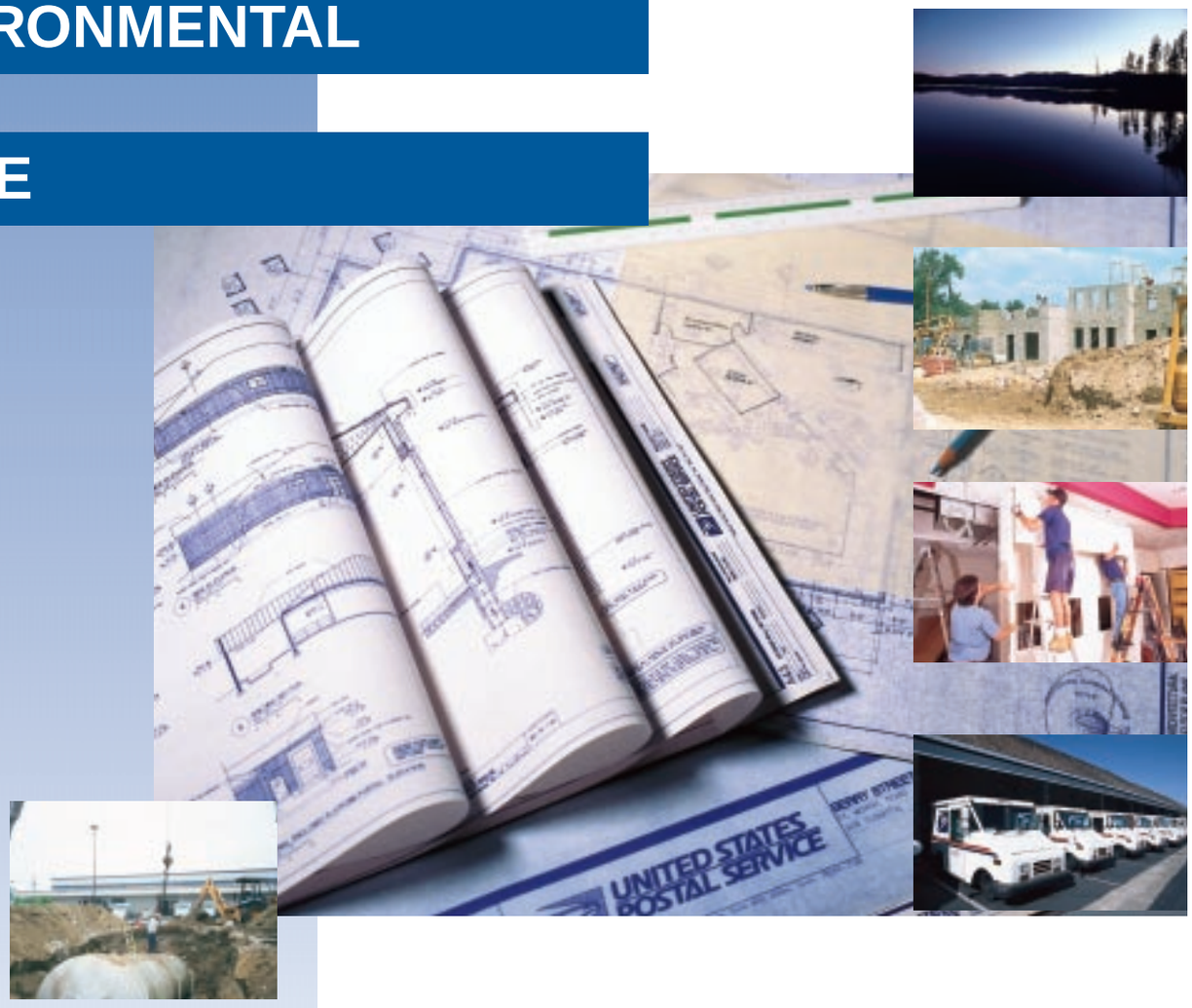
UNITED STATES POSTAL SERVICE

FACILITIES

ENVIRONMENTAL

GUIDE



Handbook RE-6
December 1997

UNITED STATES POSTAL SERVICE™

Facilities Environmental Guide

Handbook RE-6

December 1997
Transmittal Letter 7

A. Purpose. The United States Postal Service is committed to providing its employees and customers with a safe and healthy environment and complying with applicable environmental laws and regulations. This guide provides postal personnel with policies, procedures, and guidelines pertaining to facilities-related activities that may affect human health and the environment. Many Postal Service activities, such as real estate acquisition and disposal, construction, renovation, and post office expansion and closure, are subject to numerous and increasingly stringent environmental regulatory controls. This guide serves as a tool for identifying and managing environmental impacts associated with facilities transactions.

B. Disclaimer. Handbook RE-6, *Facilities Environmental Guide,* is only intended to enhance the internal management of the Postal Service and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the United States Postal Service. This guide is not a Postal Service regulation; it concerns internal procedures and practices that do not affect individual rights and obligations, and it does not create any right to judicial review involving compliance or noncompliance with the procedures established by this guide.

C. Revisions. This guide replaces Handbook RE-6, *Facilities Environmental Handbook,* January 1991. This guide will be revised to modify policies and procedures as needed in the future.

D. Instructions. The text and appendices have been expanded and include examples of three postal forms. The revised versions of the *Facilities Environmental Checklist* (Form 7498-D) and the *Record of Environmental Consideration* (Form 8194) are contained within. The *Transaction Screen Questionnaire* (Form 7499) has been added to this revision of the guide. These three forms are referenced throughout the text and are available electronically in the Facilities Management System Windows (FMSWIN) and the Real Estate Contracting System (RECS). These forms will not be stocked at the material distribution center (MDC).

E. Distribution

1. **Initial.** This guide is being distributed to all Headquarters functions, vice presidents, inspector general, inspectors in charge, chief field counsels, major facilities office, facilities service offices, administrative service offices, as well as area and district environmental personnel.
2. **Additional Copies.** Organizations not included in the initial distribution or those requiring additional copies should order copies from the MDC using Form 7380, *MDC Supply Requisition.*

F. Comments and Questions. Training courses on Handbook RE-6, *Facilities Environmental Guide,* will be provided to Facilities personnel, as well as other field environmental and administrative service personnel, upon the initial distribution of this guide. After which, if you need further clarification of the policies and procedures in the guide, send your request to:

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NATIONAL REAL ESTATE
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G. Effective Date. This guide is effective immediately.

Rudolph K. Umscheid
Vice President, Facilities

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Contents

Exhibits

1 Introduction

1-1 Purpose

This guide provides Postal Service Facilities personnel with policies, procedures, and guidelines pertaining to facilities-related activities that may affect human health and the environment. Increasingly stringent federal, state, and local environmental laws and regulations have been enacted over the past 25 years. These laws and regulations affect almost every aspect of Postal Service activities ranging from small projects to large and complex programs. Many Postal Service activities, such as real estate acquisition and disposal, construction, renovation, and post office expansion and closure, are subject to numerous environmental regulatory controls. This guide serves as a tool for identifying and managing environmental impacts associated with facilities real estate transactions.

The intent of this guide is to improve the internal management of the Postal Service and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the United States Postal Service. This guide is not a Postal Service regulation; it concerns internal procedures and practices that do not affect individual rights and obligations. It also does not create any right to judicial review involving compliance or noncompliance with the procedures established by this guide.

1-2 Organization

- **Chapter 2, The National Environmental Policy Act Process.** Chapter 2 provides guidance on how to comply with the National Environmental Policy Act (NEPA); that is, how to evaluate the environmental impacts that the Postal Service's proposed actions may have on the physical environment. This chapter explains when NEPA applies to a project; how to use the *Facilities Environmental Checklist,* to facilitate the NEPA process; how to apply categorical exclusions (CATEXs); when and how to prepare an Environmental Assessment (EA); and when an Environmental Impact Statement (EIS) is necessary.
- **Chapter 3, Environmental Regulatory Requirements.** Chapter 3 provides guidance on regulatory compliance issues required by various federal statutes and regulations. This chapter is divided into segments

devoted to various environmental areas, such as air, water, and endangered species. Each section contains a flowchart outlining the initial and ongoing requirements for each environmental area.

Note: Many regulatory compliance issues identified during the planning process require ongoing activities throughout the construction phase and into the operational phase in order for the Postal Service to be in compliance with various environmental laws.

- **Chapter 4, Environmental Due Diligence.** Chapter 4 provides guidance on how to successfully complete an environmental due diligence investigation. In the due diligence process, the prospective purchaser investigates the property to identify recognized environmental conditions and potential environmental risks associated with past uses of real estate. The investigations are designed to inform the Postal Service of potential environmental problems, such as the presence of underground storage tanks (USTs) or friable asbestos; to minimize the risk that the site and/or building contains hazardous or toxic substances; and to protect the Postal Service from potential practical and legal consequences under various federal environmental statutes. Chapter 4 explains when and how the various environmental site evaluations are performed.
- **Chapter 5, Environmental Oversight: Design, Construction, and Repair and Alteration.** Chapter 5 describes environmental activities that should be undertaken during the design and construction phases of a project. This chapter also discusses similar environmental activities that may arise during repair and alteration projects.

  Note: Regulatory compliance issues that are discussed in Chapter 3 and identified during the planning process may carry over into the construction and operational phase of a project.

1-3 Environmental Planning and Evaluation

1-3.1 Guidelines

The Postal Service must consider the environmental consequences of proposed facilities actions before their implementation. Environmental planning begins early in the development stage of a proposed action. During this stage, when the Postal Service is actively preparing to make a decision, the environmental effects of that decision must be thoroughly evaluated. The Postal Service should use the evaluation process to ensure sound environmental and business planning, to identify environmental compliance issues, and to minimize legal obstacles and costly time delays due to litigation. Environmental planning fits into business planning at every stage of decision-making and accompanies an action as it proceeds through its business life cycle, with analysis, review, management oversight, and approval at each step.

Environmental planning entails several discrete activities, including fulfilling the requirements of NEPA; identifying and commencing various compliance requirements; evaluating potential contamination of property pursuant to the due diligence process; and performing other relevant environmental evaluations. Each environmental planning activity may involve several levels of analyses. The results from earlier evaluations will form the basis for determining the need to proceed to more extensive and detailed studies.

When considering proposed actions that may present environmental issues, environmental specialists, coordinators, planners, decision-makers, and other officials responsible for postal actions will, when appropriate, do the following:

- Use a systematic approach, integrating environmental design into planning and decision-making processes.
- Identify environmental effects and values and appraise them in conjunction with economic and technical analyses.
- Ensure that project plans, time lines, cost projections, and decisions reflect environmental requirements, such as costs and time frames for environmental studies or the implementation of necessary mitigation measures.

1-3.2 Intergovernmental Coordination

Compliance with the Intergovernmental Cooperation Act (ICA), 31 United States Code (U.S.C.) Section 6501, is a critical step in the planning stages of a facilities action. Although the ICA is not an environmental law and does not impose environmental requirements, compliance with the ICA is often closely associated with, and an integral part of, the environmental planning process. The following is a short discussion of the ICA and Postal Service requirements.

