazardous wastes takes place, as defined and regulated by RCRA, that have submitted EPA Form 8700-23 to the agency.

3.2.27 ~~recorded land title records~~—records, n—records of fee ownership, leases, land contracts, easements, liens, and other encumbrances on or of the *property* recorded in the place where land title records are, by law or custom, recorded for the local jurisdiction in which the *property* is located. ~~(Commonly, such records are kept by a municipal or county recorder or clerk.) Such records may be obtained from title companies or directly from the local government agency. Information about the title to the property that is recorded in a U.S. district court or any place other than where land title records are, by law or custom, recorded for the local jurisdiction in which the property is located, are not considered part of recorded land title records. See located (see [3-3.333.2.32](#) and [7.2.4](#)., and 40 CFR §312.24(a)).~~

3.2.28 ~~records of emergency release notifications (SARA § 304)~~—304, n—Section 304 of EPCRA or Title III of SARA requires operators of facilities to notify their local emergency planning committee (as defined in EPCRA) and ~~State~~ state emergency response commission (as defined in EPCRA) of any *release* beyond the facility's boundary of any reportable quantity of any extremely *hazardous substance*. ~~Often the local fire department is the local emergency planning committee. Records of such notifications are "records of emergency release notifications" (SARA § 304).~~

3.2.28.1 Discussion—

Records of such notifications are "records of emergency release notifications" (SARA § 304) and may be found in the ERNS database.

3.2.29 safety data sheet (SDS), n—written or printed material concerning a hazardous substance which is prepared by chemical manufacturers, importers, and employers for hazardous chemicals pursuant to OSHA’s Hazard Communication Standard, 29 CFR 1910.1200.

3.2.30 solid waste disposal site—site, n—a place, location, tract of land, area, or premises used for the disposal of solid wastes as defined by state solid waste regulations. The term is synonymous with the term landfill and is also known as a garbage dump, trash dump, or similar term.

3.2.30.1 Discussion—

The term is synonymous with the term landfill and is also known as a garbage dump, trash dump, or similar term. Historic solid waste disposal sites at federally-owned properties may not have operated under a permit.

3.2.31 solvent—solvent, n—a chemical compound that is capable of dissolving another substance and a hazardous substance, used in a number of manufacturing/industrial processes including but not limited to dry cleaning, the manufacture of paints and coatings for industrial and household purposes, equipment clean-up, and surface degreasing in metal fabricating industries: industrial settings.

3.2.31.1 Discussion—

Solvents are routinely use for parts washing and the preparation of metal surfaces for plating.

3.2.32 State registered USTs—USTs, n—State lists of underground storage tanks required to be registered under Subtitle I, Section 9002 of RCRA.

3.2.33 sump—sump, n—a pit, eistern, cesspool, or similar receptacle where liquids drain, collect, or are stored.

3.2.34 Superfund Enterprise Management System (SEMS), n—the official repository for site and non site-specific Superfund data in support of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). It contains information on hazardous waste site assessment and remediation.

3.2.34.1 Discussion—

SEMS contains information on hazardous waste site assessment and remediation including PAs, remedial investigations and feasibility studies, chemicals of concern, and 5-year review reports.

3.2.35 underground storage tank (UST)—(UST), n—any tank, including underground piping connected to the tank that is or has been one or combination of tanks (including underground pipes connected thereto) that is used to contain hazardous substances or petroleum products an accumulation of regulated substances, and the volume of which is 10% (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground.

3.2.35.1 Discussion—

for the purposes of this practice, regulated substances include hazardous substances, and petroleum and materials subject to regulation under 40 CFR Part 280.

3.2.36 USGS 7.5 Minute Topographic Map—Map, n—the map (if any) available from or produced by the United States Geological Survey, entitled “USGS 7.5 Minute Topographic Map” and showing the property. phrase “USGS topographic map” refers to maps that cover a quadrangle that measures 7.5 minutes of longitude and latitude on all sides, so these are also referred to as 7.5-minute maps, quadrangle maps, or “quad” maps with a wide range of scales, but the scale used for all modern USGS topographic maps is 1:24,000.

