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Los Alamos National Laboratory

UNIVERSITY OF CALIFORNIA



Environmental Restoration Project
MS M992
Los Alamos, New Mexico 87545
505-667-0808/FAX 505-665-4747

Date: April 14, 1998
Refer to: EM/ER:98-120

Mr. Ted Taylor
US Department of Energy
Los Alamos Area Office, MS A316
Los Alamos, NM 87545

**SUBJECT: CERCLA SECTION 120(h)(3) PRELIMINARY REPORT FOR
TRANSFER OF FIRE STATIONS AND TA-21 PARCELS**

Dear Ted:

The purpose of this document is to transmit the referenced preliminary report, as an initial response to your request, dated March 2, 1998. In that letter, you requested that the Environmental Restoration (ER) Project prepare the following items:

1. a report addressing the requirements of CERCLA Section 120(h)(3) for several parcels of land, specifically (a) four fire stations, (b) the local water supply system, and (c) an area at Technical Area (TA) 21 as identified in the 1/23/97 Environmental Assessment entitled, Transfer of the DP Road Tract;
- 2 a report on the extent of contamination, remedial actions taken, and regulatory compliance status at Potential Release Site (PRS) 21-029 (the DP Tank Farm); and
- 3 a scope of work, cost estimate, and proposed schedule for completion of a report addressing the requirements of both CERCLA Section 120(h)(3) and Section 632(d)(1)(A) of Public Law (PL) 105-119, for the nine parcels identified by DOE in accordance with Section 632(b) of PL 105-119.

Since receipt of your request, the ER Project has been actively engaged in compiling information responsive to these requests. We have also been in communication with other affected organizations at Los Alamos National Laboratory, namely the Environment, Safety and Health (ESH) and Facilities, Safeguards, and Security (FSS) Divisions, as well as staff at Johnson Controls Northern New Mexico (JCNNM) and Los Alamos County. As a result of these efforts, it immediately became clear that your requests must be addressed in phases, to ensure that information can be provided to you in the most timely fashion given the complexities and scope associated with some of the requests.

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April 14, 1998

It is also clear that providing some of the information requested may be beyond the current scope, budget, and, possibly, the authority of the ER Project, and clearly will require the infusion of additional resources to the Laboratory, and the assistance of a cooperative partnership involving the participation of a number of Laboratory and non-Laboratory organizations in addition to the ER Project. Therefore, the following information is provided as an initial response to your request.

I. Accomplishment of Short-term Tasks

Based on our initial investigations and the status of available information regarding the parcels in question, information is enclosed responding to your requests 1(a) the fire stations; 1(c) the TA-21/DP Tract; and 2, the DP Tank Farm. Per the guidance provided in CERCLA Section 120(h)(3) and associated regulations, this information was as complete as possible to meet this due date, based mainly on a review of government records, and supplemented by telephone interviews with County employees, as described in Enclosures A (for the fire stations), B (for the TA-21/DP Tract), and C (for the DP Tank Farm), respectively. We are pleased to have been able to provide this response on such a short notice, given the urgency with which the Department of Energy (DOE) wishes to consummate the first of these land transfers.

II. Issues Associated With Longer-Term Tasks

The remaining tasks listed in your March 2, 1998, request are longer-term assignments. Task 3 will require preparation of a detailed scope of work, cost estimate, and proposed schedule, in order to provide DOE a thorough assessment of the information regarding the 9 parcels included in the PL 105-119 Section 632(b) report as recently submitted to DOE-Headquarters. Completion of the investigations following DOE's approval of this scope and the making available of necessary funds may require much of the time allotted (21 months from the date of enactment of PL 105-119). Neither completion of this work nor efforts required to prepare a comprehensive scope and schedule were included in the ER Project's current baseline. Nonetheless, efforts to prepare the requested work scope and cost estimate have begun; further information is provided in Enclosure D.

Furthermore, although the water supply system was not included in the PL 105-119 Section 632(b) report, you identified it in your letter and associated correspondence as a project of very high priority to your office. The system is very complex, involving miles of piping, and a large number of pump stations, wells, and associated equipment, all on land currently in the ownership of several federal agencies and tribes, the County, and private land holders. The Los Alamos Area Office (LAAO) is not yet able to provide the ER Project specific property location information for the system.

It is our understanding that the Corps of Engineers is currently researching this information for DOE. Until these specifics become available, we will be able to make only limited progress in identifying the appropriate ER-related data for the affected lands.

Clearly, however, completion of the required CERCLA and related investigations for the water supply system transfer may be bigger and more complex than the efforts for the 9 PL 105-119 parcels combined; therefore, the ER Project is preparing a detailed scope of work, cost estimate, and proposed schedule, in order to provide DOE a thorough assessment of the information regarding the numerous parcels included in the water supply system transfer. Completion of the investigations, following DOE's approval of this scope and the making available of necessary funds, may require considerable time. We, therefore, believe that LAAO's target completion date of 6/30/98 for the system transfer is, unfortunately, unrealistic. Neither completion of this work nor efforts required to prepare a comprehensive scope and schedule were included in the ER Project's current baseline. Nonetheless, efforts to prepare the requested work scope and cost estimate have begun; further information is provided in Enclosure D.

III. CERCLA 120(h) vs. PL 105-119 Requirements

The 9 parcels included in the PL 105-119 Section 632(b) report as recently submitted to DOE-HQ specifically require reporting by approximately August 18, 1999, of the ER-related information required in PL 105-119 Section 632(d)(1)(A), namely, DOE must "*identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b)...*" Irrespective of this report, however, CERCLA 120(h) requirements (implemented by Environmental Protection Agency regulations at 40 CFR Part 373, and for federal lands, by GSA regulations at 41 CFR 101-47.202-2(b)(10)) apply to all federally owned parcels of real property for which transfer and/or lease is contemplated. The information, which is required to be included in the sales contract, lease, or deed notice, is summarized in exhibit 6-3 from the DOE-HQ guidance (enclosed).

Identifying the information on past hazardous substance storage and releases may be accomplished from ER Project files and projects. However, in those instances where access to and operation of the property is no longer under DOE control (e.g., for the fire stations and areas of the water system), spills, uses or instances of storage of hazardous substances that have occurred since transfer of operation of the parcel will not be in DOE files and will require additional environmental audits and investigations of these parcels to be performed, in order to accurately and completely satisfy the deed and contract notice requirements of CERCLA. Such work is beyond the normal scope of UC activities under its contract, and we need to discuss with you how DOE would like to conduct these efforts.

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IV. Other Environmental Requirements for Property Transfers

PL 105-119 Section 632(d) requires NEPA evaluations in addition to the ER-related evaluations discussed above. Furthermore, under GSA regulations, before property transfers may be completed, in addition to the CERCLA Section 120 requirements, a number of other environmental, occupational health and safety, and other assessments to be performed. These are to culminate in a full Environmental Baseline Survey, NEPA assessment, and OSHA assessment as delineated in the October 1997 DOE-HQ guidance. Environmental evaluations that must be conducted are summarized in Exhibit 14-3, enclosed.