Postal Service regulations concerning intergovernmental review must be followed. These regulations, 39 *Code of Federal Regulations* (CFR) Section 778, Intergovernmental Review of Postal Service Facility Actions, detail Postal Service intergovernmental review obligations and encompass the ICA requirements. ICA regulations are intended to foster an intergovernmental partnership by utilizing state processes and state, regional, and local coordination to review proposed federal development projects. Federal agencies must provide opportunities for consulting and communicating with state and local planning officials and make every effort to accommodate their legitimate concerns. The Postal Service has an obligation to maintain records to document factors that lead to a decision. These records are maintained so that a reviewing court can determine whether the Postal Service fully considered local planning objectives. Additional guidance can be found in the *Administrative Support Manual* (ASM) 517.2, Community Contact, and the *Community Relations Guide for U.S. Postal Service Facilities Projects.*

1-3.3 Use of Contractors

When a project requires environmental technical expertise, outside contractors should be obtained. Contracting out the *entire* environmental

planning process, however, should be discouraged. Resources may be used more efficiently by conducting environmental planning in-house, with the cooperation of facilities, environmental, and legal staff who are familiar with Postal Service policy, regulations, and operations.

In any event, in-house staff should serve as program managers and reviewers of work products prepared by contractors. Environmental analyses and the development of alternatives and recommendations by contractors must be reviewed by the Postal Service's project stakeholders and responsible officials. Even though contractors are responsible for meeting all requirements that pertain to their work, the Postal Service is ultimately responsible for implementing environmental mitigation and related operational activities.

Contractors may be hired for the preparation of EAs, EISs, environmental due diligence assessments (e.g., Phase I environmental site assessments and site characterizations), UST surveys, and other environmental studies, including those addressing floodplains, wetlands, and historic considerations. The use of contractors is governed by the following conditions:

- The firm selected to perform environmental services for a facility action must not be the term contractor or any contractor that is selected to perform other services, such as architect-engineer (A-E) design and construction services for the same project (e.g., asbestos abatement and asbestos oversight).
- A contractor employed to prepare an EA or EIS must certify that he or she has no financial or other interest in the outcome of the project.
- The contractor should notify the contracting officer before discussing the project with the owner, lessor, or their representatives.
- The contractor must give advance notice to the contracting officer, real estate project manager, or other appropriate Postal Service managers when contacting the public and public agencies about the project.

1-3.4 Documentation

The environmental planning process may require the preparation of various documents. For example, the NEPA process could involve the preparation of an EA and Finding of No Significant Impact (FONSI) or the more extensive EIS and Record of Decision (ROD). Chapter 2 fully discusses documentation requirements under NEPA. Similarly, the environmental due diligence process normally requires at least the *Transaction Screen Questionnaire* (TSQ), or a Phase I environmental site assessment (ESA), and possibly a more extensive assessment, such as a site characterization. Chapter 4 discusses these documentation requirements. Postal Service policy also may require the completion of other documents during the environmental planning process.

All supporting environmental documents must become an integral part of the file that documents proposed actions and should be used in the decision-making process. At the completion of the project, in addition to filing a copy of all environmental documentation at the facilities service office (FSO) or major facilities office (MFO), a copy must also be transferred to the

facility manager for filing on site and to the appropriate district environmental compliance coordinator (DECC).

1-3.4.1 Facilities Environmental Checklist

For the majority of proposed projects, the Postal Service requires the preparation of the *Facilities Environmental Checklist* (referred to as the checklist). Although not a NEPA document, this checklist may and should be used to determine the applicability of NEPA. A completed checklist *cannot* be used as a substitute for a required EA or EIS.

Note: Separate NEPA documents must be prepared if regulations or the checklist findings indicate that a NEPA review is required. Refer to Chapter 2 for a detailed explanation of how to use the checklist to support the NEPA process.

In addition to assisting in the NEPA process, the checklist is also used to identify potential regulatory compliance issues, such as permitting requirements under the Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and so forth. These compliance issues are discussed further in Chapter 3.

1-3.4.2 Record of Environmental Consideration

The *Record of Environmental Consideration* (REC) documents the level of NEPA review that has been undertaken for a project and must accompany the project file. Chapter 2 explains how to use the REC.

1-4 Responsibilities

Organizational responsibilities are outlined in the following sections.

1-4.1 Environmental Management Policy

Environmental Management Policy (EMP), Engineering, at Headquarters is responsible for:

- Developing environmental operational programs implemented throughout the Postal Service.
- Developing policy and guidance documents designed to facilitate compliance with NEPA and its implementing regulations.
- Providing guidance regarding the types of information to be collected and maintained in order to comply with environmental regulations.
- Ensuring that appropriate environmental documents are prepared.

1-4.2 Facilities

Facilities at Headquarters is responsible for:

- Overseeing policies governing site acquisition, building design, and construction for new facilities.

- Ensuring functional coordination with the environmental specialists at the FSO and MFO level.
- Evaluating environmental program risks and impacts as they relate to facilities activities, including acquisition of property, construction, modification, repair and alteration, and disposal.
- Developing facility environmental guidelines.
- Ensuring budgets and costs associated with facilities environmental programs and initiatives are appropriate.
- Developing environmental policies as they affect facilities construction and real estate activities.

1-4.3 Facilities Service Office and Major Facilities Office

The FSO and/or MFO are responsible for:

- Implementing policies governing site acquisition, building design, and construction for new facilities.
- Providing technical support for real estate activities, site investigations, preferred area investigations, and site selection.
- Determining the appropriate scope of work and providing technical oversight of EAs, site contamination assessments, and other studies (e.g., wetlands, floodplains, and permits).
- Preparing, or coordinating the preparation of, EAs for real estate and construction actions that fall within their contracting authority.

1-4.4 General Counsel

General Counsel at Headquarters is responsible for:

- Ensuring that contracts, EAs, and EISs meet legal requirements.
- Providing advice on environmental legal issues.
- Monitoring and reviewing new federal environmental laws and regulations and advising affected postal organizations.

1-4.5 Operations Support

Operations Support at all levels is responsible for overseeing the policies governing facility planning concepts and space criteria for new facilities as detailed in Handbook AS-504, *Space Requirements.*

1-4.6 Purchasing and Materials

Purchasing and Materials at all levels is responsible for:

- Providing contract mechanisms for environmental management contracts.
- Participating in the development of an affirmative procurement program.
- Incorporating environmental considerations into the purchasing process.

1-5 References

1-5.1 Handbooks and Management Instructions

Several real estate handbooks provide in-depth discussions about specific facilities programs, including the following:

- Handbook RE-1, *Realty Acquisition and Management.*
- Handbook RE-3, *Facilities Management System.*
- Handbook RE-12, *Repair and Alteration Surveys.*
- Handbook RE-13, *Repair and Alteration of Real Property Facilities.*
- Handbook RE-14, *Design and Construction Handbook.*

Several management instructions (MIs) and environmental handbooks may also serve as reference and guidance materials (see details below).

1-5.2 Environmental Information Systems

An increasing amount of environmental information is becoming available on-line to the Postal Service. The EMP internal Web site (available on the Postal Service intranet) contains a great deal of information, including directories of points of contact, training opportunities, environmental program information, and a library of environmental reference materials that can be downloaded. The extensive references include Postal Service policy documents, MIs, maintenance management orders (MMOs), and federal and state regulations. The EMP Web site addresses are: http://blue.usps.gov/environmental and http://www.usps.gov/environ. The Web site address for facilities documents is: http://blue.usps.gov/facilities.

For those without Postal Service intranet access via the Postal Routed Network (PRN), another on-line resource is available for downloading and viewing reference materials: the Customer Service and Sales Bulletin Board System (CSBBS) that can be accessed by using a modem and an 800 number.

The Environmental Management Information System (EMIS) tracks progress in various environmental areas: asbestos, recycling, USTs, quality assurance reviews (QARs), and other areas.

1-5.3 Other References

This guide serves as the primary Postal Service manual for conducting appropriate environmental planning and management for facilities-related Postal Service activities. Other Postal Service documents and publications, however, also may serve as useful references, for example, the *Purchasing Manual;* Publication 191*, Investment Policies and Procedures;* the *Administrative Support Manual;* facilities bulletins; and 39 CFR Part 775, Environmental Regulations. In addition, other agencies may have procedures that apply to Postal Service facility actions, such as the U.S. Army Corps of Engineers (USACE) regulations dealing with the alteration of wetlands.

1-6 Applicable Environmental Laws, Regulations, and Executive Orders

The Postal Service requires compliance with applicable sections of the following laws and Executive Orders when carrying out all Postal Service actions:

- Clean Air Act.
- Clean Water Act.
- Coastal Zone Management Act.
- Comprehensive Environmental Response, Compensation, and Liability Act.
- Emergency Planning and Community Right-to-Know Act.
- Endangered Species Act.
- Farmland Protection Act.
- Federal Insecticide, Fungicide, and Rodenticide Act.
- Federal Intergovernmental Cooperation Act.
- National Environmental Policy Act.
- National Historic Preservation Act.
- Pollution Prevention Act.
- Postal Service Regulations, Floodplain Management and Protection of Wetlands Procedures.
- Postal Service Regulations, Intergovernmental Review of Postal Service Facility Actions.
- Postal Service Regulations, National Environmental Policy Act Procedures.
- Resource Conservation and Recovery Act.
- Safe Drinking Water Act.
- Toxic Substances Control Act.
- Wild and Scenic Rivers Act.

Additional laws and regulations may be identified in the planning process and may require compliance. State and municipal laws and regulations, which are often more stringent than their federal counterparts, may also require compliance. Consult with General Counsel if uncertainty exists about whether a particular law or regulation is applicable and requires compliance.

1-7 Updates to This Guide

The manager of Real Estate, Facilities, Headquarters, may issue updates to this guide through transmittal letters, *Postal Bulletin* notices, and MIs.

2 The National Environmental Policy Act Process

2-1 Introduction

NEPA requires federal agencies to consider the environmental impacts of their actions and decisions. The intent of NEPA is for federal agencies to fully integrate environmental considerations into their decision-making and planning processes. Each agency must develop its own system to integrate and manage NEPA compliance for its own particular operations and missions. The Postal Service has promulgated regulations identifying specific environmental procedures implementing NEPA. These regulations are found at 39 CFR Part 775. MI AS-550-96-4, *National Environmental Policy Act Operational Guidance,* sets forth guidance on compliance with the NEPA regulations for non-facilities-related activities. This chapter provides guidance on how to successfully comply with these regulations and procedures when planning facilities projects. Postal Service NEPA regulations, MIs, and other documents referenced in this chapter are available on the Facilities Web page at http://blue.usps.gov/facilities.

2-2 Responsibilities

2-2.1 General

NEPA applies to all postal functional organizations. The vice president of Engineering, as chief environmental officer for the Postal Service, is responsible for the development of overall policies regarding NEPA. Since most “major federal actions” undertaken by the Postal Service are associated with Facilities projects, Facilities plays a major role in the implementation of NEPA.

2-2.2 Responsible Official

The responsible official is that person, or designated representative, who proposes an action and is responsible for compliance with NEPA. For larger projects, that person may not have the financial authority to approve such action. The responsible official signs the NEPA documents (i.e., the FONSI and the ROD) and the *Record of Environmental Consideration.* All vice

presidents serve as the responsible officials for compliance with NEPA for actions taken within their areas of authority. This responsibility may be delegated by the vice president to a postal career executive service (PCES) manager, who may be expected to generate proposals that would require NEPA compliance. In the case of facilities projects, responsibility for NEPA compliance has been delegated to FSOs and the MFO.

The managers of FSOs and the MFO are the responsible officials for real estate projects and programs. They must ensure that the Postal Service adheres to NEPA requirements before decisions to acquire or lease real property, construct new facilities, and dispose of Postal Service property.

2-2.3 Approving Official

The approving official is that person, or group of persons, who authorizes funding as established through the delegations of approval authority issued by the Finance functional organization. For larger projects, that person, or group of persons, may not have proposed the action for which financial approval is sought. For example, the construction of a new processing and distribution center (P&DC) costing over $10 million requires approval of the Board of Governors, in which case the Board is the approving official and the FSO or MFO manager is the responsible official for purposes of NEPA. In these instances, NEPA requirements must be completed before submitting the project to the Board for funding approval.