3.2.37 wastewater—wastewater, n—water that (1) is or has been used in an industrial or manufacturing process, (means any water which, during manufacturing or processing, comes into direct contact with or results from the2) conveys or has conveyed sewage, or (production or use of any raw material,3) is directly related to manufacturing, processing, or raw materials storage intermediate product, finished product, byproduct, or waste product or (2—areas at an industrial plant. Wastewater does not include water originating on or passing through or adjacent to a site, such as stormwater flows, that has not been used in industrial or manufacturing processes, has not been combined with sewage, or is not directly related to manufacturing, processing, or raw materials storage areas at an industrial plant.) conveys or has conveyed sewage.

3.2.37.1 Discussion—

Wastewater does not include water originating on or passing through or adjacent to a site, such as stormwater flows, that has not been used in industrial or manufacturing processes, has not been combined with sewage, or is not directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. Wastewater includes washdown water that flows to a floor drain, sump, or drywell.

3.3 Definitions of Terms Specific to This Standard:

3.3.1 ~~adjacent properties—adjoining properties, n—those any real property or properties contiguous or partially contiguous to the boundary~~the border of which is (are) shared in part or in whole with that of the federally-owned ~~of property, the property being surveyed during an EBS or other activity intended to classify the property or that would be shared in part or in whole with that of the federally-owned~~ intoproperty a standard environmental condition of property area type, or other properties relatively near but for a street, road, or other public thoroughfare separating the installation properties.that could pose significant environmental concern and/or have a significant impact on the results of an EBS or on the classification of installation property into standard environmental condition of property area types:

3.3.2 ~~aerial photographs—photographs, n—photographs, taken from an aerial platform, having sufficient resolution to allow identification of development and activities of areas encompassing the property.~~Aerial photographs are commonly available from government agencies or private collections unique to a local area:

3.3.2.1 Discussion—

Aerial photographs are commonly available from government agencies or private collections unique to a local area.

3.3.3 ~~all required remedial action, taken—n—for the purposes of this practice,all remedial action, as described in CERCLA § 120(h)(3)(B)(i), has been taken if “the construction and installation of an approved remedial design has been completed, and the remedy has been demonstrated to the administrator [of EPA] to be operating properly and successfully. The successfully; the carrying out of long-term pumping and treating, or operation and maintenance, after the remedy has been demonstrated to the administrator to be operating properly and successfully does not preclude the transfer of the property.”~~property.” [42 USC § 9620(h)(3)]. Alternatively, in circumstances where a remedy has been constructed, but no ongoing treatment or operation and maintenance is required, for example, “clean closure” or excavation of soil with off-site treatment, all remedial action means that all action required to meet applicable state or federal regulatory standards, including, as required, state or federal regulatory approval, has been taken:

3.3.3.1 Discussion—

Alternatively, in circumstances where a remedy has been constructed, but no ongoing treatment or operation and maintenance is required, for example, “clean closure” or excavation of soil with off-site treatment, all remedial action means that all action required to meet applicable state or federal regulatory standards, including, as required, state or federal regulatory approval, has been taken (see section 12.2). Land use restrictions may be components of required remedial action.

3.3.4 ~~applicable requirements—or relevant and appropriate requirements (ARARs), n—those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or State environmental or facility siting laws that specifically address that, while not “applicable” to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstances found~~circumstance at a CERCLA site. ~~Only those state standards that are identified by a state in a timely manner and that are more stringent than federal requirements may be applicable.~~ site, address problems or situations sufficiently similar to those encountered at the CERCLA site that their use is well suited to the particular site (see EPA OLEM 9200.1-187).

3.3.4.1 Discussion—

Only those state standards that are identified in a timely manner and are more stringent than federal requirements may be relevant and appropriate.

3.3.5 ~~approximate minimum search distance—distance, n—the area for which agency records must be obtained and reviewed pursuant to Section 7 subject to the limitations provided in that section. This may include areas outside the property and shall be measured from the nearest property boundary. This term is used instead of radius to include irregularly shaped properties.~~

3.3.5.1 Discussion—

This may include areas outside the federally-owned property and shall be measured from the nearest property boundary. This term is used instead of radius to include irregularly shaped properties.

3.3.6 area in question, n—that portion of federal real property that is the subject of the ECP.

3.3.6.1 Discussion—

The area in question may be a subset of a larger piece of federal property or may be property that has been transferred to federal control through Congressional action. The FOSL or FOST may be limited to an area in question as opposed to a larger federally-owned property.