Clearly, many of these are beyond the normal scope and funding of ER Project activities. The ER Project can include these as part of the scopes of work proposed in Enclosure D; however, to perform these surveys comprehensively, we strongly recommend that all future efforts to satisfy DOE environmental requirements for these property transfers be conducted through a coordinated effort linking all organizations having these responsibilities at the Laboratory, namely ESH, Business Operations (BUS), and FSS Divisions, as well as JCNM. The ER Project would be pleased to coordinate this effort on DOE's behalf if so directed, and if resources are made available.

We look forward to discussing these submittals with you at your earliest opportunity. If you have any questions, please call Paul Schumann, our Communications and Outreach Team Leader, at 667-5840.

Sincerely,



Julie A. Canepa, Program Manager
Environmental Restoration Project

JG/PS/rtr

Enclosures: As indicated

Cy (w/encs.)

T. Baca, EM, MS J591

G. Bayhurst, EM/ER, MS E525

J. Fox, ESH-DO, MS K491

T. George, EM/ER, MS M992

J. Huchton, ESH-20, MS M887

T. Ladino, ESH-20, MS M887

J. Laeser, LAAO, MS A316

Mr. Ted Taylor
EM/ER 98-120

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L. Maez, ESH-17, MS J978
D. Martinez, LAAO, MS A316
G. McMath, EM/ER, MS E525
D. Padilla, FSS-8, MS K718
J. Rochelle, LC-GL, MS A187
T. Rust, EM/ER, MS E525
P. Schumann, ESH-19, MS M992
D. Stavert, ESH-17, MS J978
J. White, ESH-19, MS K490
E. Withers, LAAO, MS A316
EM/ER File (CT # C449), MS M992
RPF, MS M707

ENCLOSURE A Fire Stations

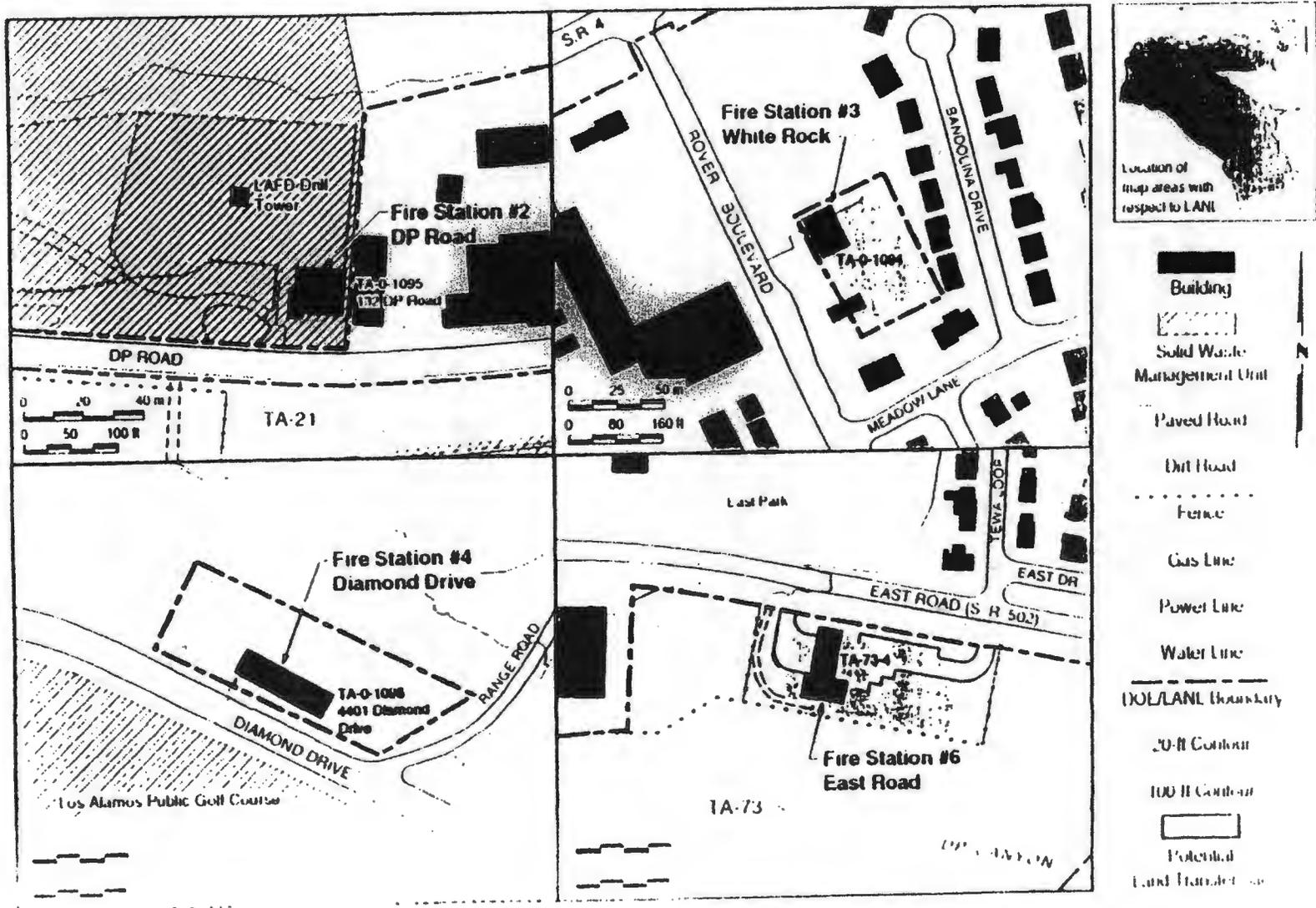
A document search in various work plans and maps indicates no known PRSs within any of the assumed boundaries of land tracts for the four fire stations.

However, Fire Station 4 (the North Community Fire Station) is adjacent to PRS 0-028. A RFI Phase I investigation for PRS 0-028 was performed in April 1996 and a RFI report was submitted to AA on July 1996 (LA-UR 96-2461). This RFI report recommended NFA based on Criterion 4 (the PRS has been characterized and COPCs are not present in concentrations that would pose an unacceptable risk under the most conservative assumption of future residential land use). A NOD was received from AA on February 10, 1997. LANL responded to this NOD on March 24, 1997. The March response in turn received a NOD on October 1, 1997. A response to this NOD was sent October 28, 1997. No further comments have been received from AA on the second NOD.

Fire Station 2 (the DP Road Fire Station) is adjacent to PRS 21-029, the DP Tank Farm (see Enclosure C).

Based on personal communication (see attached memo to file), activities involving the use and disposal of hazardous materials by fire department personnel has not occurred.