2-2.4 Real Estate Project Manager

The real estate specialist (RES) is the real estate project manager for new construction lease (NCL) and new construction owned (NCO) projects, as well as expansion projects involving acquisition or leasing of nonpostal property. The RES is responsible for informing the facilities environmental specialist (FES) when the FSO or MFO is considering purchasing or leasing a new property. The FES provides technical guidance and assistance in completing the environmental documents required, but the RES is responsible for ensuring that all necessary environmental documents are prepared. The RES is the central point of contact for community issues and is the spokesperson at public meetings. The FES may accompany the RES, if necessary or expedient and if available, to explain the technical details of any environmental documents.

2-2.5 Design and Construction Project Manager

The A-E is the design and construction (D&C) project manager for NCL and NCO projects. The A-E is also the D&C project manager for all repairs and alterations (R&As) or expansions of existing facilities. The project manager is responsible for the design and construction of new facilities and expansions. Responsibilities are based on district space and funding considerations. The FES provides technical guidance and assistance in completing required environmental documents. In projects where the D&C serves as the lead project manager, the A-E is the central point of contact for community issues and is the spokesperson at public meetings. The FES may accompany

the A-E, if necessary or expedient and if available, to explain the technical details of any environmental documents.

2-2.6 Facilities Environmental Specialist

FESs are responsible for preparing, or coordinating the preparation of, EAs and other NEPA documentation for all real estate and construction actions that are under the contracting authority of the FSO or MFO. To ensure that the Postal Service is complying with NEPA requirements, FESs are responsible for the following:

- Advising real estate and D&C staff on actions requiring NEPA compliance.
- Assisting real estate and design staff with required NEPA documents.
- Distributing NEPA documents to all appropriate postal and public officials for review.
- Verifying the need for, and obtaining, other environmental studies.
- Providing assistance with preparation of the FONSI or, in the case of an EIS, a ROD.
- Completing the REC as soon as the necessary environmental analyses have been completed.

2-3 Use of Contractors

Contractors may be hired for the preparation of NEPA documents, EAs, EISs, etc. A contractor employed to prepare an EA or EIS must certify that he or she has no financial or other interest in the outcome of the project (other than earning a direct profit on the work done).

The responsible official must ensure that contractors conducting EAs or EISs are provided with detailed information regarding the activities involved with the proposed action and any inherent environmental effects.

2-4 The NEPA Process

The NEPA process is a “thought” process by which project planners and decision-makers assess, analyze, document, and publicly communicate the environmental impacts of their proposals and decisions. The goal is to consider environmental impacts along with other factors such as cost, feasibility, and design.

One of the most crucial aspects of the NEPA process is timing. If the decision to go forward with a proposed project is made before initiating the NEPA process, then neither the letter nor the spirit of NEPA has been followed. The goal of NEPA is to inject environmental analyses into the planning process as early as possible in order to enable the agency to make informed decisions before it is too late to change the project. NEPA is intended to be used as a planning device and not as a justification for an action already taken.

Environmental planning is a futile act if the proposed action is already a "done deal" in the minds of the decision-makers. On the other hand, conducting the NEPA process when the project is still in such an early stage of planning that the proposed action cannot be accurately defined and, thus, no concrete environmental issues can be analyzed, would not be useful to decision-makers either.

> **Example:** It is too early to start the NEPA process during the development of a postal metro plan. Postal metro plans are based on projected population and future growth. During the development stage of a metro plan there are no concrete proposals as to what actions, if any, may be proposed to implement the plan. However, the information in the postal metro plan, once developed, may be used later in the environmental planning process to facilitate the preparation of either a Programmatic EA (see 2-6.6) or a site-specific EA.

As a general rule of thumb, for most postal actions the NEPA process should be completed before the time that funding is committed for the acquisition of real property. Additionally, if a Decision Analysis Report (DAR) or a Justification of Expenditure (JOE) is required for a project, the NEPA process must be completed before project funding is committed. See Exhibit 2-4 for an outline of the NEPA process.

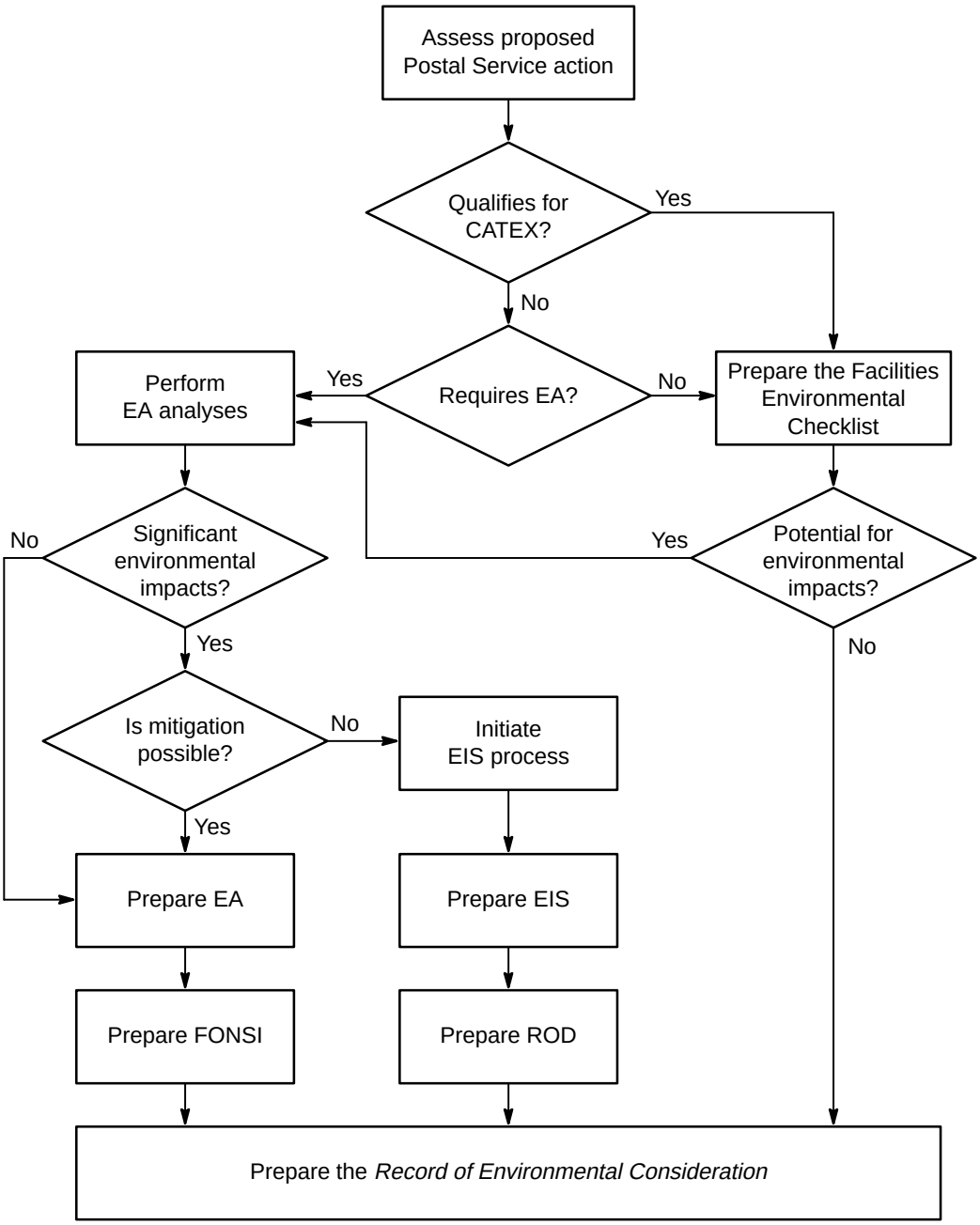
The following primary tools are used to complete the NEPA process:

- Postal Service listing of actions *not* usually requiring an EA (i.e., CATEX) (see Appendix A).
- *Facilities Environmental Checklist* (see Appendix B).
- Postal Service listing of actions requiring an EA (see section 2-6).
- Environmental Assessment.
- Environmental Impact Statement.
- *Record of Environmental Consideration.*

The remainder of this chapter is intended to help project planners and decision-makers use the above tools to do the following:

- Determine whether NEPA applies to a project.
- If so, determine whether an EA or EIS is required.
- Effectively manage the preparation of an EA.

Exhibit 2-4
The NEPA Process



2-5 Determining NEPA Applicability

Once a project (action) has been proposed, the question of whether it is a "major federal action" must be answered. If a project does not pose any known risk of significant environmental impacts and it is not a "major federal action," NEPA does not apply. Any action that is deemed to be a major action must undergo NEPA analysis. Potential major actions undertaken by the Postal Service include construction of large plants, such as P&DCs.

Depending upon certain criteria, the proposed action may be categorically excluded from further NEPA consideration or may require an EA or an EIS.

2-5.1 Categorical Exclusions

The office proposing to initiate an action must determine, in consultation with the appropriate Headquarters, area, or FSO or MFO environmental staff, whether or not the proposed action is categorically excluded. If the action is not listed as one that normally requires an EA, it may qualify as a CATEX.

Based on review of previous analyses and experience with common Postal Service activities, it has been determined that some Postal Service actions have a negligible impact on the environment. These actions are categorically excluded from the need to prepare an EA under 39 CFR Part 775, National Environmental Policy Act Procedures (see Appendix A). Appendix A contains the list of Postal Service classes of actions that normally do not require either an EA or an EIS and, therefore, qualify as CATEX actions. However, it must be ensured that the action meets the criteria set forth. This means that the *Facilities Environmental Checklist* must be completed to identify if any extraordinary circumstances may require further NEPA review (i.e., an EA), thus removing the project from the CATEX status.

CATEX provisions apply only if the completed checklist reveals no extraordinary circumstances and the following:

- The proposed action is not a major federal action significantly affecting the quality of the human environment.
- The proposed action exclusion is based on a determination that the action fits within a class listed.
- The proposed action is not connected, or related, to other actions with potentially significant impacts.

Upon determining that the action does, in fact, qualify for a CATEX, the responsible official must fill out a REC, summarizing the findings of the checklist and justifying the use of a CATEX.

2-5.2 Facilities Environmental Checklist

The checklist is a Postal Service document, not a NEPA document. It is, however, a tool designed to serve several purposes, some of which are relevant to the NEPA process. One such purpose is to identify any potential environmental issues relevant to a proposed action (i.e., environmental areas that the project could potentially affect). For actions that are "categorically

excluded," completion of the checklist may reveal an "extraordinary circumstance" with potential adverse environmental impacts. In such instances, an EA would be required. Appendix B contains the checklist and instructions for how to fill it out.

> **Example:** The proposed action is an NCO project to construct a small post office, an action that is categorically excluded and that does not normally require an EA. Completion of the checklist, however, reveals that the site, currently undeveloped, is adjacent to the critical habitat of a federally listed endangered plant species. This is an "extraordinary circumstance" that would occasion the need for an EA.

For projects that normally require an EA, completion of the checklist is an effective means for identifying the environmental issues that will be the focus of the EA's analysis. If the project does not normally require an EA but at the same time is not listed as a CATEX, the checklist must be completed to determine whether an EA is required. The checklist determines if the proposed action could potentially affect (directly or indirectly) an environmentally significant resource, such as threatened or endangered species or wetlands. The checklist also helps to determine if substantial controversy may be generated over the significance of the environmental effects associated with the proposed action. For every such proposed action, the checklist should be completed for each reasonable alternative. In the above example, a feasible alternative is to lease an existing building; a checklist should be completed for both alternatives.

