



Designation: D5746 – 24

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

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INTRODUCTION

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

1. Scope

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

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

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

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

¹ This classification is under the jurisdiction of ASTM Committee E50 on Environmental Assessment, Risk Management and Corrective Action and is the direct responsibility of Subcommittee E50.02 on Real Estate Assessment and Management.

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1.1.1.2 *Standard Environmental Condition of Property Area Type 2*—An area or parcel of real *property* where only the release or *disposal* of *petroleum products* or their derivatives has occurred.

1.1.1.3 *Standard Environmental Condition of Property Area Type 3*—An area or parcel of real *property* where release, *disposal*, or *migration*, or some combination thereof, of hazardous substances has occurred, but at concentrations that do not require a removal or remedial action.

1.1.1.4 *Standard Environmental Condition of Property Area Type 4*—An area or parcel of real *property* where release, *disposal*, or *migration*, or some combination thereof, of hazardous substances has occurred, and all remedial actions necessary to protect human health and the environment have been taken.

1.1.1.5 *Standard Environmental Condition of Property Area Type 5*—An area or parcel of real *property* where release, *disposal*, or *migration*, or some combination thereof, of hazardous substances has occurred and removal or remedial actions, or both, are under way, but all required actions have not yet been taken.

1.1.1.6 *Standard Environmental Condition of Property Area Type 6*—An area or parcel of real *property* where release, *disposal*, or *migration*, or some combination thereof, of hazardous substances has occurred, but *required response actions* have not yet been initiated.

1.1.1.7 *Standard Environmental Condition of Property Area Type 7*—An area or parcel of real *property* that is *unevaluated* or requires additional evaluation.

1.1.1.8 *Standard Environmental Condition of Property Area Type 8*—An area or parcel of real *property* where the release, *disposal*, or *migration*, or some combination thereof of hazardous substances or emerging contaminants of environmental concern has likely occurred, but response actions either (1) have not yet been determined, or (2) are being managed under the auspices of an ARAR, such as a federal or state health advisory, or other federal regulatory program such as the Toxic Substances Control Act (TSCA).

1.1.2 *CERCLA Section 120(h) Requirements*—This classification of environmental condition of *property* area types is consistent with CERCLA § 120(h) requirements relating to the transfer of contaminated federal real *property* (42 USC 9601 *et seq.*). Areas classified as Area Types 1 through 4, as defined in this classification, are suitable, with respect to CERCLA § 120(h) requirements, for deed transfer to a non-federal recipient.

1.1.3 *CERFA Requirements*—This classification of environmental condition of *property* area types can be used in conjunction with the reporting requirements of CERFA, which amended CERCLA (Public Law 102-426, 106 Statute 2174). As defined in this classification, areas classified as Type 1 areas are eligible for reporting as “uncontaminated property” under the provisions of CERFA. At federal installations listed on the national priorities list, Environmental Protection Agency (EPA) concurrence must be obtained for a parcel to be considered uncontaminated and therefore transferable under CERCLA § 120(h)(4). EPA has stated as a matter of policy that there may be instances in which it would be appropriate to concur with

the military service that certain parcels can be identified as uncontaminated under CERCLA § 120(h)(4), although some limited quantity of hazardous substances or *petroleum products* have been stored, released, or disposed of on the parcel. If the information available indicates that the *storage*, release, or *disposal* was associated with activities that would not be expected to pose a threat to human health or the environment (for example, housing areas, petroleum-stained pavement areas, and areas having undergone routine application of pesticides), such parcels should be eligible for expeditious reuse.

1.1.4 *Petroleum Products*—Petroleum products and their derivatives are included within the scope of this classification. Under existing agency-specific and US EPA policy, areas on which *petroleum products* and their derivatives have been released or disposed of may not be suitable for deed transfer until a response action has been completed.

1.1.5 Munitions Response, Munitions Response Areas, and Munitions and Explosives of Concern are included within the scope this classification. Discarded Military Munitions (DMM) and Unexploded Ordnance (UXO) may be encountered at Department of Defense properties and at formerly used defense sites (FUDS). Section 7.1 describes the steps the *environmental professional* should follow to determine if DMM and UXO are present or have been present on the subject property and any response actions taken at address DMM and UXO. Based upon this assessment, one of the seven explosive safety condition of property types described in 7.2 through 7.8 can be assigned to the property.

1.2 *Objectives*—The objectives guiding the development of this classification are as follows: (1) to synthesize and put in writing a standard classification of environmental condition of *property* area types; (2) to facilitate the development of high-quality, standardized environmental condition of *property* maps that can be used to support FOSTs and FOSLs; (3) to facilitate the development of a standard practice for conducting environmental baseline surveys; and (4) to facilitate the development of a standard guide for preparing environmental baseline survey reports.

1.3 *This international standard was developed in accordance with internationally recognized principles on standardization established in the Decision on Principles for the Development of International Standards, Guides and Recommendations issued by the World Trade Organization Technical Barriers to Trade (TBT) Committee.*

2. Referenced Documents

2.1 ASTM Standards:²

- D6008 Practice for Determining the Environmental Condition of Federal Property
- E1527 Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process
- E1689 Guide for Developing Conceptual Site Models for Contaminated Sites

² For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard’s Document Summary page on the ASTM website.