Potential Land Transfer—Fire Station Sites (approx. 6.2 acres)



Map prepared by [illegible] on [illegible]

ENCLOSURE B
DP Road Tract

ENCLOSURE B
DP Road Tract

Based on the area shown in the Department of Energy report to Congress (under Public Law 105-119), "A Preliminary Identification of Parcels of Land in Los Alamos, New Mexico for Conveyance or Transfer," there are 9 PRSs in the DP Road tract (0-004, 0-010a, 0-010b, 0-030b, 0-030l, 0-030m, 0-033a, 0-033b and 21-029). PRS 21-029 is the PRS associated with the area known as DP Tank Farm (Enclosure C).

A description and status of each of the eight tracts found within the DP Road tract follows.

1. Tract 0-004

Description: Container storage area used to store solvents.

Status: A Phase I RFI investigation was performed and reported in the RFI report for the 6th Street Warehouses in May 1996 (LA-UR-96-1749). The site was sampled and no contamination was found, consequently this site was recommended for NFA based on Criterion 4 (the PRS has been characterized and COPCs are not present in concentrations that would pose an unacceptable risk under the most conservative assumption of future residential land use). The RFI report was rejected by AA in December 1996.

2. Tract 0-010a

Description: Surface disposal site.

Status: This site was originally listed as a SWMU based on preliminary review of aerial photographs. A subsequent investigation determined that items originally believed to be drums were actually canisters of roofing asphalt and roofing tar. The OU 1071 Work Plan (LA-UR 92-810) requested this site as NFA. After receiving a NOD from AA, LANL responded to the NOD. The request for NFA is under review by AA.

3. Tract 0-010b

Description: Soil disturbance site.

Status: This site was identified in 1946 aerial photographs. The site was investigated and a request for NFA under Criterion 1 (site cannot be found) was made. This request was included in the 6th Street RFI report (LA-UR 96-1749). The RFI report was rejected by AA in December 1996.

4. Tract 0-030b

Description: Septic system/leach field.

Status: This septic system and leach field served the 6th Street Warehouses and portions of TA-1. A Phase I investigation in July 1995 determined that diversion boxes contained radionuclides, organics, and PCBs. A RFI report was submitted in May 1996 (LA-UR 96-1749). The RFI report was rejected by AA in December 1996. However, a VCA was completed in August 1996 to remediate PCBs that were above residential PRGs. The VCA report was submitted to AA in September 1996 (LA-UR 96-2278). A RSI was received by LANL on the VCA report and was responded to in November 1996. The VCA report under is review by AA.

5. Tract 0-030l

Description: Septic tank.

Status: This septic system served the 6th Street Warehouses and initial Phase I investigation was done in July 1995. Metals, radionuclides, PAHs, and pesticides were detected in the tank. PAHs were found to be above PRGs and a VCA was completed in October 1995. The VCA report was submitted in October 1996 (LA-UR 96-2901). The results of the Phase I investigation are presented in the VCA report. LANL received a RSI in September 1997 and responded to it in November 1997. Review by AA is pending.

6. Tract 0-030m

Description: Septic system.

Status: This system served as an incineration building for the 6th Street Warehouses. An initial Phase I investigation was completed in September 1995. Metals, radionuclides, PAHs, and pesticides were detected in the Phase I investigation. Metals, PAHs, and pesticides were found to be above PRGs and a VCA was performed. The VCA was completed in November 1995 and the report was submitted (LA-UR 96-2901). The results of the Phase I investigation are presented the VCA report. LANL received a RSI in September 1997 and responded to it November 1997. Review by AA is pending.

7. Tract 0-033a

Description: Fuel oil UST.

Status: This UST served the 6th Street Warehouses. It was removed following AA regulations regarding USTs in November 1995. The required UST cleanup report was included in a VCA report submitted August 1996 (LA-UR 96-2901). The results of the

Phase I investigation are presented this VCA report. LANL received a RSI and responded to November 1997. Review by AA is pending.

8. Tract 0-033b

Description: Septic system outfall.

Status: This septic system outfall served a road material testing laboratory. The Phase I investigation was completed in August 1995 and indicated that the outfall contained lead and PAHs above PRGs. The RFI report was submitted May 1996 (LA-UR 96-1749). The RFI report was rejected by AA December 1996. However, a VCA was completed in July 1996 and the VCA report submitted September 1996 (LA-UR 96-2278). LANL received a RSI and responded to it in November 1996. Review of the VCA report by AA is pending.

