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Standard Classification of Environmental Condition of Property Area Types, Including Explosives Safety for Federally-Owned Real Property¹

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INTRODUCTION

Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended, requires that federal landholding agencies determine and disclose the environmental classification of real *property* slated for sale, lease, or transfer. The disclosure and classification process developed in the 1990s does not adequately address the rare situations where *property* under the jurisdiction of the Department of Defense, including *formerly used defense sites* (FUDS) and other federal landholding agencies, at which DoD *military munitions* (that is, *unexploded ordnance* [UXO], *discarded military munitions* [DMM]) may remain present on the surface or in the subsurface is transferred to another federal landholding agency, state agency, or non-governmental organization. Additionally, CERCLA §120(h) does not address situations in which commercial explosives (for example, dynamite, fireworks) may have been abandoned or stored pending final disposition on other Federally-owned *property*. To address this deficiency, eight explosive safety classifications have been developed to augment the classification and notification requirements of 40 CFR 373.

1. Scope

1.1 *Purpose*—The purpose of this classification is to define eight *standard environmental condition of property area types* for federally-owned real *property* with respect to the requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 Section 120(h), as amended by the Community Environmental Response Facilitation Act (CERFA) of 1992, and Section 331 of the National Defense Authorization Act for Fiscal Year 1997. As such, this classification is intended to permit a federal landholding agency to classify *property* into eight area types, in order to facilitate and support findings of suitability to transfer (FOSTs), findings of suitability to lease (FOSLs), and uncontaminated parcel determinations pursuant to the requirements of CERFA. *Users of this classification should note that it does not address (except where noted explicitly) requirements for*

appropriate and timely regulatory consultation or concurrence, or both, during the identification and use of these environmental condition of property area types.

1.1.1 *Eight Recognized Standard Environmental Condition of Property Area Types*—The goal of this classification is to permit federal landholding agencies to classify properties in order to support determinations of which properties are suitable and unsuitable for transfer by lease or by deed. The term “*standard environmental condition of property area type*” refers to one of the eight area types defined in this classification. An identification of an area type on an environmental condition of *property* map means that a federal landholding agency federally-owned has conducted sufficient studies to make a determination of the *recognized environmental conditions* of installation real *property* or has complied with the identification requirements of uncontaminated *property* under CERFA, or both, and has categorized the *property* into one of the following eight area types:

1.1.1.1 *Standard Environmental Condition of Property Area Type I*—An area or parcel of real *property* where no release, or *disposal* of hazardous substances or *petroleum products* or their derivatives has occurred (including no *migration* of these substances from *adjoining properties*).

¹ This classification 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.

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