

Reclamation Manual

Directives and Standards

Environmental Condition Assessment Requirements for Property and/or Land Transactions

Action ¹	Description	33 CFR §137 40 CFR § 312 ^{2,3}	CERCLA §120(h) 40 CFR §373 ^{3,4,5}	Other
Transferred Works CMP 11-03	O&M contractually transferred to a non-Federal entity	Not Applicable	Not Applicable ⁶	Not Applicable
	O&M transferred back to Reclamation	Not Applicable	Not Applicable	See Footnote ⁷
Title Transfers CMP 11-01	Dingell Act or other congressional authorizations	Not Applicable	Applicable ⁸	Not Applicable
RELINQUISHMENT To BLM for Revocation^{9,10}	Lands intended for relinquishment under 43 CFR Part 2370	Not Applicable	Not Applicable	ASTM E1528 ^{3,4}
DISPOSAL Out of Federal Ownership	GSA Facilitated	Not Applicable	Applicable ¹¹	Not Applicable
	Under Authority of Specific Legislation or Sale (non-GSA Facilitated)	Not Applicable	Applicable ^{7,12}	Not Applicable
DISPOSAL Within the Federal Government	To another Federal agency or other bureau (non-BLM)	Not Applicable	Not Applicable	See applicable agreement or legislation
DISPOSAL Less than fee interest (Including 1890s Reserved Rights)	Easement - Negative, Conservation, or Access	Not Applicable	Not Applicable	Not Applicable
	Disposal where Reclamation facilitated or performed construction, installation, maintenance, and/or management of facilities or equipment.	Not Applicable	Not Applicable	ASTM 1528 ^{3,4,13}
	Disposal where Reclamation did NOT facilitate or perform construction, installation, maintenance, and/or management of facilities or equipment.	Not Applicable	Not Applicable	Not Applicable
	Release back to landowner on which no government operations were performed or facilitated.	Not Applicable	Not Applicable	Not Applicable

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ACQUISITION Less than fee interests (Including 1890s Reserved Rights)	Easement - Negative, Conservation, or Access	Not Applicable	Not Applicable	Not Applicable
	Easement involving the construction, installation, maintenance and/or management of equipment such as pipe, conveyance, canal, pumping plant, fish release, road, or facility directed or performed by Reclamation	See Footnote ^{14,15}	Not Applicable	See Footnote ^{14,15}
	Easement involving the construction, installation, maintenance, or management of equipment such as pipe, conveyance, canal, pumping plant, fish release, road, or facility that is NOT directed or performed by Reclamation	Not Applicable	Not Applicable	Consult with DOI SOL
	Easement from another DOI bureau for which we do not have an agreement for which construction, installation, maintenance, and/or management of equipment such as pipe, conveyance, canal, pumping plant, fish release, road, or facility that is directed or performed by Reclamation ⁸	Not Applicable	Not Applicable	ASTM E1528 ^{3,4,16}
LAND ACQUISITION Reclamation ownership/fee interest	Fee Acquisition (land we purchase and own)	Applicable ¹⁵	Not Applicable	Not Applicable
	Transfer of administrative jurisdiction from another Federal agency	See Footnote ^{14,15}	Not Applicable	See Footnote ^{14,15}
	From another DOI bureau for which we do not have an agreement ⁸	Not Applicable	Not Applicable	ASTM E1528 ^{3,4,16}
USE or OCCUPANCY Buildings or Structures	Commercial Real Estate Lease, GSA Occupancy, Building Use Agreements.	See Footnote ¹⁷	Not Applicable	See Footnote ¹⁷
US Forest Service Interagency Agreement Number 86-SIE-004	Relinquish back to the US Forest Service	Not Applicable	Not Applicable	ASTM E1528 ^{3,4}
	Obtain withdrawn land from the US Forest Service	See Footnote ^{14,15}	Not Applicable	See Footnote ^{14,15}