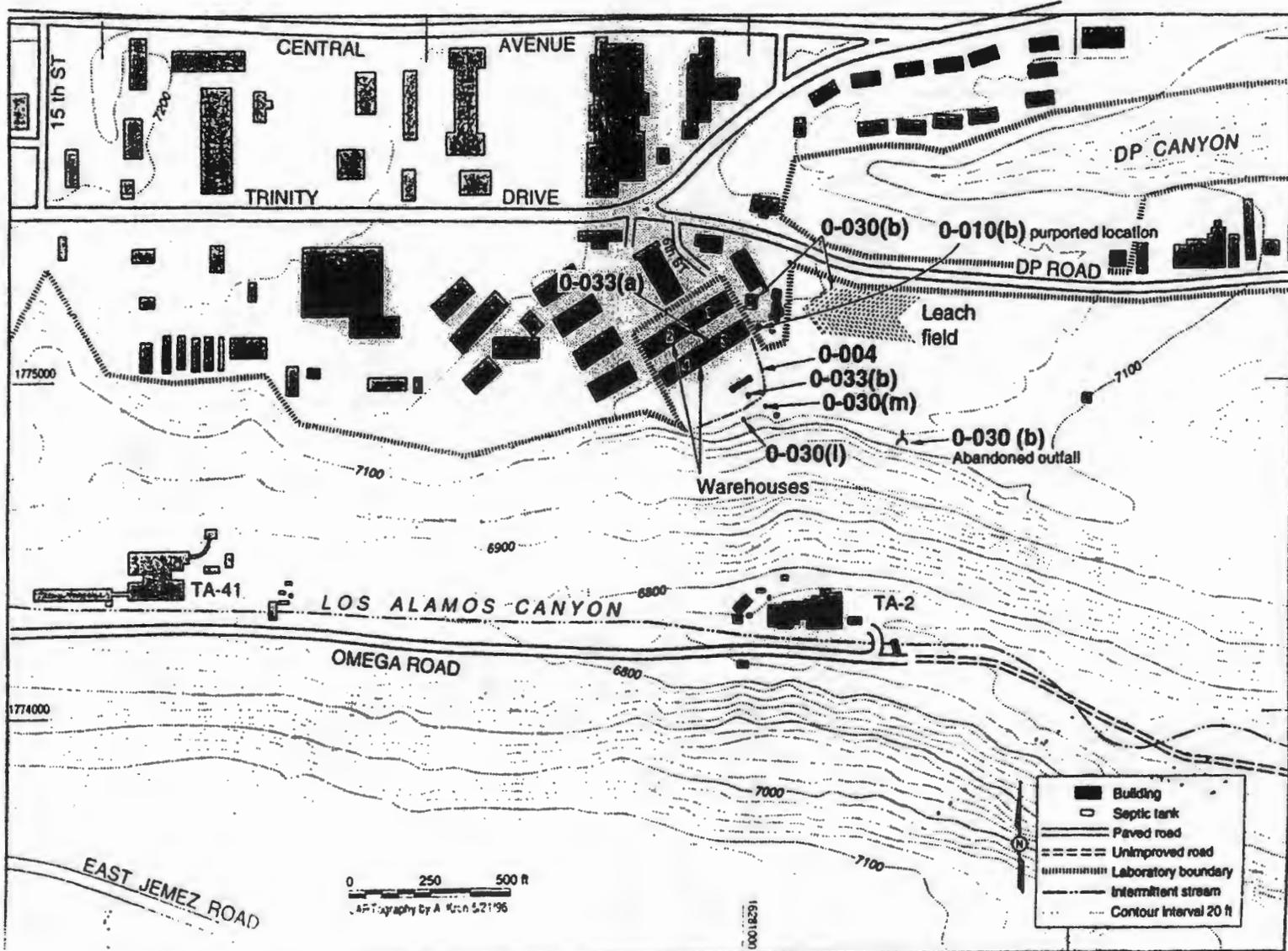


Fig. 1-2 Location of the 6th Street Warehouse area (PRS Group 0-1) in Los Alamos.

May 22, 1996

RFI Report for 6th Street Warehouse

RFI Report

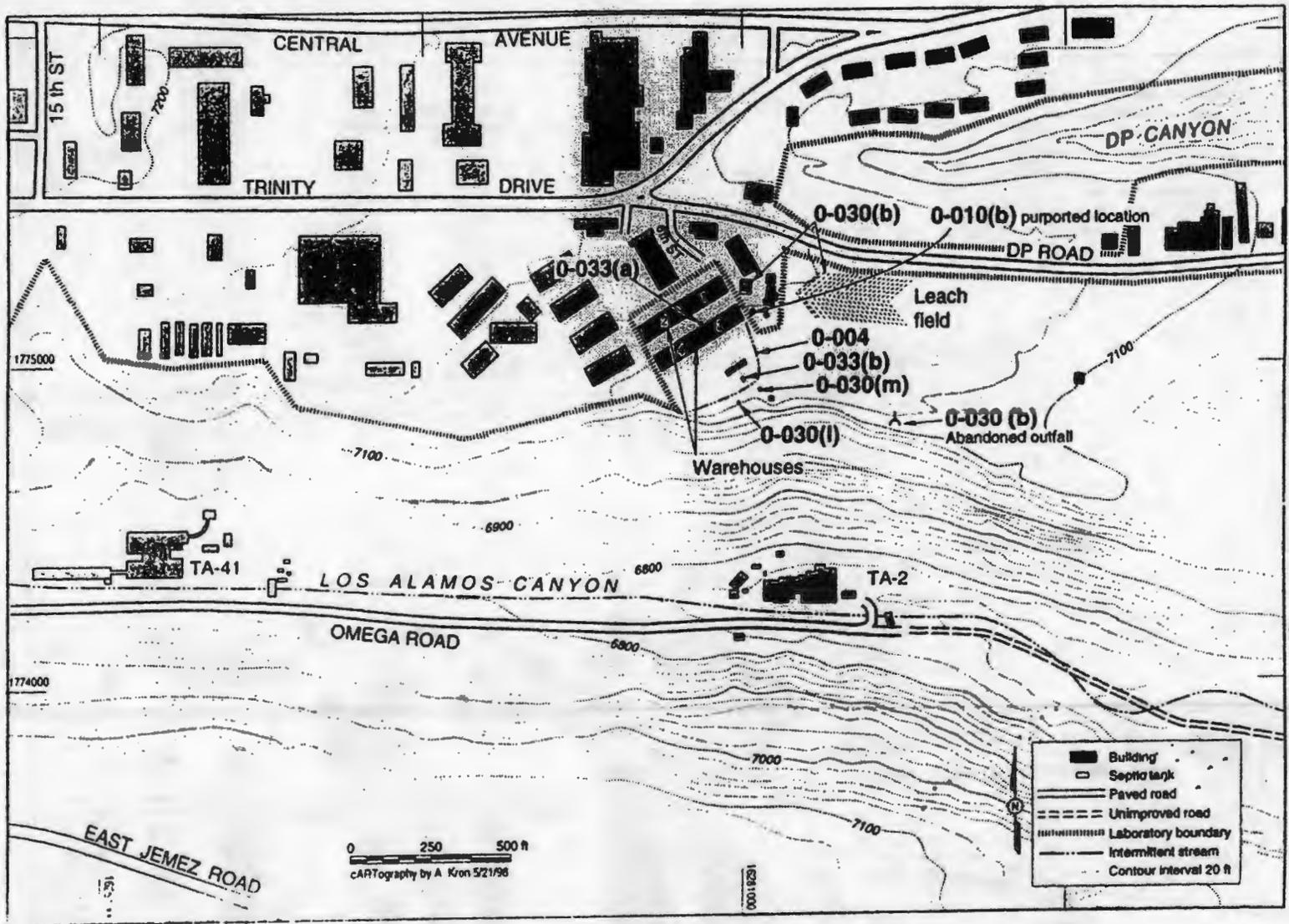


Fig. 1-1-3 Location of the 6th Street warehouse area (PRS Group 0-1) in Los Alamos.

