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Subject

H-2000-01 Pre-Acquisition Environmental Site Assessment (PUBLIC)

1. Explanation of Materials Transmitted: This Handbook has been revised to provide policy direction and describe procedures to implement requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), (42 U.S.C. § 9601 *et seq.*), 40 CFR part 312 - Innocent Landowners, Standards for Conducting All Appropriate Inquiries (40 CFR part 312), and the policy and other provisions of 602 Departmental Manual Chapter 2 (602 DM 2). All acquisitions of real property, whether discretionary or nondiscretionary, will require an Environmental Site Assessment prior to acquisition.
2. Reports Required: None.
3. Materials Superseded: This release supersedes H-2101-4, *Pre-Acquisition Environmental Site Assessments*, released in 2000.

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4. Filing Instructions: File as directed below.

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All of H-2000-01
(Total 85 sheets)

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**PRE-ACQUISITION ENVIRONMENTAL SITE
ASSESSMENTS**



Waltherville, Oregon

BLM MANUAL HANDBOOK H-2000-01

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Table of Contents

Chapter I - Introduction.....	5
A. Policy Implementation	5
B. Manual Section and Handbook Supplements	6
C. Objectives.....	6
D. CERCLA and Real Property Acquisition	6
E. Liability under CERCLA	8
F. Agency Responsibility	8
G. Other Laws and Real Property Acquisition.....	9
Chapter II - Pre-Acquisition ESA Process Overview	11
A. All Appropriate Inquiries	11
B. ESA Process Strategy	11
C. Pre-Acquisition Environmental Site Assessment Levels of Analysis	12
D. Level of Analysis Summary Table	
E. Multiple Parcel Acquisitions	14
F. Qualifications for Employees who Complete ESAs.....	15
G. Petroleum Products	15
H. Solid Waste Issues.....	16
I. Physical Hazards	16
J. Non-Scope Issues	16
K. Policy Statements	17
Chapter III – Pre-Acquisition Liability Survey	19
A. Significance and Use	19
B. Who May Conduct and Review	19
C. Contents of the Pre-Acquisition Liability Survey	20
D. Results of the All Appropriate Inquiries	21
E. Timing/Updating a Completed Report	
F. Approval Authority	22
G. Example	22
Chapter IV - Phase I Environmental Site Assessment	23
A. Significance and Use	23
B. Who May Conduct and Review	23
C. Timing	
D. Approval Authority	24
E. Solid Waste, Physical Hazards, and Non-Scope Issues.....	24
F. Phase I Report Outline	24
Chapter V - Beyond Phase I.....	31
A. Introduction	31
B. Regulatory Requirements	31
C. Release Reporting	31
D. Role of the Regulator	32
E. Role of the BLM	32
F. Site Investigation.....	32
G. Site Cleanup	33
H. Consultation with the Solicitor.....	33
I. Approvals and Funding Requirements	33
J. Summary	33

Chapter VI - Use of a Consultant for ESAs..... 35

A. Introduction35

B. Contracting Action35

Appendices..... 37

Appendix 1. Blank PALS Forms38

 Instructions for Completion of Required Documentation for a Pre-Acquisition
 Liability Survey (PALS)38

 Cover Sheet45

 All Appropriate Inquires (AAI) Results48

 Worksheet No. 1 – Records51

 Worksheet No. 2 – Questionnaire for interview54

 Worksheet No. 3 – Visual Inspection of the Property and Adjoining Properties66

 Worksheet No. 4 – Solid Waste, Physical hazards, and Non-Scope Issues86

Appendix 2. Example of completed PALS.....87

Appendix 3. Sample Update150

Appendix 4. Sample Statement of Work (SOW) for a contracted Pre-Acquisition Phase I ESA.....152

Glossary 159

Bibliography 169

Chapter I - Introduction

A. Policy Implementation

This guidance provides an Environmental Site Assessment (ESA) process to implement requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), (42 United States Code (U.S.C. § 9601 et seq.), 40 Code of Federal Regulations (CFR) part 312 – Innocent Landowners, Standards for Conducting All Appropriate Inquiries (40 CFR part 312), policy and other provisions of 602 Departmental Manual Chapter 2 (602 DM 2), and guidance from the Department’s Office of Environmental Policy and Compliance (OEPC-I) on Pre-Acquisition Environmental Assessment Guidance for Federal Land Transactions.



The requirements of CERCLA, 40 CFR part 312, 602 DM 2, and this guidance apply to any Bureau of Land Management (BLM) proposed acquisition of real property or an interest in real property to which environmental liability can attach. All acquisitions of real property, whether discretionary or nondiscretionary, will require an ESA prior to acquisition by the BLM unless determined, with the concurrence of the Office of the Solicitor that no environmental liability will attach to the acquisition of the real property. This includes real property acquisitions as well as transfers of real property between Department of the Interior (DOI) bureaus and other departments and agencies of the United States. An ESA will also be required for withdrawn public domain lands returning to BLM jurisdiction.

Approval consistent with 602 DM 2, and with the concurrence of the Office of the Solicitor, is required for all real property acquisitions that may require hazardous substance, petroleum product, or other environmental cleanup; or that may result in liability risk, including remediation and other known and reasonably estimated costs associated with the acquisition.

The focus of this handbook guidance is the Pre-Acquisition Liability Survey (PALS) and the Phase I ESA process. The information provided on the Phase II and III processes is limited to an overview in the event that Recognized Environmental Conditions (REC) are identified and remediation is pursued.

A glossary explaining terms used in this handbook and references used to prepare this handbook can be found at the end of the handbook.

B. Manual Section and Handbook Supplements

Supplements to manuals and handbooks may be issued by the state office, district office, or field office to meet specific needs to implement local programs or enlarge upon BLM manuals and contain instructions applicable to local situations or operations. Supplements must not conflict with the BLM manual and must follow format requirements and standards in BLM Manual 1221 (Directives).

C. Objectives

This handbook provides ESA guidance for use by the BLM. Emphasis is placed on CERCLA, 40 CFR part 312, 602 DM 2, (OEPC-I) guidance on Pre-Acquisition Environmental Assessment Guidance for Federal Land Transactions, and BLM policy and procedures.

Specifically, the ESA will:

- Evaluate the potential environmental liability associated with an acquisition.
- Require the Authorized Officer to consider the potential liability in making an acquisition decision.
- Estimate the cost of remediation and ensure that appropriated funds are not used without required approvals.
- Provide documentation to enable the BLM to assert one of the CERCLA Landowner Liability Protections (LLPs) by completing all appropriate inquiries.
- Provide information to Congress through DOI on risks and liability associated with proposed acquisitions.

D. CERCLA and Real Property Acquisition

CERCLA was enacted in 1980 and established broad Federal authority to respond to releases or threats of releases of hazardous substances. Key provisions of CERCLA include:

- Established broad Federal authority to respond to releases or threats of releases of hazardous substances.
- Required the development of a National Contingency Plan (NCP) to establish procedures and standards for responding to releases of hazardous substances.
- Required development of a ranking system to prioritize waste sites for evaluation and cleanup.
- Promulgated regulations to assess damages for injury to natural resources.
- Required Federal agencies to provide information and certain warranties concerning the presence of hazardous substances to purchasers of Federal lands.
- Established categories of potentially responsible parties and set forth liability for response costs and natural resource damages.

CERCLA was amended in 1986 by the Superfund Amendments and Reauthorization Act (SARA). Key provisions of SARA include:

- Required establishment of State Emergency Response Commissions (SERC) and emergency planning districts.
- Required development of local emergency response plans.
- Required reporting of hazardous chemical inventories.
- Required completion of toxic chemical release reports.

CERCLA was again amended in January of 2002 by the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law).

Key provisions of the Brownfields Law include:

- Provided liability relief for small businesses and prospective purchasers of brownfield properties.
- Exempted from liability, households or businesses that employ less than 100 workers and that dispose of only municipal solid wastes at a site listed on the Environmental Protection Agency (EPA) National Priority List (NPL).
- Defined further the scope of the innocent landowner liability exemption by imposing more specific requirements on innocent landowners.
- Required EPA to promulgate regulations to specify steps that must be taken to meet the requirements of due diligence.
- Provided a liability exemption for owners of property to which contamination that has migrated from offsite provided certain conditions are met.

On November 1, 2005, the U.S. EPA promulgated regulations at 40 CFR part 312 – Innocent Landowners, Standards for Conducting All Appropriate Inquiries. 40 CFR part 312 established specific regulatory requirements and standards for conducting All Appropriate Inquiries (AAI) into the previous ownership and uses of a property for the purposes of meeting the all appropriate inquiries provisions necessary to qualify for certain LLPs under CERCLA. The LLPs include innocent landowners, bona fide prospective purchasers, and contiguous property owners. Prospective purchasers who do not conduct AAI prior to obtaining ownership may lose their ability to claim protection from CERCLA liability.

To qualify for any of the LLPs, the AAI must be conducted by an Environmental Professional (EP). EPA's rule, at 40 CFR 312.10 specifies the education, training and experience requirements for EPs. However, the EPA rule also allows for individuals not meeting the definition of an EP to contribute to and participate in the AAI if such individuals are conducting inquiries under the supervision or responsible charge of an individual that meets the regulatory definition of an EP. Individuals working under the responsible charge of an EP are called, for the purpose of this handbook, Assistant Environmental Professionals (AEP).

40 CFR part 312 states that American Society for Testing Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (E1527-05) or (E2247-08) for Forestland and Rural Properties (greater than 120 acres) are both considered consistent with the statutory criteria for AAI and may be used for conducting AAI.

E. Liability under CERCLA

Any person who qualifies as a Potentially Responsible Party (PRP) may be held liable for the response actions incurred by another party. CERCLA provides for private party cost-recovery actions, in addition to government enforcement actions. The BLM's liability exposure likely arises from private party actions, not in actions initiated by EPA or another agency. These costs may include, but are not limited to, the costs for investigations, site monitoring, sampling, and contractor time and equipment. A PRP, as defined in CERCLA Section 107(a), is any "person" who may be held liable for the costs of cleaning up hazardous substances released into the environment. A "person" includes individuals, corporations, partnerships, municipalities, and state or Federal agencies that is a(n):

- *Current Owner/Operator* – A person who currently owns the land or operates the facility where hazardous substances have come to be located, regardless of whether the activity has occurred during the current owner/operator's involvement at the site.
- *Past Owner/Operator* – A person who owned or operated the land or facility at the time hazardous substances were disposed of, provided the disposal occurred during that person's ownership or operation.
- *Arranger/Generator* - A person who arranged for disposal or treatment of the hazardous substance at the site.
- *Transporter* - A person who accepted hazardous substances for transport to a disposal or treatment facility.

Liability under CERCLA is strict, which means liability may be imposed regardless of fault; and joint and several, which means any one PRP can be solely responsible for all costs of cleanup, unless the PRP can show that the harm can be divided among parties. In addition, the PRP is also liable for activities that occurred prior to the enactment of CERCLA in 1980. PRPs may assert defenses to liability which can include acts of God, war, or a third party.

F. Agency Responsibility

It is the responsibility of the BLM to comply with all requirements of CERCLA and 40 CFR part 312 as part of the acquisition process.

Agency liability under CERCLA may arise from failure to follow the process for "all appropriate inquiries" and other legal requirements to satisfy any of the LLPs defenses to CERCLA. Failure to follow the process may void the innocent landowner defense even if the ESA does not identify hazardous substances or petroleum product contamination. If the

process is followed, the BLM can be exempt from CERCLA cleanup liability even though the site is severely contaminated. Even if the BLM can claim the protection of one of the LLPs to CERCLA liability, the BLM may nevertheless still have a stewardship obligation to address the harm. Thus, the significance of an ESA is not only to protect against CERCLA liability, but to protect the government from acquiring contaminated land that will need subsequent cleanup, regardless of any liability that may be imposed under CERCLA. It is this latter risk, in fact, that is probably the most important reason that the BLM must conduct ESAs.

G. Other Laws and Real Property Acquisition

Other Federal environmental laws may also impose liability on the United States. The Resource Conservation and Recovery Act (RCRA), for example regulates both solid waste and hazardous waste. RCRA regulations seek to manage hazardous wastes from “cradle to grave,” that is, from the point of generation to ultimate disposal. RCRA regulates generators of hazardous wastes and storage/disposal of hazardous wastes. Records are available for facilities that generate, store, treat, or dispose of hazardous wastes. RCRA provides for state oversight and implementation resulting in records being available through both Federal and state sources.

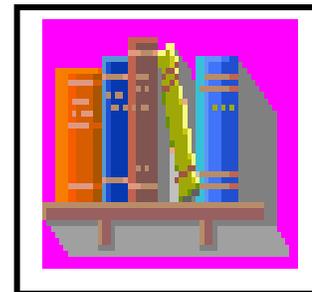
Other environmental laws that may impact ESAs include the Clean Water Act (CWA), CERCLA 120(h), the Occupational Safety and Health Act (OSHA), the Oil Pollution Act of 1990 (OPA), the Safe Drinking Water Act (SDWA), the Toxic Substances Control Act (TSCA), and several others. In addition, each state may have passed laws and regulations that may impact ESAs.

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Chapter II - Pre-Acquisition ESA Process Overview

A. All Appropriate Inquiries

The AAI requirements of 40 CFR part 312 are applicable to any party, including the BLM, who may potentially claim protection from CERCLA liability as an innocent landowner, a bona fide prospective purchaser, or a contiguous property owner. These three defenses to CERCLA liability are referred to as LLPs.



The BLM will ensure that it has conducted an adequate ESA so that it can invoke the protections of the LLPs. In nearly all cases, the BLM will seek the innocent landowner defense. The regulatory requirements for meeting the bona fide prospective purchaser and contiguous property owner defense are generally associated with contaminated property.

Parties seeking LLPs must use 40 CFR part 312 and either ASTM Standard E1527-05, or ASTM Standard E2247-08 for Forestland and Rural Properties (greater than 120 acres), or the most recent edition of either standard. Specifically, 40 CFR part 312 requires an investigation to identify conditions indicative of releases and threatened releases of hazardous substances on, at, in, or to the subject property. ASTM Standards E1527 or E2247-08 describe an investigation that includes both hazardous substances and petroleum products defined as RECs.

Even if a party complies with AAI contained in 40 CFR part 312 and either ASTM Standard E1527 or E2247-08, BLM must, as a matter of policy, supplement its ESA to consider such issues as solid waste, physical hazards, and other non-scope issues that could affect the subject property.

It is BLM policy that all acquisitions, regardless of complexity, will be completed to allow the BLM to qualify for protection from CERCLA liability by qualifying for one of the LLPs.

B. ESA Process Strategy

ESAs often can be developed concurrently with an Environmental Assessment (EA) and other reports required in a lands transaction rather than as separate actions. Information gathered for these documents can be expanded beyond their scope to include those elements needed to satisfy the requirements of the ESA. The intent is to avoid duplication by referencing or combining information where possible in the most efficient manner while complying with relevant laws.

Both office and field work should, where possible, employ a team approach. The ESA must be certified by that member of the group who has the required qualifications.

If additional expertise is required, assistance should be requested from a BLM specialist who has the training and experience necessary to assist in completing the assessment. The assistance of an employee authorized for site entry should be secured if the site is suspected to be hazardous and site entry is necessary to complete an assessment. Assistance can also be requested from the National Science and Technology Center (NSTC) in Denver, technical support contractors, and other agencies.

The ESA process is a critical step that can affect the entire acquisition or exchange process. It is, therefore, important that BLM management either approve the finding or choose alternatives within the scope of their authority. Authorized officers also need to understand both the environmental risks and liabilities involved. For this reason, authorized officers must document their reasons if they choose a course of action that deviates from the technical report recommendation.

In some cases, it is appropriate to designate the current landowner or exchange proponent as responsible for providing the ESA. This should be discussed in the early stages of the proposed acquisition and agreement reached as to who will be responsible for which aspects of the ESA. EPA rules allow a purchaser to rely on an ESA prepared by another person, provided the ESA otherwise complies with EPA rules for the preparation and conduct of an ESA. As a matter of practice, however, it is recommended that BLM conduct the ESA or contract for the ESA so that it is in the best position to assert, on its behalf, one of the LLPs to CERCLA liability. If the current landowner is permitted to conduct the ESA, BLM should ensure that the landowner demonstrates, to BLM's satisfaction, that it will conduct an ESA in full compliance with this handbook and EPA regulations. If there is known or suspected contamination from hazardous substances or petroleum products on property proposed for acquisition, the current landowner will generally be required to provide the Phase II Investigation and, if needed, the Phase III Cleanup, subject to regulatory agency and BLM oversight. Deviation from these procedures must be documented. DM 602 2 provides approval authorities for cleanup costs when the cleanup costs are to be borne by the BLM.

Either the BLM or the landowner may choose to use a private consultant to perform some or all of the assessment. Consultants who prepare the assessment are to be an EP or under the responsible charge of an EP. All assessments must meet the standards and the requirements of this handbook. They must be reviewed and approved by qualified BLM personnel. Before approving the use of consultants, the BLM will review their qualifications and work samples to ensure that they have demonstrated the appropriate knowledge and experience to prepare a report that will meet BLM requirements.

C. Pre-Acquisition Environmental Site Assessment Levels of Analysis

As previously discussed, the BLM will seek to qualify for protection from CERCLA liability by qualifying for one of the LLPs on all acquisitions, regardless of complexity. This will be accomplished by using four levels of analyses that comprise the ESA process. Each succeeding level performed further reduces the uncertainties in the

evaluation process. The appropriate level at which to begin the process may vary depending on the circumstances.

The first level of analysis consists of a **Pre-Acquisition Liability Survey (PALS)**. It is a screening level evaluation to determine whether a Phase I ESA will be needed. A PALS is used when the likelihood of contamination is low because there is little possibility that human intrusion may have resulted in hazardous substances and/or petroleum products affecting the subject property. There is no requirement that a PALS be completed prior to initiation of a Phase I ESA.

This level of analysis will use 40 CFR part 312 as a basis for the analysis with the addition of petroleum products, solid waste, physical hazards, non-scope, or other issues affecting the use of the property not included in any other realty action associated with the acquisition.

The second level of analysis is the **Phase I ESA**. If the PALS, past uses or other evidence indicates there is a potential for contamination or RECs being present onsite, a Phase I ESA will be performed. This level of analysis will use 40 CFR part 312 and either the ASTM E1527 or ASTM E2247-08 Standard, either of which 40 CFR part 312 acknowledges may be used to meet the AAI Standards. The Phase I assessment will also identify solid waste, physical hazards, non-scope, or other issues affecting the use of the property not included in any other realty action associated with the acquisition.

The third level of analysis is the **Phase II Site Investigation**. If significant potential for contamination from hazardous substances or petroleum products is identified on the site, and proper approvals are obtained, a site investigation will be performed. During this phase, samples will be taken from the site and analyzed to determine the nature and extent of the contamination. This level of analysis will use the most current edition of ASTM Standard E 1903 Standard guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process. The BLM EP will exercise independent judgment to complete this process.

The fourth level of analysis is the **Phase III Cleanup**. If the Phase II investigation indicates that hazardous substances or petroleum products are present above regulatory levels, or in concentrations that could affect human health or the environment, a cleanup action can be undertaken only after proper approvals have been obtained. A Phase III involves full site characterization and cleanup.

There are multiple requirements for completion of a cleanup action to include, but not limited to, 40 CFR, EPA Guidance Document SW 846, state requirements, and others. The BLM EP will exercise independent judgment to complete this process.

D. Level of Analysis Summary Table

The following table summarizes the Levels of Analysis:

Figure II-1 Levels of Analysis			
Level of Analysis	Objective	Selection Criteria	Process Development
PALS Chapter III	Determine if a Phase I ESA is necessary	<ul style="list-style-type: none"> ▪ Interest in land or title to land ▪ Likelihood of contamination is low ▪ Little possibility for human intrusion that could result in hazardous substances or petroleum products being present 	40 CFR part 312
Phase I ESA Chapter IV	Identify RECs in connection with the property	<ul style="list-style-type: none"> ▪ Interest in land or title to land ▪ Known or suspected REC identified on the property 	40 CFR part 312, ASTM E1527 or E2247-08
Phase II Chapter V	Identify the nature and extent of the contamination on the property	<ul style="list-style-type: none"> ▪ Interest in land or title to land ▪ Verify findings of Phase I ▪ Intrusive study of soil and groundwater 	ASTM E 1903
Phase III Chapter V	Site characterization and cleanup	<ul style="list-style-type: none"> ▪ Interest in land or title to land ▪ Fully characterize the vertical and lateral extent of contamination ▪ Identify and implement the most appropriate cleanup activities 	40 CFR, EPA Guidance SW 846, state requirements

E. Multiple Parcel Acquisitions

Multiple-parcel acquisitions may be completed and documented in a single report.

Information that is parcel-specific must be described separately. For example, each parcel must be listed in the description of real estate and site reconnaissance.

Information that is generic and applies to all parcels need not be described separately. For example, if record searches do not reveal any evidence of environmental issues on any of the parcels, it is appropriate to consolidate the parcels into a single descriptive sentence/paragraph/section.

This process also provides for a mechanism to eliminate specific parcels from a proposed acquisition if environmental issues are discovered on a parcel.

F. Qualifications for Employees who Complete ESAs

ESAs will typically be conducted using a team approach with those individuals possessing qualifications and experience suitable for a particular area or property type or familiarity with the kinds of concerns that will be evaluated. One person typically will not possess all the experience required to prepare the ESA; therefore, a team approach will be more common.

Tasks associated with an ESA must be completed by the EP or by an AEP under the responsible charge of the EP. Responsible charge does not require the EP to be the direct supervisor of the individual or the AEP. However, the EP must provide direct oversight and direction for the ESA as well as control over the scope, performance, and ultimate quality of the work performed to complete the ESA. Responsible charge under the EP refers to the degree of direct control an EP must maintain over the ESA decisions made personally or by others over which the EP exercises supervisory and/or control authority for the ESA.

The AEP may assist the EP in completion of portions of the PALS and Phase I as determined by the EP. An AEP will be required to complete Hazardous Waste Operations and Emergency Response (HAZWOPER) First Responder Awareness Level Training and complete the annual refresher. In addition, the AEP must have completed the most current National Training Center (NTC) Course for AEPs, or other training based on the current acquisition and disposal handbooks. There is no experience requirement for a beginning AEP.

An EP must satisfy the training, education, and experience requirements prescribed for an EP at 40 C.F.R. 312.10. The EP must review tasks associated with an ESA and determine if the property is suitable or not suitable for acquisition. The EP who makes this final determination must be a BLM employee. If the ESA is prepared by an EP who is a contractor; a BLM EP will make a final concurring determination if the property is suitable or not suitable for acquisition.

The approving official/authorized officer who signs a Pre-Acquisition ESA document is the BLM's authorized officer who has delegated authority to approve the decision on the proposed action. That same individual is also responsible for ensuring that employees completing ESAs meet the requirements of AEP and/or EP.

G. Petroleum Product

CERCLA liability covers releases and potential releases of hazardous substances. Petroleum products are specifically excluded from the definition of hazardous substances under CERCLA section 101(14). However, ASTM E1527 specifically includes petroleum products in the investigation requirements as a REC. In addition, other laws require the cleanup of releases or spills of petroleum products. These authorities include the RCRA, OPA, CWA, and applicable state and local laws and regulations. It is BLM policy that all ESAs will include an inquiry into the presence of petroleum products.

H. Solid Waste Issues

The primary purpose of this process is to identify environmental conditions that can impose liability on BLM and also establish a baseline of the property condition at time of acquisition. Solid wastes can be household garbage, tires, appliances, dead animals, abandoned automobiles, and similar items. Illegal dumpsites containing solid waste may also contain household hazardous waste such as asbestos, chemicals and paints, automotive fluids, and commercial or industrial products in violation of RCRA. Solid wastes are regulated under Federal, state, and local laws. It will be necessary to determine the exact definition of solid wastes at your location.

Authorized solid waste uses will be identified and documented as part of the records search.

Unauthorized solid waste dump sites must be identified on lands proposed for acquisition. Negotiations can be made with the property owner to determine who will complete the removal of the solid wastes. Solid wastes should be removed prior to acquisition. It is BLM policy that locations of sites must be identified on site maps, a detailed description be provided, and photo documentation be included in the ESA report.

I. Physical Hazards

Physical hazards must be identified during the site reconnaissance. Physical hazards are human-caused situations such as mine shafts, high walls, unsafe bridges, unsafe primitive roads, or similar features where the potential exists for injury or death to visitors on the lands after acquisition is completed. Identification may require the assistance of safety officers, engineers, or others familiar with the type of physical hazards on the property. The BLM may be required to notify the landowner and negotiate mitigation of the hazard prior to acceptance of title to the property. It is BLM policy that locations of sites should be identified on site maps, a detailed description be provided, and photo documentation be included in the ESA report.

J. Non-Scope Issues

40 CFR part 312 states AAI can be met by identifying only hazardous substances. CERCLA excludes petroleum products from its definition of hazardous substances and thus parties may claim the protection of the LLPs without considering the presence of petroleum products on the property. Nevertheless, the presence of petroleum products can impose liability on BLM under other laws, or BLM may be required to remediate petroleum on the property as part of its stewardship responsibility to protect public health and the environment. For this reason, ASTM Standard E1527 and E2247-08 include both hazardous substances and petroleum products in the definition of RECs. In some cases, other non-scope issues may need to be identified during the ESA process. Examples include asbestos containing materials, radon, lead based paint, drinking water systems, health and safety issues, and several others. It is BLM policy that non-scope issues be identified and investigated as part of the ESA process prior to acquisition.

K. Policy Statements

Chapter II has provided several BLM Policy Statements to implement the regulatory requirements of CERCLA and 40 CFR part 312. These requirements are summarized in the following table:

Figure II-2 BLM Policy Requirements		
Application	Policy Statement: “It is BLM Policy”	Handbook Reference
All Appropriate Inquiries	- that all acquisitions, regardless of complexity, will be completed to allow the BLM to qualify for protection from CERCLA liability by qualifying for one of the LLPs.	Chapter II Paragraph A
Petroleum Products	- that all ESAs will include an inquiry into the presence of petroleum products.	Chapter II Paragraph G
Solid Waste Issues	- that locations of sites should be identified on site maps, a detailed description provided, and photo documentation included in the ESA report.	Chapter II Paragraph H
Physical Hazards	- that locations of sites should be identified on site maps, a detailed description provided, and photo documentation included in the ESA report.	Chapter II Paragraph I
Non-Scope Issues	- that non-scope issues be identified and investigated as part of the ESA process prior to acquisition.	Chapter II Paragraph J

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Chapter III – Pre-Acquisition Liability Survey

A. Significance and Use

The Pre-Acquisition Liability Survey (PALS) is a simplified process that may be used only when there is a low risk or little possibility that a property has been impacted by hazardous substances and/or petroleum products. The investigation will be conducted pursuant to 40 CFR part 312 to complete AAI and allow the BLM to qualify for one of the CERCLA LLPs. In addition, the PALS will address petroleum products, solid waste, physical hazards, and non-scope issues as discussed in Chapter II.