2-6 Preparation of an EA

If the proposed action does not qualify for a CATEX and it is a "major action" that has the potential to significantly affect the environment, an EA must be completed. An EA provides evidence and analyses of potential environmental impacts to determine whether the proposed action's implementation will result in "significant" environmental impacts. (***Note:*** An EA is not necessary if it is already known that the project requires an EIS.) Essentially, the EA is used to confirm any issues raised by the checklist and to analyze them in greater detail. The Postal Service has identified the following 14 actions for which an EA *must* be prepared:

- Any project that includes the conversion, purchase, or any other alteration of the fuel source for 25 percent or more of Postal Service vehicles operating with fuel other than diesel or gasoline in any carbon monoxide or ozone nonattainment area.
- Any action that would adversely affect a federally listed threatened or endangered species or its habitat.
- Any action that would directly affect public health.
- Any action that would require development within park lands, or be located in close proximity to a wild or scenic river or other ecologically critical area.

- Any action affecting the quality of the physical environment that would be scientifically highly controversial.
- Any action that may have highly uncertain or unknown risks on the human environment.
- Any action that threatens a violation of applicable federal, state, or local laws or requirements imposed for the protection of the environment.
- New construction of a facility with vehicle maintenance or fuel-dispensing capabilities, whether owned or leased.
- Purchase or lease of an existing building involving new uses or a change in use to a greater environmental intensity.
- Real property disposal involving a known change in use to a greater environmental intensity.
- Postal facility function changes involving new uses to a greater environmental intensity.
- Reduction in force involving more than 1,000 positions.
- Relocation of 300 or more employees more than 50 miles.
- Initiation of legislative proposals.

2-6.1 Contents of an EA

An interdisciplinary approach integrating the natural and social sciences must be used throughout the EA process. Information contained in the EA must be concise and easy to understand. Remember that the NEPA process is a public process, and the audience for the EA is both the Postal Service decision-makers and members of the public. It is of utmost importance, therefore, that the EA present a clear picture of the existing environmental conditions and how the Postal Service's proposed project will affect them. Every attempt must be made to ensure that appropriate contacts are made to obtain the most complete information for determining the environmental impacts of the proposed action. Those contacts include other federal agencies, universities, and other institutions that may have knowledge of particular environmental issues.

In general, an EA must do the following:

- Describe the proposed action(s), including existing conditions, reasons for the proposed action(s), and the range of the proposed action(s).
- Describe all reasonable alternatives to the proposed action(s), including the "no action" alternative.
- Describe the affected environment, the environmental consequences, mitigation measures, and a comparison of all alternatives considered.
- Describe for each alternative the activities and operations that would take place at the site and the environmental impacts expected to result from them.
- Summarize major considerations and conclusions.

- Identify documents, federal laws, regulations, Executive Orders, and state and local laws and regulations that pertain to the proposed action and its potential effect on the environment.
- Provide a list of agencies and persons consulted.

2-6.2 The EA Process

The following sections describe the EA process in more detail, with guidance on how to meet NEPA and Postal Service requirements as the process unfolds. Exhibit 2-6.2 illustrates the required steps.

2-6.2.1 Public Notice of Intent to Prepare an EA

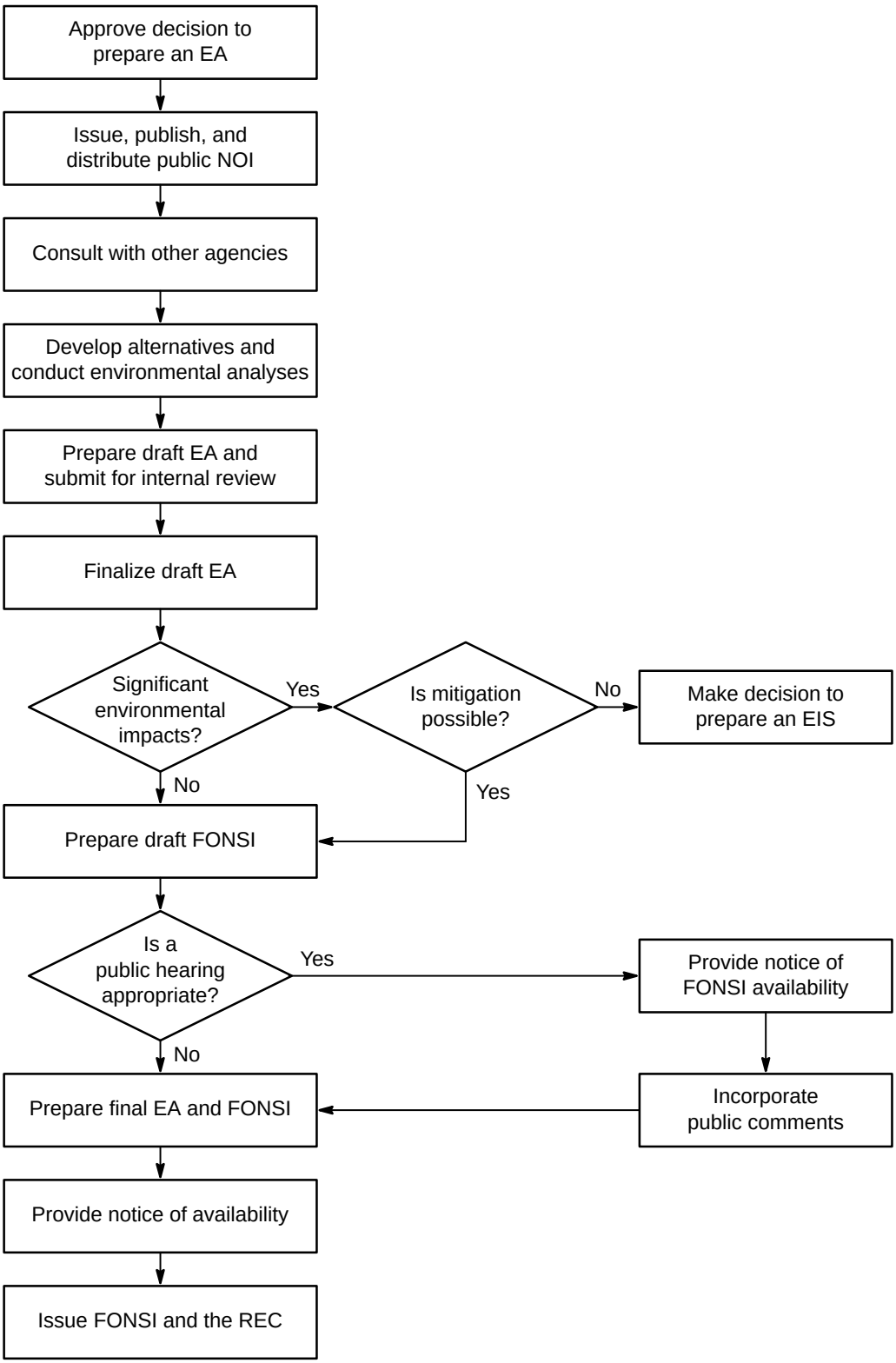
After a decision is made to prepare an EA, Postal Service regulations require that a public Notice of Intent (NOI) to prepare an EA be issued. A review and comment period is not required when issuing a public notice. In areas where many non-English-speaking citizens are present near the affected project area, public notices should be translated and provided to foreign language newspapers. The NOI to prepare an EA is issued as follows:

- NOIs must be mailed to anyone who has requested them.
- If the action affects local concerns, NOIs may include potentially interested parties such as community organizations, small business associations, and owners and occupants of nearby or affected property.
- NOIs must be sent to the appropriate intergovernmental review offices, such as the State Historic Preservation Officer (SHPO) and local public officials. For projects in the Washington, DC, National Capital Planning Region, NOIs must be sent to the National Capital Planning Commission.
- NOIs must be published in one or more local newspapers as a legal display advertisement.
- NOIs must be sent to the local postmaster for posting on or near the proposed and/or contending sites that the EA will cover (e.g., at the nearest postal facility).
- NOIs must be posted on, or near, any proposed action and alternate sites.
- If the action involves a proposal of national concern, then the NOIs must be mailed to national organizations reasonably expected to be interested. Any such NOI must be published in the *Federal Register* (the publication process is discussed in Appendix C).

The contents of the public NOI must include the following:

- A brief description of the proposed action and reasonable alternatives.
- The name, address, and telephone number of a postal official who may be contacted to obtain information or additional copies of environmental documents.

Exhibit 2-6.2
Preparing an EA and a FONSI



Public hearings are not normally required by NEPA or Postal Service regulations during preparation of an EA, but they are an option available to responsible officials. A decision to hold such hearings should be made by Postal Service managers on a case-by-case basis. However, public hearings *must* be held whenever there is the one of the following:

- A substantial environmental controversy concerning a proposed action and any responsible individual or organization has requested a hearing.
- An agency with jurisdiction over, or with special expertise concerning, the proposed action has requested a hearing.
- A reasonable expectation that a hearing will produce significant information not likely to be obtained without a hearing.

Example: The Postal Service plans to build an NCO combined P&DC and vehicle maintenance facility (VMF) (with fueling capabilities) in a medium-sized former industrial city located at the confluence of two rivers. Research has established that the existing facility is inadequate and cannot be renovated to meet the needs of the Postal Service. In addition, no existing buildings are available that are large enough to accommodate the Postal Service's requirements in the preferred area. A new facility is one viable option to solve the Postal Service's operational problem.

In addition to the "no action" alternative, an alternative being considered is to build two facilities, a P&DC and a separate VMF. Three reasonable alternative sites have been located, but due to transportation requirements and the existing highway system, constructing the building or buildings on any of the contending sites could possibly affect one or both of the rivers. City officials and local citizens have been working to revitalize the city by attracting new businesses and developing riverfront recreational facilities. As part of this development, they have instituted extensive plans to reduce the existing pollution problems in the rivers and are concerned about the effects of runoff from the VMF, notwithstanding the mitigation methods the Postal Service plans. The city asks for a public hearing; under the above circumstances, the responsible official should hold the hearing.

2-6.2.2 Describing the Proposed Action and Alternatives

All Postal Service projects are initiated in order to achieve a particular goal or solve a particular problem. This goal or problem must be described in the EA in order to provide a rationale for the "proposed action." The proposed action is the means through which the Postal Service intends or prefers to meet its goals. The EA should describe the proposed action thoroughly and in laymen's terms. The EA is a public document and the drafter needs to keep in mind that, although the decision-maker may be quite familiar with postal operations, many other readers may not be.

Discussion of alternatives is a vital element of NEPA analyses, thus making it the most critical and most scrutinized aspect of the process. Alternatives are simply other means by which to achieve a goal. Alternatives can include different actions that could be undertaken to achieve the goal or solve the problem as well as different sites for the proposed action. Although the "no action" alternative in most cases will not meet Postal Service goals, it must

be analyzed for potential environmental impacts. Even if no feasible alternatives exist other than the proposed action, the “no action” alternative must be analyzed.

> **Example:** Due to the rapidly increasing population in City X, an existing general maintenance facility (GMF) is having difficulty operating effectively and, as a result, mail service to the public is suffering. To solve this problem, the Postal Service proposes to construct a new and larger P&DC. In this case, expanding the existing plant, occupying another existing facility (e.g., a warehouse), and increasing automation are viable alternatives. Note that each of these alternatives is a mix of entirely different actions to the proposed action to build a new facility. In addition, the EA should discuss alternative contending sites.