3.3.7 BRAC statutes—statutes, n—Title II of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Pub. L. 100-526, 10 USC 2687, note.) and the Defense Base Closure and Realignment Act of 1990 (Part A of Title XXIX of Pub. L. 101-510, 10 USC 2687, note.), collectively.

3.3.7.1 Discussion—

The 2005 Round (P.L. 107-107); amended the Defense Base Closure and Realignment Act of 1990 (P.L. 101- 510). No new BRAC activities have been authorized by Congress since 2016.

3.3.7 closing military installation—installations identified for closure pursuant to BRAC statutes, or installations previously closed under the authority of 10 USC 2687.

3.3.8 DoD Component—component, n—collectively, the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Inspector General of the Department of Defense, the Defense Agencies and the DoD Field Activities.

3.3.9 disposal—disposal, v—the discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous substances, or petroleum products or their derivatives into or on any land or water so that such hazardous substances, or petroleum products or their derivatives or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters including ground water.

3.3.10 due diligence—diligence, n—the process—process, in accordance with 41 CFR §102.75-115 through §102-75.130, of inquiring into the environmental characteristics of a parcel—federal offproperty commercial real estate scheduled for transfer, sale, or other disposal. conditions, usually in connection with a commercial real estate transaction. The degree and kind of due diligence vary for different properties and differing purposes.

3.3.11 environmental audit—compliance audit, n—the investigative process to determine if the operations of an existing facility are in compliance with applicable environmental laws and regulations. This term should not be used to describe Practices regulations (see E1527E2107; E1528; and E2365 or this practice, although an environmental audit may include an EBS or, if prior audits or EBSs are available, may be part of an EBS.).

3.3.12 environmental baseline survey (EBS)—a survey of federal real property based on all existing environmental information related to storage, release, treatment, or disposal of hazardous substances or petroleum products or derivatives on the property to determine or discover the obviousness of the presence or likely presence of a release or threatened release of any hazardous substance or petroleum product. In certain cases, additional data, including sampling and analysis, may be needed in the EBS to support the classification of the property into one of the standard environmental condition of property area types. Additionally, an EBS may also satisfy the uncontaminated property identification requirements of CERFA. An EBS will consider all sources of available information concerning environmentally significant current and past uses of the real property, and shall, at a minimum, consist of the following:

3.3.12.1 Detailed search and review of available information and records in the possession of the DoD Components or records made available by the regulatory agencies or other involved federal agencies. The DoD Components are responsible for requesting and making reasonable inquiry into the existence and availability of relevant information and records to include any additional study information (for example, surveys for radioactive materials, asbestos, radon, lead-based paint, transformers containing PCB, RCRA Facility Assessments and Investigations, Underground Storage Tank Cleanup Program) to determine the environmental condition of the property;

3.3.12.2 Review of all reasonably obtainable federal, state, and local government records for each adjacent facility where there has been a release or likely release of any hazardous substance or any petroleum product, and which is likely to cause or contribute to a release or threatened release of any hazardous substance or any petroleum product on the federal real property;

3.3.12.3 Analysis of aerial photographs that may reflect prior uses of the property, which are in the possession of the federal government or are reasonably obtainable through state or local government agencies;

3.3.12.4 Interviews with current or former employees, or both, involved in operations on the real property;

3.3.12.5 Visual inspections of the real property; any buildings, structures, equipment, pipe, pipeline, or other improvements on the real property; and of properties immediately adjacent to the real property, noting sewer lines, runoff patterns, evidence of environmental impacts (for example, stained soil, stressed vegetation, dead or ill wildlife) and other observations which indicate actual or potential release of hazardous substances or petroleum products;

3.3.12.6 Identification of sources of contamination on the installation and on adjacent properties which could migrate to the parcel during federal government ownership;

3.3.12.7 Ongoing response actions or actions that have been taken at or adjacent to the parcel; and

3.3.12.8 A physical inspection of property adjacent to the real property, to the extent permitted by owners or operators of such property;

3.3.12 environmental condition of property (ECP), n—a survey of federal real property based on all existing environmental information related to storage, release, treatment, or disposal of hazardous substances or petroleum products or derivatives on the property to determine or discover the obviousness of the presence or likely presence of a release or threatened release of any hazardous substance or petroleum product.