The PALS may only be used, regardless of the interest to be acquired, where there is no apparent human intrusion on the property that could have resulted in contamination on the property.

B. Who May Conduct and Review

The PALS may be conducted by a BLM employee who meets the requirements of an EP as defined in 40 CFR part 312. An AEP may contribute and participate in the all appropriate inquiries on the condition that such individuals are conducting such activities under the responsible charge of the EP as discussed in Chapter II, Paragraph F. The EP will supervise completion of the ESA and will complete Portions of Items 1 and All of Items 7 and 10 in Figure 1. The EP will include the information in the report described in Paragraph III-D of this handbook.

A consultant meeting the qualifications of an EP as defined in 40 CFR part 312 may conduct a PALS as discussed in Chapter VI of this handbook. A qualified consultant may be contracted by the BLM, the landowner or a third party. Whenever a consultant is used, the BLM EP will coordinate all activities associated with the contract and will prepare the BLM documentation to accept the contractor report(s) and prepare recommendations.

The consultant will complete All Appropriate Inquiries Results and Worksheets No. 1 – 4. The BLM EP will complete Section 3: AAI Conclusions of the Cover Sheet. The BLM EP will add a statement above the signature block summarizing the work completed by the consultant. Suggested wording for the statement is as follows:

(Name of Consultant) completed PALS ESA on (date). I have reviewed all documentation associated with this acquisition provided as attachments identified on the cover sheet. Work completed by (Name of Consultant) is acceptable and I concur with the conclusion.

C. Contents of the Pre-Acquisition Liability Survey

The PALS consists of the following actions: (Instructions and Documents for completing the PALS documentation noted in Figure III-1 are provided in Appendix 1.)

Figure III-1 Action Reference Table for the PALS		
Action/Reference	Responsibility	Document
1. Cover Sheet - <i>BLM Policy</i>	RS/AEP/EP/AO	Cover Sheet
2. The results of an inquiry by an environmental professional. <i>40 CFR part 312.21</i>	EP	AAI Results
3. Interviews with past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination at the facility. <i>40 CFR part 312.23</i>	EP/AEP	WS No. 2
4. Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records, to determine previous uses and occupancies of the real property from the time it was first developed. <i>40 CFR part 312.24</i>	EP/AEP	WS No. 1
5. Searches for recorded environmental cleanup liens against the facility that are filed under Federal, state or local laws. <i>40 CFR part 312.25</i>	EP/AEP	WS No. 1
6. Reviews of Federal, state, and local government records, waste disposal records, underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records concerning contamination at or near the facility. <i>40 CFR part 312.26</i>	EP/AEP	WS No. 1
7. Visual inspections of the facility and of adjoining properties. <i>40 CFR part 312.27</i>	EP/AEP	WS No. 3
8. Specialized knowledge or experience on the part of the defendant. <i>40 CFR part 312.28</i>	EP	AAI Results
9. The relationship of the purchase price to the value of the property, if the property was not contaminated. <i>40 CFR part 312.29</i>	Not Applicable	
10. Commonly known or reasonable ascertainable information about the property. <i>40 CFR part 312.30</i>	EP/AEP	AAI Results
11. The degree of obviousness of the presence of contamination at the property and the ability to detect the contamination by appropriate investigation. <i>40 CFR part 312.31</i>	EP	AAI Results
12. Interviews, records searches, and site reconnaissance to determine if the property has been subject to petroleum contamination. <i>BLM Policy</i>	EP/AEP	WS #1,2,3
13. Solid waste issues, physical hazards, and non-scope issues. <i>BLM Policy</i>	Appropriate specialists selected by the AEP/EP	WS #4

RS=Realty Specialist **AEP**=Assistant Environmental Professional **EP**=Environmental Professional **AO**=Authorized Officer **WS**=Worksheet

D. Results of the All Appropriate Inquiries

As part of the PALS, the EP must provide the following:

1. An opinion as to whether the inquiry has identified conditions indicative of releases or threatened releases of hazardous substances or petroleum products.
2. An identification of data gaps in the information developed as part of the inquiry that affect the ability of the EP to identify conditions indicative of releases or threatened releases of hazardous substances or petroleum products.
3. The qualifications of the EP.
4. Place the statements listed in 40 CFR part 312.21(d) in the written documents.
5. Address solid waste, physical hazards, or non-scope issues that may impact the property.

The report must conclude one of the following:

1. This Pre-Acquisition Liability Survey has revealed no evidence of hazardous substances, petroleum products, or environmental conditions on this real property. No further inquiry is needed for purposes of all appropriate inquiries; therefore, this property is suitable for acquisition.
2. This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, this property is not suitable for acquisition.
3. This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, a Phase I Environmental Site Assessment is recommended.
4. This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, only the following portions are suitable for acquisition: (describe). The following portions are not suitable for acquisition and will be excluded: (describe).

E. Timing/Updating a Completed Report

In accordance with 40 CFR 312.20, most elements of the AAI (interviews with owners/operators, searches for recorded cleanup liens, reviews of Federal, tribal, state and local government records, and a visual inspection of the property) must be conducted or updated within **180 days** of and prior to the date of acquisition of the subject property.

The effective date for updating the PALS will be based on the date the ESA was approved by the authorized officer.

The update process will be as determined by the EP. The update report may be a document stating all work previously completed has been reviewed, including updated interviews with owners/operators, searches for recorded cleanup liens, reviews of Federal, tribal, state and local government records, and a visual inspection of the property, and no changes were noted. If changes were detected, the EP would address those changes and if appropriate prepare a new ESA report.

F. Approval Authority

Refer to BLM Manual 1203 – Delegation of Authority; Subject Function Classification Code Reference 1703 to determine the delegated approval/signature level for the proposed action. Also refer to specific state guidance for delegation of authority in manual supplements.

G. Example

An example of a blank PALS is provided in Appendix 1 and includes the following:

- Instructions for completing the PALS documentation (7 pages)
- Coversheet (3 pages)
- All Appropriate Inquiries Results (3 pages)
- Worksheet 1: Records Search. Review maps, photos, and records (3 pages)
- Worksheet 2: Questionnaire for Interview (12 pages).
- Worksheet 3: Visual Inspection of the Property and of Adjoining Property (20 pages)
- Worksheet 4: Solid Waste, Physical Hazards, and Non-Scope Issues (1 page)

An example of a completed PALS is provided in Appendix 2, and an example of an update is provided in Appendix 3.

Chapter IV - Phase I Environmental Site Assessment

A. Significance and Use

The purpose of the Phase I ESA is to complete AAIs into the previous ownership and use of a property for the purposes of qualifying for any of the Landowner Liability Protections under CERCLA. The ESA will be conducted to meet all requirements found at 40 CFR part 312 by utilization of ASTM Standard 1527-05, or ASTM Standard E2247-08 for Forestland and Rural Properties (greater than 120 acres), or the current edition published by ASTM accepted by EPA as complying with the AAI requirements of 40 CFR part 312.

A Phase I ESA will be completed whenever there is a potential that there are RECs associated with the property.

A Phase I ESA consists of four components:

- Records Review
- Site Reconnaissance
- Interviews
- Report

B. Who May Conduct and Review

The Phase I ESA may be conducted by a BLM employee who meets the requirements of an EP as defined in 40 CFR part 312. An AEP may contribute and participate in the all appropriate inquiries if such activities are conducted under the responsible charge of the EP as discussed in Chapter II, Paragraph F.

A consultant meeting the qualifications of an EP as defined in 40 CFR part 312 may conduct a Phase I ESA as discussed in Chapter VI of this handbook. Whenever a consultant is used, the BLM EP will coordinate all activities associated with the contract and will prepare the BLM documentation to accept the contractor report(s) and prepare recommendations. The EP will be responsible for the completion of all work leading to recommendations and acceptance or non-acceptance of the subject property for acquisition. A qualified consultant may be contracted by the BLM or a proponent. A sample Statement of Work (SOW) for a Pre-Acquisition Phase I Environmental Site Assessment contract is provided in Appendix 4.



C. Timing

In accordance with 40 CFR part 312.20, AAI most elements of the Phase I must be conducted or updated within **180 days** of and prior to the date of acquisition of the subject property.

The effective date for updating the Phase I ESA will be based on the date the ESA was approved by the authorized officer.

The update process will be determined by the EP.

D. Approval Authority

Refer to BLM Manual 1203 – Delegation of Authority; Subject Function Classification Code Reference 1703 to determine the delegated approval/signature level for the proposed action. Also refer to specific state guidance for delegation of authority in manual supplements.

E. Solid Waste, Physical Hazards, and Non-Scope Issues

Chapter II, Paragraphs H, I, and J discuss these issues and must be addressed in the final report even though they are not a requirement of 40 CFR part 312 or ASTM Standard E1527.

F. Phase I Report Outline

The Phase I outline is designed for the most complex types of acquisitions. ASTM Standard E1527 provides a recommended table of contents and report format for acquisition of real property and is the recommended format for a Phase I ESA. However, the format must be adapted to comply with BLM policy.

Additional modifications may be made at the discretion of EP provided all required information is contained in the final report. The following outline combines ASTM and BLM requirements.

The ASTM requirements are described in ASTM Standard E1527 and information related to those requirements can be obtained by referring to the Standard. *The BLM requirements with additional explanation are shown in ITALIC TEXT.*

1. Cover Sheet

The cover sheet must include text indicating office, type of report, case number, date, and name of person who prepared the report.

2. Table of Contents

The table of contents will show major sections of the report and include a listing of appendices.

3. Summary

The summary will include the main points of the acquisition action to include a description of the property, the reason for the acquisition, brief synopsis of the findings, conclusions, and presentation of the recommendation(s).

4. Introduction

- Purpose
- Detailed Scope of Services
- Significant Assumptions
- Limitations and Exceptions which may include special conditions for the report
- Special Terms and Conditions that may be considerations or exceptions that are not part of a typical ESA that should be documented
- User Reliance

This section may be modified to meet the specific needs of the acquisition.

5. Site Description

- Location and legal description may be brief and just enough to locate the subject property. If cumbersome, a complete legal description may be placed in the appendix. A map showing the location should also be placed in the appendix
- Site and vicinity general characteristics
- Current use of the property
- Descriptions of structures, roads, other improvements on the site
- Current uses of the adjoining properties

This section may be modified to meet the specific needs of the acquisition.

6. User Provided Information

- Title Records
- Environmental cleanup liens or activity and use limitations
- Specialized knowledge
- Commonly known or reasonably ascertainable information
- Valuation reduction for environmental issues
- Owner, property manager, and occupant information
- Reason for performing Phase I
- Other

This section may be modified to meet the specific needs of the acquisition.

7. Records Review

- Standard environmental record sources
- Additional environmental record sources
- Physical setting source(s)
- Historical use information on the property
- Historical use information on adjoining properties

This section may be modified to meet the specific needs of the acquisition.

8. Site Reconnaissance

- Methodology and limiting conditions
- General site setting
- Exterior observations
- Interior observations
- *Sampling: Sampling is generally associated with a Phase II Site Investigation and should not be conducted during a Phase I. However, limited sampling to identify a small area of suspected soil contamination may appropriate to confirm or negate the presence of the contaminant. Sampling to determine the extent of the contamination should not be done in a Phase I ESA. If BLM funds the sampling and testing, this limited work is defined as costing less than \$10,000 per site while sampling and testing by BLM beyond the \$10,000 amount may require the next level of site investigation. Sampling should be completed by qualified individuals using proper EPA sampling protocols. Sampling will be at the discretion of the EP.*
- *Solid Waste and Physical Hazards: Describe and provide site maps and photographs*

This section may be modified to meet the specific needs of the acquisition.

9. Interviews

- Interview with owner
- Interview with site manager
- Interviews with occupants
- Interviews with local government officials
- Interviews with others

This section may be modified to meet the specific needs of the acquisition.

10. Additional Services/Non-Scope Considerations

The non-scope issues section identifies and discuss issues determined to be beyond the scope of the ASTM Standards but that may impact the use of the property. If subject matter experts are used to assist in these issues, they will be identified and reports provided in the appendices. Issues will include those identified prior to beginning the ESA and those identified during the investigations conducted on the subject property.

11. Findings

The Findings Section summarizes known or suspected environmental conditions, historical recognized environmental conditions, *de minimis* conditions, and other conditions that affect the subject property.

12. Opinions

The report must include the EP's opinion(s) of the impact on the property of known or suspect environmental conditions identified in the findings section.

13. Additional Investigations

The EP must provide an opinion regarding additional investigation, if any, to detect the presence of hazardous substances or petroleum products. *An opinion must also be provided for non-scope issues.*

14. Data Gaps

In the report, the EP will identify and comment on data gaps that affect the ability of the EP to identify RECs and identify the sources of information that were consulted to address the data gaps.

15. Conclusions

The report must include a conclusions section that summarizes all RECs connected with the property and the impact of these RECs on the property. The report must include one of the following statements:

- “We have performed a Phase I ESA Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527 of [insert address or legal description] of the property. Any exceptions to, or deletions from, this practice are described in Section [describe if appropriate] of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.”; OR
- “We have performed a Phase I ESA Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527 of [insert address or legal description] of the property. Any exceptions to, or deletions from, this practice are described in Section [] of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property, except for the following: (list).”

16. Deviations

All deletions and deviations from this practice (if any) must be listed individually and in detail and all additions must be listed.

17. References

Include citations for any reference sources used in the report.

18. Environmental Professional Statement

The report must include the one of the following statements as required by 40 CFR part 312.21(d):

- “[I, We] declare that, to the best of [my, our] professional knowledge and belief, [I, we] meet the definition of Environmental Professional as defined in §312.10 of this part.” OR;
- “[I, We] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. [I, We] have developed and performed the all appropriate inquires in conformance with the standards and practices set forth in 40 CFR part 312.”

19. Results of the All Appropriate Inquiries

Use one of these statements:

- (1) *This Phase I has revealed no evidence of hazardous substances, petroleum products, or environmental conditions on this real property. No further inquiry is needed for purposes of all appropriate inquiries; therefore, this property is suitable for acquisition.*
- (2) *This Phase I has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, this property is not suitable for acquisition.*

- (3) *This Phase I has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, a Phase II Site Investigation is recommended.*
- (4) *This Phase I has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property. Therefore, only the following portions are suitable for acquisition (describe). The following portions are not suitable for acquisition and will be excluded (describe).*

20. Approvals

This section must include the signature of the EP/AEP who prepared the report, the EP recommending the report, and the authorized officer who must approve the report.

If the report is prepared by a consultant, a summary sheet prepared by the BLM must be attached to the consultant report with recommendations and signatures for approvals.

21. Qualifications if Prepared by a Consultant

Include all relevant experience and qualifications if the report is prepared by a consultant.

22. Appendices

- Required Documents: Site map/vicinity maps, landowner contaminant survey, government records and historical sources research, site condition observations, and site photographs are the required minimum documents.
- Other Documents: Include other documents used in the investigation to form the conclusions and recommendations. If the documents are lengthy, consider incorporating them by reference in the report text or only include the applicable portions.

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Chapter V - Beyond Phase I

A. Introduction

If the Phase I ESA identifies known or suspected RECs on the property proposed for acquisition, on adjacent property, or property in the surrounding area that could affect the property proposed for acquisition, a site investigation is required if a decision is made to continue with the realty action.

The nature and amount of suspected contamination will determine the regulatory requirements, involvement of Federal, state, or both regulatory agencies, and other requirements for the site investigation and potential cleanup action to be taken.



Because of the complexity of the situation, if known or suspected contamination is discovered on property proposed for acquisition, the field office/state office hazardous materials specialist or equivalent should be contacted immediately upon discovery. In addition, all work beyond the Phase I would be under the control of the EP.

B. Regulatory Requirements

Federal legislation (CERCLA/SARA) created procedures to identify and cleanup sites contaminated with releases of hazardous substances.

Petroleum product contamination is generally excluded from CERCLA/SARA but is regulated under RCRA, CWA, and OPA. Identification of petroleum product contamination is required by ASTM Standard E1527 or E2247-08 as part of the RECs to be documented.

Most states have a corresponding regulation that adds stricter requirements than those imposed by Federal legislation.

C. Release Reporting

A release of a hazardous substance or a petroleum product exceeding the reportable quantities requires a Notification (Report) to the National Response Center. In addition, each state may have a reporting requirement as well. Generally, the state requirements are stricter or at least different than the Federal requirements.

Reporting under most reporting statutes typically is the responsibility of the landowner of the property where the release occurred or the facility operator. In some cases on property proposed for acquisition, the discovery of a known or suspected release may be identified from the records search or during the site inspection. The hazardous materials specialist and/or EP must be contacted immediately to make a determination if notifications to Federal and state regulators are required.

D. Role of the Regulator

The role of the regulator in any investigative activity varies depending on the complexity of the site. For example, the EPA is usually only involved in the more complex sites. The state regulators are more likely to be involved in the less complex sites.

The level of involvement will be based on the nature of the contamination, the extent of the contamination, the pathway affected, the impact on human health and the environment, and other factors.

E. Role of the BLM

If contamination is discovered on property proposed for acquisition, a decision to proceed or not proceed with the acquisition must be made by the authorized officer. If a decision is made to continue with the acquisition, the primary role of the BLM is to coordinate with the landowner and enter into a written agreement describing what both parties will accept for completion of the acquisition. Coordination with the hazardous materials specialist/EP early in the process is recommended. Coordination with the Office of the Solicitor will be required, particularly where the parties negotiate cost-sharing, remediation, indemnity, or other agreements addressing environmental liabilities.

F. Site Investigation

In general, there are two approaches to a site investigation.

- The most complex is the CERCLA process for sites subject to EPA jurisdiction.
- Sites that do not fall under EPA jurisdiction may fall under state jurisdiction for oversight. Many states have requirements that parallel the Federal requirements.

All investigations must comply with the provisions of the NCP.

G. Site Cleanup

A cleanup action provides a strategy to achieve site-specific and cost effective solutions to accomplish cleanup of contaminated property. The basic objectives of the cleanup are to:

- Fully characterize the vertical and lateral extent of soil and groundwater contamination.
- Identify and evaluate cleanup options.
- Select and implement the most appropriate cleanup activities.
- Comply with the provisions of the NCP.

H. Consultation with the Solicitor

Due to the complex regulatory requirements related to sites with known or suspected contamination, the Solicitor's office must be consulted early in the process and kept involved to ensure that legal requirements are being met.

I. Approvals and Funding Requirements

If known or suspected contamination is discovered on property proposed for acquisition during the Phase I ESA, the landowner or operator should be required to complete all reporting, investigation, and remediation activities at the site, resulting in the regulator issuing a No Further Action Letter. The BLM will normally not accept the property until cleanup has been completed or BLM otherwise receives assurance that the cleanup has been or will be conducted satisfactorily at the site.

Exceptional situations where an acquisition may proceed even though contamination is discovered on a property are described in DM 602 2. Refer to BLM Manual 1203 – Delegation of Authority; Subject Function Classification Code Reference 1703 to determine the delegated approval/signature level for the proposed acquisition in these cases. Also refer to specific state guidance for delegation of authority in manual supplements.

J. Summary

Once contamination is known or suspected to be present on lands proposed for acquisition, the regulatory requirements become very complex. The hazardous materials specialist/EP must be involved, authorized officers informed and appropriate actions started.

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Chapter VI - Use of a Consultant for ESAs

A. Introduction

A qualified consultant who is an Environmental Professional may be used to complete the ESA work under any circumstance but are frequently engaged when:

- Completion is time critical or there is a budget/workload consideration.
- There is known or suspected contamination.
- The Phase I may identify a release that will result in a CERCLA response action by the responsible party/landowner.
- A potential exists for future litigation.



B. Contracting Action

A SOW must be completed for an ESA. Care must be taken when writing the SOW to ensure that the product will produce the information needed for the acquisition action. A simple statement stating that the ESA will be performed in accordance with ASTM Standard E1527 or E2247-08 may not produce the desired results. For example, the ASTM standards do not address solid waste or physical hazard issues. In addition, the ASTM standards do not address non-scope issues which the BLM may want included in the ESA. All requirements of the desired result must be written into the SOW. Any specific requirements related to the property, such as desired completion date, special requirements, location of records, suggested persons to be interviewed, etc., must also be included in the SOW. A sample SOW for a Pre-Acquisition Phase I Environmental Site Assessment contract is provided in Appendix 4.

A government estimate must be prepared based on the SOW. Based on funding availability, adjustments may have to be made to the SOW to allow completion of the work by a contractor. In these cases, the work completed by the BLM must be integrated into the final report related to the property.

Some states, such as California and Nevada, require that contractors who complete ESAs be certified while some do not. The SOW must include requirements for contractor qualifications (state certifications, if applicable) and provide for a bidder to submit references for evaluation so the BLM may determine if the contractor is qualified.

The contract must also provide an opportunity for the BLM to review the contractor's ESA in draft form. It is critical to ensure that the BLM is in agreement with the language used by the contractor and that RECs identified in the report are clearly RECs or identified as possible RECs. The BLM must also review the consultant's report to determine if it meets all requirements specified in the SOW and clearly meets the

requirements of the ASTM Standards. A BLM EP will be involved in the ESA process when consultants are used.

Appendices

1. Blank PALS Forms (with instructions)
 - Instructions for Completion of Required Documentation for a Pre-Acquisition Liability Survey (PALS)
 - Cover Sheet
 - All Appropriate Inquires (AAI) Results
 - Worksheet No. 1 – Records
 - Worksheet No. 2 – Questionnaire for interview
 - Worksheet No. 3 – Visual Inspection of the Property and Adjoining Properties
 - Worksheet No. 4 – Solid Waste, Physical hazards, and Non-Scope Issues
2. Example of completed PALS
3. Sample Update
4. Sample Statement of Work (SOW) for a contracted Pre-Acquisition Phase I ESA

Appendix 1. Blank PALS Forms

Instructions for Completion of Required Documentation for a Pre-Acquisition Liability Survey (PALS)

Introduction.

The land acquisition screening process is required for all proposed real property acquisitions and is used to determine whether there may be any hazardous substances, petroleum products, or other environmental problems on the real property. The purpose of the process is to help ensure that the BLM does not unknowingly acquire contaminated property and also to limit exposure to environmental liability.

Below are the recommended steps for completing the documentation:

Step	Document	Section	By	Submit To
1	Cover Sheet	Section 1 - Property Description	RS	AEP/EP
2	Worksheet 1: Records.	All	AEP/EP	EP
3	Worksheet 2: Questionnaire for Interview.	All	AEP/EP	EP
4	Worksheet 3: Visual Inspection of the Property and of Adjoining Property.	All	AEP/EP	EP
5	Worksheet 4: Solid Waste, Physical Hazards, and Non-Scope Issues.	All	AEP/EP	EP
6	Cover Sheet	Section 2 - Prepared By	AEP/EP	EP
7	AAI Results Worksheet No. 1 Worksheet No. 2 Worksheet No. 3 Worksheet No. 4 Cover Sheet	All All All All All Section 3 – AAI Conclusions	EP	Manager
8	Cover Sheet	Section 4 - Approved By	Authorized Officer	RS

RS=Realty Specialist

AEP=Assistant Environmental Professional

EP=Environmental Professional

Instructions

For Completion of Required Documentation For a Pre-Acquisition Liability Survey (PALS)

The worksheets are intended to assist with completion of the land acquisition screening process. They are useful guides, but are not all inclusive, and are intended to allow the BLM to meet all the requirements for the CERCLA defenses. Not all questions may be applicable for the property. All questions noted as incomplete data gaps, or not applicable, must be documented and reviewed by the EP.

The Realty Specialist (RS), Assistant Environmental Professional (AEP) and Environmental Professional (EP) will work together to complete all work on the proposed acquisition. The EP can exercise independent judgment and discretion to complete all work associated with the acquisition documentation to complete the requirements for the Results of Inquiries by an EP. The EP can also complete all work without the use of an AEP.

Instructions for completing the documentation are provided in the following sections.

Instructions for Completion of the Cover Sheet.

Section 1 - Property Description: This section will be completed by the RS responsible for the acquisition project. This person does not have to be the AEP.

Section 2 - Prepared By: This section will be signed by the AEP when any of the work was performed under the responsible charge of the EP. If all work was performed by the EP, the EP only needs to sign in Section 3.

Section 3 – AAI Conclusions: This section will be completed by the EP who reviewed documentation and completed the AAI Results Form. The EP will provide a conclusion related to the suitability of the property for acquisition. In addition, the EP will make recommendations about solid waste, physical hazards, or non-scope issues that affect the subject property as described on Worksheet No. 4.

Section 4 - Approval: The Authorized Officer with the appropriate Approval Authority as described in BLM Manual 1203 – Delegation of Authority, will sign and approve the PALS. If desired, the office may have multiple approvals as long as the final approval is within the requirements of BLM Manual 1203.

Attachments: The EP will attach all documentation for the acquisition that supports the conclusions as part of the package submitted to the manager for signature.

Instructions

For Completion of Required Documentation For a Pre-Acquisition Liability Survey (PALS)

Instructions for All Appropriate Inquiries (AAI) Results.

General.

This form will be completed and signed only the EP. At the beginning of the AAI for the acquisition project, the EP and AEP will need to decide who will complete Worksheets No. 1 through No. 4. After the work is completed, all worksheets are given to the EP who will review. The EP will use the AAI form to summarize opinions, data gaps, and other information leading to the conclusions.

As part of this process, it is important to understand this is a PALS to be completed on property where there is little likelihood the property has been impacted by hazardous substances and/or petroleum products. At any time in the process, a concern is identified, it must be brought to the attention of the EP who will decide if the PALS is appropriate or a higher level of investigation is needed.

The EP will review completed Worksheets No. 1 through No. 4 to determine if conditions indicative of releases or threatened releases of hazardous substances and/or petroleum products on, at, or to the subject property have occurred.

Section 1: Document Review.