The alternatives developed must be “reasonable.” This means that they must be realistic, feasible, and able to meet Postal Service goals or solve the identified problem. Different forms of real estate transactions for the same property are not valid alternatives. For example, leasing a new building for the P&DC or buying the same new building are not different with respect to environmental impacts, thus they are not discrete alternatives. Also, obtaining a building smaller than the existing GMF is not an alternative because it would not satisfy the goals of the Postal Service.

Alternative actions that were considered during the planning process but rejected for operational or other legitimate reasons should be discussed in the EA. The EA should briefly both describe the alternative action and explain the reason the Postal Service rejected the alternative.

> **Example:** The proposed action is for an NCO P&DC; an alternative action considered was to lease an existing building in the preferred area. This alternative was rejected because the only available existing building with adequate square footage could not accommodate, or be made to accommodate, the large trucks necessary to transport the mail. The EA should contain this discussion.

NEPA does not require agencies to choose the *most* environmentally friendly alternative; however, the Postal Service should provide its rationale for not doing so.

2-6.2.3 Describing the Affected Environment

The EA must discuss the affected environment before Postal Service activity (i.e., the existing condition of the project site and its environs). The checklist can be used to determine which of the areas listed below requires extensive discussion and analyses. It is unlikely that all of the items listed will be relevant, just as it is possible that the evaluation may reveal additional environmental areas that are not listed. Provide a narrative description in the EA of each relevant resource element and explain the findings. When no impacts are expected for a particular element, it is only necessary to explain briefly for each why there will be no impact. Support the statements identifying the significance of the effects on the environment with data attached to the EA or by reference to sources accessible to the public.

Ensure that any maps and illustrations are easy to read and relate relevant information.

The typical environmental areas to be analyzed are:

- Physical environment:
  - Topography.
  - Geology and soils.
  - Hydrology and water quality.
  - Prime farmland.
  - Fish and wildlife.
  - Botanical.
  - Floodplains.
- Cultural environment:
  - Historical and archaeological.
  - Local employment and economics.
  - Land use and zoning patterns.
  - Transportation.
  - Recreation.
  - Noise.
  - Air quality.
  - Population trends and housing.
  - Relocation of employees, residences, and businesses.
  - Community services.
  - Utilities.
  - Energy requirements and conservation.
  - Solid and hazardous waste generation.
- Postal environment:
  - Postal services.
  - Delivery service.
  - Working conditions.
  - Operational productivity.

2-6.2.4 Analyzing Impacts

Environmental impacts caused by an action can be direct, indirect, or cumulative, as follows:

- *Direct impacts* — impacts caused by the action that occur at the same time and place as the precipitating action (e.g., wetlands destruction).
- *Indirect impacts* — impacts caused by the action that are later in time or farther removed in distance but that are still reasonably foreseeable. For example, indirect impacts may include adding to sheet flow due to paving a parking lot.

- *Cumulative impacts* — impacts that result from incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions by any federal or nonfederal agency or person. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

  Example: The Postal Service is considering building a P&DC with a VMF near an area where a new mall is to be constructed within 3 years. The Postal Service would have to consider the cumulative impacts of its action on altering traffic, increasing impervious surfaces, possibly losing wetlands, causing storm water runoff, etc., against the backdrop of the mall development.

Each of the types of impact must be identified in the EA and be factored into all determinations of overall impact significance. When discussing these impacts, it is essential to clearly establish the cause and effect links between the operations that will occur and the impacts to the environment. This requires that the operations be analyzed and their known environmental effects discussed. Never assume that the reader of an EA will know what operations occur at a particular Postal Service facility. For instance, a VMF has some inherent potential to affect storm water, and a facility with heavy truck traffic has inherent impacts on air quality. Operations or activities having inherent environmental impacts must be delineated.

2-6.2.5 Determining Significant Impacts

The “significance” of an environmental impact is directly related to both context and intensity. The significance of a proposed action must be analyzed in several *contexts,* such as the affected environmental area, the interested parties, and the locality. Significance varies with the setting of the proposed action. Both short- and long-term impacts are relevant to the analysis and must be discussed.

Intensity refers to the severity of an impact. The following should be considered when evaluating intensity:

- The impact may be both beneficial and adverse.
- The degree to which the proposed action affects public health or safety.
- The unique characteristics of the geographic area, such as proximity to cultural resources, wetlands, etc.
- The degree to which the impacts are likely to be highly controversial.
- The level of uncertainty regarding impacts and/or the uniqueness of certain risks.
- The degree to which the action may establish a precedent for future actions with significant effects.
- The potential cumulative impact.
- The degree to which historic and cultural resources and endangered species and habitats will be affected.

If the initial analysis identifies *only* socioeconomic impacts, the EA is not required to be completed. If, however, both impacts to the physical

environment *and* socioeconomic impacts are identified, an EA is required and must discuss both physical environment and socioeconomic impacts.

One of the biggest questions faced when preparing an EA is the amount of data that is sufficient to determine the significance of identified environmental impacts. It is important to remember that an EA is *not* a short EIS. The purpose of each document is very different. The purpose of an EA is simply to identify the environmental impacts and determine whether they are significant enough to require the preparation of an EIS. EAs should be short, concise documents containing only enough analysis necessary to determine this. EISs, on the other hand, involve detailed analyses of the significant environmental impacts expected to result from the project.

2-6.2.6 Mitigation Measures

The impacts identified in an EA can sometimes be mitigated, thus eliminating the need to conduct an EIS. The intention of mitigation is to minimize (or eliminate) the effects of the proposed action on the environment. If mitigation is necessary to support a FONSI, then mitigation must be implemented as part of the final action. Mitigation measures cannot be identified in the EA simply as a means to avoid preparing an EIS. Unless necessary mitigation measures are actually implemented by the responsible official, the use of an EA in lieu of an EIS is not acceptable. Generally, there are five types of mitigation:

- *Avoidance* — mitigation that avoids the impact entirely by not taking certain actions or parts of actions.
- *Limitation of action* — mitigation that limits the degree or magnitude of an action.
- *Restoration of the environment* — mitigation that restores the environment to its previous condition or better (e.g., reseeding or replanting to restore damaged vegetation).
- *Preservation and maintenance* — mitigation that changes the design of the action to include engineered systems that reduce emission of pollutants (e.g., air emission scrubbers and oil/water separators).
- *Replacement* — mitigation that replaces resources destroyed by the action, usually in an alternate location on the property (e.g., wetlands).

Only mitigation measures that can be reasonably accomplished as part of the proposed action should be identified in the EA. Mitigation actions that appear practicable but are in fact unobtainable (e.g., due to budgetary constraints) should be identified as such in the EA. Postal Service regulations require that mitigation measures identified in the EA must be implemented. Upon request, the Postal Service must inform federal, state, and local agencies and the public of the progress in implementing adopted mitigation measures.

2-6.2.7 Assessment Tool: Environmental Impacts Summary Matrix

An example of an environmental impacts summary matrix is shown in Exhibit 2-6.2.7; it may be used to summarize the results of the completed EA. The matrix enables EA reviewers to easily identify the impacts of projects, their scope, and any identified mitigation measures.

Exhibit 2-6.2.7 (p. 1)

Environmental Impacts Summary Matrix

Environmental Area	No Action			Proposed Action			Alternative 1			Alternative 2		
	Impacts	**Duration**	**Mitigation**	**Impacts**	**Duration**	**Mitigation**	**Impacts**	**Duration**	**Mitigation**	**Impacts**	**Duration**	**Mitigation**
Physical Environment												
A. Topography												
B. Geology and soils												
1. Characteristics												
a. Load bearing capacity												
b. Wetness												
2. Presence of faults												
3. Subsurface conditions												
4. Toxic and hazardous potential												
C. Hydrology and water quality												
1. Local ground water												
2. Adjacent streams and lakes												
3. Floodplain												
4. Wetlands												
5. Wild and scenic rivers												
6. Site surface drainage												
D. Prime farmland												
E. Fish and wildlife												
1. Alteration of habitat												
2. Rare or endangered species												
F. Botanical												
1. Alteration to vegetation												
2. Rare or endangered species												
Cultural Environment												
G. Historic and archaeology												
1. Archaeological												
2. Historic places and sites												

Exhibit 2-6.2.7 (p. 2)

Environmental Impacts Summary Matrix

Environmental Area	No Action			Proposed Action			Alternative 1			Alternative 2		
	Impacts	Duration	Mitigation	Impacts	Duration	Mitigation	Impacts	Duration	Mitigation	Impacts	Duration	Mitigation
Cultural Environment (continued)												
H. Local employment and economics												
1. Economic activity employment												
2. Taxes												
3. Real property disposal												
4. Condition												
5. Market demand												
6. Alternative uses												
I. Land use and zoning patterns												
1. Compatibility												
2. Aesthetic considerations												
3. Residential development												
4. Industrial potential												
5. Past uses of the site												
6. Environmental conditions of existing buildings at site												
J. Transportation												
1. Traffic and circulation												
2. Safety												
3. Accessibility and parking												
4. Public transportation												
K. Noise												
1. Traffic												
2. Exterior postal operations												
3. Sensitive receptors												
L. Air quality												
1. Odors												
2. Dust												
3. Chemicals												

Exhibit 2-6.2.7 (p. 3)

Environmental Impacts Summary Matrix

Environmental Area	No Action			Proposed Action			Alternative 1			Alternative 2		
	Impacts	**Duration**	**Mitigation**	**Impacts**	**Duration**	**Mitigation**	**Impacts**	**Duration**	**Mitigation**	**Impacts**	**Duration**	**Mitigation**
Cultural Environment (continued)												
M. Population trends and housing												
N. Relocation												
1. Employees												
2. Residents												
3. Businesses												
O. Community												
1. Food												
2. Medical												
3. Fire protection												
P. Utilities												
1. Availability												
2. Location												
3. Capacities												
Q. Energy requirements and conservation												
R. Solid and hazardous waste generation												
Postal Environment												
S. Postal Service												
1. Retail												
2. Post office boxes												
T. Delivery service												
U. Working conditions												
V. Operational productivity												

Key:

Impact symbols: B = beneficial effect; N = no effect or negligible effect; M = moderately adverse effect; and S = significant effect.

Duration symbols: P = permanent effect; T = temporary effect; and N/A = not applicable.

Mitigation symbols: Y = can be mitigated; N = cannot be mitigated; NR = not required; and N/A = not applicable.

2-6.2.8 Internal Review and Comments

Before the draft EA is finalized, it must be submitted to the responsible official for internal review and comments. Following internal review and comment, the final EA is prepared. This final document incorporates all required changes. A notice of its availability is published along with the FONSI. The EA may be included in the FONSI if it is short; otherwise, provide a summary. The notice is published in the same manner as the initial NOI.

2-6.3 Finding of No Significant Impact

If the EA indicates that there is no significant adverse impact on the environment resulting from a proposed project or action, then an EIS is *not* required. The responsible official, in this case the FSO or MFO manager, reviews the EA and, if he/she concurs with the conclusions reached, issues a FONSI. The FONSI should briefly explain the reasons why the proposed action will not have any significant environmentally adverse impacts and state that an EIS will not be prepared.

The FONSI should contain either the completed EA or a summary. Any mitigation measures that have been identified in the EA must be described in the FONSI. FONSIs that include mitigation measures are known as “mitigated FONSIs.” Again, all mitigation measures identified in the EA that form the basis of the FONSI must be implemented. The FONSI should indicate when the mitigation measures should be implemented.

The FONSI should also include the name, office, address, and phone number of a person who can provide information on the action to be taken. The use of the FONSI exempts the Postal Service from having to prepare an EIS. A copy of the FONSI should be sent to local public officials, agencies, and any person requesting information about the project.

