

WHAT An environmental baseline survey, or EBS, is a report that documents the current extent, if any, of environmental contamination of real property. **IS** An EBS includes the identification and analysis of all available and relevant records, a visual site inspection of the subject property and associated structures, a recorded chain-of-title documentation review, and interviews with Air Force and non-Air Force personnel associated with the **EBS** subject property (past and present) and adjacent properties.



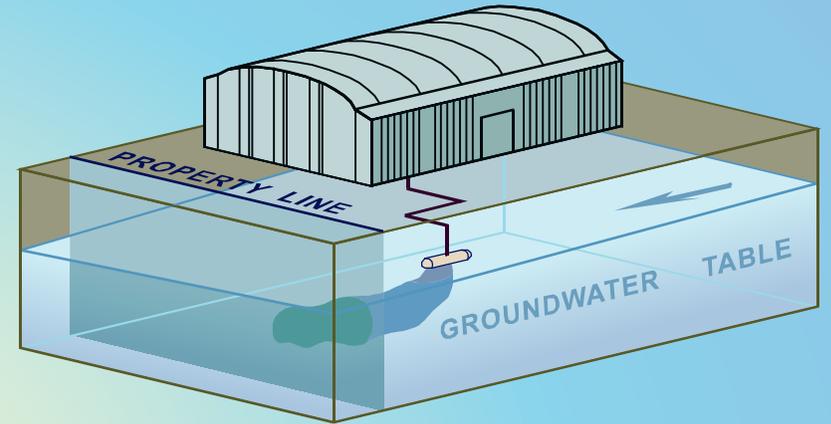
EBSs are necessary for most Air Force real estate transactions

substances. In order to reduce liability for such situations, Air Force Instruction (AFI) 32-7066 *Environmental Baseline Surveys in Real Estate Transactions* implements this law by prescribing methods and requirements for preparation of EBS reports for Air Force real property transactions.

WHEN IS AN EBS NEEDED? Requirements outlined in the AFI must be met for real property transactions involving: *acquisition, in-grant, out-grant, and disposal*. The preparation of an EBS report may be waived under certain types of transactions, but the records search, site inspection, and personnel interviews must still be conducted and documented in order to determine waiver eligibility. Determining the appropriate level of EBS analysis is important to ensure that Air Force real property transactions are in full compliance with local, state, federal, and Air Force regulations. Additionally, real property transactions must be analyzed under the National Environmental Policy Act (NEPA). The Air Force Environmental Impact Analysis Process, or EIAP, is often conducted in conjunction with an EBS study, as shown below:

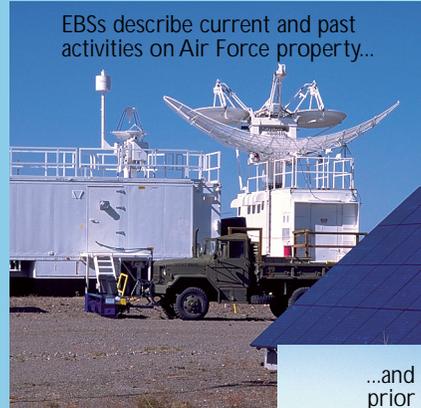
TRANSACTION	EBS	EIAP
INITIAL OUT-GRANT	EBS OR WAIVER	CATEX OR EA
IN-GRANT RENEWAL	NOT REQUIRED	CATEX OR EA
OUTGRANT RENEWAL	EBS OR WAIVER	CATEX OR EA
ACQUISITION	EBS	EA OR EIS
DISPOSAL/ EXCESSING	EBS	EA OR EIS

Note: For determination of appropriate level of EIAP, see AFI 32-7061 *the Environmental Impact Analysis Process*.

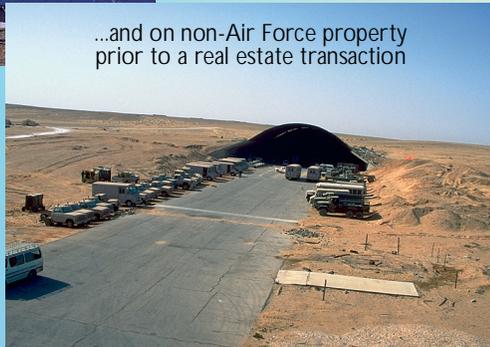


The end result is an EBS that includes:

- documentation of current and historic environmental contamination,
- assessment of health and safety risks,
- identification of liabilities,
- determination of possible effects on property values, and
- demonstration of compliance with CERCLA Sections 120(h)(1-4).