The EP will complete Section 1 by reviewing Worksheet No. 1-4 and listing who prepared each worksheet, title of preparer, and date the each worksheet was completed. The EP will comment on the contents of the worksheets that support the opinions and data gaps described in Section 2 and 3 of this form.

Section 2: Opinions formed by the EP based on document review.

Using information provided on completed Worksheets No. 1-4 and knowledge of the subject property, the EP will offer an opinion if work has identified conditions indicative of releases of hazardous substances and/or petroleum products on, at, or to the subject property. If any have been identified, they must be described.

Section 3: Data Gaps identified by the EP during document review.

Using information provided on completed Worksheets No. 1-4 and knowledge of the subject property, the EP will determine if any data gaps exist that affect the ability of the EP to identify conditions indicative of releases of hazardous substances and/or petroleum products on, at, or to the subject property. If any have been identified, they must be described along with the significance of the data gaps in allowing the EP to form an opinion in Section 2.

Instructions

For Completion of Required Documentation For a Pre-Acquisition Liability Survey (PALS)

Section 4: Additional Comments by EP about the property.

This section can be utilized to make additional comments that in the professional judgment of the EP, may impact the property. Issues identified on Worksheet No. 4 will also be addressed in this section.

Section 5: All Appropriate Inquiries (AAI) Conclusions.

Based on records search, interviews, site visitation, and other inquiries completed on the subject property reviewed by the EP, the EP will then provide a conclusion related to the suitability of the property for acquisition. The EP may provide comments on the conclusions if desired. This conclusion will be carried over to the cover sheet.

Section 6: Qualifications.

The EP signature will constitute meeting the requirements of 40 CFR part 312.2(d).

Instructions for Worksheet No. 1 Records.

General.

Worksheet No. 1 may be completed by the AEP under the responsible charge of the EP. As previously discussed, the AEP and EP will discuss who and how the information on the worksheets is to be obtained and documented.

Records to be reviewed include historical sources, environmental cleanup liens, and Federal, state, tribal, and local government records. It is not the intent of these instructions to provide detailed methods for determining sources of records as they will vary from state to state.

It is important to document all records reviewed to allow the EP to develop opinions, identify data gaps, and provide recommendations.

Part 1: Historical Sources.

As a minimum, the most recent aerial photograph must be reviewed. If the aerial photograph and other research indicate there have never been human-caused environmental impacts on the property, this may be adequate. Aerial photographs must be reviewed until that point in time can be identified.

The RS will provide a preliminary title report which will list the current owner(s) and encumbrances on the property that may indicate current and past uses of the site. The EP will exercise professional judgment concerning and determining the extent of inquiries into the historical sources of information.

Instructions
For Completion of Required Documentation
For a Pre-Acquisition Liability Survey (PALS)

USGS topographic maps can also be utilized to obtain information.

Review of zoning and land use records will also provide information related to past uses on the site.

Other records that provide information include the real property appraisal, newspaper articles, internet sites, and similar sources.

Part 2: Environmental Cleanup Liens.

If a Federal or state regulator has filed any environmental cleanup or activity use limitations on the subject property, these must be listed on the preliminary title report. For isolated properties, this absence of liens and/or limitations on the report will be adequate.

Part 3: Review of Federal, State, Tribal, and local government record.

Records on the worksheet identified as EPA for a source can be accessed via the Federal Environmental Protection Agency website (<http://www.epa.gov/>). The database search is generally done by zip code.

Some State Department of Environmental Quality (DEQ) records are now available online as well. The EP can provide assistance on what records are available and how they can be accessed. Perhaps the easiest way to make the first contact is simply search for the name of the state regulator. For example, a search for DEQ may provide listings for several states that have a DEQ. Once into the appropriate state site, there will be links to available data bases.

Landfill records may or may not be available through a state records search as they may be at a local level.

A useful tool to determine if records for a certain address may impact the subject property is the map search feature available through some internet providers.

It is also important to recognize there is often one more record than you counted on being present. A knowledge of the area of the subject property and the surrounding area property is very important to assist in determining which records should be reviewed.

Part 4: Attached or Summarized Records.

If any record is found that indicates the subject property has been or could be impacted by hazardous substances and/or petroleum products, the records (or a summary) must be attached and briefly described on the worksheet in sufficient detail to allow the EP to develop an opinion, identify data gaps, and provide conclusions.

Instructions

For Completion of Required Documentation For a Pre-Acquisition Liability Survey (PALS)

Instructions for Worksheet No. 2 Questionnaire for Interview with Past and Present Owners, Operators, and Occupants.

This type of property generally will not have improvements or past uses that indicate the property has been impacted by hazardous substances and/or petroleum products. Because of this, the interview may be limited to the current owner and possibly a past owner. The questions are intended as a guide. The EP or AEP may adjust the questions as necessary depending upon the subject property.

It is suggested the questionnaire be mailed to the person(s) to be interviewed. The EP/AEP may use the returned information as a basis for oral interviews, if conducted. Information provided in interviews must be verified during records search and visual inspection to the maximum extent possible.

Interviews may be conducted via phone, in writing, in person, or any combination thereof. The completed records search may provide information about current and past uses that would indicate an emphasis on what questions may be asked of the person(s) to be interviewed. If the current landowner is willing, it is helpful if the owner or person to be interviewed is present during the site inspection. After the visual inspection of the property is completed, it may be necessary to conduct additional interviews to obtain clarification about known or potential concerns found on the subject property.

If any information is found during the interview(s) that indicates the subject property has been or could be impacted by hazardous substances and/or petroleum products, the information must be documented in sufficient detail to allow the EP to develop an opinion, identify data gaps, and provide conclusions.

Instructions for Worksheet No. 3 Visual Inspection of the Property and of Adjoining Properties.

Written permission to enter must be obtained from the current property owner (subject property and adjacent property) prior to entry for the visual inspection. The permission to enter letter must be carried during the visit.

A visual inspection will be conducted as specified by the EP. It may be conducted by the AEP if under the responsible charge of the EP. In some cases, it may be necessary to include subject matter specialists such as safety officers, geologists, engineers, or others as needed. In addition, in some situations, it may be necessary to be accompanied by law enforcement. All members of the inspection team will be listed on the worksheet.

The date and time of the inspection(s) will be provided. Weather conditions during the inspection will also be documented.

Instructions

For Completion of Required Documentation For a Pre-Acquisition Liability Survey (PALS)

A site inspection strategy will be developed prior to the site inspection and documented on the worksheet. The strategy will describe the methodology used to inspect the subject property and adjoining property and any areas not inspected and why they were not inspected. During the inspection of the subject property and adjoining properties, photographs will be taken and a photo log prepared that is referenced on the worksheet questions. Limitations such as deep snow, lush vegetation, locked gates, or similar items that prevent access to a site or limit the ability to visually observe conditions at the site will be documented.

The individual responsible for the inspection will sign and date the worksheet.

If any conditions are observed during the visual inspection that indicates the subject property has been or could be impacted by hazardous substances and/or petroleum products, leave the area immediately. Contact the EP for assistance for completing additional inspections. The EP will determine the appropriate course of action before proceeding. The information must be documented in sufficient detail as appropriate to allow the EP to develop an opinion, identify data gaps, and provide conclusions.

Instructions for Worksheet No. 4 Solid Waste, Physical Hazards and Non-Scope Issues

Health and safety is a prime consideration and the first priority. Do not put yourself at risk.

During the visual inspection of the property, physical hazards and non-scope issues will be described, locations identified, and photographs taken of each of the items.

The EP will then make recommendations as what should be done with the conditions prior to acquisition. For example, solid waste should be removed by the current property owner prior to acquisition.

The EP may utilize other specialists to develop conclusions and document them on AAI Results and the Cover Sheet.

Cover Sheet

Pre-Acquisition Liability Survey (PALS) Pre-Acquisition Environmental Site Assessment (ESA)

Section 3: AAI Conclusions. As an Environmental Professional, I have reviewed and/or prepared the attached documentation associated with this acquisition and have reached the following conclusion:

This Pre-Acquisition Liability Survey has revealed no evidence of hazardous substances, petroleum products, or environmental conditions on this real property. No further inquiry is needed for purposes of all appropriate inquiries; therefore, this property is suitable for acquisition.

This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, this property is not suitable for acquisition.

This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, a Phase I Environmental Site Assessment is recommended.

This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property. Therefore, only the following portions are suitable for acquisition: (describe). The following portions are not suitable for acquisition and will be excluded: (describe).

Additional recommendations for issues identified on Worksheet No. 4: Solid Waste, Physical Hazards, and Non-Scope Issues, are as follows:

Printed Name: _____ Title: Environmental Professional

Signature: _____ Date: _____

If none of the PALS was prepared by an AEP, the EP will sign in Section 3.

Cover Sheet

**Pre-Acquisition Liability Survey (PALS)
Pre-Acquisition Environmental Site Assessment (ESA)**

Section 4: Approval. I concur with the conclusion in Section 3.

Printed Name: _____ Title: _____

Signature: _____ Date: _____

Attachments (Check)

- All Appropriate Inquiries (AAI) Results
- Worksheet No. 1: Records
- Worksheet No. 2: Interviews
- Worksheet No. 3: Visual Inspection of the Facility and Adjoining Properties
- Worksheet No. 4: Solid Waste, Physical Hazards, and Non-Scope Issues
- Site Map(s)
- Aerial Photograph(s)
- Site Photographs
- _____
- _____
- _____
- _____

All Appropriate Inquires (AAI) Results

Pre-Acquisition Liability Survey (PALS)

Section 1: Document Review § 312.21.

The following are the results of the inquiry to identify conditions indicative of releases or threatened releases, as defined in CERCLA section 101(22), of hazardous substances defined in CERCLA section 101(14); and, petroleum products excluded from the definition of "hazardous substance" as defined in CERCLA section 101(14). I have reviewed and/or prepared the following information:

Info	Document Name	Prepared By	Title	Date	Comments by EP*
	All Appropriate Inquiries (AAI) Results		<input type="checkbox"/> EP		
WS No. 1	Records		<input type="checkbox"/> EP <input type="checkbox"/> AEP		
WS No. 2	Interviews		<input type="checkbox"/> EP <input type="checkbox"/> AEP		
WS No. 3	Visual Inspection of the Facility and Adjoining Properties		<input type="checkbox"/> EP <input type="checkbox"/> AEP		
WS No. 4	Solid Waste, Physical Hazards, and Non-Scope Issues		<input type="checkbox"/> EP <input type="checkbox"/> AEP		
Attachment	Site Map(s)		<input type="checkbox"/> EP <input type="checkbox"/> AEP		
Attachment	Most recent aerial photograph and site photographs		<input type="checkbox"/> EP <input type="checkbox"/> AEP		

* In this column, for WS No. 1-3, the environmental professional will address conclusions that form the Opinion in Section 2 and the Data Gaps in Section 3. The EP will analyze and prepare recommendations for Solid Waste, Physical Hazards, and Non-Scope Issues identified on WS No. 4. The EP will also review maps, aerial photographs, and site photographs and comment.

All Appropriate Inquires (AAI) Results
Pre-Acquisition Liability Survey (PALS)

Section 2: Opinions formed by the EP based on document review § 312.21(c)(1).

IN MY OPINION, this inquiry:

has not identified conditions indicative of releases or threatened releases of hazardous substances and/or petroleum products on, at, in, or to the subject property; or,

has

Describe: _____

Section 3: Data Gaps identified by EP during document review § 312.21(c)(2).

Information developed as part of this inquiry:

has not identified data gaps as defined in § 312.10 that affect my ability to identify conditions indicative of releases or threatened releases of hazardous substances and/or petroleum products on, at, in, or to the subject property; or,

has

Describe: _____

Section 4: Additional Comments by EP about the property.

All Appropriate Inquires (AAI) Results
Pre-Acquisition Liability Survey (PALS)

Section 5: All Appropriate Inquiries (AAI) Conclusions H 2101-04.

As an Environmental Professional, I have reviewed and/or completed the attached documentation associated with this acquisition and reached the following conclusion:

- This Pre-Acquisition Liability Survey has revealed no evidence of hazardous substances, petroleum products, or environmental conditions on this real property. No further inquiry is needed for purposes of all appropriate inquiries; therefore, this property is suitable for acquisition.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, this property is not suitable for acquisition.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, a Phase I Environmental Site Assessment is recommended.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property. Therefore, only the following portions are suitable for acquisition: (describe). The following portions are not suitable for acquisition and will be excluded: (describe).

Comments:

Section 6: Qualifications §312.21(d).

I declare that to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in § 312.10 of this part and as established by BLM policy.

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquires in conformance with the standards and practices of 40 CFR part 312.

Name: _____ Title: Environmental Professional

Signature: _____ Date: _____

Worksheet No. 1 - Records
Pre-Acquisition Liability Survey (PALS)

The following Records were reviewed:

1.	Historical Sources.	Records will be reviewed as far back as necessary to establish there has been no impact on the property from hazardous substances and/or petroleum products.
	Aerial Photographs	_____ to _____ Describe past uses of the property and adjoining property:
	Recorded Land Title Records:	Describe chain of title records, easements, current owner, or other factors that affect uses of the property:
	Zoning/Land Use Records:	Describe current land use and zoning:
	Other	Describe other records reviewed. Examples include appraisals, miscellaneous maps, internet sites, newspaper articles, etc.
2.	Environmental Cleanup Liens	Describe environmental cleanup liens on the site. If none, so state.

Worksheet No. 1 - Records

Pre-Acquisition Liability Survey (PALS)

3. Reviews of Federal, State, Tribal, and Local Government Records. The following records must be reviewed if available. Check YES if reviewed and N/A if not available. If any records are identified within the minimum search distances or may impact the subject property, the records should be attached and described in number 4 below.

Records Reviewed*	Minimum Search Distance from Property Boundary	Agency*	YES	N/A
Federal NPL site list	1 Mile	EPA		
Federal Delisted NPL site list	0.5 Mile	EPA		
Federal CERCLIS List	0.5 Mile	EPA		
Federal CERCLIS NFRAP List	0.5 Mile	EPA		
Federal RCRA CORRACTS facilities list	1 Mile	EPA		
Federal RCRA non CORRACTS TSD facilities list	0.5 Mile	EPA		
Federal RCRA generators list	Property & adjoining property	EPA		
Federal Emergency Response Notification System (ERNS) List	On the Property	EPA		
State, Tribal, local lists of hazardous waste sites identified**	On the Property	DEQ/Tribe/local		
State, Tribal, local Equivalent NPL**	1 Mile	DEQ/Tribe/local		
State, Tribal, local Equivalent CERCLIS**	0.5 Mile	DEQ/Tribe/local		
State, Tribal, local landfill and/or solid waste disposal site lists**	0.5 Mile	DEQ/Tribe/local		
State, Tribal, local leaking storage (LUST & LAST) Lists**	0.5 Mile	DEQ/Tribe/local		
State, Tribal, local registered storage tank (UST & AST) Lists**	Property & adjoining property	DEQ/Tribe/local		
State, Tribal, local voluntary cleanup sites**	0.5 Mile	DEQ/Tribe/local		
Contaminated Well Records	On or adjacent to the property	DWR/DEQ		
State Emergency Release Reports	On or adjacent to the property	DEQ		

* Records Name and Agency will vary from state to state. For the purposes of this table, EPA is the Federal Environmental Protection Agency. DEQ is the State Equivalent of the EPA. This name will vary from state to state. DWR is Division of Water Resources or state equivalent.

** Indicate which record was reviewed by circling the source of the record reviewed.

Worksheet No. 2 - Questionnaire for Interview
Pre-Acquisition Liability Survey (PALS)

The AAI Rule requires that interviews be conducted of the current owner and occupant of the subject property. This worksheet is intended to assist with completion of the Interview portion of the All Appropriate Inquiries land acquisition screening. While it is intended as a useful guide, it is not all inclusive and does not meet all the requirements for CERCLA defenses. If the property has multiple occupants, the inquiry of the environmental professional must include interviewing major occupants, as well as those occupants likely to use, store, treat, handle, or dispose of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances, or those occupants who have likely done so in the past. This includes interviewing one or more of the following persons:

- Current and past facility managers with relevant knowledge of uses and physical characteristics of the property
- Past owners, occupants, or operators of the subject property
- Employees of current and past occupants of the subject property

Name of person being interviewed:

(If by phone, provide phone number)

Affiliation with Subject Real Property:

(Owner/operator/caretaker/previous owner/neighbor, etc.)

Time frame affiliated with Subject Real Property:

Name of person conducting interview: _____

Signature of person conducting interview: _____

Title of person conducting interview: _____

Date(s) of interview: _____

Note: This form may be mailed to the person(s) to be interviewed. Request a written response to the questions.

Worksheet No. 2 - Questionnaire for Interview
Pre-Acquisition Liability Survey (PALS)

“To the Best of Your Knowledge...”

A. Property Use/s

1. Is the property currently or was it previously used for an industrial or commercial use (i.e. official and unofficial shooting ranges, processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products, such as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, meth lab, junkyard, boneyard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the activities and provide the time frame, types, location(s), and quantities of hazardous substance use and/or storage.

Yes ___ No ___ Unknown ___

Has there been any past, present, or permitted or planned mining activity or oil and gas exploration/development present on the property? If yes, describe the activities and provide the time frame, location(s), and scope of operations.

Yes ___ No ___ Unknown ___

2. Has the property ever been used for agricultural, livestock, or crop purposes? If yes, describe the operations and indicate the location(s) and time frames involved.

Yes ___ No ___ Unknown ___

If yes, was hazardous substance use and/or storage involved in the operations (example, pesticide/herbicide use, cattle dip vats)? If yes, describe and provide location(s) and the type, quantity, and duration of use.

Yes ___ No ___ Unknown ___

3. Are there or have there been any improvements, such as old building foundations, buildings, water towers, smokestacks, smelters, etc., on the property? If yes, describe the improvements and provide location(s) and the date of construction and removal (if applicable).

Yes ___ No ___ Unknown ___

4. Other Questions as necessary based on the records review:

B. Hazardous Materials & Substances

1. Do the current operations at/on the property involve the use and storage of hazardous materials and substances? If yes, please describe the operations and indicate the location(s), type, and quantities of materials used. Describe the storage location(s) and if any chemical mixing (example, pesticide blending) operations occur. Discuss any use, storage, mixing, or disposal of chemicals, automotive or industrial batteries, pesticides, herbicides, fungicides, paints, solvents, or other on fence lines, right of ways, or other structures such as airstrips, heliports, crop duster operations, etc.

Yes ___ No ___ Unknown ___

If yes, has there been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with current operations? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances. This includes staining of soils and floors in areas utilized for the use and storage of hazardous materials.

Yes ___ No ___ Unknown ___

If a spill or release of hazardous substances or petroleum products had occurred, was it reported to the National Response Center or a local or state emergency response authority? If yes, identify the agency.

Yes ___ No ___ N/A ___ Unknown ___

If a spill or release of hazardous substances or petroleum products has occurred, has the release been mitigated? If yes, describe the mitigation, identify the regulatory agency that oversaw the mitigation, and indicate if a no-further action (NFA) determination has been issued by the lead regulatory agency.

Yes ___ No ___ N/A ___ Unknown ___

If remediation is completed, is there contamination or residual contamination present? If yes, are there any institutional controls/land use restrictions in place or long-term monitoring and maintenance requirements?

Yes ___ No ___ N/A ___ Unknown ___

2. Are there any past operations at the property that involved the use and storage of hazardous materials and substances? If yes, describe the operations and the location(s), types and quantities.

Yes ___ No ___ Unknown ___

If yes, has there been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with past operations or tenants? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances.

Yes ___ No ___ N/A ___ Unknown ___

If a spill or release of hazardous substances or petroleum products occurred, was it reported to the National Response Center or a local or state emergency response authority? If yes, identify the agency.

Yes ___ No ___ N/A ___ Unknown ___

If a release of hazardous substances or petroleum products occurred, was the release mitigated? If yes, describe the mitigation, identify the regulatory agency who oversaw the mitigation, and indicate if a no-further action (NFA) determination was been issued by the lead regulatory agency.

Yes ___ No ___ N/A ___ Unknown ___

If remediation is completed, is there still contamination or residual contamination present? If yes, are there any institutional controls/land use restrictions in place or long-term monitoring and maintenance requirements?

Yes ___ No ___ N/A ___ Unknown ___

3. Are there or have there ever been any pipelines, utility lines, railways, or entry/exit ports and associated structures, either buried or overhead, crossing the property? If yes, please describe and indicate the location(s), approximate date when constructed, and the identification of the owner.

Yes ___ No ___ Unknown ___

If yes, are you aware of any spills or releases associated with them? If yes, please describe the spills and/or releases and indicate the date, type and quantities of materials involved.

Yes ___ No ___ Unknown ___

If a spill or release has occurred, are you aware if the release has been mitigated? If yes, please indicate who conducted the mitigation and identify the regulatory agency who oversaw the mitigation. If known, indicate if a no-further action (NFA) determination was been issued by the lead regulatory agency.

Yes ___ No ___ N/A ___ Unknown ___

If remediation is completed, are you aware if there is still contamination or residual contamination present? If yes, are there any institutional controls/land use restrictions in place or long-term monitoring and maintenance requirements?

Yes ___ No ___ N/A ___ Unknown ___

4. Are you aware of any hazardous substance or pollutant or contaminant spill or release, or other potential environmental problems on any adjacent or nearby properties? If yes, please describe (if known) the location(s) of the release, the type, and quantities of materials involved and the approximate dates. If known, also indicate the owner of the property where the release occurred.

Yes ___ No ___ Unknown ___

If there was a release of hazardous substances or petroleum products on any adjacent or nearby properties, are you aware if the release was mitigated?

Yes ___ No ___ N/A ___ Unknown ___

Are you aware if there is contamination present or residual contamination present on adjacent and/or nearby properties that poses a threat or may pose a future threat to the subject real property? If yes, describe the threat or potential threat.

Yes ___ No ___ N/A ___ Unknown ___

Are you aware of any institutional controls/land use restrictions in place or long-term monitoring and maintenance requirements in place on adjacent or nearby properties that affect the subject real property? If yes, please describe and identify the adjacent or nearby property and the property owner.

Yes ___ No ___ N/A ___ Unknown ___

Are you aware if the site topography has been altered and/or if there are any unnatural topographic features present on the subject real property? If yes, please describe the topographic alterations and/or unnatural features. Indicate their location(s) on the subject real property and if known when the alterations occurred and by whom.

Yes ___ No ___ Unknown ___

Has fill material ever been brought onto the property that originated from a contaminated site or that was of an unknown origin? If yes, describe the date and quantity of material brought to the subject real property, indicate when on the property the material was placed.

Yes ___ No ___ Unknown ___

If fill material came from a contaminated site, identify the contaminated origin site of the material and describe the contamination present.

5. Is there any evidence of waste materials currently or previously being dumped above grade, buried, and/or burned on the property (i.e. hazardous materials, industrial waste, petroleum products, labeled/unlabeled drums or other containers, pesticide containers, household and farm debris, automotive or industrial batteries, building demolition debris, or any other waste materials)?

Yes ___ No ___ Unknown ___

6. Are any aboveground or underground storage tanks being or have been used on the property? If yes, identify where on the property the tanks are/were located, when the tanks were installed, and the types and quantities of hazardous materials stored. If the tanks were removed, indicate when the removal took place and whether a closure certification notice was received by the lead regulatory agency.

Yes ___ No ___ Unknown ___

If aboveground or underground storage tanks are or have been used on the property, was there ever a spill or release of hazardous substances associated with the tank system? If yes, indicate the date and nature of the spill or release.

Yes ___ No ___ Unknown ___

If a spill or release has occurred related to an onsite tank system, was it mitigated to the satisfaction of the lead regulatory agency? If no, describe further actions that must be undertaken to address the spill or release.

Yes ___ No ___ N/A___ Unknown ___

7. Other questions as necessary based on the records review:

C. Water/Waste Water

1. Does the property currently or has it ever been supplied by an onsite drinking water supply well? If yes, provide the location(s) of the well and date of construction.

Yes ___ No ___ Unknown ___

Have contaminants ever been identified in the onsite drinking water well or the water system that exceeded acceptable levels? If yes, describe the contamination and indicate the dates, contaminant levels, and the source of the contamination, if known.

Yes ___ No ___ N/A___ Unknown ___

If an onsite drinking water well is no longer used, has it been properly abandoned in accordance with applicable regulatory requirements? If, yes, indicate the date the well was abandoned.

Yes ___ No ___ N/A___ Unknown ___

2. Does the property currently have or has there ever been an onsite waste water treatment and disposal systems (septic systems, sewage lagoons, etc.)? If yes, please provide a description of the system, including the location(s), size, date constructed, and which buildings discharge to the system.

Yes ___ No ___ Unknown ___

If the onsite waste water treatment and disposal system is no longer in use, has it been closed? If yes, describe method of closure and date closed.

Yes ___ No ___ N/A___ Unknown ___

3. Have any monitoring wells been installed on the property? If yes, explain the purpose of the wells and provide the location(s), dates of construction, and any analytical results.

Yes ___ No ___ Unknown ___

If the monitoring wells are no longer in use, have they been properly abandoned in accordance with applicable regulatory requirements? If yes, indicate the date the wells were abandoned.

Yes ___ No ___ N/A___ Unknown ___

4. Is surface water present on the property (i.e. pits, ponds, lagoons, rivers, creeks, oceans, etc.)? If yes, provide a description of the location(s) and type of surface water present.

Yes ___ No ___ Unknown ___

If surface water is present, are you aware of any unnatural characteristics (i.e., color, sheens, odors, sterile, etc.)? If yes, please describe and indicate whether the situation is new or has been present for an extended period of time.

Yes ___ No ___ N/A___ Unknown ___

5. Other questions as necessary based on the records review:

D. Compliance/Permits

1. Are you aware of any environmental liens against the subject real property that have been filed or recorded under Federal, tribal, state, or local law? If yes, describe the lien and indicate the date and effect on the current and future use of the property.

Yes ___ No ___ Unknown ___

2. Are you aware of any activity and land use limitations that are in place on the subject real property or that have been filed or recorded under Federal, tribal, state, or local law? If yes, describe the land use restrictions and identify when they were issued and by whom.

Yes ___ No ___ Unknown ___

3. Are you aware if any environmental site assessment or other environmental investigations of the subject real property or any other property/site records that indicated the presence of hazardous substances, petroleum products, or other potential environmental problems on the property? If yes, describe the report and findings.