Both the EA and FONSI must be made publicly available. Exactly how this is done generally depends on the nature of the project. For a project with national scope, publication in the *Federal Register* and other national publications of the availability of an EA and FONSI is appropriate. The availability of an EA and FONSI for more regional or site-specific projects can be advertised in local newspapers or posted in public meeting areas. When publishing the FONSI, follow the guidelines outlined earlier in this chapter for publication of the NOI to prepare an EA.

The FONSI should be brief and may be written in letter or notice format. It is addressed to the local, state, and federal officials responsible for reviewing the proposed action. The content of the letter or notice must include the following:

- A summary of the proposed action.
- A statement of the major issues emanating from the proposed action.
- A summary of the findings of the EA and reasons why the findings constitute a FONSI.
- The notice of availability of the EA. The notice must state that the FONSI and EA have been completed; provide points of contact and telephone numbers; and, if there is a comment period, identify when

the proposed action is to start and where the FONSI and EA may be obtained.

- A statement that, based on the results of the EA, the proposed action will not significantly impact the human and natural environment and will not require the preparation of an EIS.

The FONSI may be issued at any time after the EA is completed, but it must be issued before site acquisition and before project funding has been committed. Ordinarily, no review and comment period is required when issuing a FONSI. In some limited circumstances, however, such as when the proposed action is, or is closely similar to, one that normally requires preparation of an EIS or the nature of the proposed action is one without precedent, the responsible official must include a 30-day comment period. If so, public comments must be incorporated into the final FONSI.

Note: Many proponents start the EA process having predetermined that a FONSI is the goal, thus using the EA process as a means to justify an action already decided and to "prove" that there are no significant impacts. This does not agree with the spirit of NEPA and is an improper application of the NEPA process, which will be readily obvious to reviewers. The "F" in FONSI stands for "Finding," which means that the absence of environmental impacts cannot be assumed and that some level of analysis and investigation must be conducted to *find out* whether a project will result in significant impacts.

2-6.4 Record of Environmental Consideration

The REC is intended as a simple record for documenting the level of NEPA review that has taken place for any given project (see Exhibit 2-6.4). The REC states that the appropriate guidelines have been reviewed and indicates one of the following four things:

- No NEPA review was required.
- The checklist was completed and indicated that no further review was required.
- An EA was prepared and a FONSI issued.
- An EIS was prepared and a ROD will be issued.

The responsible official then signs the REC. Whenever an EA or an EIS is prepared, the REC accompanies NEPA documents. If no NEPA documents were prepared, the REC accompanies the JOE or the DAR. A copy of the REC is retained in the project file. In any event, the responsible official must review the EA or EIS before signing either the FONSI, ROD, or REC.

Exhibit 2-6.4
Example of Record of Environmental Consideration

UNITED STATES POSTAL SERVICE®

Record of Environmental Consideration

Name of Project

Location of Project

I have reviewed Postal Service NEPA guidance and have considered the environmental impacts of the proposed action. In the case of facilities projects, the requisite guidance is contained in Handbook RE-6, *Facilities Environmental Guide*. In the case of operational projects including construction and repair activities managed by districts, the requisite guidance is contained in Management Instruction AS-550-96-4, *National Environmental Policy Act Operational Guidance*.

The following activity has been taken based on information available to me, and the recommendations of the appropriate environmental professional (e.g., the district environmental compliance coordinator, or the facilities environmental specialist):

(Check one)

☐ No National Environmental Policy Act (NEPA) review is required.

☐ PS Form 8195, *Operational Environmental Checklist*. *(Use only for operational projects.)*

☐ PS Form 7498-D, *Facilities Environmental Checklist*. *(Use only for facilities projects.)*

☐ An Environmental Assessment was prepared and a Finding of No Significant Impact (FONSI) was issued.

☐ An Environmental Impact Statement was prepared and a Record of Decision (ROD) will be issued.

Name of Project Manager	Telephone Number *(Include Area Code)*
Signature of Project Manager	Date *(Month, Day, Year)*
Name of Responsible Official	Telephone Number *(Include Area Code)*
Signature of Responsible Official	Date *(Month, Day, Year)*

NOTE: When an Environmental Assessment or an Environmental Impact Statement is required, this form must accompany the NEPA documents presented to the approving official. When no NEPA review is required or an environmental checklist completes the environmental review process, this form must accompany the Justification of Expenditures documentation or the Decision Analysis Report presented to the approving official. A copy of Form 8194 is retained with the project file.

PS Form **8194**, October 1997

2-6.5 Environmental Impact Statement

If the EA identifies significant environmental impacts that will result from the proposed action, an EIS must be prepared if the planned project is to proceed. An NOI to prepare an EIS must be written by the responsible official and sent to the Chief Counsel, Legislative, Legal Policy, General Counsel, Headquarters, who will have it published in the *Federal Register.* As with the FONSI, either a summary or full copy of the EA should accompany the NOI. The Postal Service normally does not undertake actions that require an EIS; however, detailed guidance regarding the preparation of an EIS can be found in Appendix C of this guide.

2-6.6 Programmatic Environmental Assessment

NEPA regulations require that certain types of connected or similar federal actions be analyzed in a single NEPA document. Actions that are closely related to each other, resulting in the appearance that they are a single course of action, must be analyzed in a single document, known as a Programmatic EA (PEA) or Programmatic EIS (PEIS). For example, broad plans encompassing a particular geographic area or multiphased projects are often candidates for a PEA.

Actions are *connected* if they:

- Automatically trigger other actions that may require an EIS.
- Cannot or will not proceed unless other actions are taken previously or simultaneously.
- Are interdependent parts of a larger action and depend on the larger action for their justification.

Actions are *similar* if, when viewed with other reasonably foreseeable or proposed postal action, they are similar enough to provide a basis for evaluating their environmental consequences together, for example, proposed actions with common timing or geography. The Postal Service should analyze similar actions in the same EA. The best way to adequately evaluate the combined impacts of similar actions, or reasonable alternatives to such actions, is to analyze them in a single EA.

Proposed actions that have *synergistic* effects also require a PEA or PEIS. A proposed action has synergistic effects if it creates an environmental effect that is greater than the sum of its parts.

The PEA should analyze the broad issues associated with the proposed program or action as a whole. For programs or actions involving several sites, issues peculiar to a specific site(s) that may not be known at the time the PEA is prepared will often lead to site-specific EAs. Site-specific issues should be addressed in the PEA, if they are known, but it is not uncommon for a PEA ultimately to include several attached site-specific EAs. If a PEA appears to be appropriate for a program or multiphased project but the Postal Service decides not to prepare one, the Postal Service must demonstrate that it considered preparing a PEA and explain why it did not.

Example: The Postal Service is proposing to build several new facilities in various sites across the nation to support a new mail processing operation for a particular product. In determining whether to prepare a PEA, the Postal Service cannot identify either any environmental effects arising from the program as a whole, any cumulative effects, or any other potentially significant effects. The Postal Service does anticipate, however, that as yet unknown site-specific issues may arise. Under these circumstances, it is appropriate to explain in a memorandum to the file that the Postal Service considered preparing a PEA and determined that it would serve no useful purpose, and noting that site-specific EAs would be prepared as necessary.

The Postal Service should consider the following two factors when deciding whether to prepare a PEA:

- Whether the PEA could be sufficiently forward-looking to aid the decision-makers in their basic planning.
- If a PEA is not prepared, whether the decision-maker will appear to have segmented the overall program, thereby unreasonably constricting the scope of the environmental review.

Multiphased projects, each part of which is assessed separately, for example, in a combination of *Facilities Environmental Checklists,* CATEXs, or EAs, could lead to a successful challenge that the Postal Service improperly segmented the large project in order to avoid a more extensive NEPA review, such as an EA or EIS.

Example: The Postal Service is preparing to initiate a project consisting of several actions (a new P&DC, a retail office, and a carrier annex). The entire project is discussed in internal planning documents and will be included in the same funding request. The retail office and carrier annex portions of the plan, if they were not part of the broader plan, would be categorically excluded. An EA is prepared for the P&DC, but does not analyze the potential environmental effects of the two smaller facilities or all three facilities as a whole. The rationale given is that the two smaller projects are CATEXes. This is an example of improper segmentation of a proposed major federal action. Recall that a CATEX does not apply if the action is connected, or related, to other actions with potentially significant impacts. Separate parts of a broad or multiphased project may not be analyzed separately in order to avoid a broader NEPA analysis. In this case, the EA should discuss and analyze all three actions that make up the proposed plan.

3 Environmental Regulatory Requirements

3-1 Introduction

This chapter summarizes the major federal environmental regulatory requirements that apply to Postal Service facilities. The federal laws and regulations addressed include the following:

- Clean Air Act.
- National Historic Preservation Act.
- Floodplain Management.
- Coastal Zone Management Act.
- Farmland Protection Policy Act.
- Endangered Species Act.
- Clean Water Act.
- Safe Drinking Water Act.
- Protection of Wetlands.

NEPA requirements are discussed in Chapter 2; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in Chapter 4; and the Resource Conservation and Recovery Act (RCRA) in Chapters 4 and 5.

Each regulatory area in this chapter contains Postal Service policy, definitions where applicable, a summary of general requirements, references, and other items that environmental personnel may use to obtain additional information.

Each regulatory area includes a flowchart containing three major parts:

- *Site evaluation.* This part lists questions designed to determine if particular environmental issues pertain to the site in question. A “yes” response to *any* question indicates there are environmental regulatory requirements associated with the action. A “no” response means to move to the next environmental topic. If answers to any of the questions are unknown, appropriate steps must be taken to determine the answer. Information provided in this chapter is meant to help answer the questions.
- *Requirements.* This part provides information on major requirements, laws, and prohibitions to which the Postal Service must adhere.

- *Compliance actions.* This part details actions required to fully comply with all applicable federal laws and regulations pertaining to the particular environmental topic. The discussion about each regulatory area lists contacts and resources that could be helpful.

3-2 State Regulatory Considerations

The statutes summarized in this section are federal laws. Most states have enacted environmental statutes and regulations that complement federal laws. Some federal laws specifically authorize the states to enforce the federal law by enactment and implementation of a state program. Other state statutes and regulations set standards that may be stricter than the corresponding federal standard. The applicability of these state statutes and programs to postal operations must be determined.

Although contractors are responsible for meeting all requirements that pertain to their work, the Postal Service is *ultimately* the responsible party. Therefore, it is important to be aware of all requirements and to ensure that they are carried out by the contractor.

3-3 Environmental Regulatory Areas

3-3.1 Clean Air Act

3-3.1.1 Policy

The Postal Service, in accordance with policy published in *Administrative Support Manual* 55 entitled “Environmental Management” and Handbook AS-551*, Clean Air Act Compliance,* will comply with all applicable parts of the CAA and its amendments, including requirements imposed by state and/or regional air quality control agencies.

3-3.1.2 Definitions

The following definitions apply:

- *Attainment area* — an area considered to have air quality as good as or better than the National Ambient Air Quality Standards (NAAQS) as defined by the CAA.
- *Nonattainment area* — an area in which one or more of the NAAQS are not being met.
- *State Implementation Plan (SIP)* — a document prepared by a state and submitted to the Environmental Protection Agency (EPA) for approval; it identifies actions and programs required by the state and its subdivisions to comply with the CAA. It is composed of state laws and regulations that, when approved by EPA, are federally enforceable.

- *Hazardous air pollutants* — air toxins or air pollutants that may reasonably result in an increase in mortality or an increase in serious irreversible or incapacitating reversible illness. These pollutants are listed in Section 112(b)(1) of the CAA.