RFI - 000-000-000

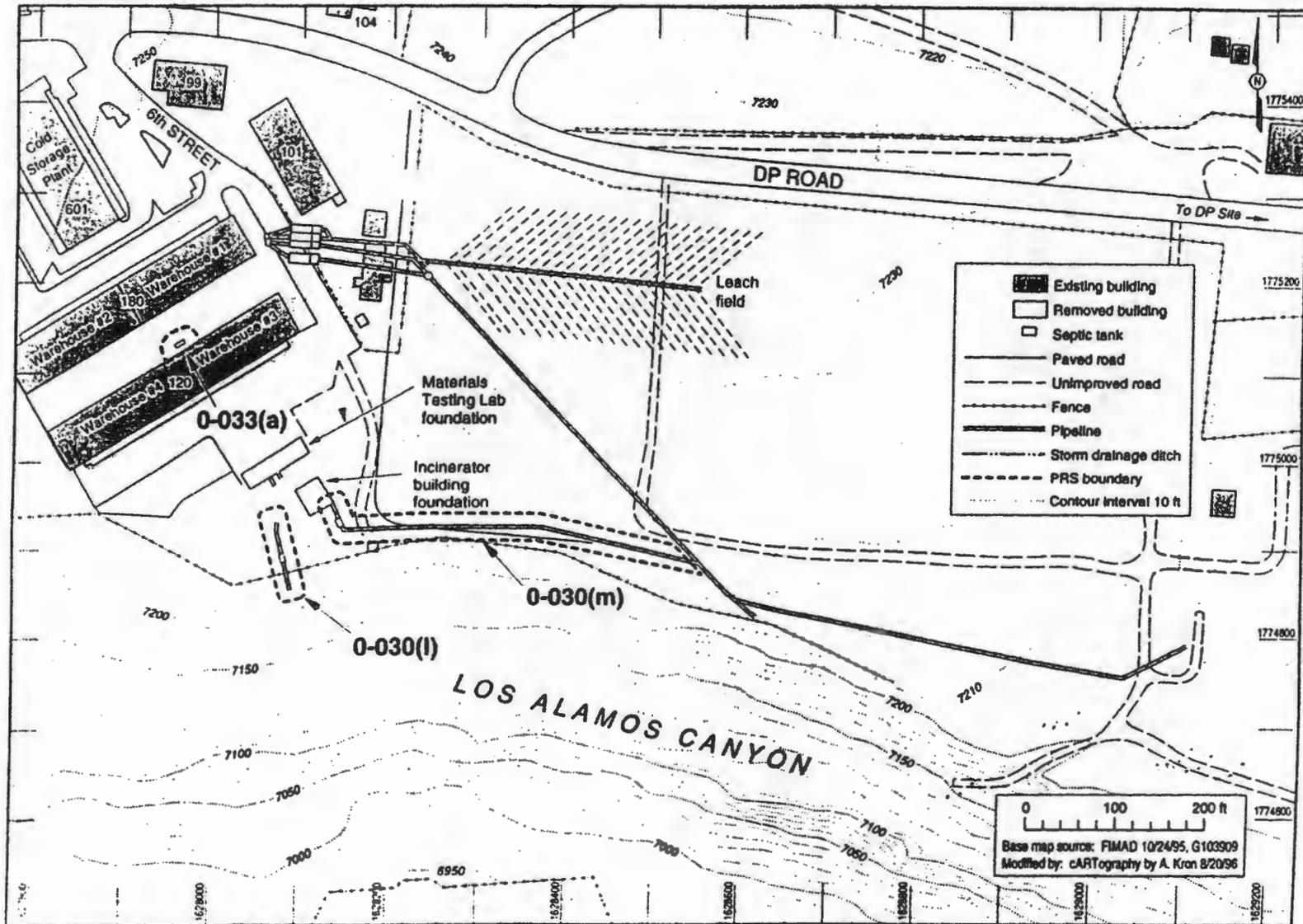


Fig. 1.1-1 PRS areas of investigation at the 6th Street Warehouse area.

ENCLOSURE C
DP Tank Farm (PRS 21-029)

Description: USTs

Status: This site is a former location of 15 USTs and two fill stations. They were used to store petroleum products and ethanol. BTEX and TPH were found in the soil to be above the release criteria under AA UST regulations. The site was originally investigated in 1994 in a RCRA Phase I investigation. A NMED UST investigation was conducted in 1995. A RFI report was submitted in January 1996 (LA-UR 95-3693). The RFI report was rejected by AA in June 1997. However, a VCA was conducted in May 1996 and the site was remediated to a cleanup level of 1000 ppm TPH, 500 ppm for BTEX, and 1 ppm benzene. A VCA report was submitted in July 1996 (LA-UR 96-2408).

In the RFI report concerning PRS 21-029 (LA-UR 95-3693), LANL recommended a NFA under both RCRA and NMED UST regulations. A NFA recommendation was made under RCRA because the site is believed to be regulated by NMED UST regulations and will be closed under that authority by LANL. A NFA recommendation was made under UST regulations because cleanup is required only if elevated petroleum concentrations are present within 50 ft of groundwater or the soil is saturated with petroleum products is present. Neither of these criteria were found at PRS 21-029. The site was remediated to a cleanup level of 1000 ppm for TPH and 500 ppm BTEX, which are the limits above which waste is classified as a New Mexico Special Waste. While the New Mexico Special Waste threshold for benzene is 10 ppm, a cleanup level of 1 ppm was used for benzene to reduce the potential health risk associated with benzene in the subsurface at concentration greater than the SAL of 1.4 ppm. A VCA report concerning 21-029 also recommended post remediation monitoring of surface water annually for two years as well as quarterly visual site inspections to evaluate the possibility of future releases or degradation of water quality in the stream channel direct adjacent to site. The VCA report has received a RSI concerning the details of proposed monitoring. In its response, LANL proposed that a SAP be developed. Final review of the VCA report and RSI is pending.