Yes ___ No ___ Unknown ___

Are you aware if any environmental site assessment or other environmental investigations of the subject real property or any other property/site records that recommended further assessment of the property? If yes, identify the report and indicate if the further assessment was performed.

Yes ___ No ___ N/A___ Unknown ___

4. Are you aware of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substances or petroleum products on the subject real property? If yes, describe and identify when and by whom the legal and/or administrative action was initiated.

Yes ___ No ___ Unknown ___

5. Have there ever been spills of hazardous substances or petroleum products that were reported to the National Response Center or a local or state emergency response authority?

Yes ___ No ___ Unknown ___

Details: _____

6. Other questions as necessary based on the records review:

E. Other

1. Are you aware of the presence of or has there been any anomalous vegetation (i.e. stressed, dead, etc.) present on the property? If yes, indicate the location(s) and approximate dates.

Yes ___ No ___ Unknown ___

2. If not mentioned above, is there anything else that could indicate the presence of hazardous substances, petroleum products, or other environmental conditions that may impact the subject real property?
Yes ___ No ___ Unknown ___

If the questionnaire is provided to the owner/operator, provide a signature block. Following is a suggested format:

Name of individual completing Questionnaire:

Signature of individual completing Questionnaire:

Affiliation with Subject Real Property:

(Owner/operator/caretaker/previous owner/neighbor, etc.)

Time frame affiliated with Subject Real Property:

Date Signed: _____

Worksheet No. 3 – Visual Inspection of the Property and Adjoining Properties

Pre-Acquisition Liability Survey (PALS)

This worksheet is intended to assist with completion of the Site Visit Survey portion of the All Appropriate Inquiries land acquisition screening. The AAI Rule calls for a visual onsite inspection of the subject property and facilities and improvements on the subject property, including a visual inspection of the areas where hazardous substances may be or may have been used, stored, treated, handled, or disposed. The AAI Rule also includes a visual inspection of adjoining properties from the subject property line, public rights-of-way, or other vantage point (e.g., aerial photography), including a visual inspection of areas where hazardous substances may be or may have been stored, treated, handled, or disposed.

In conducting the onsite visual inspection, the staff conducting the visit must maintain a photo log and property/site map that identifies the location(s) photo was/were taken and approximate direction of view.

Name of Person(s) conducting the inspection: _____

Others present during the inspection:

<u>Name</u>	<u>Title</u>	<u>Organization</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Date of inspections: _____

Beginning and end time of inspection: _____

Weather during inspection:

Inspection Strategy (Describe route and how property/adjoining property was inspected):

Limitations:

Signature and Title of Inspector: _____

**Worksheet No. 3 – Visual Inspection of the
Property and Adjoining Properties**

Pre-Acquisition Liability Survey (PALS)

During the visual inspection of the property and adjoining properties, if the answer to any of the Questions is YES, consult with the Environmental Professional who will determine if the PALS is the appropriate Level of Inquiry to meet the All Appropriate Inquiries Standards as described in 40 CFR part 312.

A. Property Use(s)

1. Are there currently structures and improvements present on the property? If yes, provide a physical description of all structures and improvements, including their condition and location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

2. Is there evidence that there were structures and improvements present on the property in the past? If yes, describe the evidence and provide a physical description of all structures and improvements, including their condition and location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

3. Is there evidence of agricultural use (livestock, crop raising, agricultural drainage; including surface, and/or subsurface drains)? If yes, describe the operations. Provide a physical description of operations and identify the location(s) on the property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

4. Is there evidence of oil and gas exploration/development? If yes describe the operations. Provide a physical description of the activities and identify the associated structures and improvements and identify the location(s) on the property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If yes, are oil and/or gas drilling pads, holding ponds, or conveyance pipelines and structures present on the property? If yes, describe the operations and improvements and identify the location(s) on the property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

Is there evidence of current and/or past spills or releases of hazardous substances or pollutants, contaminants, or petroleum and petroleum products related to the oil and gas exploration/development? If yes, describe and provide the location(s) of the potential spills and releases on the property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

5. Is there any evidence of strip mining, hard rock mining, piles, or other extractive mineral activities? If yes, describe the operations. Provide physical description of the activities and list out and identify the associated structures and improvements (waste rock piles, mill sites, mill tailings, etc.) and identify the location(s) on the property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If minerals extraction operations are present, is there evidence of the use/storage or release of hazardous substances (example, fuel storage tanks, cyanide or chemical use at mill sites)? If yes, describe the operations and provide a physical description of the evidence and the location(s) on the property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

If minerals extraction operations are present, are there other potential environmental concerns (draining adits or acid mine drainage, waste rock, or mill tailings in or adjacent to streams and surface waters, etc.)? If yes, provide a physical description and provide the location(s) on the property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

If minerals extraction operations are present, are there physical safety hazards present (open adits, vertical shafts, heavy equipment, etc.). If yes, provide a physical description of the hazards and the location(s) on the property/site map.

Yes ___ No ___ N/A ___ Photo Log ID Number(s): _____

If the areas of mineral extraction activities (mine sites, mill sites, etc) are not accessible for visual and/or physical inspection, describe the reason for the inaccessibility.

6. Describe and note the topographic conditions of the property as well as the general topography of the area surrounding the property that is visually and/or physically observed from the periphery of the property. Identify and locate on a property/site map any key topographic features that may relate to offsite or onsite migration of contaminants.

Photo Log ID Number(s): _____

Is there evidence of modified topography or unnatural topographic features (i.e., fill dirt brought onto the property, cover for dumps, mounds, fill areas, depressions, etc.)? If yes, provide a physical description and provide the location(s) on the property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

7. Is there any evidence of waste materials currently or previously being dumped above grade, buried, and/or burned on the property (i.e., dumps, industrial waste, petroleum products, labeled/unlabeled drums or other containers, pesticide containers, household and farm debris, automotive or industrial batteries, building demolition debris, etc.)? If yes, describe the evidence and provide information relating to the waste materials and disposal areas and identify the location(s) on the property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

8. Are there roads and/or paths present on the property? If yes, provide a description and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If roads and/or paths are present, is there evidence of illegal or unauthorized dumping activities occurring? If yes provide a description of the dumping and waste materials. Based on observations, indicate the approximate age of the wastes and the location(s) on a property/site map (Cross reference to Worksheet No. 4).

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

B. Hazardous Materials & Substances

1. Is there evidence that current operations on the property involve the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products (for example, official and/or unofficial shooting ranges, gasoline station, equipment/vehicle repair, printing facility, dry cleaners, photo developing laboratory, analytical laboratory, junkyard, boneyard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the operations a provide information relating to the chemical use and storage and identify the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If yes, is there evidence that there has been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with current operations? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances and identify the location(s) on a property/site map. This includes staining of soils and floors in areas used for the use and storage of hazardous materials.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

2. Is there evidence that previous operations on the property involved the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products (for example, official and/or unofficial shooting ranges, gasoline station, equipment/vehicle repair, printing facility, dry cleaners, photo developing laboratory, analytical laboratory, junkyard, boneyard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the operations and provide information relating to the chemical use and storage and identify the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If yes, is there evidence that there has been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with past operations or tenants? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances and identify the location(s) on a property/site map. This includes staining of soils and floors in areas used for the use and storage of hazardous materials.

Yes ___ No ___ N/A ___ Photo Log ID Number(s): _____

3. Is there evidence that the property is currently or was previously used for any form of illegal activities which may involve the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products (for example, illegal drug labs, waste disposal sites)? If yes, describe the activities and provide information relating to the chemical use and storage and identify the location(s) on the property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

4. Is there any evidence of contamination (i.e., hazardous substances or petroleum products) or other materials (soil, rock, etc.) migrating from adjacent and/or nearby properties onto the site? If yes, describe and indicate the location(s) on a property/site map. Also indicate if the migration appears to be current or whether it happened in the past.

Yes ___ No ___ Photo Log ID Number(s): _____

5. Is there evidence of use, storage, mixing, and/or disposal of industrial drums (typically 55 gallons) or sacks of chemicals, automotive or industrial batteries, pesticides (including herbicides), paints, solvents, or other chemicals in individual containers larger than 5 gallons in volume or 50 gallons in the aggregate at the property? If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

6. Are there any unidentified substance containers on the property? If yes, indicate their location(s) on a property/site map and bring to the immediate attention of the EP.

Yes ___ No ___ Photo Log ID Number(s): _____

7. Is there evidence of use of chemicals, automotive or industrial batteries, pesticides, herbicides, fungicides, paints, solvents, or other, on-fence lines, right of ways, airstrips, heliports, crop duster operations, etc.? If yes, describe the evidence and indicate location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

8. Is there evidence of oiled roads, oil seeps and slicks, staining on the soil and cracked concrete, asphalt, adjacent to storm-water drains, or other surfaces? If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

9. Are there currently any aboveground or underground storage tanks on the property or indications of the presence of abandoned aboveground or underground storage tanks, such as any vent pipes, fill pipes, access ways indicating a fill pipe, concrete or asphalt pads or patches, islands, or dispensers on the property or adjacent to any structure on the property? If yes, describe and identify what materials the tanks hold/held and identify where on the property the tanks are located.

Yes ___ No ___ Photo Log ID Number(s): _____

If aboveground or underground storage are present, is there any evidence of spill or releases? If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

10. Is there evidence or any indications that an aboveground or underground storage tank had been installed on the property in the past? For example, the presence of tank pads, vent pipes, fill pipes, access ways indicating a fill pipe, or dispensers on the property or adjacent to any structure on the property? If yes, describe the evidence and identify the location(s) on the property where the tanks were located. If known, indicate when the tanks were removed.

Yes ___ No ___ Photo Log ID Number(s): _____

If aboveground or underground storage were previously present, is there any evidence of spill or releases? If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

11. Are there electric transmission lines, transformers, capacitors, or any hydraulic equipment (i.e., elevators, presses, lifts, doors, etc.) currently present on the property? If yes, describe the equipment. Indicate whether any of the equipment is labeled as either containing PCBs or being PCB-free. Record information from any identification tags and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If electrical transmission lines, transformers, capacitors, or hydraulic equipment are present, is there any evidence of leakage or the presence of PCBs? If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

12. Is there any evidence electric transmission lines, transformers, capacitors, or any hydraulic equipment (i.e., elevators, presses, lifts, doors, etc.) being present on the property in the past? If yes, describe the evidence and indicate, if known, when and what type of equipment was present. If known, indicate whether any of the equipment contained PCBs and indicate the former location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

13. Are there identified mercury containing materials (i.e., fluorescent lamps, button batteries, thermostats, thermometers, manometers, and other medical devices, pressure gauges, switches, relays, sink traps, and medical waste) on the site? If yes, identify the materials. Include the quantity and a description of the condition of the equipment and identify the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

14. Is there evidence of any pipelines, utility lines, railways, entry/exit ports, and associated structures, either buried or overhead, crossing the property, and is there evidence of any spills or releases associated with them? If yes, describe the structures and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If yes, is there any evidence of any spills or releases associated with them? If yes, provide a description and indicate the location(s) on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

15. Are there structures (i.e., buildings, water towers, lead smelters, etc.) and/or soils surrounding structures on the site which might indicate the presence of lead in dust, old paint (peeling, chipping, chalking, or cracking lead-based paint) and/or which were built prior to 1978 (or of unknown construction dates)? If yes, identify the structures. Include a description of the location(s) (interior or exterior of structures) and identify the location(s) on a property/site map. If paint is present, also indicate whether the paint is peeling and whether there is evidence of paint chips on the ground surrounding the structures.
Yes ___ No ___ Photo Log ID Number(s): _____

If a structure is suspected to contain lead, is there any indication of what the intended use for the structure is or is it to be demolished? If yes, provide description and evidence and the location(s) on a property/site map.

Yes ___ No ___ N/A ___ Photo Log ID Number(s): _____

16. Are there structures on the site containing identified asbestos-containing materials (ACMs) or with suspect ACMs (i.e., fire proofing, acoustical plaster, siding, floor tiles, roofing shingles, mastic, insulation, vermiculate, etc.)? If yes, describe the structure and the ACMs. Indicate the condition of the ACMs and identify the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

17. Are there floor drains present in any of the onsite structures and/or areas where hazardous materials are used and/or stored or have been used and/or stored in the past? If yes, provide a description including the current and previous use of the structure (if known) and observed operations and types of hazardous materials. Also indicate the location(s) of the floor drains in the structures on a property/site map and where the floor drain discharges.

Yes ___ No ___ Photo Log ID Number(s): _____

In the areas with floor drains, is there evidence of any chemical stains present on the walls and/or floors of the onsite areas and structures where hazardous materials are/have been used and/or stored? If yes, indicate which areas/structures have chemical staining and where they are located on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

18. Are there any floors, drains, ceiling, or walls stained by substances other than water or that are emitting foul and/or unnatural odors (i.e. mold, mildew, other)? If yes, describe the site operations that occur and/or that have occurred in the past and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

19. Is there any evidence of any drains, pools, or sumps that contain liquids likely to be hazardous substances or petroleum products? If yes, describe and indicate the location(s) on a property/site map. If known, indicate what structure or site operations may be associated with the drains, pools, or sumps.

Yes ___ No ___ Photo Log ID Number(s): _____

20. If structures are present on the property, is there indication of how the structures are heated/cooled? If yes, describe the refrigeration/cooling systems and indicate whether they contain Freon and other regulated substances? For the heating systems, identify the heating and fuel source (for example, heating oil, gas, electric, radiators from a steam boiler fueled by gas) and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

C. Water/Waste Water

1. Is surface water present on the property (i.e. pits, ponds, lagoons, rivers, creeks, oceans, etc.)? If yes, provide a description of the type of surface water and its location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If surface water is present (example pits, ponds, lagoons), is there evidence of any unnatural characteristics (i.e., color, sheens, odors, sterile, etc)? If yes, describe and indicate the location(s) on a property/site map. If known, indicate whether it is associated with an activity related to the property and whether it is the situation is new or has been present for an extended period of time.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

If surface water is present, is there evidence of hazardous materials dumping in water bodies (e.g. used for agricultural, commercial and/or industrial purposes, marinas, docks, etc.)? If yes, describe and indicate if this is a current/ongoing activity or whether it has happened in the past. Indicate the location(s) on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

If surface water is present, is there any evidence of bank erosion and/or other unusual characteristics in running water bodies (i.e., rivers, streams, drain channels)? If yes, describe and indicate if this is a current/ongoing activity or whether it has happened in the past. Indicate the location(s) on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

2. Is there evidence that the property currently or was previously served by an onsite drinking water supply well? If yes, describe the well and its condition and provide the location(s) on a property/site map. If the well is no longer used, indicate whether it has been properly abandoned. If no, indicate whether the property is supplied by an offsite water source.

Yes ___ No ___ Photo Log ID Number(s): _____

If a well is present on the property, is there evidence of any contamination of the water supply or of the nearby soils? If yes, provide a description.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

3. Is there evidence that the property currently or was previously served by a non-potable water system (example, agricultural well)? If yes, describe the well and its condition and provide the location(s) on a property/site map. If the well is no longer used, indicate whether it has been properly abandoned.

Yes ___ No ___ Photo Log ID Number: _____

If a non-potable well is present on the property, is there evidence of any contamination of the water supply or of the nearby soils? If yes, provide a description.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

4. Is there evidence, other than storm water, of sanitary wastewater discharge from restrooms, kitchens, or other household-type uses? Is there evidence of industrial and/or other wastewater discharge on or adjacent to the property? If yes describe the discharge and indicate if it is a current/ongoing activity or whether it has happened in the past. Indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

5. Is there evidence that the property currently has or had in the past an onsite waste water treatment and disposal system (septic systems, sewage lagoons, etc.)? If yes, describe the system and indicate which structures and operations discharged to the system. Provide the location(s) of the system on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If the onsite waste water treatment and disposal system is no longer in use, is there evidence that it has been closed? If yes, describe method of closure.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

6. Is there evidence that the property discharged waste water to an offsite facility? If yes, provide a description.

Yes ___ No ___ Photo Log ID Number(s): _____

Is there evidence of other wastewater treatment/disposal facilities (example oil water separators, ponds, pits, lagoons) located on the property that have or may have been used for waste disposal? If yes, describe and provide the location(s) on a property/site map and identify the property/site operations that may have discharged to the systems.

Yes ___ No ___ Photo Log ID Number(s) _____

7. Is there evidence of any other existent discharges, drains, grates, etc that have not been addressed previously? If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

D. Other

1. Is there any evidence that any monitoring wells have been installed on the property? If yes, describe and explain the purpose of the wells, if known, and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If the monitoring wells have been installed and are no longer in use, is there evidence that they been properly abandoned in accordance with applicable regulatory requirements? If, yes, describe and indicate the date the well(s) was abandoned, if known.

Yes ___ No ___ N/A___ Photo Log ID Number(s):_____

2. Is there evidence of stressed vegetation on the property (i.e., bare ground, distressed/dead vegetation, unusually healthy vegetation, etc.) that is not associated with insufficient or too much water? If yes, provide a description and indicate the location(s) on a property/site map and any current or past site activities or operations in the area, if known.

Yes ___ No ___ Photo Log ID Number(s): _____

3. Is there a large number or amount of invasive plants present on the property? If yes, please indicate common name if known (e.g., kudzu, phragmites, cheatgrass, etc.), and approximate amount if possible (e.g., approximately half an acre, etc.). Indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

4. Is there anything else observed that could indicate the presence of hazardous substances, petroleum products, or other potential environmental problems on the property? If yes, provide a description and indicate the location(s) on a property/site map and how it relates to current and/or past activities or operations.

Yes ___ No ___ Photo Log ID Number(s): _____

E. Surrounding Property Use

1. As can be visually and/or physically observed from the periphery of the property, are there currently structures and improvements present on the surrounding property? If yes, provide a physical description of the observable structures and improvements.

Yes ___ No ___ Photo Log ID Number(s): _____

2. As can be visually and/or physically observed from the periphery of the property, is there evidence that there were structures and improvements present on the surrounding property in the past? If yes, describe the evidence.

Yes ___ No ___ Photo Log ID Number(s): _____

3. As can be visually and/or physically observed from the periphery of the property, is there evidence that current operations on the surrounding property involve the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products (for example, shooting ranges, gasoline station, equipment/vehicle repair, printing facility, dry cleaners, photo developing laboratory, analytical laboratory, junkyard, boneyard, landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the operations and identify the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

4. As can be visually and/or physically observed from the periphery of the property, is there evidence that past operations on the surrounding property involved the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products (for example, shooting ranges, gasoline station, equipment/vehicle repair, printing facility, dry cleaners, photo developing laboratory, analytical laboratory, junkyard, boneyard, landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the evidence and identify the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

5. Is there evidence of any other nearby land uses or activities, especially upstream or upgradient that might have had a waste or dump site? For example, are there upstream or upgradient active or abandoned mine sites which may impact or threaten the subject real property? If yes, describe evidence and the land use or activity. Identify the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

6. Is there evidence of any hazardous substance, pollutant/contaminant spill or release, or other potential environmental problems on any adjacent or nearby properties? If yes, describe the evidence and the release and provide the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

7. As can be visually and/or physically observed from the periphery of the property, is there evidence of any current or past agricultural drainage (surface, and/or subsurface drains, field runoff, etc.) discharging from the adjacent properties onto the property/site? If yes, describe the discharge and indicate the location(s) on a property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

8. As can be visually and/or physically observed from the periphery of the property, is there any evidence of contamination (i.e., hazardous substances or petroleum products) or other materials (soil, rock, etc.) migrating from adjacent and/or nearby properties onto the property/site? If yes, describe and indicate the location(s) on a property/site map. Also indicate if the migration appears to be current or whether it happened in the past.

Yes ___ No ___ Photo Log ID Number(s): _____

9. As can be visually and/or physically observed from the periphery of the property, is there evidence of oil and gas exploration/development on the adjacent and surrounding property? If yes, describe the operations and identify the location(s) on the property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

If yes, is there any evidence of oil and/or gas drilling pads, holding ponds, or conveyance pipelines and structures present on the adjacent and surrounding property? If yes, describe the operations and improvements and identify the location(s) on the property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

10. As can be visually and/or physically observed from the periphery of the property, is there evidence of current and/or past spills or releases of hazardous substances or pollutants, contaminants, or petroleum and petroleum products related to the oil and gas exploration/development? If yes, describe and provide the relative location(s) on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

11. As can be visually and/or physically observed from the periphery of the property, is there any evidence of strip mining, hardrock mining, piles, or other extractive mineral activities on the adjacent and surrounding property? If yes, describe the operations and identify any associated structures and improvements (waste rock piles, mill sites, mill tailings, etc.) and identify the location(s) on the property/site map.

Yes ___ No ___ Photo Log ID Number(s): _____

12. As can be visually and/or physically observed from the periphery of the property, is there evidence of the use/storage or release of hazardous substances (for example, fuel storage tanks, cyanide or chemical use at mill sites) associated with the minerals extraction operations on the adjacent and surrounding property? If yes, provide a description of the evidence and provide the location(s) on a property/site map. Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

13. As can be visually and/or physically observed from the periphery of the property, describe and note the topographic conditions of the surrounding property as well as the general topography of the area. Identify and locate on a property/site map any key surrounding topographic features that may relate to offsite or onsite migration of contaminants. Photo Log ID Number(s): _____

As can be visually and/or physically observed from the periphery of the property, is there evidence of modified topography or unnatural topographic features on the surrounding property that may indicate (i.e., fill dirt brought onto the property, cover for dumps, mounds, fill areas, depressions, etc.)? If yes, provide a physical description and provide the location(s) on the property/site map. Yes ___ No ___ Photo Log ID Number(s): _____

14. As can be visually and/or physically observed from the periphery of the property, is there evidence of stressed vegetation on the surrounding property (i.e., bare ground, distressed/dead vegetation, unusually healthy vegetation, etc.) that is not associated with insufficient or too much water? If yes, provide a description and indicate the location(s) on a property/site map and any current or past site activities or operations in the area, if known. Yes ___ No ___ Photo Log ID Number(s): _____

Worksheet No. 4 – Solid Waste, Physical Hazards, and Non-Scope Issues

Pre-Acquisition Liability Survey (PALS)

Solid Waste, Physical Hazards, and Non-Scope Issues identified during the inquiry will be described below, identified on the site map, and photographs taken and provided as an attachment. If none, so state.

Solid Waste: such as household garbage, tires, appliances, dead animals, abandoned automobiles, and similar items.

Physical Hazards: human-caused environmental impacts such as mine shafts, high walls, unsafe bridges, primitive roads, or similar features where the potential exists for injury to visitors on the lands after acquisition is completed.

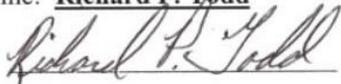
Non-Scope Issues: such as asbestos-containing materials, radon, lead-based paint, drinking water systems, health and safety issues and similar items. [If these kinds of items are found on the property, a higher level of analysis should be considered.]

Name: _____ Title: _____

Signature: _____ Date: _____

Appendix 2. Example of completed PALS

Cover Sheet
Pre-Acquisition Liability Survey (PALS)
Pre-Acquisition Environmental Site Assessment (ESA)

Section 1: Property Description		Serial Number: <u>WAOR 64679</u>
Property/Name: <u>Property L</u> [redacted] <u>- Moses Coulee</u>		
Location/Legal Description/Tax Lot No.: <u>See attached legal description</u>		
Owner: [redacted]	[redacted]	
Name	Phone Number	
Type and Purpose of Acquisition: <u>Fee Acquisition / Moses Coulee Management Area (Recreation / Open Space / preservation of shrub-steppe habitat)</u>		
Current Use: <u>Agriculture (Livestock Grazing)</u>		
Use after Acquisition: <u>Dispersed Recreation, Open Space</u>		
The following documents were provided to the EP/AEP to assist in the completion of this PALS:		
<input checked="" type="checkbox"/>	Preliminary Title Report	
<input type="checkbox"/>	Chain of Title Documents if necessary	
<input type="checkbox"/>	Permission to Enter Letter	
<input checked="" type="checkbox"/>	Site Map	
<input checked="" type="checkbox"/>	Most recent aerial photograph (if more are needed they will be obtained by the AEP/EP when completing Worksheet No. 1)	
<input checked="" type="checkbox"/>	<u>Water Well Records</u>	
<input checked="" type="checkbox"/>	<u>Site Inspection Photos</u>	
<input checked="" type="checkbox"/>	<u>Legal Description of property</u>	
Printed Name: <u>Richard P. Todd</u>	Title: <u>Realty Specialist</u>	
Signature: 	Date: <u>12/12/2007</u>	

Section 2: If Prepared By an Assistant Environmental Professional: I have conducted portions of this PALS under the responsible charge of an Environmental Professional.	
Printed Name: _____	Title: <u>Assistant Environmental Professional</u>
Signature: _____	Date: _____
If none of the PALS was prepared by an AEP, the EP will sign in Section 3.	

Cover Sheet

Pre-Acquisition Liability Survey (PALS) Pre-Acquisition Environmental Site Assessment (ESA)

Section 3: AAI Conclusions. As an Environmental Professional, I have reviewed and/or prepared the attached documentation associated with this acquisition and have reached the following conclusion:

- This Pre-Acquisition Liability Survey has revealed no evidence of hazardous substances, petroleum products, or environmental conditions on this real property. No further inquiry is needed for purposes of all appropriate inquiries; therefore, this property is suitable for acquisition.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, this property is not suitable for acquisition.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, a Phase I Environmental Site Assessment is recommended.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property. Therefore, only the following portions are suitable for acquisition: (describe). The following portions are not suitable for acquisition and should be excluded: (describe).

Additional recommendations for issues identified on Worksheet #4: Solid Waste, Physical Hazards, and Non-Scope Issues, are as follows:

If not needed for future management of the surrounding property BLM authorized officer secure agreement for removal of above ground water storage tank from subject property in NE¼ Sec. [REDACTED]

Printed Name: Richard P. Todd Title: Environmental Professional

Signature: Richard P. Todd Date: 12/12/2007

Recommended by: Pamela Cap (acting FM)

Field Manager

12/13/07

Date

Cover Sheet**Pre-Acquisition Liability Survey (PALS)
Pre-Acquisition Environmental Site Assessment (ESA)****Section 4: Approval. I concur with the conclusion in Section 3.**Printed Name: Robert B. Towne Title: Spokane District ManagerSignature: *Robert B. Towne* Date: 12/17/07**Attachments (Check)**

- All Appropriate Inquiries (AAI) Results
- Worksheet No. 1: Records
- Worksheet No. 2: Interviews
- Worksheet No. 3: Visual Inspection of the Facility and Adjoining Properties
- Worksheet No. 4: Solid Waste, Physical Hazards, and Non-Scope Issues
- Site Map(s)
- Aerial Photograph(s) (Ortho photo 2006 mosaic)
- Site Photographs (September, November, December 2007)
- Legal Description of Property**
- Title Evidence**
- Water Well Records**
- State Department of Ecology and EPA Records Results**

10-23-06

All Appropriate Inquires (AAI) Results

Pre-Acquisition Liability Survey (PALS)

Section 1: Document Review § 312.21.