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1. For land exchange, refer to the applicable acquisition and disposal action.
2. Utilize American Standard of Testing and Measures (ASTM) Standard E1527 (industrial)/E2247 (forest or rural) Phase I Environmental Site Assessment conducted and finalized in accordance with 602 DM 2 Sections 2.5, 2.7, 2.8, 2.10 and 2.11. This includes the requirement for additional analysis per Section 2.10 when applicable. Paragraph B. NOTE: Reclamation personnel performing a Phase I ESA under ASTM E1527 or E2247 will have their credentials as an Environmental Professional verified by the Reclamation HazMat Coordinator (HMC).
3. Reports developed by contract under ASTM E1527, E1528, and E2247 will be reviewed by an area or regional HMC or equivalent prior to acceptance by Reclamation.
4. Conduct the site assessment IAW ASTM E1528 Limited Environmental Due Diligence/Transaction Screening Process (LEDD/TSP) within one year prior to a land transfer. Records review and a visual inspection must be conducted within 6 months of the property transfer. The one-year timeframe may be extended to 18 months for rural areas with a low risk of illegal dumping or trespass. If a Potential Environmental Concern (PEC) is found, site characterization will be initiated. If site characterization indicates the presence of hazardous substances or oils, additional investigation will be performed to ascertain the type and concentration levels of contaminants along with the extent of contamination in soil, ground water, surface water, sediment, etc. NOTE: Reclamation personnel performing an ASTM E1528 LEDD/TSP must be approved by the Regional HMC to ensure they possess the required skills, regulatory knowledge, and experience, including conducting site reconnaissance, performing records reviews, and interviewing knowledgeable parties to identify PECs.
5. Requires agencies to assess hazardous substance activity on fee conveyances of Federal real property to non-Federal entities and provide applicable notifications, deed covenants, and/or rights of access requirements to the property conveyance grantee as follows prior to final disposition:
 - Give notice of hazardous substance activity to the grantee.
 - Include a covenant in the deed that “all remedial action necessary to protect human health and the environment with respect to any such substance remaining on the property has been taken before the date of such transfer.”
 - Include a deed covenant that the “United States will return and perform any additional response action that may be required in the future.”
 - A clause to retain a perpetual right of access necessary to do such additional response actions.
6. The transfer does not convey land out of Federal ownership.
7. Although this is not a land transfer, a regional or area HMC will conduct a full-scope environmental compliance assessment, including a visual inspection of the lands, within six months of the transfer to determine whether the prior operator contaminated Reclamation land or has any unresolved noncompliance with Federal, state or local regulatory agencies, requiring corrective action before the transfer is finalized.
8. Does not apply when legislation, deed covenants etc. include environmental indemnification language that holds the U.S. government harmless for environmental contamination or related claims. When the presence or effect of such language is unclear, consult the Regional Solicitor. If this language is not included, see Footnote 3, 4, and 12.
9. 602 DM 2 does not apply to transactions between bureaus, only to land coming into and out of DOI's jurisdiction.
10. Recognizing that 43 CFR §2372 does not define jurisdictional or administrative responsibilities under the Interagency Agreement between Reclamation and the Bureau of Land Management (BLM), dated March 25, 1983 — Reclamation will be responsible for compliance with 43 CFR §2372 for lands categorized under Section 5.A, as well as Section 5.B lands for which Reclamation administered land use agreements, leases, or third-party authorizations. These parcels will be differentiated by the authorized officers having jurisdiction over the lands proposed for each individual relinquishment. NOTE: Reclamation is not responsible for identifying or remediating contamination resulting from BLM operations or BLM-managed land use agreements, leases, or third-party authorizations, so these activities will be excluded from the scope of the LEDD/TSP.
11. See <https://disposal.gsa.gov/s/environmentalinfo>
12. Disposal of land with known contamination or environmental liability requires approval by the Regional Solicitor.
13. The scope of review under ASTM E1528 LEDD/TSP will be limited to areas on easements where hazardous substances or petroleum products were used or stored, or spills were reported, based on records review. Operations and maintenance that used hazardous substances can include spray coating, abrasive blasting, removal of asbestos containing materials/asbestos pipe, etc. Areas with no known storage or use of hazardous substances or POL do not need to be included in the review. If a PEC is identified, notify the area or regional HMC to determine whether additional site analysis and cost estimates for remediation are required.

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14. Reclamation will not become a landowner but is still required to perform a Phase I IAW with 602 DM 2, unless the Regional Director decides – in consultation with SOL – to complete an LEDD/TSP instead. In most cases, an LEDD/TSP would suffice since Reclamation does not require the Landowner Liabilities Protections (LLPs) under CERCLA or OPA provided by a Phase I ESA.
15. The acquisition of an interest in Real Property with a Recognized Environmental Condition (REC) or PEC must be approved according to IAW 602 DM 2 Section 2.14 Acquisition Approvals. There is no exception to this requirement.
16. If a PEC is identified, contact the area or regional HMC to determine whether site analysis is required.
17. Phase 1 or LEDD/TSP if there is reason to believe building or structure has been used to store or handle hazardous substances, oil, or petroleum products, or where there is visible evidence of hazardous substances or petroleum products. Reclamation may consult with DOI SOL to seek an exception to this requirement.