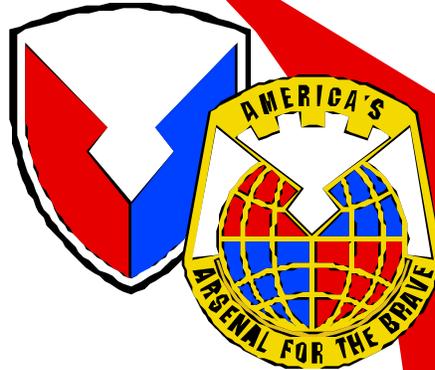


*Presented by:*  
**ROBERT S. LINGO**  
*Attorney Advisor*

# Army Materiel Command

**DISPOSAL OF ARMY  
REAL ESTATE**

*2 August 99*



**AMC – Relevant, Responsive & Ready!**



## **GSA DISPOSAL OF REAL PROPERTY**

- GSA is the federal agency responsible for property disposals
- 
- Two Exceptions:**
  - ❖ BRAC Statute granted to DoD
  - ❖
  - ❖ **Special Legislation**
  - ❖
  - ✕ **Cornhusker AAP, Indiana AAP**
  - ✕ **Joliet AAP, Volunteer AAP**
  - 
  -



## **RETENTION PRIOR TO DISPOSAL**

- Management prior to GSA Disposal**
- Army responsibilities**
  - ❖ Identifying Enviro/Safety concerns to GSA
  - ❖ Responsible for remediation
  - ❖ Leasing authority if “non-excess”
  - ❖ Care and custody for 5 quarters after ROE
  - ❖ Obtaining funding for these responsibilities
- AMC Discussing with Corp of Engineers to assume restoration and management of some installations**

Slide # 3 of \_10\_



## **NEPA DOCUMENTATION**

- Reporting property excess to GSA**
  - ❖ Categorical Exclusion A-24
  - ❖ Merely an administrative transfer between Federal agencies - no environmental effect
- NEPA Compliance for Disposal**
  - ❖ GSA responsibility
  - ❖ Advantages of Army named as Cooperating Agency
  - ❖ Must look at indirect, reasonable anticipated direct and indirect effects of disposal
  - ❖ Native American & Cultural Issues

Slide # 4 of \_10\_



## **ENVIRONMENTAL BASELINE SURVEY**

- Army required to provide EBS to GSA sufficient for them to dispose of property**
  - ❖ List of hazardous substances
  - ❖ Environmental/Safety condition of property
  - ❖ Status of remediation
- Two Step Procedure**
  - ❖ Characterization based on records
  - ❖ Sampling or other effort to better define unknown areas and fully characterize
- Suspected contaminated areas cleared by Army's remediation & safety programs**

Slide # 5 of \_10\_



## **SUITABILITY TO TRANSFER**

- FOST not required for GSA Disposals**
  - ❖ No statutory requirement for FOST
  - ❖ DoD created document for BRAC
  - ❖ Army must provide sufficient info to GSA to indicate remediation has been completed
- Army Suitability Documents**
  - ❖ FOSET for Early Transfer/Deferred Covenant
  - ❖ Operating Properly and Successful Demonstration where remedy installed, but remediation has not been achieved

Slide # 6 of \_10\_



## **REPORT OF EXCESS ITEMS**

- Report of Excess should document**
  - ❖ **Hazardous substances storage and releases**
  - ❖ **UST presence & compliance**
  - ❖ **Potential explosive areas**
  - ❖ **Asbestos containing materials**
  - ❖ **Lead-based paint**
  - ❖ **PCB**
  - ❖ **Cultural & Natural Resource Information**
- GSA Environmental Guidebook for Realty Specialists--July 1998**

Slide # 7 of \_10\_



## **DEED LANGUAGE**

- GSA Responsibilities**
  - ❖ **Responsible for general terms**
  - ❖ **Responsible for CERCLA covenants**
  - ❖ **Standard ACM and LBP clauses**
- Army responsibilities**
  - ❖ **Interim restrictions because of Early Transfer**
  - ❖ **Any remedy operation restrictions**
  - ❖ **Long term restrictions related to environmental use restrictions or landfills**
- Must work together**

Slide # 8 of \_10\_



## **GSA RESPONSIBILITIES**

- Mc Kinney Homeless Act Screening**
  - ❖ **Army responsibility for leases**
  - ❖ **Center for Public Works Guidance**
- Endangered Species Act coordination**
- Historical Preservation Act coordination**
- Coastal Zone Management Determinations**
- Marketing of Property**
- Negotiation of Sale Agreement**
- Deed Preparation**

Slide # 9 of \_10\_



## **GSA-ARMY TEAM EFFORT**

- Two agencies must work closely together**
- Form small team of dedicated people**
- Should be clear Team Leader for each**
- Remember your roles**
  - ❖ **Army makes property available for disposal**
  - ❖ **GSA in charge of disposal**

Slide # 10 of \_10\_