The following are the results of the inquiry to identify conditions indicative of releases or threatened releases, as defined in CERCLA section 101(22), of hazardous substances defined in CERCLA section 101(14); and, petroleum products excluded from the definition of “hazardous substance” as defined in CERCLA section 101(14). I have reviewed and/or prepared the following information:

Info	Document Name	Prepared By	Title	Date	Comments by EP*
	All Appropriate Inquiries (AAI) Results	R. Todd	<input checked="" type="checkbox"/> EP	12/11/07	A review of available information, inspection of the property and owner response supports the conclusions contained in the report.
WS No. 1	Records	R. Todd	<input checked="" type="checkbox"/> EP <input type="checkbox"/> AEP	12/11/07	A review of federal, state and local records indicates no evidence of hazardous substance release, petroleum products or environmental condition.
WS No. 2	Interviews	R. Todd	<input checked="" type="checkbox"/> EP <input type="checkbox"/> AEP	12/12/07	Interview and questionnaire response by owner indicates no evidence of hazardous substances, petroleum products or environmental conditions.
WS No. 3	Visual Inspection of the Facility and Adjoining Properties	R. Todd	<input checked="" type="checkbox"/> EP <input type="checkbox"/> AEP	12/11/07	Visual inspection and records review indicate no evidence of hazardous substances, petroleum products or environmental conditions.
WS No. 4	Solid Waste, Physical Hazards, and Non-Scope Issues	R. Todd	<input checked="" type="checkbox"/> EP <input type="checkbox"/> AEP	12/11/07	Visual inspection, interview and records review indicate no evidence of solid waste. Other than removal of water storage tank no other, physical hazards and/or Non-Scope issues.
Attachment	Site Map(s)	R. Todd	<input checked="" type="checkbox"/> EP <input type="checkbox"/> AEP	12/11/07	Site maps and ortho-photo are provided with this report.
Attachment	Most recent aerial photograph and site photographs	R. Todd	<input checked="" type="checkbox"/> EP <input type="checkbox"/> AEP	12/11/07	Ortho-photo along with site investigation photos are provided with this report.

* In this column, for WS No. 1-3, the environmental professional will address conclusions that form the Opinion in Section 2 and the Data Gaps in Section 3. The EP will analyze and prepare recommendations for Solid Waste, Physical Hazards, and Non-Scope Issues identified on WS 4. The EP will also review maps, aerial photographs and site photographs and comment.

All Appropriate Inquires (AAI) Results
Pre-Acquisition Liability Survey (PALS)

Section 5: All Appropriate Inquiries (AAI) Conclusions H 2101-04.

As an Environmental Professional, I have reviewed and/or completed the attached documentation associated with this acquisition and reached the following conclusion:

- This Pre-Acquisition Liability Survey has revealed no evidence of hazardous substances, petroleum products, or environmental conditions on this real property. No further inquiry is needed for purposes of all appropriate inquiries; therefore, this property is suitable for acquisition.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, this property is not suitable for acquisition.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, a Phase I Environmental Site Assessment is recommended.
- This Pre-Acquisition Liability Survey has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property. Therefore, only the following portions are suitable for acquisition: (describe). The following portions are not suitable for acquisition and should be excluded: (describe).

Comments: **NONE**

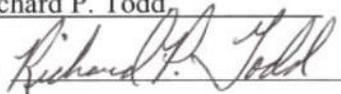
Section 6: Qualifications §312.21(d).

I declare that to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in § 312.10 of this part; and as established by BLM Policy.

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquires in conformance with the standards and practices of 40 CFR Part 312.

Name: Richard P. Todd

Title: Environmental Professional

Signature: 

Date: 12/12/2007

[10-23-06]

Worksheet No. 1 - Records

Pre-Acquisition Liability Survey (PALS)

3. Reviews of Federal, State, Tribal, and Local Government Records. The following records must be reviewed if available. Check YES if reviewed and N/A if not available. If any records are identified within the minimum search distances or may impact the subject property, the records should be attached and described in part 4.

Records Reviewed*	Minimum Search Distance from Property Boundary	Agency*	YES	N/A
Federal NPL site list	1 Mile	EPA	✓	
Federal Delisted NPL site list	0.5 Mile	EPA	✓	
Federal CERCLIS List	0.5 Mile	EPA	✓	
Federal CERCLIS NFRAP List	0.5 Mile	EPA	✓	
Federal RCRA CORRACTS facilities list	1 Mile	EPA	✓	
Federal RCRA non CORRACTS TSD facilities list	0.5 Mile	EPA		
Federal RCRA generators list	Property & adjoining property	EPA	✓	
Federal Emergency Response Notification System (ERNS) List	On the Property	EPA		✓
<u>State</u> , Tribal, local lists of hazardous waste sites identified**	On the Property	DEQ/Tribe/local	✓	
<u>State</u> , Tribal, local Equivalent NPL**	1 Mile	DEQ/Tribe/local	✓	
<u>State</u> , Tribal, local Equivalent CERCLIS**	0.5 Mile	DEQ/Tribe/local	✓	
<u>State</u> , Tribal, local landfill and/or solid waste disposal site lists**	0.5 Mile	DEQ/Tribe/local	✓	
<u>State</u> , Tribal, local leaking storage (LUST & LAST) Lists**	0.5 Mile	DEQ/Tribe/local	✓	
<u>State</u> , Tribal, local registered storage tank (UST & AST) Lists**	Property & adjoining property	DEQ/Tribe/local	✓	
<u>State</u> , Tribal, local voluntary cleanup sites**	0.5 Mile	DEQ/Tribe/local		✓
Contaminated Well Records (<u>State Facility Profiler</u>)	On or adjacent to the property	DWR/DEQ	✓	
State Emergency Release Reports	On or adjacent to the property	DEQ		✓

* Records Name and Agency will vary from state to state. For the purposes of this table, EPA is the Federal Environmental Protection Agency. DEQ is the State Equivalent of the EPA. This name will vary from State to State. DWR is Division of Water Resources or State equivalent.

** Indicate which record was reviewed by circling the source of the record reviewed.

Worksheet No. 2 - Questionnaire for Interview
Pre-Acquisition Liability Survey (PALS)

The AAI Rule requires that interviews be conducted of the current owner and occupant of the subject property. This worksheet is intended to assist with completion of the "Interview" portion of the All Appropriate Inquiries land acquisition screening. While it is intended as a useful guide, it is not all inclusive and does not meet all the requirements for CERCLA defenses. If the property has multiple occupants, the inquiry of the environmental professional must include interviewing major occupants, as well as those occupants likely to use, store, treat, handle or dispose of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances, or those who have likely done so in the past. This includes interviewing one or more of the following persons:

- Current and past facility managers with relevant knowledge of uses and physical characteristics of the property;
- Past owners, occupants, or operators of the subject property; or
- Employees of current and past occupants of the subject property.

Name of person being interviewed: [REDACTED]
(If by phone, provide phone number)

Affiliation with Subject Real Property: **President of owning corporation:**
[REDACTED] **Inc.**

(Owner/operator/caretaker/previous owner/neighbor, etc.)

Time frame affiliated with Subject Real Property: **Since acquisition, around 1988 and portions of the property acquired around 1996**

Name of person conducting interview: _____

Signature of person conducting interview: _____

Title of person conducting interview: _____

Date(s) of interview: _____

Note: This form may be mailed to the person(s) to be interviewed and request a written response to the questions.

Worksheet No. 2 - Questionnaire for Interview
Pre-Acquisition Liability Survey (PALS)

“To the Best of Your Knowledge...”

A. Property Use/s

1. Is the property currently or was it previously used for an industrial, commercial use (i.e. official and unofficial shooting ranges, processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products, such as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, meth lab, junkyard, boneyard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility). If yes, describe the activities and provide the time frame, types, location(s) and quantities of hazardous substance use and/or storage.

Yes ___ No X Unknown

Has there been any past, present, or permitted or planned mining activity or oil and gas exploration/development present on the property? If yes, describe the activities and provide the time frame, location(s) and scope of operations.

Yes No X Unknown

2. Has the property ever been used for agricultural, livestock, crop purposes? If yes, describe the operations and indicate the location(s) and time frames involved.

Yes X No ___ Unknown ___

Cattle Grazing

If yes, was hazardous substance use and/or storage involved in the operations (example, pesticide/herbicide use, cattle dip vats). If yes, describe and provide location(s) and the type, quantity and duration of use.

Yes ___ No x Unknown ___

A small amount of broadleaf herbicide has been used in weed control.

3. Are there, or have there been any improvements, such as old building foundations, buildings, water towers, smokestacks, smelters, etc., on the property? If yes, describe the improvements and provide location(s) and the date of construction and removal (if applicable).

Yes No Unknown

It is my understanding that there is one or more former home sites or fallen-down buildings, but I have not personally examined any of this. I understand that the building materials were rock and wood.

4. Other Questions as necessary based on the records review:

B. Hazardous Materials & Substances

1. Do the current operations at/on the property involve the use and storage of hazardous materials and substances. If yes, please describe the operations and indicate the location(s), type and quantities of materials used. Describe the storage location(s) and if any chemical mixing (example pesticide blending) operations occur. Discuss any use, storage, mixing, or disposal of chemicals, automotive or industrial batteries, pesticides, herbicides, fungicides, paints, solvents, or other, on fence lines, right of ways, or other structures such as airstrips, heliports, crop duster operations, etc.

Yes No Unknown

A small amount of broadleaf herbicide has been used in weed control within the past several years.

If yes, has there been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with current operations? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances. This includes staining of soils and floors in areas utilized for the use and storage of hazardous materials.

Yes No Unknown

If a spill or release of hazardous substances or petroleum products had occurred, was it reported to the National Response Center or a local or State emergency response authority? If yes, identify the agency.

Yes No N/A Unknown

If a spill or release of hazardous substances or petroleum products has occurred, has the release been mitigated? If yes, describe the mitigation, identify the regulatory agency who oversaw the mitigation and indicate if a no-further action (NFA) determination has been issued by the lead regulatory agency.

Yes No N/A Unknown

If remediation is completed, is there contamination or residual contamination present? If yes, are there any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements?

Yes ___ No ___ N/A ___ Unknown ___

2. Are there any past operations at the property that involved the use and storage of hazardous materials and substances? If yes, describe the operations and the location(s), types and quantities.

Yes ___ No X Unknown ___

If yes, has there been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with past operations or tenants? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances. Yes ___

No ___ N/A ___ Unknown ___

If a spill or release of hazardous substances or petroleum products had occurred, was it reported to the National Response Center or a local or State emergency response authority? If yes, identify the agency.

Yes ___ No ___ N/A ___ Unknown ___

If a release of hazardous substances or petroleum products had occurred, was the release been mitigated? If yes, describe the mitigation, identify the regulatory agency who oversaw the mitigation and indicate if a no-further action (NFA) determination was been issued by the lead regulatory agency.

Yes ___ No ___ N/A ___ Unknown ___

If remediation is completed, is there still contamination or residual contamination present? If yes, are there any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements?

Yes ___ No ___ N/A ___ Unknown ___

3. Are there or have there ever been any pipelines, utility lines, railways, entry/exit ports and associated structures, either buried or overhead, crossing the property? If yes, please describe and indicate the location(s), approximate date when constructed and the identification of the owner.

Yes ___ No X ___ Unknown ___

If yes, are you aware of any spills or releases associated with them? If yes, please describe the spills and/or releases and indicate the date, type and quantities of materials involved.

Yes ___ No ___ Unknown ___

If a spill or release has occurred, are you aware if the release has been mitigated? If yes, please indicate who conducted the mitigation and identify the regulatory agency who oversaw the mitigation. If known, indicate if a no-further action (NFA) determination was been issued by the lead regulatory agency.

Yes ___ No ___ N/A ___ Unknown ___

If remediation is completed, are you aware if there is still contamination or residual contamination present? If yes, are there any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements?

Yes ___ No ___ N/A ___ Unknown ___

4. Are you aware of any hazardous substance or pollutant or contaminant spill or release, or other potential environmental problems on any adjacent or nearby properties? If yes, please describe (if known) the location(s) of the release, the type and quantities of materials involved and the approximate dates. If known, also indicate the owner of the property where the release occurred.

Yes ___ No X Unknown ___

If there was a release of hazardous substances, petroleum products on any adjacent or nearby properties are you aware if the release was mitigated?

Yes ___ No ___ N/A ___ Unknown ___

Are you aware if there is contamination present or residual contamination present on adjacent and/or nearby properties which poses a threat or may pose a future threat to the Subject Real Property? If yes, describe the threat or potential threat.

Yes ___ No X N/A ___ Unknown ___

Are you aware of any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements in place on adjacent or nearby properties that effect the Subject Real Property? If yes, please describe and identify the adjacent or nearby property and the property owner.

Yes ___ No X N/A ___ Unknown ___

Are you aware if the site topography has been altered and/or if there are any unnatural topographic features present on the subject real property? If yes, please describe the topographic alterations and/or unnatural features. Indicate their location(s) on the subject real property and if known when the alterations occurred and by whom.

Yes ___ No X Unknown __

Has fill material ever been brought onto the property that originated from a contaminated site or that was of an unknown origin? If yes, describe the date and quantity of material brought to the Subject Real Property, indicate when on the property the material was placed.

Yes ___ No X Unknown

If fill material came from a contaminated site, identify the contaminated site of origin of the material and describe the contamination present.

- 5. Is there any evidence of waste materials currently or previously being dumped above grade, buried, and/or burned on the property (i.e. hazardous materials, industrial waste, petroleum products, labeled/unlabeled drums or other containers, pesticide containers, household and farm debris, automotive or industrial batteries, building demolition debris, or any other waste materials)?

Yes ___ No X Unknown __

- 6. Are any aboveground or underground storage tanks being or have been used on the property? If yes, identify where on the property the tanks are/were located, when the tanks were installed and the types and quantities of hazardous materials stored. If the tanks were removed indicate when the removal took place and whether a closure certification notice was received by the lead regulatory agency.

Yes ___ No X Unknown ___

Other than stock watering facilities, I am unaware of any tanks.

If aboveground or underground storage tanks are or have been used on the property, was there ever a spill or release of hazardous substances associated with the tank system? If yes, indicate the date and nature of the spill or release.

Yes ___ No ___ Unknown ___

If a spill or release has occurred related to an on-site tank system, was it mitigated to the satisfaction of the lead regulatory agency? If no, describe further actions that must be undertaken to address the spill or release.

Yes ___ No ___ N/A___ Unknown ___

7. Other Questions as necessary based on the records review:

C. Water/Waste Water

1. Does the property currently or has it ever been supplied by an on-site drinking water supply well? If yes, provide the location(s) of the well and date of construction.

Yes ___ No X Unknown ___

Have contaminants ever been identified in the on-site drinking water well or the water system that exceeded acceptable levels? If yes, describe the contamination and indicate the dates, contaminant levels and the source of the contamination, if known.

Yes ___ No X N/A___ Unknown ___

If an on-site drinking water well is no longer used, has it been properly abandoned in accordance with applicable regulatory requirements. If, yes, indicate the date the well was abandoned.

Yes ___ No ___ N/A___ Unknown ___

- 2. Does the property currently have or has there ever been an on-site waste water treatment and disposal systems (septic systems, sewage lagoons, etc.). If yes, please provide a description of the system, including the location(s), size, date constructed, and which buildings discharge to the system.
Yes ___ No x Unknown ___

If the on-site waste water treatment and disposal system is no longer in use has it been closed? If yes, describe method of closure and date closed.
Yes ___ No ___ N/A___ Unknown ___

- 3. Have any monitoring wells been installed on the property? If yes, explain the purpose of the wells and provide the location(s), dates of construction and any analytical results.
Yes ___ No X Unknown ___

If the monitoring wells are no longer in use, have they been properly abandoned in accordance with applicable regulatory requirements. If, yes, indicate the date the wells were abandoned.
Yes ___ No ___ N/A___ Unknown ___

- 4. Is surface water present on the property (i.e. pits, ponds, lagoons, rivers, creeks, oceans, etc.)? If yes, provide a description of the location(s) and type of surface water present.
Yes X No ___ Unknown ___

Grimes Lake at north end. A spring at the southwest corner from which running water leaves the property. At NW end of property near the lake are some ponds which appear to fluctuate with lake level. There are some ponds which may be wet or dry depending on weather.

If surface water is present, are you aware of any unnatural characteristics (i.e., color, sheens, odors, sterile, etc.)? If yes, please describe and indicate whether the situation is new or has been present for an extended period of time.

Yes ___ No X N/A ___ Unknown _

5. Other Questions as necessary based on the records review:

D. Compliance/Permits

1. Are you aware of any environmental liens against the Subject Real Property that have been filed or recorded under Federal, Tribal, state or local law? If yes, describe the lien and indicate the date and effect on the current and future use of the property.

Yes ___ No X Unknown ___

2. Are you aware of any activity and land use limitations that are in place on the Subject Real Property or that have been filed or recorded under federal, tribal, state or local law? If yes, describe the land use restrictions and identify when they were issued and by whom.

Yes ___ No X Unknown ___

3. Are you aware if any environmental site assessment, or other environmental investigations, of the Subject Real Property, or any other property/site records that indicated the presence of hazardous substances, petroleum products, or other potential environmental problems on the property? If yes, describe the report and findings.

Yes ___ No X Unknown ___

Are you aware if any environmental site assessment, or other environmental investigations, of the Subject Real Property, or any other property/site records that recommended further assessment of the property? If yes, identify the report and indicate if the further assessment was performed.

Yes ___ No X N/A ___ Unknown ___

- 4. Are you aware of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substances or petroleum products on the subject real property? If yes, describe and identify when and by whom the legal and/or administrative action was initiated.

Yes ___ No X Unknown ___

- 5. Have there ever been spills of hazardous substances or petroleum products that were reported to the National Response Center or a local or State emergency response authority?

Yes ___ No X Unknown ___

Details: _____

- 6. Other Questions as necessary based on the records review:

E. Other

- 1. Are you aware of the presence of or has there been, any anomalous vegetation (i.e. stressed, dead, etc.) present on the property? If yes, indicate the location(s) and approximate dates. Yes ___ No X Unknown ___

- 2. If not mentioned above, is there anything else that could indicate the presence of hazardous substances, petroleum products or other environmental conditions that may impact the Subject Real Property?

Yes ___ No X Unknown ___

If the questionnaire is provided to the owner/operator, provide a signature block. Following is a suggested format:

Name of individual completing Questionnaire: [REDACTED]
(If by phone, provide phone number)

Signature of individual completing Questionnaire:
_____ [REDACTED]

Affiliation with Subject Real Property: President of owning corporation:
_____ [REDACTED] inc.

(Owner/operator/caretaker/previous owner/neighbor, etc.)

Time frame affiliated with Subject Real Property:
: Since acquisition, around 1988, and portions of the property acquired around 1996

Date Signed: Dec 11, 2007

10-23-06

**Worksheet No. 3 – Visual Inspection of the
Property and Adjoining Properties
Pre-Acquisition Liability Survey (PALS)**

This worksheet is intended to assist with completion of the "Site Visit Survey" portion of the All Appropriate Inquiry land acquisition screening. The AAI Rule calls for a visual on-site inspection of the subject property and facilities and improvements on the subject property, including a visual inspection of the areas where hazardous substances may be or may have been used, stored, treated, handled, or disposed. The AAI Rule also includes a visual inspection of adjoining properties, from the subject property line, public rights-of-way, or other vantage point (e.g., aerial photography), including a visual inspection of areas where hazardous substances may be or may have been stored, treated, handled or disposed.

In conducting the on-site visual inspection, the staff conducting the visit must maintain a photo log and property/site map that identifies the location(s) photo was/were taken and approximate direction of view.

Name of Person(s) conducting the inspection: **Richard P. Todd, BLM Realty Specialist / Environmental Professional**

Others present during the inspection:

<u>Name</u>	<u>Title</u>	<u>Organization</u>
<u>Bill Schurger</u>	<u>Realty Specialist</u>	<u>BLM - Wenatchee R.A.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Date of inspections: **12/11/2007**
Beginning and end time of inspection: **9:30 am – 2:30 pm**
Weather during inspection: **Cloudy/Foggy and cold (temps mid to upper 20's)**

Inspection Strategy (Describe route and how property/adjoining property was inspected):
Traversed existing roads and trails by vehicle and by foot, focusing on existing structures and other known facilities (corral, well and water development) where past evidence of agricultural activity and ground disturbance was evident.

Limitations:
None.

Signature and Title of Inspector: 

Worksheet No. 3 – Visual Inspection of the Property and Adjoining Properties

Pre-Acquisition Liability Survey (PALS)

During the visual inspection of the property and adjoining properties, if the answer to any of the Questions is YES, consult with the Environmental Professional who will determine if the PALS is the appropriate Level of Inquiry to meet the All Appropriate Inquiries Standards as described in 40 CFR part 312.

A. Property Use(s)

1. Are there currently structures and improvements present on the property? If yes, provide a physical description of all structures and improvements, including their condition and location(s) on a property/site map.

Yes No Photo Log ID Number(s): _____

Three old standing structures (possibly homestead and out buildings) Photos 1-6, one old collapsed structure (unknown use) Photo 7, Livestock corral Photo 8, water development (well, stock tanks and large (empty) aboveground steel water storage tank) Photo 10-13. A second water well on the property was not inspected but a copy of the well report was inspected. PUD Power line traverses southern portion of the subject property Photo 9. See attached site photos.

2. Is there evidence that there were structures and improvements present on the property in the past? If yes, describe the evidence and provide a physical description of all structures and improvements, including their condition and location(s) on a property/site map.

Yes No Photo Log ID Number(s): _____

Refer to Item 1. Found visible evidence of a fourth old homestead site in NW¼ of Sec. XX. See photos 14 & 15.

3. Is there evidence of agricultural use (livestock, crop raising, agricultural drainage; including surface, and/or subsurface drains)? If yes, describe the operations. Provide physical description of operations and identify the location(s) on the property/site map.

Yes No Photo Log ID Number(s): _____

Past livestock grazing evident, however, no active use at time of site inspection.

4. Is there evidence of oil and gas exploration/development? If yes describe the operations. Provide physical description of the activities and identify the associated structures and improvements and identify the location(s) on the property/site map.

Yes No Photo Log ID Number(s): _____

If yes, are oil and/or gas drilling pads, holding ponds or conveyance pipelines and structures present on the property? If yes, describe the operations and improvements and identify the location(s) on the property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

Is there evidence of current and/or past spills or releases of hazardous substances or pollutants, contaminants, petroleum and petroleum products related to the oil and gas exploration/development? If yes, describe and provide the location(s) of the potential spills and releases on the property/site map.

Yes ___ No N/A___ Photo Log ID Number(s): _____

5. Is there any evidence of strip mining, hard rock mining, piles, or other extractive mineral activities? If yes, describe the operations. Provide physical description of the activities and list out and identify the associated structures and improvements (waste rock piles, mill sites, mill tailings, etc.) and identify the location(s) on the property/site map.

Yes ___ No Photo Log ID Number(s): _____

If minerals extraction operations are present, is there evidence of the use/storage, or release of hazardous substances (example, fuel storage tanks, cyanide or chemical use at mill sites). If yes, describe the operations and provide physical description of the evidence and provide the location(s) on the property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

If minerals extraction operations are present, are there other potential environmental concerns (draining adits or acid mine drainage, waste rock or mill tailings in or adjacent to streams and surface waters, etc.). If yes, provide physical description and provide the location(s) on the property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

If minerals extraction operations are present, are there physical safety hazards present (open adits, vertical shafts, heavy equipment, etc.). If yes, provide physical description of the hazards and the location(s) on the property/site map.

Yes ___ No ___ N/A ___ Photo Log ID Number(s): _____

If the areas of mineral extraction activities (mine sites, mill sites, etc) are not accessible for visual and/or physical inspection, describe the reason for the inaccessibility.

- 6. Describe and note the topographic conditions of the property as well as the general topography of the area surrounding the property that is visually and/or physically observed from the periphery of the property. Identify and locate on a property/site map any key topographic features that may relate to off-site or on-site migration of contaminants.

Photo Log ID Number(s): _____

NONE

Is there evidence of modified topography, or unnatural topographic features (i.e., fill dirt brought onto the property, cover for dumps, mounds, fill areas, depressions, etc.)? If yes, provide a physical description and provide the location(s) on the property/site map.

Yes ___ No ✓ ___ Photo Log ID Number(s): _____

- 7. Is there any evidence of waste materials currently or previously being dumped above grade, buried, and/or burned on the property (i.e., dumps, industrial waste, petroleum products, labeled/unlabeled drums or other containers, pesticide containers, household and farm debris, automotive or industrial batteries, building demolition debris, etc.)? If yes, describe the evidence and provide information relating to the waste materials and disposal areas and identify the location(s) on the property/site map.

Yes ___ No ✓ ___ Photo Log ID Number(s): _____

- 8. Are there roads and/or paths present on the property? If yes, provide a description and indicate the location(s) on a property/site map.

Yes No Photo Log ID Number(s): _____

See attached site map for approximate location of old road / trails.

If roads and/or paths are present, is there evidence of illegal or unauthorized dumping activities occurring? If yes provide a description of the dumping and waste materials. Based on observations indicate the approximate age of the wastes and the location(s) on a property/site map (Cross reference to Worksheet No. 4).

Yes No N/A Photo Log ID Number(s): _____

B. Hazardous Materials & Substances

- 1. Is there evidence that current operations on the property involve the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products,(for example, official and/or unofficial shooting ranges, gasoline station, equipment/vehicle repair, printing facility, dry cleaners, photo developing laboratory, analytical laboratory, junkyard, boneyard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the operations a provide information relating to the chemical use and storage and identify the location(s) on a property/site map.

Yes No Photo Log ID Number(s): _____

If yes, is there evidence that there has been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with current operations? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances and identify the location(s) on a property/site map. This includes staining of soils and floors in areas utilized for the use and storage of hazardous materials.