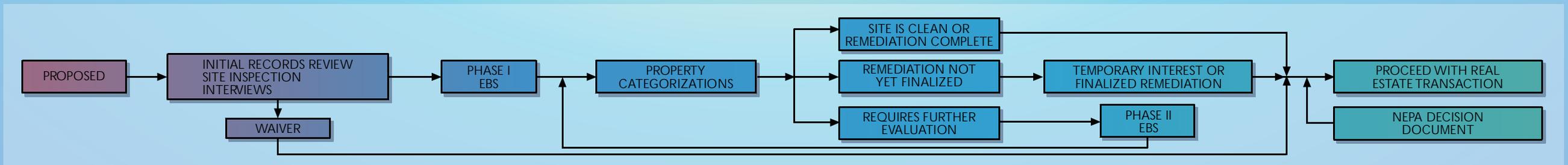
WHY DO AN EBS? An EBS protects your installation and the Air Force from future adverse actions related to real property environmental contamination. It considers both past and present activities on the property. It identifies potential liabilities associated with environmental



contamination of the site prior to a real property transaction. Section 107(a)(1) of CERCLA defines potential owner liability for site contamination. In general, any property owner can become liable for on-site or off-site contamination, *even where such owner has had no participation in the handling of hazardous*

HOW DO I PREPARE AN EBS? In preparing an EBS, follow the format in AFI 32-7066! The first step is to conduct a thorough review of all relevant and available environmental documentation. This can include Air Force records as well as federal, state, and local agency records. Following the records search, a visual site inspection is conducted. The purpose of the site inspection is to confirm what

RECOMMENDATIONS OF AN EBS: Once the subject property has been fully evaluated, it is assigned a "property category" that leads to a recommendation on whether or not to proceed with the proposed transaction. The majority of real property transactions may proceed without special conditions if contamination is nonexistent, presently below established regulatory thresholds, or has been fully remediated under appropriate regulatory guidelines. If contamination exists which has not been fully remediated, or additional investigation is required to characterize potential contamination issues, then proposed real property transactions may have to be cancelled, deferred, or modified.



KEY POINTS

- ➡ An EBS is an essential component of any real estate transaction package involving acquisition, disposal, or out-grant.
- ➡ An EBS can warn that a proposed real estate transaction involves site conditions that could threaten human health and/or create legal liability issues for the Air Force.
- ➡ An EBS involves records searches, a site visit, and interviews with knowledgeable individuals.
- ➡ Where site conditions clearly warrant it, a written Waiver to a full EBS may be prepared.
- ➡ The EBS process and the Environmental Impact Analysis Process should be conducted concurrently.

KEY TERMS

Acquisition – Any method of obtaining either permanent or temporary control of and responsibility for real property.

AFI 32-7061– *The Environmental Impact Analysis Process.*

AFI 32-7066 – *Environmental Baseline Surveys in Real Estate Transactions.*

CERCLA – Comprehensive Environmental Response, Compensation, and Liability Act.

Declaration of Excess – Description of real property that is no longer needed for Air Force mission.

Disposal – Transfer of real property fee ownership.

Due Diligence – Inquiring into environmental conditions and history of a real estate parcel. This is for the purpose of establishing innocent landowner defense under CERCLA.

Environmental Impact Analysis Process (EIAP) – Air Force implementation of requirements under the National Environmental Policy Act. There are 3 levels of environmental analysis: Categorical Exclusion (CATEX), Environmental Assessment (EA), or Environmental Impact Statement (EIS). (See AFI 32-7061)

Fee Ownership – Full and unconditional ownership by title.

In-Grant – Obtain an interest in (lease, license, permit, easement) or control of real property in less-than-fee ownership.

Out-Grant – Transfer interest or control of real property in less-than-fee ownership to non-Air Force organization or individual.

Real Estate Transaction - Any acquisition, in-grant, out-grant, or disposal of real property.

Real Property - Land and fixtures and other improvements.

Waiver – Exemption from preparing a full EBS.

ROLE OF HQ ACC/A7ZP

ACC installations conduct the majority of EBSs from within their civil engineering environmental flights. However, communication with HQ ACC/A7ZP early in the process is important, and can prevent delays in proposed projects due to environmental contamination and/or procedural issues. In some cases, coordination and approval of environmental documentation for specific real property transactions are required at the Headquarters or Air Staff level. The role of HQ ACC/A7ZP also includes:

Communicating EBS policies and objectives,

Responding to Congressional, installation, and private sector inquiries on EBS and EIAP requirements for real property transactions,

Assisting with external coordination of EBS documentation via federal, state, and local regulatory agencies.

For more guidance on EBS requirements, contact:

HQACC/A7ZP

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IMPLEMENTING AIR FORCE INSTRUCTION 32-7066

*Conducting Environmental Baseline Surveys
for ACC Real Property Transactions*