3.3.12.1 Discussion—

In certain cases, additional data, including sampling and analysis, may be needed in the ECP to support the classification of the property into one of the standard environmental condition of property area types. Additionally, an ECP may also satisfy the uncontaminated property identification requirements of CERFA. An ECP will consider all sources of available information concerning environmentally significant current and past uses of the real property and shall, at a minimum, consist of the steps identified in Section 6.

3.3.13 ~~environmental baseline survey (EBS) report—the written record of an EBS that includes the following:~~

3.3.13.1 ~~An executive summary briefly stating the areas of real property (or parcels) evaluated and the conclusions of the EBS;~~

3.3.13.2 ~~The property identification (for example, address, assessor parcel number, legal description);~~

3.3.13.3 ~~Any relevant information obtained from a detailed search of federal government records pertaining to the property, including available maps;~~

3.3.13.4 ~~Any relevant information obtained from a review of the recorded chain of title documents regarding the real property. The review should address those prior ownerships/uses that could reasonably have contributed to an environmental concern, and, at a minimum, cover the preceding 60 years;~~

3.3.13.5 ~~A description of past and current activities, including all past DoD uses to the extent such information is reasonably available, on the property and on adjacent properties;~~

3.3.13.6 ~~A description of hazardous substances or petroleum products management practices (to include storage, release, treatment, or disposal) at the property and at adjacent properties;~~

3.3.13.7 ~~Any relevant information obtained from records reviews and visual and physical inspections of adjacent properties;~~

3.3.13.8 ~~Description of ongoing response actions or actions that have been taken at or adjacent to the property;~~

3.3.13.9 ~~An evaluation of the environmental suitability of the property for an intended lease or deed transaction, if known, including the basis for the determination of such suitability; and~~

3.3.13.10 ~~Reference to key documents examined (for example, aerial photographs, spill incident reports, investigation results).~~

3.3.13 environmental condition of property (ECP) report, n—the written record of an ECP; see Appendix X5 for a recommended report format.

3.3.13.1 Discussion—

The *ECP report* is the documentation for the *Standard Classification* in accordance with [D5746](#).

3.3.14 *environmental condition of property area type—type, n*—any of the seven *standard environmental condition of property area types* defined in [D5746](#)the, *Standard Classification of Environmental Condition of Property Area Types*. Types (see [Appendix X1](#)).

3.3.15 *environmental condition of property map—map, n*—a map, prepared on the basis of all *environmental investigation* information conducted to date, that shows the environmental condition of a DoD installation’s or federal agency’s *real property* in terms of the seven *standard environmental condition of property area types* as defined in the *standard classification: classification*[D5746](#).

3.3.16 *environmental investigation—investigation, n*—any investigation intended to determine the nature and extent of environmental contamination or to determine the environmental condition of *property* at a ~~BRAC installation. Environmental investigations may~~DoD installation or other federally-owned *include, property*.but are not limited to, environmental site assessments, preliminary assessments, site inspections, remedial investigations, EBSs, RCRA facility assessments, and RCRA facility investigations.

3.3.16.1 Discussion—

Environmental investigations may include, but are not limited to, environmental site assessments, *preliminary assessments (PAs)*, site inspections, remedial investigations, *ECPs*, RCRA facility assessments, and RCRA facility investigations. The results of some *environmental investigations* can be found in *SEMS*.

3.3.17 *environmental professional—professional, n*—a person possessing sufficient training and experience necessary to conduct an *EBSECP* including all activities related to this practice, and from the information and data gathered by such activities, having the ability to develop conclusions regarding environmental condition of *property* and *recognized environmental conditions* in connection with the *property* being evaluated. ~~An individual’s status as an environmental professional may be limited to the type of EBS to be performed or to specific steps of the EBS for which the professional is responsible. The person may be an independent contractor of an employee of the Department of Defense or its components.~~

3.3.17.1 Discussion—

This individual may be an employee or independent contractor of the *user*. An individual’s status as an *environmental professional* may be limited to the type of *ECP* to be performed or to specific steps of the *ECP* for which the professional is responsible. The person may be an independent contractor or an employee of the federal government. This definition is different than the definition of an *environmental professional* in the EPA’s All Appropriate Inquiries Rule (40 CFR §312.10).