Yes No N/A Photo Log ID Number(s): _____

- 2. Is there evidence that previous operations on the property involved the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products,(for example, official and/or unofficial shooting ranges, gasoline station, equipment/vehicle repair, printing facility, dry cleaners, photo developing laboratory, analytical laboratory, junkyard, boneyard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the operations and provide information relating to the chemical use and storage and identify the location(s) on a property/site map.
 Yes ___ No Photo Log ID Number(s): _____

If yes, is there evidence that there has been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with past operations or tenants? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances and identify the location(s) on a property/site map. This includes staining of soils and floors in areas utilized for the use and storage of hazardous materials.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

- 3. Is there evidence that the property is currently or was previously used for any form of illegal activities which may involve the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products,(for example, illegal drug labs, waste disposal sites)? If yes, describe the activities and provide information relating to the chemical use and storage and identify the location(s) on the property/site map.
 Yes ___ No Photo Log ID Number(s): _____

- 4. Is there any evidence of contamination (i.e., hazardous substances or petroleum products) or other materials (soil, rock, etc.) migrating from adjacent and/or nearby properties onto the site? If yes, describe and indicate the location(s) on a property/site map. Also indicate if the migration appears to be current or whether it happened in the past.
 Yes ___ No Photo Log ID Number(s): _____

- 5. Is there evidence of use, storage, mixing, and/or disposal of industrial drums (typically 55 gallons) or sacks of chemicals, automotive or industrial batteries, pesticides (including herbicides), paints, solvents, or other chemicals in individual containers larger than 5 gallons in volume, or 50 gallons in the aggregate at the property? If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

- 6. Are there any unidentified substance containers on the property? If yes, indicate their location(s) on a property/site map and bring to the immediate attention of the EP.

Yes ___ No Photo Log ID Number(s): _____

- 7. Is there evidence of use of chemicals, automotive or industrial batteries, pesticides, herbicides, fungicides, paints, solvents, or other, on fence lines, right of ways, airstrips, heliports, crop duster operations, etc.? If yes, describe the evidence and indicate location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

- 8. Is there evidence of oiled roads, oil seeps and slicks, staining on the soil and cracked concrete, asphalt, adjacent to storm-water drains, or other surfaces? If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

- 9. Are there currently any aboveground or under ground storage tanks on the property or indications of the presence of abandoned aboveground or underground storage tanks, such as any vent pipes, fill pipes, access ways indicating a fill pipe, concrete or asphalt pads or patches, islands, or dispensers on the property or adjacent to any structure on the property? If yes, describe and identify what materials the tanks hold/held and identify where on the property the tanks are located.

Yes No ___ Photo Log ID Number(s): _____

Aboveground water storage tank (empty) located in NE¼ Sec. XX, T.XXN., R.XX E., W.M., associated with stock water development. See photo 13.

If aboveground or underground storage are present, is there any evidence of spill or releases. If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No N/A___ Photo Log ID Number(s): _____

10. Is there evidence or any indications that an aboveground or underground storage tank had been installed on the property in the past? For example, the presence of tank pads, vent pipes, fill pipes, access ways indicating a fill pipe, or dispensers on the property or adjacent to any structure on the property? If yes, describe the evidence and identify the location(s) on the property where the tanks were located. If known indicate when the tanks were removed .

Yes ___ No Photo Log ID Number(s): _____

If aboveground or underground storage were previously present, is there any evidence of spill or releases. If yes, describe and indicate the location(s) on a property/site map. Yes ___ No ___

N/A___ Photo Log ID Number(s): _____

11. Are there electric transmission lines, transformers, capacitors, or any hydraulic equipment (i.e., elevators, presses, lifts, doors, etc.) currently present on the property? If yes, describe the equipment. Indicate whether any of the equipment is labeled as either containing PCBs or being PCB free. Record information from any identification tags and indicate the location(s) on a property/site map.

Yes No ___ Photo Log ID Number(s): _____

Local PUD overhead power line traverses a portion of the subject property in Sec. XX. See photo 9.

If electrical transmission lines, transformers, capacitors, or hydraulic equipment are present, is there any evidence of leakage, or the presence of PCBs. If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No N/A___ Photo Log ID Number(s): _____

12. Is there any evidence electric transmission lines, transformers, capacitors, or any hydraulic equipment (i.e., elevators, presses, lifts, doors, etc.) being present on the property in the past? If yes, describe the evidence and indicate if known when and what type of equipment was present. If known indicate whether any of the equipment contained PCBs and indicate the former location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

13. Are there identified mercury containing materials (i.e., fluorescent lamps, button batteries, thermostats, thermometers, manometers, and other medical devices, pressure gauges, switches, relays, sink traps, and medical waste) on site? If yes, identify the materials. Include the quantity and a description of the condition of the equipment and identify the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

14. Is there evidence of any pipelines, utility lines, railways, entry/exit ports and associated structures, either buried or overhead, crossing the property, and is there evidence of any spills or releases associated with them? If yes, describe the structures and indicate the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

If yes, is there any evidence of any spills or releases associated with them? If yes, provide a description and indicate the location(s) on a property/site map.

Yes ___ No N/A ___ Photo Log ID Number(s): _____

15. Are there structures (i.e., buildings, water towers, lead smelters, etc.), and/or soils surrounding structures on site, which might indicate the presence of lead in dust, old paint (peeling, chipping, chalking, or cracking lead-based paint), and/or which were built prior to 1978 (or of unknown construction dates)? If yes, identify the structures. Include a description of the location(s) (interior or exterior of structures) and identify the location(s) on a property/site map. If paint is present also indicate whether the paint is peeling and whether there is evidence of paint chips on the ground surrounding the structures.

Yes ___ No Photo Log ID Number(s): _____

If a structure is suspected to contain lead, is there any indication of what the intended use for the structure is, or is it to be demolished? If yes, provide description and evidence and the location(s) on a property/site map.

Yes ___ No ___ N/A ___ Photo Log ID Number(s): _____

16. Are there structures on site containing identified asbestos-containing materials (ACMs) or with suspect ACMs (i.e., fire proofing, acoustical plaster, siding, floor tiles, roofing shingles, mastic, insulation, vermiculate, etc.)? If yes, describe the structure and the ACMs. Indicate the condition of the ACMs and identify the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

17. Are there floor drains present in any of the on-site structures and/or areas where hazardous materials are used and/or stored or have been used and/or stored in the past? If yes, provide a description including the current and previous use of the structure (if known) and observed operations and types of hazardous materials. Also indicate the location(s) of the floor drains in the structures on a property/site map and where the floor drain discharges.

Yes ___ No Photo Log ID Number(s): _____

In the areas with floor drains, is there evidence of any chemical stains present on the walls and/or floors of the on-site areas and structures where hazardous materials are/have been used and/or stored? If yes, indicate which areas/structures have chemical staining and where they are located on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

18. Are there any floors, drains, ceiling, or walls stained by substances other than water or that are emitting foul and/or unnatural odors (i.e. mold, mildew, other)? If yes, describe the site operations that occur and/or that have occurred in the past and indicate the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

19. Is there any evidence of any drains, pools or sumps that contain liquids likely to be hazardous substances or petroleum products? If yes, describe and indicate the location(s) on a property/site map. If know indicate what structure or site operations may be associated with the drains, pools or sumps.

Yes ___ No Photo Log ID Number(s): _____

20. If structures are present on the property, is there indication of how the structures are heated/cooled? If yes, describe the refrigeration/cooling systems and indicate whether they contain Freon and other regulated substances? For the heating systems, identify the heating and fuel source (for example, heating oil, gas, electric, radiators from steam boiler fueled by gas) and locate on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

C. Water/Waste Water

1. Is surface water present on the property (i.e. pits, ponds, lagoons, rivers, creeks, oceans, etc.)? If yes, provide a description of the type of surface water and its location(s) on a property/site map.

Yes No ___ Photo Log ID Number(s): _____

Grimes Lake abuts the subject property to the west. Moses Coulee and tributary streams traverse lower elevation (westerly) portions of the property.

If surface water is present (example pits, ponds, lagoons), is there evidence of any unnatural characteristics (i.e., color, sheens, odors, sterile, etc)? If yes, describe and indicate the location(s) on a property/site map. If known indicate whether it is associated with an activity related to the property and whether it is the situation is new or has been present for an extended period of time.

Yes ___ No N/A___ Photo Log ID Number(s): _____

If surface water is present, is there evidence of hazardous materials dumping in water bodies (e.g. used for agricultural, commercial and/or industrial purposes, marinas, docks, etc.)? If yes, describe and indicate if this is a current/on-going activity or whether it has happened in the past. Indicate the location(s) on a property/site map.

Yes ___ No N/A___ Photo Log ID Number(s): _____

If surface water is present, is there any evidence of bank erosion and/or other unusual characteristics in running water bodies (i.e., rivers, streams, drain channels)? If yes, describe and indicate if this is a current/on-going activity or whether it has happened in the past. Indicate the location(s) on a property/site map.

Yes ___ No N/A___ Photo Log ID Number(s): _____

- 2. Is there evidence that the property currently or was previously served by an on-site drinking water supply well? If yes, describe the well and it's condition and provide the location(s) on a property/site map. If the well is no longer used indicate whether it has been properly abandoned. If no, indicate whether the property is supplied by an off-site water source.

Yes ___ No Photo Log ID Number(s): _____

If a well is present on the property is there evidence of any contamination of the water supply or of the nearby soils. If yes, provide a description.

Yes ___ No N/A___ Photo Log ID Number(s): _____

- 3. Is there evidence that the property currently or was previously served by a non-potable water system (example, agricultural well)? If yes, describe the well and it's condition and provide the location(s) on a property/site map. If the well is no longer used indicate whether it has been properly abandoned.

Yes No Photo Log ID Number: _____

Well site #1, located in NE¼ of Sec. XX. Well report indicates this well is 6 in. diameter and 95 feet deep. Cased to 20 feet. This well associated with stock water development and includes three galvanized stock tanks and a large capacity steel water storage tank (empty). See photos 10-13. Well site #2, located in the SE¼SE¼ of Sec. XX. Well #2 is 6 in. diameter and 214 feet deep. Cased to 20 feet. The second well is also associated with stock watering.

If a non-potable well is present on the property is there evidence of any contamination of the water supply or of the nearby soils. If yes, provide a description.

Yes No N/A Photo Log ID Number(s): _____

- 4. Is there evidence that other than stormwater or sanitary wastewater discharges from restrooms, kitchens, or other household-type uses. Is there evidence of industrial and/or other wastewater discharges on or adjacent to the property? If yes describe the discharge and indicate if it is a current/on-going activity or whether it has happened in the past. Indicate the location(s) on a property/site map.

Yes No Photo Log ID Number(s): _____

- 5. Is there evidence that the property currently has, or had in the past, an on-site waste water treatment and disposal systems (septic systems, sewage lagoons, etc.). If yes, describe the system and indicate which structures and operations discharged to the system. Provide the location(s) of the system on a property/site map.

Yes No Photo Log ID Number(s): _____

If the on-site waste water treatment and disposal system is no longer in use, is there evidence that is has it been closed? If yes, describe method of closure.

Yes No N/A Photo Log ID Number(s): _____

- 6. Is there evidence that the property discharged waste water to an off-site facility? If yes, provide a description.

Yes ___ No Photo Log ID Number(s): _____

Is there evidence of other wastewater treatment/disposal facilities (example oil water separators, ponds, pits, lagoons) located on the property that have or may have been used for waste disposal? If yes, describe and provide the location(s) on a property/site map and identify the property/site operations that may have discharged to the systems.

Yes ___ No ___ Photo Log ID Number(s) _____

- 7. Is there evidence of any other existent discharges, drains, grates, etc that have not been addressed previously? If yes, describe and indicate the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

D. Other

- 1. Is there any evidence that any monitoring wells been installed on the property? If yes, describe and explain the purpose of the wells (if known) and indicate the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

If the monitoring wells have been installed and are no longer in use, is there evidence that they been properly abandoned in accordance with applicable regulatory requirements. If, yes, describe and indicate the date the well/s was abandoned if known.

Yes ___ No ___ N/A ___ Photo Log ID Number(s): _____

- 2. Is there evidence of stressed vegetation on the property (i.e., bare ground, distressed/dead vegetation, unusually healthy vegetation, etc.) that is not associated with insufficient or too much water? If yes, provide a description and indicate the location(s) on a property/site map and any current or past site activities or operations in the area (if known).

Yes ___ No Photo Log ID Number(s): _____

- 3. Is there a large number or amount of invasive plants present on the property? If yes, please indicate common name if known (e.g., kudzu, phragmites, cheatgrass, etc.), and approximate amount if possible (e.g., approximately half an acre, etc.). Indicate the location(s) on a property/site map.

Yes No _____ Photo Log ID Number: _____

Portions of the lower benches and disturbed riparian areas support non-native species. Site is impacted similar to adjacent federal and non-federal land.

- 4. Is there anything else observed that could indicate the presence of hazardous substances, petroleum products, or other potential environmental problems on the property? If yes, provide a description and indicate the location(s) on a property/site map and how it relates to current and/or past activities or operations.

Yes ___ No Photo Log ID Number(s): _____

E. Surrounding Property Use

1. As can be visually and/or physically observed from the periphery of the property, are there currently structures and improvements present on the surrounding property? If yes, provide a physical description of the observable structures and improvements.

Yes ___ No Photo Log ID Number(s): _____

2. As can be visually and/or physically observed from the periphery of the property, is there evidence that there were structures and improvements present on the surrounding property in the past? If yes, describe the evidence.

Yes ___ No Photo Log ID Number(s): _____

3. As can be visually and/or physically observed from the periphery of the property, is there evidence that current operations on the surrounding property involve the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products,(for example, shooting ranges, gasoline station, equipment/vehicle repair, printing facility, dry cleaners, photo developing laboratory, analytical laboratory, junkyard, boneyard, landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the operations and identify the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

4. As can be visually and/or physically observed from the periphery of the property, is there evidence that past operations on the surrounding property involved the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products,(for example, shooting ranges, gasoline station, equipment/vehicle repair, printing facility, dry cleaners, photo developing laboratory, analytical laboratory, junkyard, boneyard, landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the evidence and identify the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

- 5. Is there evidence of any other nearby land uses or activities, especially upstream or up gradient that might have had a waste or dump site? For example, are there upstream or up gradient active or abandoned mine sites which may impact or threaten the subject real property. If yes, describe evidence and the land use or activity. Identify the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

- 6. Is there evidence of any hazardous substance, pollutant/ contaminant spill or release, or other potential environmental problems on any adjacent or nearby properties? If yes, describe the evidence and the release and provide the location(s) on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

- 7. As can be visually and/or physically observed from the periphery of the property, is there evidence of any current or past agricultural drainage: surface, and/or subsurface drains, field runoff, etc. discharging from the adjacent properties onto the property/site. If yes, describe the discharge and indicate the location on a property/site map.

Yes ___ No Photo Log ID Number(s): _____

- 8. As can be visually and/or physically observed from the periphery of the property, is there any evidence of contamination (i.e., hazardous substances or petroleum products) or other materials (soil, rock, etc.) migrating from adjacent and/or nearby properties onto the property/site? If yes, describe and indicate the location(s) on a property/site map. Also indicate if the migration appears to be current or whether it happened in the past.

Yes ___ No Photo Log ID Number(s): _____

- 9. As can be visually and/or physically observed from the periphery of the property, is there evidence of oil and gas exploration/development on the adjacent and surrounding property. If yes, describe the operations and identify the location(s) on the property/site map.

Yes ___ No Photo Log ID Number(s): _____

If yes, is there any evidence of oil and/or gas drilling pads, holding ponds or conveyance pipelines and structures present on the adjacent and surrounding property? If yes, describe the operations and improvements and identify the location(s) on the property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

- 10. As can be visually and/or physically observed from the periphery of the property, is there evidence of current and/or past spills or releases of hazardous substances or pollutants, contaminants, petroleum and petroleum products related to the oil and gas exploration/development? If yes, describe and provide the relative location(s) on a property/site map.

Yes ___ No ___ N/A___ Photo Log ID Number(s): _____

- 11. As can be visually and/or physically observed from the periphery of the property, is there any evidence of strip mining, hard rock mining, piles, or other extractive mineral activities on the adjacent and surrounding property? If yes, describe the operations and identify any associated structures and improvements (waste rock piles, mill sites, mill tailings, etc.) and identify the location(s) on the property/site map.

Yes ___ No Photo Log ID Number(s): _____

12. As can be visually and/or physically observed from the periphery of the property, is there evidence of the use/storage, or release of hazardous substances (for example, fuel storage tanks, cyanide or chemical use at mill sites) associated with the minerals extraction operations on the adjacent and surrounding property. If yes, provide a description of the evidence and provide the location(s) on a property/site map.

Yes ___ No ___ N/A ___ Photo Log ID Number(s): _____

13. As can be visually and/or physically observed from the periphery of the property, describe and note the topographic conditions of the surrounding property as well as the general topography of the area. Identify and locate on a property/site map any key surrounding topographic features that may relate to off-site or on-site migration of contaminants.

Photo Log ID Number(s): _____

N/A

As can be visually and/or physically observed from the periphery of the property, is there evidence of modified topography, or unnatural topographic features on the surrounding property that may indicate (i.e., fill dirt brought onto the property, cover for dumps, mounds, fill areas, depressions, etc.)? If yes, provide a physical description and provide the location(s) on the property/site map.

Yes ___ No ✓ ___ Photo Log ID Number(s): _____

14. As can be visually and/or physically observed from the periphery of the property, is there evidence of stressed vegetation on the surrounding property (i.e., bare ground, distressed/dead vegetation, unusually healthy vegetation, etc.) that is not associated with insufficient or too much water? If yes, provide a description and indicate the location(s) on a property/site map and any current or past site activities or operations in the area (if known).

Yes ___ No ✓ ___ Photo Log ID Number(s): _____

Worksheet No. 4 – Solid Waste, Physical Hazards, and Non-Scope Issues
Pre-Acquisition Liability Survey (PALS)

Solid Waste, Physical Hazards, and Non-Scope Issues identified during the inquiry will be described below, identified on the site map, and photographs taken and provided as an attachment. If none, so state.

Solid Waste such as household garbage, tires, appliances, dead animals, abandoned automobiles, and similar items.

Scattered barbed wire, lumber and wood debris from standing and collapsed structures present on site. If not needed for future management of the surrounding property BLM authorized officer secure agreement for removal of above ground water storage tank from subject property in NE¼ Sec. [REDACTED]

Physical Hazards are human caused environmental impacts such as mine shafts, high walls, unsafe bridges, primitive roads, or similar features where the potential exists for injury to visitors on the lands after acquisition is completed.

None.

Non-Scope Issues such as asbestos containing materials, radon, lead based paint, drinking water systems, health and safety issues and similar items. [If these kinds of items are found on the property, a higher level of analysis should be considered.]

None.

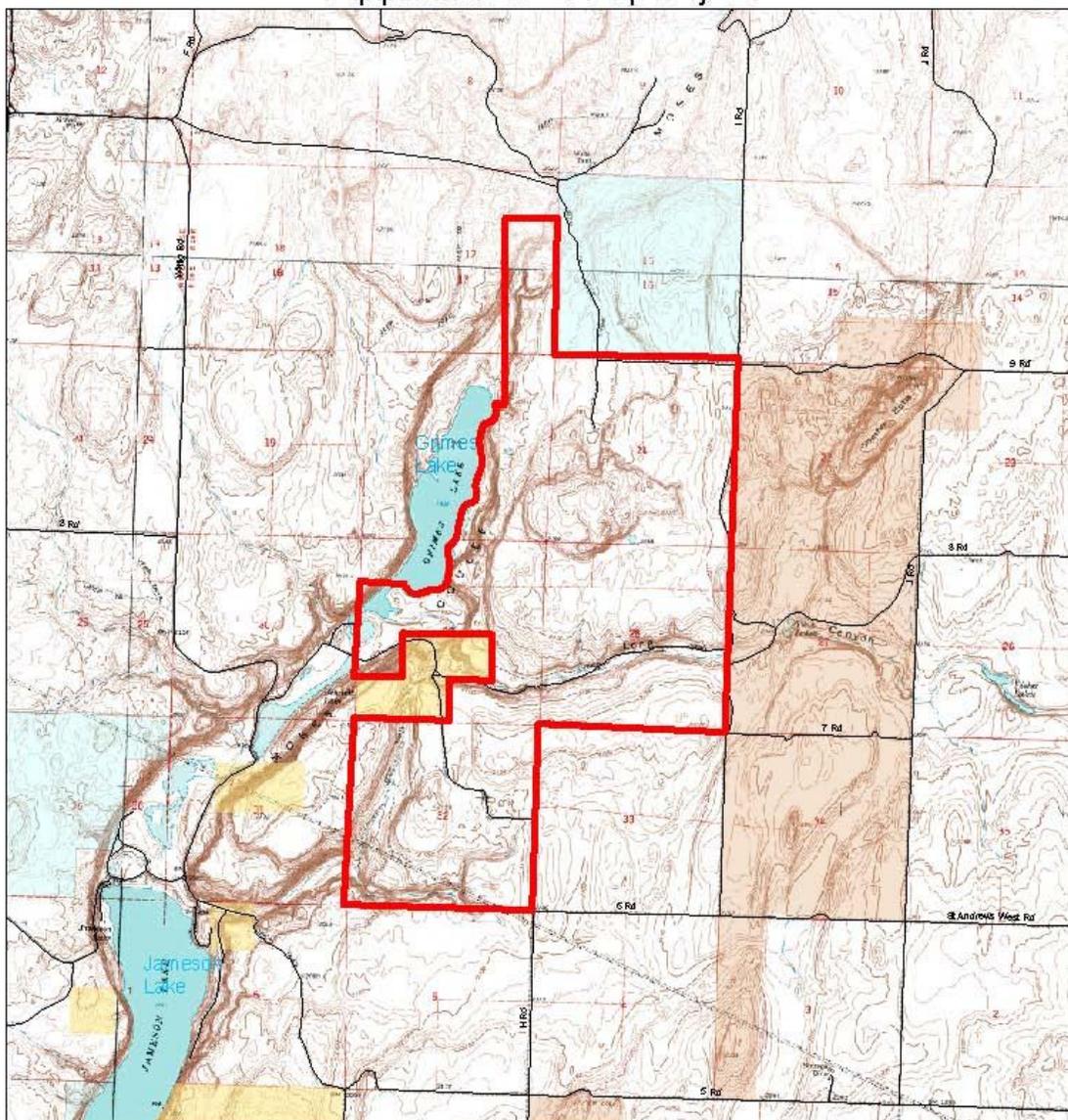
Name: **Richard P. Todd** Title: **Realty Spec./Environmental Professional**

Signature: *Richard P. Todd* Date: *12/12/2007*
10-23-06

List of Attachments

Vicinity Map of Subject Property
Vicinity Map of Subject Property showing noted features and photo log
2006 Ortho Photo of Subject Property
Site photos of Subject Property
Legal Description of Subject Property
Title Commitment prepared by Land America Transnation Title Insurance Company (**original evidence in official casefile. Not converted to PDF**)
Two Water Well Reports
EPA Superfund Site Information Search Results
EPA – National Priorities List (NPL) Query Results
Washington Department of Ecology Facility / Site Database Search output
Assistance Request E-mail dated 12/05/2007

Appendix 2 - Property L



Legend

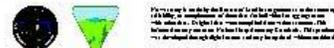
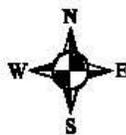
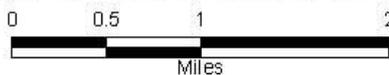
Property L