3-3.1.3 General Requirements

The CAA establishes a regulatory framework for controlling emissions from mobile, stationary, and indirect sources of air pollution. States have developed implementing requirements keyed to air quality regions. Postal Service facilities must comply with applicable federal, state, and local regulations. Refer to Exhibit 3-3.1.3 to help determine whether a site has CAA compliance requirements.

Individual Postal Service facilities may contain a variety of air pollution sources including, but not limited to, organic chemicals stored or used on site, boilers, air-conditioning equipment, paint spray booths and other painting or paint striping operations (including architectural coatings and traffic striping), welding, printing, photo processing, solvent cleaning and parts degreasing, spills or spill-handling facilities, fuel and heating oil storage tanks, vehicle maintenance facilities, air compressors, and internal combustion engines such as jockey pumps, emergency generators, pressure washers, lawn mowers, snow blowers, tractors, and yard vehicles.

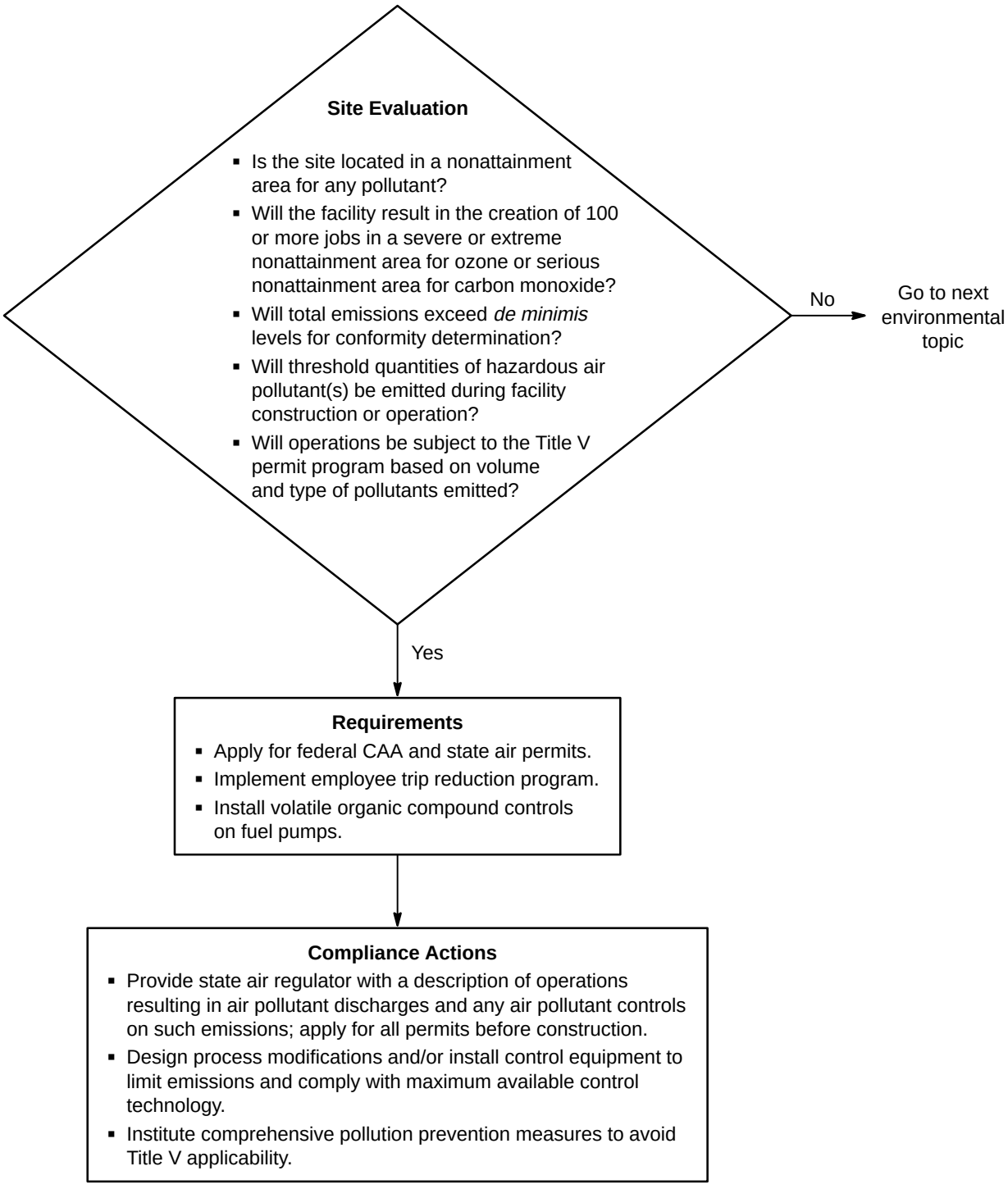
Types of stationary air pollution sources that one might find in Postal Service facilities and that may require operating permits include the following:

- Emergency generators.
- Fuel dispensing operations.
- Surface coating (painting).
- Degreasing operations.
- Chillers and air-conditioning units.
- Aboveground storage tanks (ASTs).
- Welding operations.
- Underground storage tanks.
- Miscellaneous chemicals.
- Boilers, heaters, and furnaces.

3-3.1.4 Title V Requirements

Postal Service facilities must contact their appropriate state or local air quality management (SLAQM) district office (or the equivalent) to determine if any of their facilities have been included in the district's Title V air permit universe. If included, and if it is subsequently confirmed that a regulatory threshold has been exceeded, facilities must apply for a Title V permit in strict accordance with applicable regulations. Even if Title V is not applicable, individual construction and operating permits may be required. Refer to MI AS-550-95-18, *Clean Air Act Compliance,* and ASM 11 (on-line updates), Section 545, for guidance.

Exhibit 3-3.1.3
Clean Air Act



All facilities must aggressively identify and implement methods to prevent air emission pollution to ensure that actual emissions remain:

- Below the SLAQM-established *de minimis* levels, exempting the facility from all Title V requirements.
- At or below 50 percent of the regulatory threshold, qualifying the facility for a "minor" status and therefore exempting it from Title V permit application requirements. The facility is subject to certain recordkeeping and reporting requirements.
- Below a regulatory threshold, qualifying the facility for a "synthetic-minor" status and therefore exempting it from Title V permit application requirements. The facility is subject to a synthetic-minor permit, recordkeeping, reporting, and compliance certification requirements.

3-3.1.5 Conformity Determination

The conformity rule applies to federal actions that take place in areas designated as a "nonattainment" or "maintenance" area for specified NAAQS. All postal activities must conform to applicable SIPs. The objectives of SIPs are to comply with the CAA by eliminating or reducing the severity and number of violations of NAAQS. A conformity determination is required for any postal action with total direct and indirect emissions of any pollutant meeting or exceeding certain *de minimis* levels established by the regulation. If it is determined that potential emissions will exceed the *de minimis* levels, the Postal Service must identify mitigation measures to reduce emissions, obtain a permit, and comply with all public notification requirements mandated by the CAA. See Appendix D for additional conformity determination information.

3-3.1.6 Employee Trip Reduction Program

To control ozone and carbon monoxide (CO) emissions, many air quality management districts (portions of a designated area) have implemented, or are beginning to implement, strategies to limit the number of vehicles on roadways, especially during the morning and afternoon peak periods. For locations in extreme or severe ozone or serious CO nonattainment areas, federal statutes require employers with 100 or more employees to implement employee trip reduction plans (ETRPs). An ETRP is intended to increase the average vehicle ridership (AVR) of work trips and reduce the number of work-related vehicle trips and miles traveled, thereby helping to comply with transportation performance and ambient air quality standards.

State air quality management districts should be contacted to confirm requirements to establish an ETRP. If so required, the Postal Service would submit a compliance plan within 2 years of the state's submission of the revised SIP. The compliance plan must demonstrate that compliance with this provision will be attained within 4 years of submission of the revised SIP. Detailed information regarding ETRP compliance plan development procedures, employee surveys, format, content, and related issues can be obtained directly from the supporting air quality management district.

3-3.1.7 References

Refer to the following sources for information:

- Federal or state air quality agencies and local air management districts.
- 42 U.S.C. Sections 7401 et seq., Clean Air Act, as amended.
- 40 CFR Parts 50 through 87, Air Programs.
- Handbook AS-551, *Clean Air Act Compliance.*
- MI AS-550-95-18, *Clean Air Act Compliance.*
- MMO 37-93, *USPS National Refrigerant Control Plan.*
- MMO 14-92, *Interim Guidelines for Managing CFC & HCFC Refrigerants.*
- Facilities Web site: http://blue.usps.gov/facilities.

3-3.2 Historic and Cultural Resource Preservation

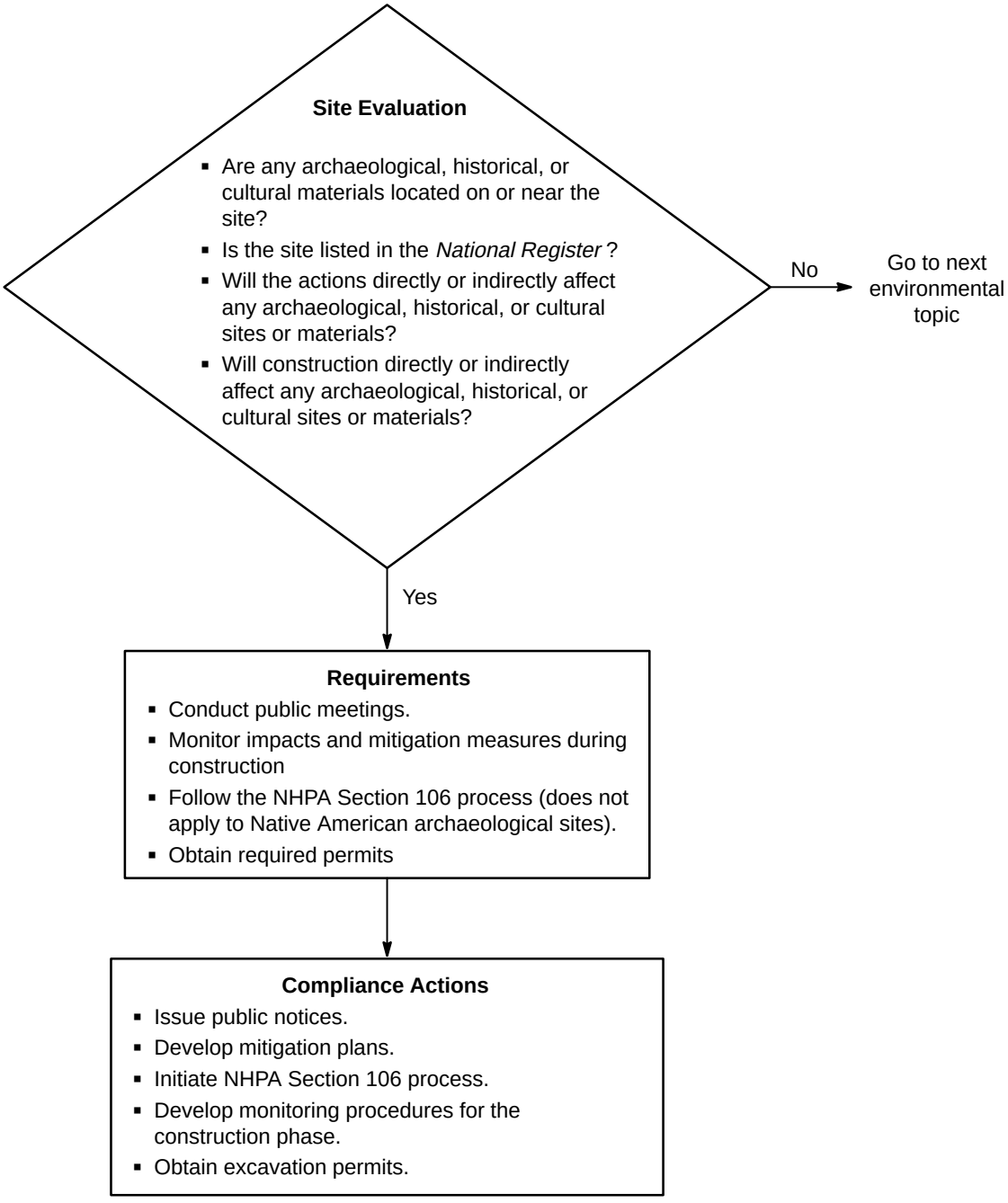
This section provides guidance for integrating considerations of cultural resource and "historic properties" into the environmental planning process. It also provides guidance for ensuring that archeological sites and Native American religious and burial sites are protected. Refer to Exhibit 3-3.2 for help with determining whether a site has historic or cultural resource compliance requirements.