August 6, 1996

VCA Report for PRS 21-029, DP Tank Farm

VCA Report

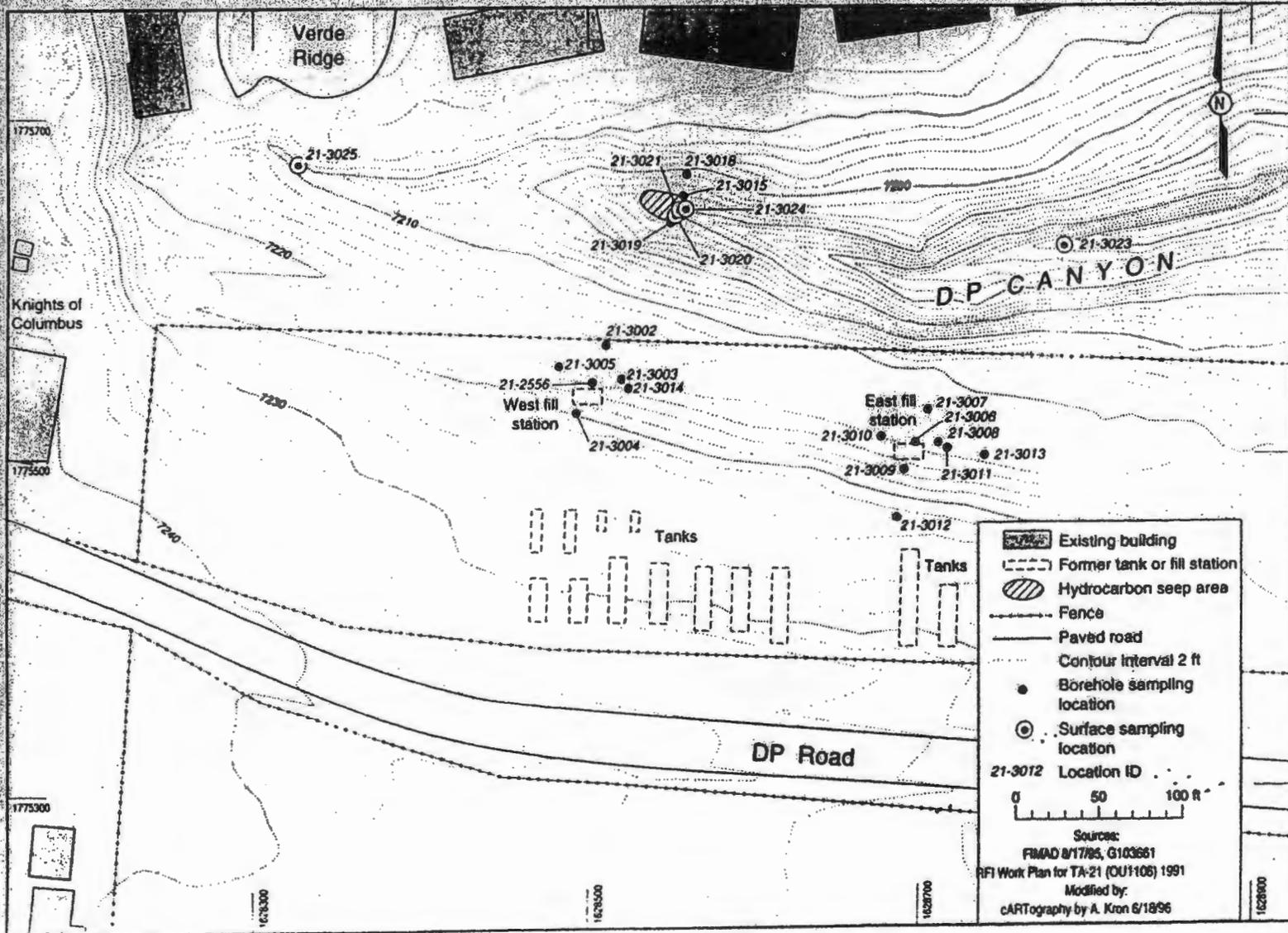


Fig. 2.1-2 Locations of samples collected during the 1995 investigation of DP Tank Farm, PRS 21-029.

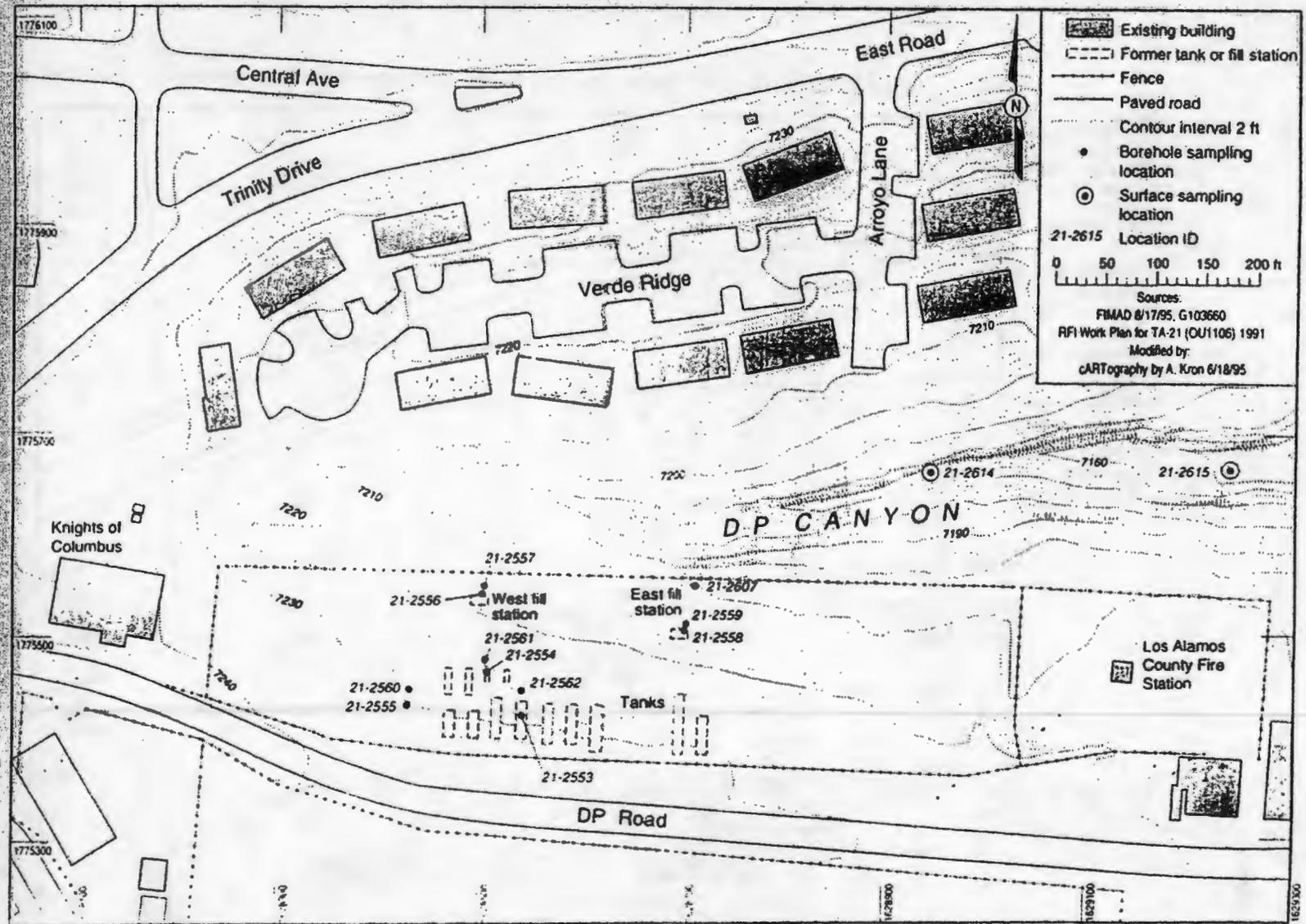


Fig 2 1-1 Locations of samples collected during the 1994 investigation of DP Tank Farm. PRS 21-029.