Administered Lands

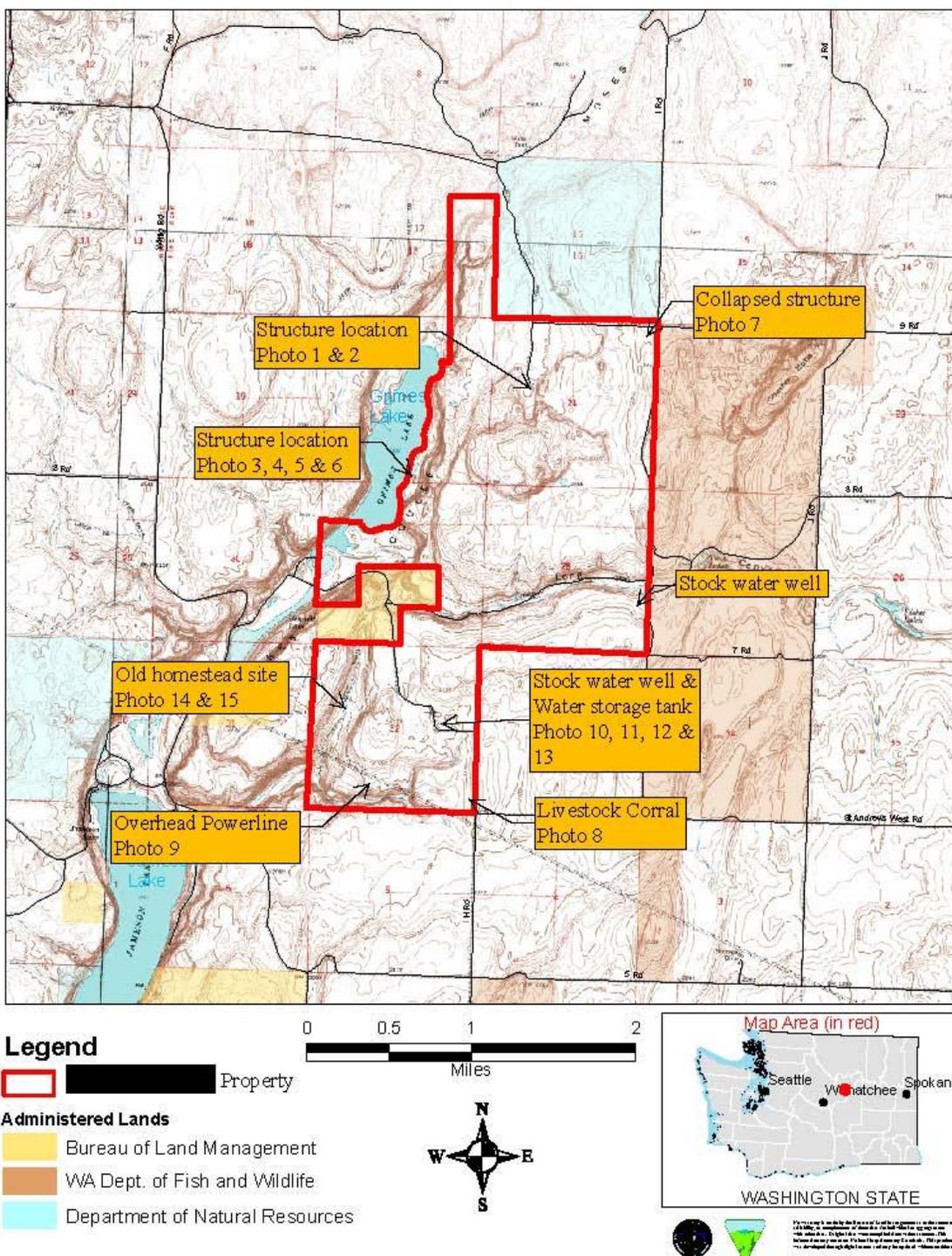
Bureau of Land Management

WA Dept. of Fish and Wildlife

Department of Natural Resources



Vicinity Map - [REDACTED] WAOR 64679
Approximate Location of Noted Facilities



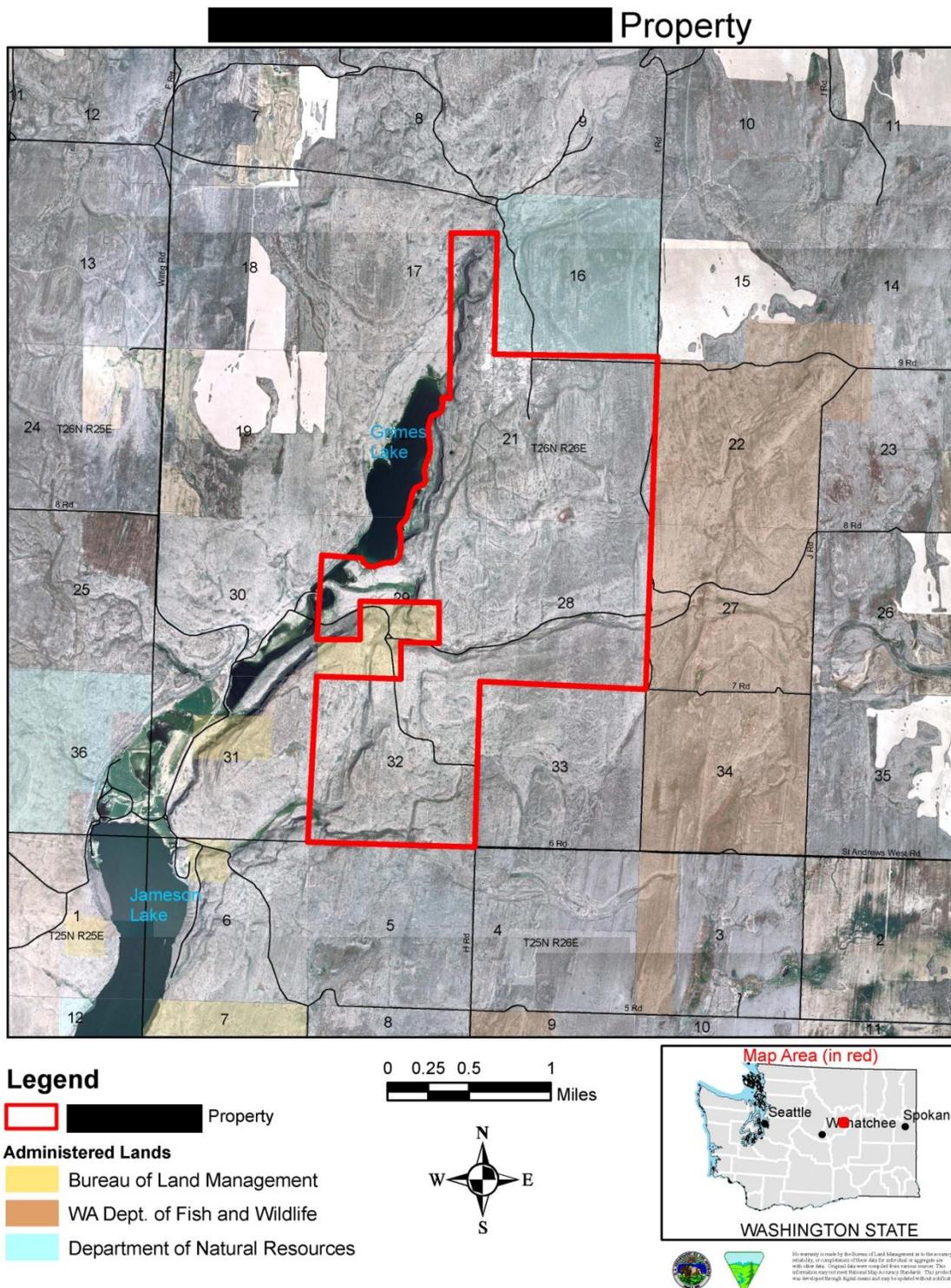




Photo #1. Structure located in NW¹/₄ of Sec. XX, T. XX N., R. XX E., W.M. (view to West)



Photo #2. Structure located in NW¹/₄ of Sec. XX, T. XX N., R. XX E., W.M. (view to East)



Photo #3. Structure located in SE¼ of Sec. XX, T. XX N., R. XX E., W.M. (view to South)



Photo #4. Structure located in SE¼ of Sec. XX, T. XX N., R. XX E., W.M. (view to East)



Photo # 5. Cellar structure located in SE¼ of Sec. XX, T. XX N., R. XX E., W.M. (view to Northwest)



Photo # 6. Cellar structure located in SE¼ of Sec. XX, T. XX N., R. XX E., W.M. (view to West)



Photo #7. Collapsed structure located in NE¼ of Sec. XX, T. XX N., R. XX E., W.M. (view to Southwest)



Photo #8. Livestock corral located in SE¼ of Sec. XX, T. XX N., R. XX E., W.M. (view to Northeast)



Photo #9. Overhead powerline located in S½ of Sec. XX, T. XX N., R. XX E., W.M. (view to Southwest)



Photo #10. Water development located in S½ of Sec. XX, T. XX N., R. XX E., W.M. (view to Southwest)



Photo #11. Well head at water development located in S½ of Sec. XX, T. XX N., R. XX E., W.M.



Photo #12. View of electrical switch for submersible pump at water development located in S½ of Sec. XX, T. XX N., R. XX E., W.M.



Photo #13. View of water storage tank (empty) at water development located in S $\frac{1}{2}$ of Sec. XX, T. XX N., R. XX E., W.M.

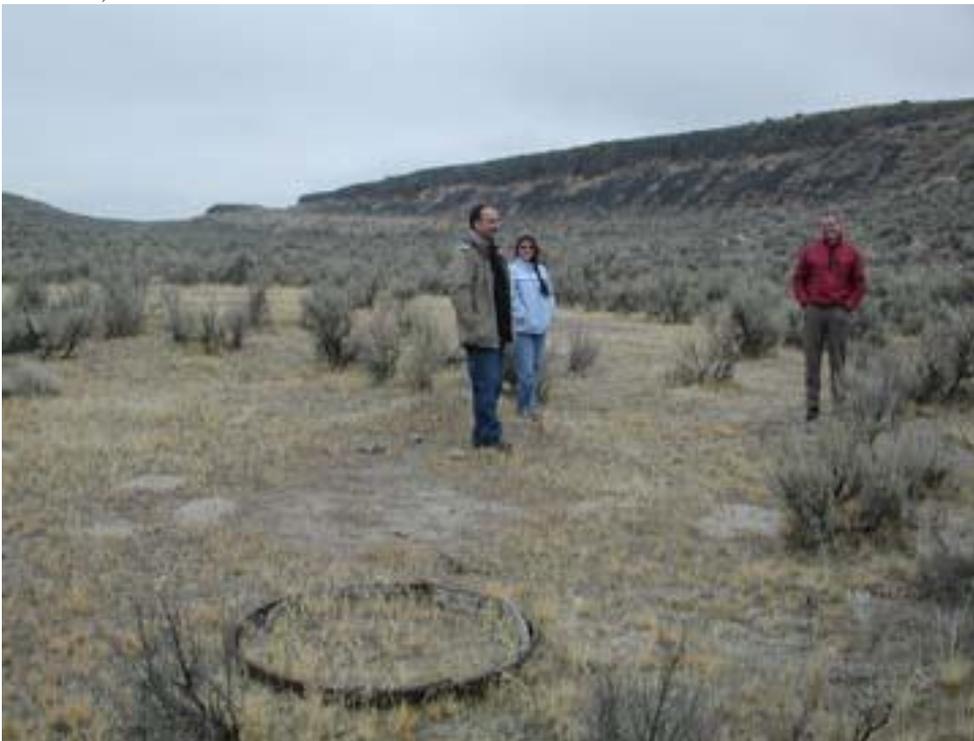


Photo #14. Old wagon wheel at homestead site located in NW $\frac{1}{4}$ of Sec. XX, T. XX N., R. XX E., W.M.



Photo #15. Old farm implement part at homestead site located in NW¼ of Sec. XX, T. XX N., R. XX E., W.M.

Legal Description
Property L [REDACTED]
WAOR 64679

T.XXN., R.XXE., Willamette Meridian, Douglas County

Section XX: SE¹/₄NE¹/₄, NE¹/₄SE¹/₄, SE¹/₄SE¹/₄ (120 ac.)

Section XX: Lots 3, 4, 7, E¹/₂E¹/₂ (233.20 ac.)

Section XX: All (634 ac.)

Section XX: All (637.5 ac.)

Section XX: Lots 1, 3, E¹/₂E¹/₂, SW¹/₄NE¹/₄, SW¹/₄NW¹/₄, NW¹/₄SW¹/₄, SW¹/₄SE¹/₄ (405 ac.)

Section XX: NE¹/₄, W¹/₂, SE¹/₄ except tax #1 (638.3 ac.)

Comprising 2,668 acres, more or less

The Department of Ecology does NOT warrant the data and/or the information on this Well Report.

WATER WELL REPORT

Original & 1st copy - Ecology, 2nd copy - owner, 3rd copy - driller

Construction/Decommission ("x" in circle)

Construction
 Decommission ORIGINAL CONSTRUCTION Notice
 of Intent Number 179926

CURRENT
 Notice of Intent No. [REDACTED]
 Unique Ecology Well ID Tag No. [REDACTED]
 Water Right Permit No. _____
 Property Owner Name [REDACTED]

PROPOSED USE: Domestic Industrial Municipal
 DeWater Irrigation Test Well Other stock

TYPE OF WORK: Owner's number of well (if more than one) _____
 New Well Reconditioned Method: Dug Bored Driven
 Deepened Cable Rotary Jetted

DIMENSIONS: Diameter of well 6 inches, drilled 225 ft.
 Depth of completed well 214 ft.

Well Street Address 8.5 E.I. Roads
 City Mansfield County: Douglas
 Location SE 1/4- 1/4 SE 1/4 Sec 21 Twn 26 R26 EWM circle of one
 Lat/Long: _____ Lat Deg _____ Lat Min/Sec _____
 (s, t, r still REQUIRED) Long Deg _____ Long Min/Sec _____
 Tax Parcel No. _____

CONSTRUCTION DETAILS
 Casing Welded 6 Diam. from 0 ft. to 20 ft.
 Installed: Liner installed _____ Diam. from _____ ft. to _____ ft.
 Threaded _____ Diam. from _____ ft. to _____ ft.

Perforations: Yes No
 Type of perforator used _____
 SIZE of perfs _____ in. by _____ in. and no. of perfs _____ from _____ ft. to _____ ft.

Screens: Yes No K-Pac Location _____
 Manufacturer's Name _____
 Type _____ Model No. _____
 Diam. _____ Slot Size _____ from _____ ft. to _____ ft.
 Diam. _____ Slot Size _____ from _____ ft. to _____ ft.

Gravel/Filter packed: Yes No Size of gravel/sand _____
 Materials placed from _____ ft. to _____ ft.

Surface Seal: Yes No To what depth? 18 ft.
 Materials used in seal Bentonite

Did any strata contain unusable water? Yes No
 Type of water? _____ Depth of strata _____
 Method of sealing strata off _____

CONSTRUCTION OR DECOMMISSION PROCEDURE

Formation: Describe by color, character, size of material and structure, and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information. Indicate all water encountered. (USE ADDITIONAL SHEETS IF NECESSARY.)

MATERIAL	FROM	TO
Grey silt clay	0	3
gravel boulders	3	20
Med Basalt & Basalt	20	90'
Hard Basalt	90	180
Ben Basalt	180	185
Hard Basalt	185	220
Ben Basalt Crinoids	220	225

PUMP: Manufacturer's Name _____
 Type: _____ H.P.

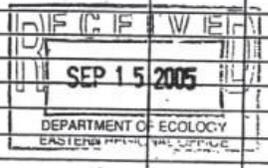
WATER LEVELS: Land-surface elevation above mean sea level _____ ft.
 Static level 178 ft. below top of well Date _____
 Artesian pressure _____ lbs. per square inch Date _____
 Artesian water is controlled by _____ (cap, valve, etc.)

WELL TESTS: Drawdown is amount water level is lowered below static level.
 Was a pump test made? Yes No If yes, by whom? _____
 Yield: _____ gal/min. with _____ ft. drawdown after _____ hrs.
 Yield: _____ gal/min. with _____ ft. drawdown after _____ hrs.
 Yield: _____ gal/min. with _____ ft. drawdown after _____ hrs.

Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level
_____	_____	_____	_____	_____	_____

Date of test _____
 Bailer test _____ gal/min. with _____ ft. drawdown after _____ hrs.
 Airtest 1.5 gal/min. with stem set at 212 ft. for 1 hrs.
 Artesian flow _____ g.p.m. Date _____
 Temperature of water _____ Was a chemical analysis made? Yes No



Start Date 8-10 Completed Date 8-12-05

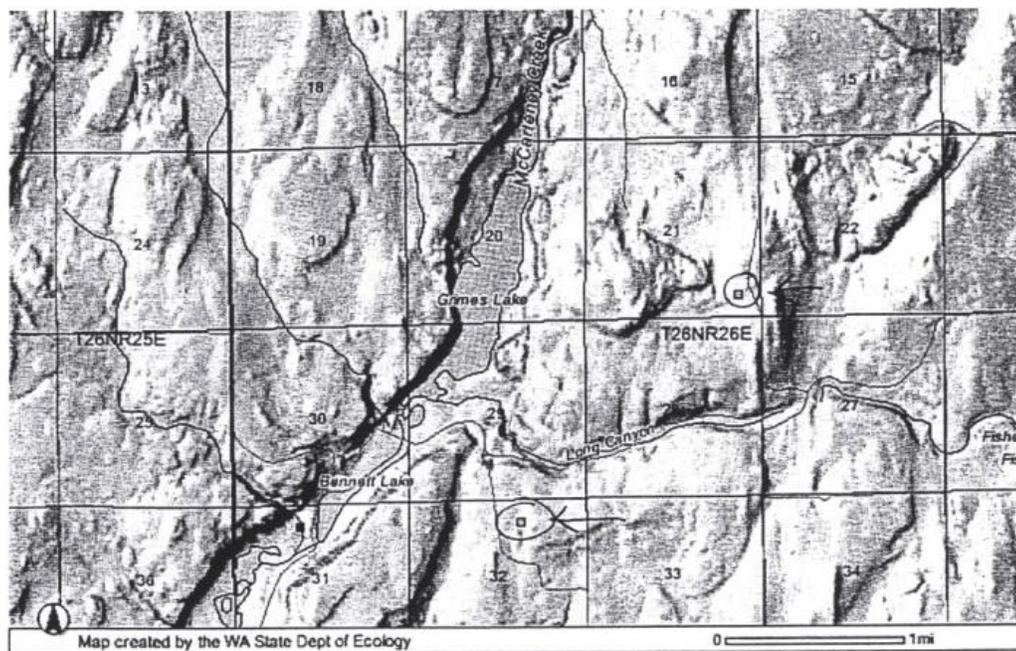
WELL CONSTRUCTION CERTIFICATION: I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief.

Driller Engineer Trainee Name [REDACTED]
 Driller/Engineer/Trainee Signature [REDACTED]
 Driller or Trainee License No. 2604
 If trainee, licensed driller's _____

Drilling Company Four Star Drilling
 Address PO Box 37
 City, State, Zip Hartline Wg. 99135
 Contractor's Four Star Drilling

ArcIMS Viewer

Page 1 of 1



Basic Query Results | National Priorities List (NPL) | US EPA



U.S. ENVIRONMENTAL PROTECTION AGENCY National Priorities List (NPL)

Contact Us **Search:** All EPA This Area
You are here: [EPA Home](#) [Superfund Sites](#) [National Priorities List \(NPL\)](#) [Basic Query](#) [Basic Site Query Results](#)

Basic Site Query Results

Active Superfund Sites

On December 10, 2007 at 1:16:29 PM ET, you searched for the following Superfund criteria:

**Region: 10
State: OR
County: Douglas
Zip Code: 98830**

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[Top of page](#)

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| [NPL Resources](#)
[Basic Query](#) | [Advanced Query](#) | [NPL Sites in the US](#) | [HRS Toolbox](#) | [FR Notices for NPL Updates](#)
[OSWER Home](#) | [Superfund Home](#) | [Innovative Technologies Home](#)

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<http://oaspub.epa.gov/oerrpage/basicqry> [12/10/2007 10:24:53 AM]

Facility Site Search List



Department of Ecology Facility/Site Database Search

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> Search > Basic

FS data last updated on 12/10/2007.

Results: FacilitySite List

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Number	Name	Address	City	State	Zip	Option
18637	Western Farm Service Inc Mansfield	7 AIRPORT RD	MANSFIELD	WA	98830	Show Map Report
3601188	MANSFIELD STP	1/2 MILE N OF TOWN	MANSFIELD	WA	98830-0218	Show Map Report
6087516	DOUGLAS CO TLS CLARK PERRY	.5 MI E RD Y .5 MI NE CNTY RD 87700	MANSFIELD	WA	98830	Show Map Report
13547812	DELBERT A DEPNER	420 WALNUT ST	MANSFIELD	WA	98830	Show Map Report
17839522	WARD A GLESSNER	131 WALNUT ST	MANSFIELD	WA	98830	Show Map Report
25673359	Douglas Co Public Works Mansfield Shop	S25 T27 R26	MANSFIELD	WA	98830	Show Map Report
27817889	Chevron USA Inc Mansfield Bulk	AIRPORT RD	MANSFIELD	WA	98830	Show Map Report

<https://fortress.wa.gov/ecy/facilitysiterearch/BASICSEARCH.ASPX> (1 of 2) [12/10/2007 10:37:44 AM]

Facility Site Search List

32358248	MANSFIELD CENTRAL OFFICE 4420 B02	MAIN ST	MANSFIELD	WA	98830	Show Map Report
34128144	THEODORE PINGER	137 MAIN	MANSFIELD	WA	98830- 0267	Show Map Report
39411893	WA DOT Mansfield Ust	SR 172	MANSFIELD	WA	98830	Show Map Report
43837221	WA DOT LEAHY MAINTENANCE SITE	HWY 17 & HWY 174	MANSFIELD	WA	98830	Show Map Report
74321545	MANSFIELD MAINTENANCE SITE	NE 14TH ST	MANSFIELD	WA	98830	Show Map Report
76192752	MANSFIELD SCHOOL DISTRICT 207	HWY 172 & MANSFIELD BLVD	MANSFIELD	WA	98830	Show Map Report
85829935	Douglas Cnty Transportation & Land Svcs	25 2ND ST	MANSFIELD	WA	98830	Show Map Report
85864529	Dole Fruit Beebe River Orchard	MCNEIL CANYON RD MP 1	BEEBE	WA	98830	Show Map Report

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Superfund Site Information

Search Results

Search Criteria:

Active vs. Archived:	Active What are active and archived sites?
County:	<i>DOUGLAS</i>
State(s):	<i>Oregon</i>
Region(s):	<i>10</i>
ZIP Code:	<i>98830</i>

Found **0** site(s) that match your search criteria listed above.
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http://cfpub.epa.gov/supercpad/cursites/srchrslt.c...CFTOKEN=10849028&jsessionid=98302c69781b1354b357TR [12/10/2007 10:24:29 AM]



[Redacted]

12/05/2007 03:23 PM

To [Redacted]
cc [Redacted]
bcc [Redacted]

Subject: ESA request for [Redacted] assistance

[Redacted]

We are requesting your assistance to complete an ESA for a property (designated property "L") the Wenatchee Field Office/Spokane District is proposing to acquire through the LWCF, and is in the Moses Coulee Project Area (H008). The acquisition is the first in a series of three possible acquisitions being facilitated by Clearwater Land Exchange on behalf of the BLM. Because it is tied to a IRC 1031 style exchange planned for the private landowners by Clearwater, the acquisition of property "L" needs to be processed in a short time frame in order for the series of transactions to succeed.

Although the ESA work would normally be performed in house by Spokane District's Environmental Professional [Redacted], he is currently unavailable due to other commitments. The time sensitive nature of this project requires obtaining help from another environmental professional to complete the processing. We have been seeking help from other staff in Oregon, but have thus far been unsuccessful.

If possible, we would like the ESA to be concluded by December 14, 2007. We will provide whatever assistance you need to complete this task.

Thanks very much for your consideration

[Redacted]

Wenatchee Field Manager
Spokane District BLM
509-665-2100

Appendix 3. Sample Update

To: Continental Divide National Scenic Trail, LWCF Project (K062)
From: Richard P. Todd, Realty Specialist / Environmental Professional
Subject: Pre-Acquisition Liability Survey (PALS) Update #1, Continental Divide Trail Easement Acquisition, Carbon County Wyoming, WYW-157754

I have reviewed the Pre-Acquisition Liability Survey (PALS) Report dated March 21, 2007 for the Continental Divide National Scenic Trail Easement Acquisition across [REDACTED] property in Carbon County, Wyoming. On November 20, 2007, I conducted a follow-up inspection/re-inspection of the surveyed route of the trail, including alternate alignment, not previously contained in the original Environmental Initial Assessment Report. The following is a summary of my findings.

Document Review

The PALS Report, dated March 21, 2007, was reviewed on November 18, 2007, prior to my field inspection.

Worksheet No. 1, Part 3 Government Records Review

The Environmental Records reviews dated October 2006 and March 2007 appeared complete for the area surveyed, and was applicable one year from the date of the search. The records review was updated by subsequent review dated November 2007. A copy of the updated records review is attached as Appendix "A." Nothing was identified in the course of my inspection/re-inspection or in the updated Government Records Review that would indicate the existence of recognized environmental conditions or issues related to the parcels of private land burdened by the proposed easement.

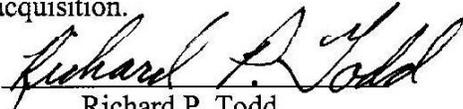
Worksheet No. 3 Visual Site Inspection/Re-inspection

On November 20, 2007, I made a visual inspection of the route of the surveyed easement, accompanied by Wyoming State Office Realty Specialist [REDACTED] Wyoming State Office Recreation Planner, [REDACTED] Cadastral Surveyor [REDACTED]. A copy of the updated legal description of the trail easement is attached as Exhibit "B" to this report. No structures or recent land disturbance was observed on or adjacent to the proposed easement area. Land use in the vicinity of the tract included evidence of primitive roads, improved roads, spring developments, underground pipelines, overhead utilities and livestock grazing. The route of the trail follows existing primitive roads along portions of the easement; however, much of the trail is "cross country" with limited vehicular access.

Conclusions

No new evidence of past industrial use, dumping, or spilling of hazardous materials or petroleum products was found in review of the records or during site inspection that would indicate a need for further evaluation.

After reviewing the original PALS Report, dated March 21, 2007, completing a Site Inspection/Re-inspection of the route of the trail and an updated Government Records Review, I concur with the findings of the original PALS that no further inquiry is needed on this acquisition.

Signed:  Date: 
Richard P. Todd
Realty Specialist / Environmental Professional

(Exhibits A and B are not attached)

Appendix 4. Sample Statement of Work (SOW) for a contracted Pre-Acquisition Phase I ESA

**Statement of Work
for
Pre-Acquisition (Phase I) Environmental Site Assessment
of the ***** Property/Site *****, State**

Scope. The Contractor must furnish all labor, equipment, transportation, permits, testing, and incidentals necessary for the performance of the work specified in this Statement of Work.

The work consists of the following tasks:

- (1) Conduct a Pre-Acquisition (Phase I) Environmental Site Assessment (ESA) in accordance with ASTM Standard 1527-05 *or ASTM Standard E2247-08 for Forestland and Rural Properties (greater than 120 acres)* on the parcels listed in the Background Section of this Statement of Work. The overall purpose of the Phase I ESA is to provide the Agency knowledge of the full range of “environmental issues and liabilities” associated with the parcel(s).

Through the Pre-Acquisition (Phase I) Environmental Site Assessment, the Bureau of Land Management (BLM) will have knowledge of the environmental conditions identified with the parcel beyond those associated with Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) liabilities and petroleum products. This includes, but is not limited to, environmental issues and conditions under the Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), the Clean Air Act (CAA), the Clean Water Act (CWA), the Toxic Substance Control Act (TSCA), etc. These environmental issues and conditions are typically considered as “Non-Scope Consideration” issues under the ASTM Standard. Non-Scope Consideration issues include, but are not limited to, asbestos containing material, radon, lead-based paint, non-hazardous solid waste disposal areas, waste water disposal systems, drinking water systems, drinking water and/or other wells, physical hazards, etc.

In conducting the Pre-Acquisition (Phase I) Environmental Site Assessment, the Contractor must consider to the proposed future land use of the parcel(s) in question. Some Non-Scope Consideration issues/conditions, which typically may be *de minimis* under the ASTM Standard, are not *de minimis* when the BLM’s planned future land use (example, dispersed recreation) is taken into account.

- (2) Complete the attached Pre-Acquisition Liability Survey (PALS) Worksheets (1, 2, 3 and 4). The completed worksheets must be included in the final report. A separate report shall be prepared for each parcel *(if multiple parcels are being acquired)*.

This work will be performed in accordance with _____ Environmental Response Action Contract _____.

Background. *****Provide project background, any known information regarding the parcel(s), land use, BLM operations, etc.*****

Location. *****Provide parcel(s) location and descriptions. Include map(s)*****

Fees. The Contractor must, without expense to the Government, pay all Federal, state, county, and municipal fees applicable to the performance of the work (i.e. completion of a Phase 1 Environmental Site Assessment).