3.3.18 *fill dirt—dirt, n*—dirt, soil, sand, or other earth, ~~that is obtained off-site, that is earth taken from a different location, that is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property.~~ It does not include material that is used in limited quantities for normal landscaping activities.

3.3.18.1 Discussion—

The potential for *fill dirt* to be contaminated with *hazardous substances* should be considered, and if appropriate, the material should be tested and analyzed for chemicals of concern.

3.3.19 *hazardous substance activity, v*—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.

3.3.19.1 Discussion—

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*.

3.3.20 *innocent landowner defense—defense, n*—that defense to CERCLA liability provided in 42 USC § 9601(35) and 42 USC § 9607(b)(3). One of the requirements to qualify for this defense is that the party make “all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice.” There are additional requirements to qualify for this defense.9607(b)(3) (see also 40 CFR Part 312).

3.3.20.1 Discussion—

One of the requirements to qualify for this defense is that the party make “all appropriate inquiry into the previous ownership and uses of the *property* consistent with good commercial or customary practice.” (see 40 CFR §312).

3.3.21 *installation restoration program (IRP)*—*(IRP), n*—the DoD program, mandated by 10 USC § 24072701-2710 to assess and respond to releases of *hazardous substances* on military *property* under the control of the military services. ~~Additionally, based upon policy decisions, the IRP serves as an umbrella program for environmental response in all media, including RCRA corrective action, LUST corrective action, as well as CERCLA removals and remedial actions. Generally, where field sampling or intrusive environmental testing is required, the IRP will serve as a vehicle for such testing. The IRP is also known as the Defense Environmental Restoration Program.~~

3.3.21.1 *Discussion*—

The IRP is one of two programs established under the Defense Environmental Restoration Program (DERP) to identify, investigate and clean up hazardous substances, pollutants, and contaminants that pose environmental health and safety risks at active military installations and formerly used defense sites (FUDS). In 2001, DoD established the Military Munitions Response Program (MMRP) to address sites, referred to munitions response sites or (MRSs) known or suspected to contain unexploded ordnance, discarded military munitions, or munitions constituents. Through the IRP and MMRP, DoD complies with environmental cleanup laws, such as CERCLA (see 32 CFR 179, Munitions Response Site Prioritization Protocol). The IRP serves as an umbrella program for environmental response in all media, including RCRA corrective action, LUST corrective action, as well as CERCLA removals and remedial actions. Generally, where field sampling or intrusive environmental testing is required, the IRP will serve as a vehicle for such testing (see DoDM 4715.20).

3.3.22 *interviews*—*interviews, n*—sessions with current or former employees involved in operations on the real *property*, conducted to ascertain if *storage, release, treatment, or disposal* of *hazardous substances*, petroleum products or their derivatives occurred or is occurring on the real *property*.

3.3.23 *local government agencies*—*agencies, n*—those agencies of municipal or county government having jurisdiction over the *property*. ~~Municipal and county government agencies include, but are not limited to, cities, parishes, townships, and similar entities. Local government agencies may also include, where appropriate, state agencies with local jurisdiction which perform functions commonly performed in other locations by local government agencies.~~

3.3.23.1 *Discussion*—

Municipal and county government agencies include, but are not limited to, cities, parishes, townships, and similar entities. Local government agencies may also include, where appropriate, state agencies with local jurisdiction which perform functions commonly performed in other locations by local government agencies.

3.3.24 *migration*—*migration, v*—the movement of contaminant(s) away from a source through permeable subsurface media (such as the movement of a ground water plume of contamination), or movement of contaminant(s) by a combination of surficial and subsurface processes; vapor intrusion is an example of migration.

3.3.25 *obviousness*—*obviousness, n*—the condition of being plain or evident. A condition or fact which could not be ignored or overlooked by a reasonable observer while conducting a *records search* or while physically or visually observing the *property* in conjunction with an *EBS/ECP*.