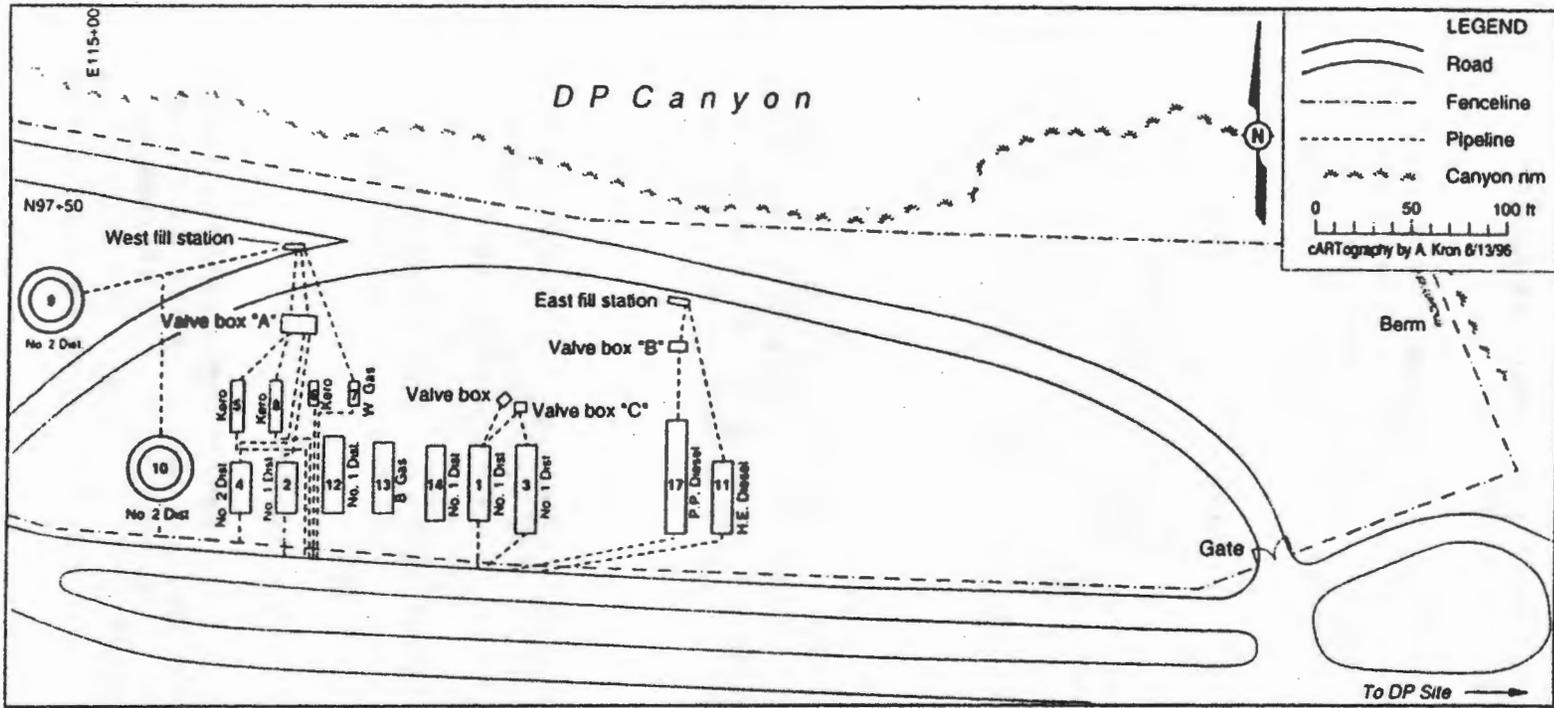


Fig. 1.1-2. Locations of former structures and roads at DP Tank Farm, PRS 21-029.

ENCLOSURE D

REQUIREMENTS TO BE ADDRESSED IN LAND TRANSFER SCOPES OF WORK

DOE intends to execute leases and/or land transfers on a number of parcels in Los Alamos County, some of which are currently operated by DOE or UC, and others have been turned over for County and/or private operation. Some of these are included in the PL 105-119 Section 632(b) report as recently submitted to DOE Headquarters, while others are not.

DOE has requested that the ER Project provide a scope of work, cost estimate, and proposed schedule for completion of a report addressing the requirements of both CERCLA Section 120(h)(3) and Section 632(d)(1)(A) of Public Law (PL) 105-119, for the nine parcels identified by DOE in accordance with Section 632(b) of PL 105-119. In addition, the ER Project believes a similar scope of work, cost estimate, and proposed schedule should be prepared to address the proposed water supply system transfer, due to the comprehensive nature and complexity of the issues involved and the attendant efforts required to address them, as will be described further below.

PL 105-119 Requirements

For the nine parcels specified in the PL 105-119 Section 632(b) report, the law specifically requires reporting by approximately August 18, 1999, of the ER-related information required in PL 105-119 Section 632(d)(1)(A). Namely, DOE *must "identify the environmental restoration or remediation, if any, that is required with respect to each parcel of land identified under subsection (b)."* The format of this report is not specified in the statute.

CERCLA 120(h) Requirements

CERCLA 120(h) requirements (implemented by EPA regulations at 40 CFR Part 373, and for federal lands, by GSA regulations at 41 CFR 101-47 202-2(b)(10)) apply to all federally owned parcels of real property for which transfer and/or lease is contemplated (whether or not they are included in the PL 105-119 list). The CERCLA 120(h) information, which is required to be included in the sales contract or lease, and the information to be placed in the accompanying deed notice, is summarized in exhibit 6-3 from the DOE/HQ guidance (enclosed).

Other Environmental Requirements for Property Transfers

In addition to the CERCLA 120(h) requirements, for any properties being transferred by DOE, the GSA regulations require a number of other environmental, occupational health and safety, and other assessments to be completed. These are to culminate in a full Environmental Baseline Survey, NEPA assessment, and OSHA assessment (as delineated in the October, 1997 DOE/HQ guidance), to satisfy the requirements of the

SF 118 Form, before the property transfers can be completed. Environmental evaluations that must be conducted are summarized in Exhibit 14-3, enclosed. The requirements of the Environmental Baseline Survey are summarized in Exhibit 14-3 from the DOE/HQ guidance, enclosed.

Clearly, many of these are beyond the normal scope and funding of ER Project activities.

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Exhibit 6-3. Comparison of the CERCLA § 120(h)(1), (3), (4) and (5) Requirements

Requirement	CERCLA § 120(h)(1)	CERCLA § 120(h)(3)	CERCLA § 120(h)(4)	CERCLA § 120(h)(5)
Brief Description	Include in the contract for sale or transfer, a notice of the types and quantities of hazardous substances stored \geq 1 year, released, or disposed on the property and the time at which these activities took place.	Report on the deed the types and quantities of hazardous substances stored for \geq 1 year, released, or disposed on the property and the time at which these activities took place.	Identification of uncontaminated parcels of land (i.e., land on which no contaminants were stored \geq 1 year, released, or disposed of).	Notification to States of sites that are being closed and that are encumbered by a lease beyond the closure date and are contaminated (i.e., land on which contaminants were stored \geq 1 year, released, or disposed of).
Contaminants Covered	Hazardous substances as found at 40 CFR 302.4 only.	Hazardous substances as found at 40 CFR 302.4 only.	Hazardous substances or petroleum product or its derivatives.	Hazardous substances or petroleum product or its derivatives.
Threshold Quantities	As specified by 40 CFR Part 373: the greater of 1,000 kg or the RQ for storage of \geq 1 year; the RQ for release or disposal; and 1 kg for acutely hazardous waste.	As specified by 40 CFR Part 373: the greater of 1,000 kg or the RQ for storage of \geq 1 year; the RQ for release or disposal; and 1 kg for acutely hazardous waste.	Not specified; the same thresholds specified by § 120(h)(1) & (3) are suggested. Also see § 6.3.3.	Not specified; the same thresholds specified by § 120(h)(1) & (3) are suggested. Also see § 6.3.3.
Information Source	Departmental files only; however, it is a best management practice to follow the most stringent data gathering requirements (found at § 120(h)(4)).	Departmental files only; however, it is a best management practice to follow the most stringent data gathering requirements (found at § 120(h)(4)).	Reasonably obtainable Federal, State, and local government records and other sources (interviews, physical inspection, sampling, and aerial photographs).	Not specified; however, it is a best management practice to follow the most stringent data gathering requirements (§ 120(h)(4)).
Types of Real Property Transfers Covered	All real property transfers regardless of whether ownership changes, including transfers between Federal agencies.	All real property transfers in which ownership changes, and transfers between Federal agencies.	Not specified.	Leases of real property and operations thereon.