Submittals. Work plans and Final Reports will be required. Three copies of the work plan and ****** copies of the Final Report must be submitted.

The work plan shall contain the following information:

- Procedure for conducting the Pre-Acquisition (Phase 1) Environmental Site Assessment
- Quality assurance/quality control used in the review of the Pre-Acquisition (Phase 1) Environmental Site Assessment prior to its submittal for BLM review and comment
- Contractor's internal risk management program to manage the risk associated with the conduct of the Pre-Acquisition (Phase 1) Environmental Site Assessment
- Contractor's standard terms and conditions including any limitations to liability
- The Contractor's errors and omissions professional liability insurance policy
- Resume of personnel conducting the Pre-Acquisition (Phase 1) Site Assessment

The report must follow the table of contents and report format included as an attachment at the end of this statement of work *****and must contain the following information:*****

***** Insert here any additional information that is to be included in the report that is not covered in the standard report format. *****

Schedule of Work. The Contractor is required to conduct field visits to the identified in this SOW as a component of conducting the Pre-Acquisition (Phase I) Environmental Site Assessment.

The Contractor must submit a work plan within ****** days of the contract award. The BLM will provide review and written comments on the work plan within ****** days of receipt of the work plan.

The Contractor must submit a draft report within ****** days of the contract award. The BLM will review and provide comments within ****** days of the receipt of the draft report. The Contractor will revise the draft report and prepare a final report for the BLM within ****** days of receipt of the BLM's comments on the draft report.

Search Distances. Search distances that are modified because of property-specific and state-specific conditions must be documented. Rationale must be provided to support modifying the search distances as well as assurance that the modification will meet the objective of the All Appropriate Inquiry Rule, 40 CFR part 312.

Search distances for local records must be documented if they are different from the minimum search distances specified by the United States Environmental Protection Agency.

Data Base Searches. All information contained in data base searches that is more than 4 months old must be verified independently by contacting the source of the information.

Historical Information (Records Review). If historical documents and records are available more frequently than 5-year intervals, all of the historical information must be reviewed and included in the Pre-Acquisition (Phase I) ESA.

Site Reconnaissance. If the Contractor is unable to gain access to the site, the owner's refusal to allow entry into the property must be documented and included in the Pre-Acquisition (Phase I) ESA report.

Interviews. Interviews of owner/occupants, Federal government officials, state and local government officials, adjoining land owners, and members of the public must be included to determine the presence and significance of any environmental issues and liabilities on the lands being investigated. Owner/occupants interviewed as part of the Pre-Acquisition (Phase I) ESA as well as their duration of occupancy must be included in the final report. Information obtained through interviews must be verified using external sources of data.

Data Gaps. Any data gaps must be identified. The significance of data gaps must be documented in the final report. The BLM will determine if sampling and analysis is necessary to address data gaps. If no data gaps are identified this must be documented in the final report.

Applicable Codes. The Pre-Acquisition (Phase I) Environmental Site Assessment must be conducted in accordance with the following documents:

- Standards and Practices for All Appropriate Inquiries 40 CFR part 312
- Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process E 1527-05 *or ASTM Standard E2247-08 for Forestland and Rural Properties (greater than 120 acres)*
- Applicable Associated Federal, state, and local environmental laws and regulations

Government Provided Materials. *****Identify information to be provided by the BLM (title reports etc.). *****

If the BLM fails to provide this information to the Contractor within 60 days of the contract award, the contract will be extended accordingly.

Site Access

The Contractor must have access to the parcels *****(Specify the hours that the Contractor can access the parcel.)***** The property owner must provide access to all buildings and storage facilities upon request by the Contractor. ****** days prior to requiring access, the Contractor must contact ****** to arrange access to buildings and storage facilities.

Point of Contact

*****Insert name and number of government point of contact for this site.*****

Contractor Qualifications. The Contractor must employ professional personnel to perform the work required under this Statement of Work. Personnel used must meet the Environmental Professional qualifications listed in the All Appropriate Inquiry Rule. (The Environmental Professional conducting the work required under this Statement of Work must also be a California Registered Environmental Assessor. A substitution may not be made without the approval of the BLM. *(Required for ESA reports in California)*)

Photos _____ Facilities:

TABLE OF CONTENTS AND REPORT FORMAT

(Based on ASTM 1527-05 or ASTM Standard E2247-08 for Forestland and Rural Properties (greater than 120 acres))

1 Cover Sheet**2 Table of Contents****3 Summary****4 Introduction**

- 4.1 Purpose
- 4.2 Detailed Scope-of-Services
- 4.3 Significant Assumptions
- 4.4 Limitations and Exceptions
- 4.5 Special Terms and Conditions
- 4.6 User Reliance

5 Site Description

- 5.1 Location and Legal Description
- 5.2 Site and Vicinity General Characteristics
- 5.3 Current Use of the Property
- 5.4 Descriptions of Structures, Roads, Other Improvements on the Site (including heating/cooling system, sewage disposal, source of potable water)
- 5.5 Current Uses of the Adjoining Properties

6 User Provided Information

- 6.1 Title Records
- 6.2 Environmental Liens or Activity and Use Limitations
- 6.3 Specialized Knowledge
- 6.4 Commonly Known or Reasonably Ascertainable Information
- 6.5 Valuation Reduction for Environmental Issues
- 6.6 Owner, Property Manager, and Occupant Information
- 6.7 Reason for Performing Assessment
- 6.8 Other

7 Records Review

- 7.1 Standard Environmental Record Sources
- 7.2 Additional Environmental Record Sources
- 7.3 Physical Setting Source(s)
- 7.4 Historical Use Information on the Property
- 7.5 Historical Use Information on Adjoining Properties

8 Site Reconnaissance

- 8.1 Methodology and Limiting Conditions
- 8.2 General Site Setting
- 8.3 Exterior Observations
- 8.4 Interior Observations

9 Interviews

- 9.1 Interview with Owner
- 9.2 Interview with Site Manager
- 9.3 Interviews with Occupants
- 9.4 Interviews with Local Government Officials
- 7.5 Interviews with Others

10 Additional Services/Non Scope Considerations**11 Findings****12 Opinion**

Include the following statement:

I offer the following opinion as to whether the all appropriate inquiry conducted in accordance with 40 CFR part 312 has identified conditions indicative of releases or threatened releases of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances on, at, in, or to the subject property.

Additional Investigations (if recommended)

13 Data Gaps

Include the following statement as part of the discussion on data gaps

I am identifying the following data gaps (as defined in 40 CFR Part 312.10) in the information developed as part of the all appropriate inquiry that affects my ability as an environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances on, at, in, or to the subject property. I am also including comments regarding the significance of said data gaps on my ability as an environmental professional to provide an opinion as to whether the all appropriate inquiry has identified conditions indicative of releases and threatened releases....

14 Conclusions

The report shall include one of the following statements:

We have performed a Pre-Acquisition (Phase I) ESA Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of [insert address or legal description] of the property. Any exceptions to, or deletions from, this practice are described in Section [describe if appropriate] of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.

Or;

We have performed a Pre-Acquisition (Phase I) ESA Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of [insert address or legal description] of the property. Any exceptions to, or deletions from, this practice are described in Section [] of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property, except for the following: (list).

15 Deviations**16 References**

17 Environmental Professional(s) Statement

The environmental professional must place the following statements in the report:

[I, We] declare that, to the best of [my, our] professional knowledge and belief, [I, we] meet the definition of Environmental Professional as defined in § 312.10 of this part.

[I, We] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. [I, We] have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR part 312.

18 Results of the All Appropriate Inquiries

Use one of these statements:

- (1) This Phase I has revealed no evidence of hazardous substances, petroleum products, or environmental conditions on this real property. No further inquiry is needed for purposes of all appropriate inquiries; therefore, this property is suitable for acquisition.*
- (2) This Phase I has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, this property is not suitable for acquisition.*
- (3) This Phase I has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property; therefore, a Phase II Site Investigation is recommended.*
- (4) This Phase I has revealed evidence of hazardous substances, petroleum products, or environmental conditions in connection with this real property. Therefore, only the following portions are suitable for acquisition (describe). The following portions are not suitable for acquisition and will be excluded (describe).*

19 Approvals/Signatures**20 Qualifications if Prepared by a Consultant****21 Appendices**

- 21.1 Site (Vicinity) Map
- 21.2 Site Plan
- 21.3 Site Photographs
- 21.4 Record Search Documentation
 - 21.4. a. Historical Research Documentation (aerial photographs, fire insurance maps, historical topographical maps, etc.)
 - 21.4. b. Regulatory Records Documentation
 - 21.4. c. Land Acquisition Screening Worksheet 1: RECORDS SEARCH
- 21.5 Interview Documentation
 - 21.5. a. Worksheet 2: INTERVIEWS WITH PAST and PRESENT OWNERS, OPERATORS, and OCCUPANTS
- 21.6 Site Reconnaissance Documentation
 - 21.6. a. Worksheet 3: SITE VISIT SURVEY-VISUAL ON-SITE INSPECTION OF THE PROPERTY AND OF ADJOINING PROPERTIES
- 21.7 Additional Services/Non-Scope Considerations Documentation
 - 21.7.a. Worksheet 4: SOLID WASTE, PHYSICAL HAZARDS, and NON-SCOPE ISSUES
- 21.8 Special Contractual Conditions between User and Environmental Professional
- 21.9 Qualification(s) of the Environmental Professional(s)

Glossary

Aboveground Storage Tank (AST) – A tank located aboveground that is regulated because it contains petroleum products or hazardous substances. See Underground Storage Tank (UST) Leaking Underground Storage Tank (LUST) and Leaking Aboveground Storage Tank (LAST).

Acutely Hazardous Waste – Hazardous Wastes from nonspecific sources (F Listed Wastes) identified at 40 CFR parts 260.30 and 261.30 as Acute Hazardous Waste (H Code).

All Appropriate Inquiries(AAI) – That inquiry constituting “All Appropriate Inquiries” into the previous ownership and uses of the property consistent with good commercial practice, that will qualify a party for one of threshold criteria for satisfying the Landowner Liability Protections (LLPs) to CERCLA liability.

American Society for Testing and Materials (ASTM) – A private, not-for-profit, standards-writing organization chartered with development and publication of specifications, tests, and practices concerning engineering materials, manufacturing products, and the environment.

Assistant Environmental Professional (AEP) – A person who does not qualify as an environmental professional under the EP definition may assist in the conduct of all appropriate inquires if such person is under the supervision or responsible charge of a person meeting the definition of an environmental professional when conducting such activities. The AEP may assist the EP in the conduct of the ESA (see also EP and Responsible Charge).

Bona Fide Prospective Purchaser Liability Protection – A CERCLA landowner liability protection is available if a prospective purchaser made “all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices.” A Purchaser who acquires property after January 11, 2002 may purchase property with known contamination after performing all appropriate inquiries provided the purchaser complies with all the statutory requirements of CERCLA Section 101(40).

Brownfields – With certain legal exclusions and additions, the term “brownfields site” means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Brownfields also includes lands contaminated by petroleum or petroleum products, lands contaminated by controlled substances, and mine scarred lands.

Code of Federal Regulations (CFR) – Codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies in the Federal Government (see also Federal Register).

Clean Water Act (CWA) – Originally enacted in 1948 and significantly amended in 1972, 1977, and 1987, the CWA provides regulatory requirements for water pollution control and water quality management in the United States.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) – Enacted in 1980, CERCLA established broad Federal authority to respond to releases or threats of releases of hazardous substances.

CERCLA 120(h) – Subjects Federal facilities to the provisions of CERCLA and imposes an additional set of regulations related to site studies and to notices for sale and other transfers of Federal real property.

Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) – EPA’s comprehensive data base and data management system that inventories and tracks releases addressed or needing to be addressed by the Superfund program.

Comprehensive Environmental Response Compensation and Liability Information System No Further Response Action Planned (CERCLIS NFRAP) – This means that no additional federal steps under CERCLA will be taken unless future information so warrants.

Community Environmental Response Facilitation Act (CERFA) – A 1992 amendment to CERCLA dealing with identification of uncontaminated Federal lands and provisions for documentation to purchasers that the property is free of hazardous substance and petroleum product contamination.

Contaminant – See Pollutant or Contaminant.

Contiguous Property Owner Liability Protection – A CERCLA landowner liability protection available if a party owns real property that is contiguous to and that is or may be contaminated by hazardous substances from other real property not owned by that person. This defense is available only if the person conducted all appropriate inquiries at the time of acquisition and did not know or have reason to know the property was or could be contaminated by hazardous substances from the contiguous property.

Conveyee – The party who receives title to lands conveyed by the BLM as part of the real property disposal process.

Data Gaps – A lack of or inability to obtain information required by the standards and practices listed in 40 CFR part 312, despite good faith efforts by the environmental professional or the prospective landowner to gather such information. The EP will be required to identify data gaps, address them when possible, and document their significance.

Delisted National Priority List (NPL) – Sites removed from the NPL because investigations or other actions indicated the likelihood of hazardous substances being present on the site were unlikely (see also NPL).

De Minimis Quantities – Conditions that 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 brought to the attention of appropriate government agencies.

Disclosure – Information provided by the BLM to the conveyee pertaining to past and current uses of the property to be conveyed relating to petroleum products, solid wastes, physical hazards or other concerns, which could affect the use of the property, that is not required under the provisions of CERCLA 120 (h) (see Notice) or other regulatory requirements.

Due Diligence – Comes from judicial law and establishes the standard for ESAs under the innocent landowner defense as acquiring and analyzing all reasonable ascertainable records related to or that may affect a site. It is the process of inquiring into the environmental characteristics of a parcel of real estate. The degree and level of effort vary for different properties and differing purposes.

Emergency Response Notification System (ERNS) List – EPA’s emergency response notification system list of reported CERCLA hazardous substances releases or spills in quantities greater than the reportable quantity, as maintained at the National Response Center.

Environmental Cleanup Lien – Recorded environmental cleanup liens are encumbrances on property for the recovery of incurred cleanup costs on the part of a state, tribal, or Federal government agency or other third party. These liens provide an indication that environmental conditions currently exist or previously existed on a property that indicate a release of hazardous substances or petroleum products that affect the property. Sometimes one will see the term environmental lien which is considered for the purpose of this handbook to be synonymous.

Environmental Professional (EP) –

(1) a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases (see § 312.1(c)) on, at, or to a property, sufficient to meet the objectives and performance factors in § 312.20(e) and (f).

(2) Such a person must

(i) Hold a current Professional Engineer’s or Professional Geologist’s license or registration from a state, tribe, or U.S. Territory (or the Commonwealth of Puerto Rico) and have the equivalent of 3 years full-time relevant experience; or

(ii) Be licensed or certified by the Federal Government, a state, tribe, or U.S. Territory (or the Commonwealth of Puerto Rico) to perform environmental site inquiries as defined in §312.21 and have the equivalent of 3 years full-time relevant experience; or

(iii) Have a Baccalaureate or higher degree from an accredited Institution of higher education in a discipline of engineering or science and the equivalent of 5 years of full-time relevant experience.

(iv) Have the equivalent of 10 years of full time relevant experience.

(3) An environmental professional should remain current in their field through participation in continuing education or other activities.

(4) The definition of environmental professional provided above does not preempt state professional licensing or registration requirements such as those for a professional geologist, engineer, or site remediation professional. Before commencing work, a person should determine the applicability of state professional licensing or registration laws to the activities to be undertaken as part of the inquiry identified in § 312.21(b).

(5) A person who does not qualify as an environmental professional under the foregoing definition may assist in the conduct of all appropriate inquiries in accordance with this part if such person is under the supervision or responsible charge of a person meeting the definition of an environmental professional provided above when conducting such activities. (See also AEP)

Environmental Protection Agency (EPA) – The Federal Agency responsible for enforcement of Federal environmental protection laws and regulations. Each state has a corresponding regulatory agency.

Environmental Site Assessment (ESA) – As defined in 602 DM 2, an environmental site assessment, prior to acquisition, to determine the potential of and extent of liability for hazardous substances or other environmental remediation injury. This includes, but is not limited to, a determination of the absence or presence of hazardous substances or conditions that indicate an existing or past release, or a material threat of a release on the real property, into the air, soil, sediment, groundwater, surface water, or any structures located on the real property.

Federal Register (FR) – Publication of the United States 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) (see also CFR).

Hazardous Substance – As defined in section 101(14) of CERCLA, any substance listed as a hazardous substance in various laws including CERCLA, CWA, RCRA, CAA, and TSCA. A list of CERCLA hazardous substances can be found at 40 CFR part 302.4.

Historical Recognized Environmental Condition (HREC) – Environmental condition which in the past would have been considered a recognized environmental condition, but which may or may not be considered a recognized environmental condition currently as defined in ASTM Standard E1527.

Hazardous Wastes – See 40 CFR part 261.3.

Historical Sources – Sources that provide information about past uses of the site. Sources generally include aerial photographs, property tax files, recorded land title records, and similar records/sources.

Indemnification Language – A written promise by one party that it will not hold another party liable. The language is not a viable option unless the guarantor has the financial resources to fulfill the obligations undertaken under the indemnity.

Innocent Landowner Defense (ILD) – One of the LLPs to CERCLA whereby a person may qualify as one of the three types of innocent landowner: (1) a person who did not know or have reason to know that contamination existed on the property at the time the purchaser acquired the property, (2) a government entity which acquired the property by escheat, or through any other involuntary transfer or acquisition, or exercise of eminent domain authority by purchase or condemnation, or (3) a person who acquired the facility by inheritance or bequest. To qualify for (1), such person must have conducted AAI before the date of purchase.

Landowner Liabilities Protections (LLPs) – Landowner liability protections under CERCLA that include innocent landowner defense, bona fide prospective purchaser, and contiguous property owner.

Leaking Underground Storage Tank (LUST)/Leaking Aboveground Storage Tank (LAST) – Underground/Aboveground storage tanks containing petroleum products and or hazardous substances that have a confirmed release of product into the environment. See Underground Storage Tank (UST) and Aboveground Storage Tanks (AST).

Liability (CERCLA) – CERCLA’s liability provisions impose strict, joint, several, and retroactive liability for cleanup of a contaminated site. The process is intended to hold financially liable for site cleanup all parties who contributed (even to a very small degree) to contamination of a property unless such parties can demonstrate that the harm is divisible.

Strict Liability: Allows a property owner to be held liable even though the property owner was not negligent.

Joint and Several Liability: Provides that one or several parties may be held responsible for the entirety of cleanup costs. Commonly called “deep pockets,” an agency or other responsible party may be required to pay more than its “fair share” where other responsible parties are non-viable or otherwise immune from suit.

Retroactive Liability: Provides that a party or parties may be held liable for the cleanup of contamination that occurred before the enactment of current legislation.

National Oil and Hazardous Substances Pollution Contingency Plan (NCP) – The Federal regulation that guides determinations of the sites to be corrected under the

Superfund program; the program to prevent or control spills into surface waters or other portions of the environment. The NCP is found at 40 CFR 300.

National Priority List (NPL) – A list of hazardous substance release sites in the United States that are priorities for long-term remedial evaluation and response.

National Response Center (NRC) – The Federal operations center that receives notifications of all releases of oil and hazardous substances into the environment. The Center, open 24 hours a day, is operated by the U. S. Coast Guard to evaluate all reports and notify the appropriate agencies. Most states have an equivalent organization to receive the same report.

National Science and Technology Center (NSTC) – A BLM organization located in Denver, Colorado that provides direct and contracted service in hazardous materials site evaluation, risk assessment, facility audits, cost recovery/potentially responsible party searches, and natural resource damage assessment and restoration services to field offices.

No Further Action Letter (NFA) – A letter issued by a regulatory agency, generally a state, at the conclusion of a property cleanup effort. The letter generally states that all information submitted by the responsible party has been reviewed, and based on that information; no further cleanup action is required at the site. The letter will also state that if additional information becomes available, additional cleanup actions may be required.

Non-Scope – Environmental issues or conditions at a property that the BLM may wish to assess in connection with the property that are outside the scope of ASTM 1527 (i.e. REC's). Examples include asbestos, radon, lead-based paint, health and safety issues, and similar items.

Notice – CERCLA stipulation that requires an agency of the United States to provide information about past and current uses of property relating to the storage, release, or disposal of hazardous substances and, in some cases, petroleum products to the party who receives title to the property. Notice is required at the time the BLM enters into a contract for transfer of the property and in the deed (conveyance document) for the property (see Disclosure.)

Notification (Release Reporting) – A report of a pollution incident to the National Response Center and equivalent state agency. See also National Response Center and Release.

Occupational Safety and Health Act (OSHA) and EPA – EPA and U.S. Occupational Safety and Health Administration (OSHA) promulgated identical health and safety standards to protect workers engaged in hazardous waste operations and emergency response. This act established several requirements. However, for ESAs the most important is the establishment of five levels of training for entry into hazardous waste

sites. The first level is Level 1, First Responder Awareness, required by BLM policy for employees who enter any property proposed for acquisition.

Oil Pollution Act of 1990 (OPA) – The OPA was the initial congressional response to the Exxon Valdez oil spill of March, 1989. The purpose of the Act was to ensure that future oil spills are minimized, effective responses are made to those that do occur, and those responsible pay for the damage and are subject to severe penalties.

Pathway – Medium through which hazardous substances and/or petroleum products move through the environment. The four pathways are generally soil (direct contact), surface water, groundwater, and air. The term *fate and transport* is also used, which refers to how the materials are affected as they move through the environment. The pathways of most concern during the ESA are soil and groundwater. See also Targets.

Pest – An insect, rodent, nematode, fungus, weed, or other form of terrestrial or aquatic plant or animal life or virus, bacteria, or microorganism that is injurious to health or the environment.

Pesticide – Any substance, organic or inorganic, used to destroy or inhibit the action of plant or animal pests; thus the term includes insecticides, herbicides, rodenticides, miticides, etc.

Petroleum Exclusion to CERCLA – Excludes from the scope of CERCLA liability petroleum, including crude oil or any fraction thereof and natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel.

Petroleum Product – Substances included within the meaning of the petroleum exclusion to CERCLA and fractions of crude oil that may include gasoline, kerosene, diesel oil, jet fuels, and fuel oil.

Pollutant or Contaminant – Includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents, that after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism may be reasonably expected to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions, or physical deformations in such organisms or their offspring. The term does not include petroleum products.

Potentially Responsible Party (PRP) – A CERCLA concept that includes extensive provisions to identify parties responsible for site contamination. Through these provisions, efforts are made to establish who is responsible for payment of costs related to the cleanup of a site.

Resource Conservation and Recovery Act (RCRA) – The Solid Waste Disposal Act, which was amended in 1976, becoming RCRA. This Act regulates solid waste and hazardous waste. The RCRA regulations seek to manage hazardous wastes from “cradle to grave”, that is, from point of generation to ultimate disposal.

RCRA CORRACTS Facilities List – A list of facilities subject to corrective action under RCRA.

RCRA non-CORRACTS TSD Facilities List – A list of facilities that are permitted under RCRA for the treatment, storage, or disposal of hazardous wastes.

RCRA Generators List – A list of facilities that generate hazardous waste.

Real Property – Any land, an interest therein, and all buildings, structures, and improvements affixed to the land. The Departmental Manual goes on to qualify this definition for the purpose of Environmental Site Assessment by the BLM unless determined, with concurrence of the Office of the Solicitor that no environmental liability will attach to such interest.

Real Property Acquisition – Real property obtained either through discretionary acts or when acquired by law, whether by way of condemnation, donation, escheat, right-of-entry, escrow, exchange, lapses, purchase, or transfer and that will be under the jurisdiction or control of the United States for any period of time, however short.

Real Property Disposal – Any action in which the United States conveys or otherwise disposes of any real property.

Recognized Environmental Condition (REC) – The presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include 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 brought to the attention of appropriate governmental agencies.

Records Review – The review of records that will help identify recognized environmental conditions in association with the property. These records may be located at Federal, state, and local jurisdictions. Examples include National Priority listed sites, state-listed sites, underground storage tanks, leaking underground storage tanks, BLM historical indices, and any other records that might indicate potential problems on a parcel of property.

Release – As defined in 40 CFR part 300 and CERCLA section 101(22). Includes any “spilling, leaking, discharging, injecting, pumping, pouring, emitting, escaping, leaching, dumping, or disposing into the environment, including abandoning or discarding barrels, containers, and any other closed receptacles containing any hazardous substance or pollutant or contaminant.”

Response Actions Under CERCLA – CERCLA includes two basic types of response actions:

Removal action is an immediate action taken over the short-term to address a release or threatened release of a hazardous substance or petroleum product.

Remedial action selects remedies that are protective of human health and the environment, that maintain protection over time and minimize untreated wastes. A remedial action takes a longer time to implement than a removal action.

Responsible Charge – responsible charge means direct oversight, direction and control over the scope, performance and ultimate quality of the work performed. It does not require the Environmental Professional to be the direct supervisor of the Assistant Environmental Professional (see also Environmental Professional and Assistant Environmental Professional).

NOTE: This definition developed by Washington Office Workgroup to implement requirements of 40 CFR part 312.

Superfund Amendments and Reauthorization Act (SARA) – 1986 Amendment to CERCLA that required the establishment of State Emergency Response Commissions and emergency planning districts, development of local emergency response plans, reporting of hazardous chemical inventories, and completion of toxic chemical release reports.

Site Reconnaissance – The process of physically observing a parcel, adjacent property, and the surrounding area to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the property.

Safe Water Drinking Act (SWDA) – Required EPA to set national standards for contaminant levels in drinking water and created state programs to regulate underground injection wells and protect sole source aquifers.

Site Visit – The process for physically observing the parcel to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the property.

Statement of Work (SOW) – The SOW is a step in the BLM contracting process that is a clear description of the work required to be completed during the contract. It becomes the basis for developing the government cost estimate.

Targets – A physical or environmental receptor that can be affected by a contaminant moving through a pathway. Targets include population centers, drinking water supplies, environmental resources, and similar items. See also Pathways.

Toxic Substance Control Act (TSCA) – Provides a process to control chemical hazards of listed chemicals in commerce. Chemicals include asbestos, PCBs, dioxins, and radon.

Underground Storage Tank (UST) – An underground storage tank system is a tank and any underground piping connected to the tank that has at least 10 percent of its combined volume underground. The Federal UST regulations apply only to underground tanks and piping which stores either petroleum or certain hazardous substances. See Aboveground Storage Tank (AST) and Leaking Underground Storage Tank (LUST).

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