3.3.26 *other historical sources*—*open burning/open detonation, n*—~~any source or sources other than those designated in open detonation 7.2.1–7.2.4 that are credible to a reasonable person and that identify past uses of the property. The term includes, but is not limited to: miscellaneous maps, newspaper archives, and records in the files and/or personal knowledge of the property owner and/or occupants; and open burn operations are used to destroy excess, obsolete, or unserviceable munitions, explosives, propellants, and pyrotechnics.~~

3.3.26.1 *Discussion*—

In open burning, materials such as rocket fuel are destroyed by self-sustained combustion after being ignited. In general, electric initiation systems are preferable because they provide better control. In open detonation, explosives and munitions are destroyed by a detonation of added explosive charges. Historically, these operations occurred at land surface or in pits, (see EPA 1997).

3.3.27 *physical setting sources*—*sources, n*—sources that provide information about the geologic, hydrogeologic, hydrologic, or topographic characteristics of a *property*.

3.3.28 *practically reviewable*—*reviewable, adj*—information that is *practically reviewable* is information provided by the source in a manner and in a form that, upon examination, yields information relevant to the *property* without the need for extraordinary analysis of irrelevant data. ~~The form of the information shall be such that the user can review the records for a limited geographic area. Records that cannot be feasibly retrieved by reference to the location of the property or a geographic area in which the~~

property is located are not generally practically reviewable. Most data bases of public records are practically reviewable if they can be obtained from the source agency by the county, city, zip code, or other geographic area of the facilities listed in the record system. Records that are sorted, filed, organized, or maintained by the source agency only chronologically are not generally practically reviewable. This term has the same meaning as provided in Practice [E1527](#).

3.3.28.1 Discussion—

The form of the information shall be such that the user can review the records for a limited geographic area. Records that cannot be feasibly retrieved by reference to the location of the property or a geographic area in which the property is located are not generally practically reviewable. Most data bases of public records are practically reviewable if they can be obtained from the source agency by the county, city, zip code, or other geographic area of the facilities listed in the record system. Records that are sorted, filed, organized, or maintained by the source agency only chronologically are not generally practically reviewable. This term has the same meaning as provided in Practice [E1527](#).

3.3.29 *preliminary assessment (PA)*—~~(PA)~~, *n*—review of existing information and an off-site reconnaissance, if appropriate to determine if a *release* or potential *release* may require additional investigation or action. A *PA* may include an on-site reconnaissance, if appropriate.

3.3.30 *publicly available*—~~available~~, *adj*—information that is *publicly available* means that the source of the information allows access to the information by anyone upon request.

3.3.31 *reasonably available*—~~ascertainable~~, *n*—information that is ~~(1) publicly available, (2) obtainable from its source within reasonable time and cost constraints, and (3) practically reviewable.~~ This term has the same meaning as the term “reasonably ascertainable” as provided in Practice [E1527](#).

3.3.31 *reasonably obtainable*—information that is (1) publicly available, (2) obtainable from its source within reasonable time and cost constraints, and (3) practically reviewable. This term has the same meaning as the term “reasonably ascertainable” as provided in Practice [E1527](#). Reasonably available and reasonably obtainable are synonyms.

3.3.32 *recognized environmental conditions*—~~conditions~~, *n*—(1) the presence of *hazardous substances* or petroleum products in, on, or at the federally-owned *property* due to a *release* to the environment; (2) the likely presence of *any hazardous substances* or petroleum products on any federal real property in, on or at the federally-owned *underproperty* conditions that indicated due to a *an release* existing release, or likely *arelease* past release, or ato the environment; or *material* (3) threat of the presence of *release of hazardous substances* any hazardous substances or petroleum products into the environment or petroleum products in, on or at the federally-owned *The property* term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include under conditions that pose a material threat of a future *de minimis release* conditions that generally do not present a material risk of harm to public health or the environment to the environment. *and that generally would not be the subject of an enforcement action if these conditions were brought to the attention of appropriate governmental agencies. This term is introduced in Practice [De minimis conditions E1527](#), and is used herein only in conjunction with EBS Steps 1 and 2 (see [6.2](#)), as an intermediate outcome prior to the Step 3 classification of environmental condition of property area types. A Phase I Site Assessment results in recognized environmental conditions, but not environmental condition of property area types.*

3.3.32.1 Discussion—

The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if these conditions were brought to the attention of appropriate governmental agencies. This term is introduced in Practice [E1527](#), and is used herein only in conjunction with ECP Steps 1 and 2 (see [6.2](#)), as an intermediate outcome prior to the Step 3 classification of environmental condition of property area types. A Phase I Environmental Site Assessment results in recognized environmental conditions, but not environmental condition of property area types.