Exhibit 14-3. Summary of How to Fulfill Environmental Requirements

Environmental Subject Area	Type of Real Property Transfer	
	Leases	Change in Ownership
Floodplain/Wetlands	Conduct a floodplains/wetlands determination and assessment. Include the determination and assessment in an environmental assessment (EA) or environmental impact statement (EIS) if either is required. A real property transfer with an adverse effect on a floodplain or wetland will require an EA as a minimum. If an EIS is not prepared, there must be a public notification and review/comment period. If floodplains are affected, a statement of findings must be published. In the conveyance (lease, deed, etc.), reference those uses that are restricted under identified Federal, state, or local floodplain/wetland regulations and attach other restrictions, as appropriate.	
Natural Resources	Determine if there are any (1) listed or proposed species, (2) listed or proposed critical habitats, or (3) environments of migratory birds. If so, informally consult with U.S. Fish and Wildlife Service (and state counterpart agency). Any adverse effect on an environmentally-sensitive natural resource requires an environmental assessment as the minimum level for a NEPA review. Inform prospective lessee or new owner that a biological assessment may be required for all listed species before any major construction activity may begin.	
Cultural Resources (historic buildings)	Consult with Advisory Council on Historic Preservation.	Apply the Section 106 process. Consult with the State Historic Preservation Officer and, if necessary, Advisory Council on Historic Preservation. A Memorandum of Understanding may be necessary. An adverse effect requires an EA as a minimum.
Cultural Resources (sacred sites)	Consult with potentially affected Native Americans. A real property transfer with an adverse effect requires an EA as a minimum.	
Socioeconomics (Native traditional subsistence use areas)	Evaluate impact on environmental justice.	
Socioeconomics (other than Native Americans)	Evaluate impact on environmental justice. Conduct a cost-benefit analysis (if required by a NEPA review) Prepare a Human Resource Plan (see § 5.4.2)	

**Exhibit 14-3. Summary of How to Fulfill Environmental Requirements
(Continued)**

Environmental Subject Area	Type of Real Property Transfer	
	Leases	Change in Ownership
Hazardous Substances, Hazardous Waste, and Petroleum Products	Notify the appropriate State official(s) of any lease of DOE real property on which hazardous substances have been stored beyond one year, disposed of, or released if the lease encumbers the property beyond the date of termination of operations on the property. Make the notification before entering into the lease and include information on the length of the lease, name of the lessee(s), and the uses allowed by the lease.	(1) Enter on the sale contract and deed the types and quantities of hazardous substances stored, released, or disposed of on the property in excess of specified thresholds, and (2) add on only the deed the covenant statement.
Underground Storage Tanks	Enter on the lease the types and quantities of hazardous substances stored, released, or disposed of on the property in excess of specified thresholds.	(1) Enter on the sale contract and deed the types and quantities of hazardous substances stored in USTs, released from USTs, or disposed of on the property in excess of specified thresholds, and (2) add on only the deed the covenant statement.
Radioactive Substances and Contamination	Same as above. Furthermore, residual radioactive material must not exceed the generic guidelines in Exhibit 8-1.	Conduct a radiological survey. Residual radioactive material must not exceed generic guidelines in Exhibit 8-1. (1) Enter on the sale contract and deed the types and quantities of radioactive substances stored, released, or disposed of on the property in excess of specified thresholds, and (2) add on only the deed the covenant statement.

**Exhibit 14-3. Summary of How to Fulfill Environmental Requirements
(Continued)**

Environmental Subject Area	Type of Real Property Transfer	
	Leases	Change in Ownership
Polychlorinated Biphenyls	<p>Notify the appropriate State official(s) of any lease of DOE real property on which hazardous substances or petroleum products have been stored beyond one year, disposed of, or released if the lease encumbers the property beyond the date of termination of operations on the property. Make the notification before entering into the lease and include information on the length of the lease, name of the lessee(s), and the uses allowed by the lease.</p> <p>Conduct an inspection to ascertain the status of compliance of PCBs and PCB Articles with 40 CFR Part 761. Bring into compliance any situations found to be out of compliance.</p> <p>Enter on the lease the types and quantities of PCBs stored, released, or disposed of on the real property in excess of specified thresholds.</p> <p>As a best management practice, notify tenants and lessees of locations of PCB Articles (transformers, capacitors, switchgear, etc.)</p>	<p>Conduct an inspection to ascertain the status of compliance of PCBs and PCB Articles with 40 CFR Part 761. Bring into compliance any situations found to be out of compliance.</p> <p>(1) Enter on the sale contract and deed the types and quantities of PCBs stored, released, or disposed of on the real property in excess of specified thresholds, and (2) add on only the deed the covenant statement</p>
Asbestos	<p>Enter on the lease the types and quantities of friable asbestos stored, released, or disposed of on the property in excess of specified thresholds.</p> <p>As a best management practice, notify tenants and lessees of locations asbestos-containing materials. If available, provide a copy of the asbestos operations and maintenance plan</p>	<p>Conduct an inspection to ascertain the status of compliance of PCBs and PCB Articles with 40 CFR Part 761. Bring into compliance any situations found to be out of compliance.</p> <p>(1) Enter on the sale contract and deed the types and quantities of PCBs stored, released, or disposed of on the real property in excess of specified thresholds, and (2) add on only the deed the covenant statement</p>

**Exhibit 14-3. Summary of How to Fulfill Environmental Requirements
(Continued)**

Environmental Subject Area	Type of Real Property Transfer	
	Leases	Change in Ownership
Clean Air Act, Clean Water Act, RCRA, SWDA Permits	Notify the regulatory authority concerning transfer of environmental permits. Generally such permits are not transferrable without modification or revocation and reissuance of the permit. The regulatory authority asks for (1) evidence that the new owner/operator is able to meet certain criteria, such as responsibilities for financial liability, and (2) a written agreement (with specific date of transfer of responsibility, coverage, and liability) between DOE and new owner or operator.	
NEPA Review	Determine if use of the property changes. Real property transfers with use unchanged are generally CXs. Real property transfers with use changed but having similar environmental impacts can qualify for CXs. Real property transfers with use changed to that of habitat preservation and wildlife management also qualify for CXs. Otherwise, conduct an environmental assessment.	