3.3.33 *recorded chain of title documents*—~~documents~~, *n*—this term has the same meaning as *recorded land title records*.

3.3.34 *records search and/or review*—~~review~~, *v*—detailed search and review of available information and records in the possession of the *DoD components*, the federal landholding agency and records made available by the regulatory agencies or other involved federal agencies, including, but not limited to *IRP* studies and analyses, surveys for radioactive materials, *asbestos*, *asbestos-containing materials*, radon, lead-based paint, electrical devices (that is, transformers) containing PCB, RCRA facility assessments Facility Assessments and Investigations to determine what, if any, *hazardous substances* or petroleum products may be present on the *property*. For the purposes of adjacent facilities, a records search includes the review of all reasonably obtainable

federal, state, and local government records for each adjacent facility where there has been a release or likely release of any hazardous substance or any petroleum product, and which is likely to cause or contribute to a release or threatened release of any hazardous substance or any petroleum product on the federal real property.

3.3.34.1 *Discussion—*

For the purposes of *adjoining properties*, a records search includes the review of reasonably obtainable federal, state, and local government records for each adjacent facility where there has been a *release* or likely *release* of any *hazardous substance* or any petroleum product, and which is likely to cause or contribute to a *release* or threatened *release* of any *hazardous substance* or any petroleum product on the federal real *property*.

3.3.35 *release—release, v—as defined in CERCLA §101(22)*, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely *hazardous substance*, or CERCLA *hazardous substance*.

3.3.36 *relevant and appropriate requirements—*those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under federal environmental or State environmental or facility siting laws that, while not “applicable” to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site that their use is well suited to the particular site. Only those state standards that are identified in a timely manner and are more stringent than federal requirements may be relevant and appropriate.

3.3.36 *remedial actions—actions, n—as defined in CERCLA §101(22)*, those actions consistent with a permanent remedy taken instead of, or in addition to, *removal* action in the event of a *release* or threatened *release* of a *hazardous substance* into the environment, to prevent or minimize the *release* of *hazardous substances* so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment.

3.3.37 *removal—removal, v—remove or removal* means the cleanup or *removal* of *released hazardous substances* from the environment; such actions as may be necessary to ~~take~~ taken in the event of the threat of *release* of *hazardous substances* into the environment; such actions as may be necessary to monitor, assess, and evaluate the *release* or the threat of *release* of *hazardous substances*; *substances*; the *disposal* of removed material; or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare of the United States or to the environment, which may otherwise result from a *release* or threat of *release*.

3.3.37.1 *Discussion—*

The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of CERCLA, post-*removal* site control, where appropriate, and any emergency assistance which may be provided under the Disaster Relief Act of 1974.

3.3.38 *required remedial actions—actions, n—remedial actions* determined necessary to comply with the requirements of CERCLA § 120(h)(3)(B)(i).

3.3.38.1 *Discussion—*

“Remedial” means actions consistent with permanent remedy taken instead of, or in addition to, *removal* actions.

3.3.39 *required response actions—actions, n—removal and/or remedial actions* determined necessary to comply with the requirements of CERCLA § CERCLA § 120(h)(3)(B)(i).

3.3.39.1 *Discussion—*

For federal landholding agencies, these actions may include the imposition and maintenance of land use controls as an enforceable clause in the FOSL or FOST.

3.3.40 *significant and significance—significance, adj—in this practice, significant and significance* connote the opposite of trivial or *de minimis*. An event or condition is considered significant if it has the potential to present a nontrivial risk to human health and the environment, using the risk range established by the NCP. A probability is considered significant when an environmental professional estimates the probability as nontrivial. For example, in the hypothetical case of an underground tank that was installed and removed prior to the existence of regulatory requirements for tank closure, the environmental professional must evaluate the possibility of release from the tank in the absence of soil testing results. If such an evaluation, based upon observed site conditions and documented soil corrosivity characteristics were to conclude that the probability of release is trivial or very close to zero, then no soil testing would be undertaken in the absence of a specific regulatory requirement for such testing. On the other hand, there