3-3.2.1 Policy

Federal policy requires the protection and preservation of prehistoric or historic districts, buildings, structures, or objects (e.g., monuments) and sites of historic, cultural, archeological, or architectural significance that are included, or are eligible for inclusion, in the *National Register of Historic Places (National Register).* Archeological resources, such as remains of prehistoric or historic human life, are protected under the National Historic Preservation Act of 1974 (NHPA) and the Archeological Resources Protection Act of 1979. Native American human remains, cultural artifacts, and religious rights are protected under the Native American Grave Protection and Repatriation Act of 1990 and the American Indian Religious Freedom Act of 1978. In addition, the NEPA process requires that an evaluation be conducted to determine the effect a proposed action would have on properties listed in, or eligible for listing in, the *National Register.*

The Postal Service must comply with NHPA and the other federal laws mentioned above. The Postal Service has standard requirements with respect to historic properties and archeological sites. Chapter 9 of Handbook RE-1, *Realty Acquisition and Management,* describes Postal Service policies and procedures in those areas.

Exhibit 3-3.2
Historic and Cultural Resource Preservation



3-3.2.2 National Historic Preservation Act

The basic requirement of the NHPA is to evaluate the consequences of changes in facilities that are considered historic resources. Section 106 of the NHPA enables the SHPO and the federal Advisory Council on Historic Preservation to review and comment on proposed activities at facilities that are subject to the NHPA.

Many post offices constructed 50 years ago, or earlier, are potentially eligible for inclusion in the *National Register.* Currently 1,000 postal facilities are listed on the *National Register* either individually or as part of a district. Whenever a Postal Service acquisition, renovation, or disposal affects a property that is eligible for listing, or is listed, in the *National Register,* the SHPO must be consulted to determine the effect the activity will have on the property. If properties may be affected by the proposed action, the real estate manager must do the following:

- Comply with Chapter 9 of Handbook RE-1.
- Upon completion of this action, provide the results along with supporting documentation to the person preparing the EA for inclusion in that document.

3-3.2.3 Historic Sites

The following questions should be asked about proposed projects and historic sites:

- Is the property an individual historic site or is it a contributing element of a historic district? For properties that are already listed in the *National Register,* follow guidelines outlined in Chapter 9 of Handbook RE-1.
- Does the property meet the criteria for inclusion in the *National Register*? When in doubt, contact the local FSO, MFO, or the Federal Preservation Officer (FPO) at the Headquarters Facilities organization for further information.
- Have artifacts been recovered from the site or adjacent to it? (The FSO or MFO historic coordinator and possibly the SHPO can assist in answering this question.)

The site evaluation should present an assurance that historic resources have been identified and evaluated in accordance with the requirements stated in Section 106 of the NHPA for each alternative under consideration. Information needed to identify and evaluate historic resources and the level of effort required to compile this information varies from project to project. Information on historic sites should be sufficient to identify whether they warrant preservation in place or whether their importance arises chiefly from what can be learned by data recovery, but does not warrant preservation. The evaluation should briefly summarize the method used to identify historic resources.

In some cases, historic preservation concerns may not prevent the Postal Service from making changes at facilities. The NHPA process requires about 60 days for review and consultation to enable the SHPO and Advisory

Council on Historic Preservation an opportunity to comment. This time frame should be included in the affected project's time line.

3-3.2.4 Archeological Sites

Archeological resources include any material remains of prehistoric or historic human life or activities. Excavation or removal of any archeological resources without a permit is illegal. Permits are issued to educational or scientific institutions only, and then only if the resulting activities will increase knowledge of archeological resources. Artifacts excavated from Native American lands remain the property of the Native American or the tribe that owns the land.

The Postal Service manager should ask whether artifacts have been previously recovered from the immediate vicinity of a site. If archeological artifacts are recovered during renovation, excavation, or construction, the FSO or MFO historic coordinator and the SHPO must be contacted. Archeological surveyed areas and site maps are available from the U.S. Geological Survey (USGS).

3-3.2.5 Native American Religious and Archeological Sites

3-3.2.5.1 Native American Religious Sites

The Bureau of Indian Affairs or any Native American tribes located near the proposed site should be contacted for information on religious sites. The Postal Service manager should ask the following questions about proposed projects:

- Are any Native American tribes near the location of the facility? If so, were these tribes consulted during the project planning phase?
- Does the proposed project contain property that is an integral part of a religious site (e.g., a burial ground)? If so, is access to the property allowed?
- Have Native American human remains, funerary objects, or other cultural items been found at the facility location? If the answer is yes, was activity stopped and reasonable efforts made to protect the items discovered? Has the affected Native American group been notified within 6 months of the discovery of the objects?

3-3.2.5.2 Native American Archeological Sites

The Native American Grave Protection and Repatriation Act provides guidance for the protection of Native American human remains and cultural artifacts. The American Indian Religious Freedom Act allows Native Americans access to sites, use and possession of sacred objects, and the freedom to exercise ceremonial and traditional rights.

Each site under consideration for a new project must be examined to determine whether the proposed action will occur in an area designated as an American Indian "religious site." Federal policy protects the inherent right of American Indians, Eskimos, Aleuts, and Native Hawaiians to believe, express, and exercise their traditional religions. During the evaluation of

contending sites for a proposed project, sites that involve activities in an Indian religious site may only be considered when there is no practical alternative site.

3-3.2.6 References

Refer to the following sources for information:

- Antiquities Act of 1906.
- Archaeological Recovery Act of 1960.
- Archaeological Resources Protection Act of 1979, 16 U.S.C. Sections 470 et seq.
- Historic Sites Act of 1935.
- National Historic Preservation Act of 1966, 16 U.S.C. Sections 470 et seq.
- Native American Graves Protection and Repatriation Act of 1990, 25 U.S.C. Section 3001.
- SHPO, local governments, Indian tribes, member of a local Historic Preservation Commission, and others likely to have knowledge of, or concerns with, historic properties in the area.
- Facilities Web site: http://blue.usps.gov/facilities.

3-3.3 Floodplain Management

3-3.3.1 Policy

Postal Service policy is to avoid facility development or construction and other operational activities in a 100-year floodplain unless no feasible or practicable alternative exists. A facility in a 100-year floodplain may be acquired only if no feasible or practicable alternative exists. Postal Service policy is to not undertake any development or operational activities directly within the 100-year floodway. The vice president of Facilities is responsible for overall floodplain management and regulatory compliance. See 39 CFR Part 776, Floodplain Management and Protection of Wetland Procedures.

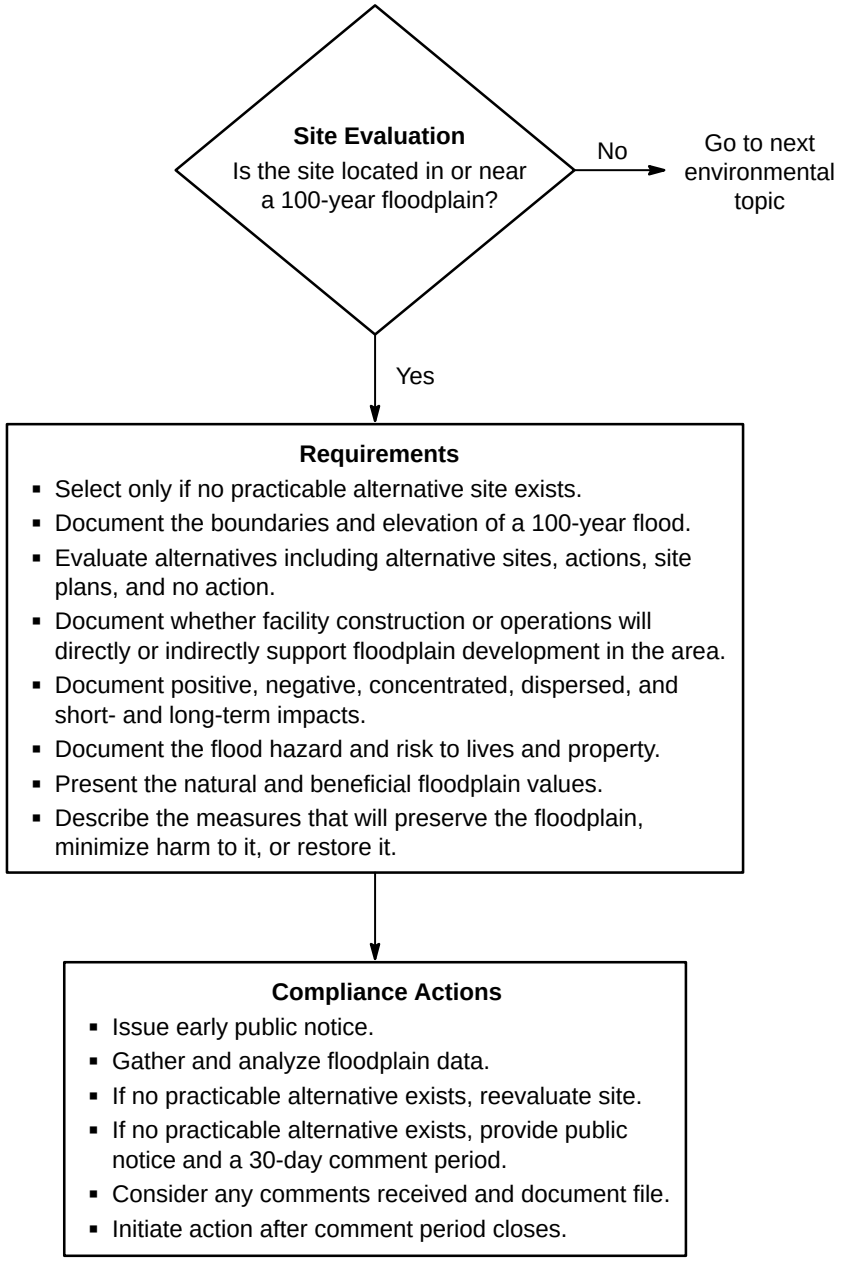
Postal Service policy is to avoid storing EPA-regulated hazardous substances in the 100-year floodplain without written approval of the FSO or MFO manager. The storage of hazardous substances includes toxic chemicals and petroleum stored in USTs or ASTs.

Specific policies are to:

- Avoid direct or indirect, long- or short-term, adverse effects on floodplains.
- Reduce the risk of flood loss.
- Minimize the impact of floods on human safety, health, and welfare.
- Restore and preserve the natural and beneficial values served by floodplains.
- Avoid direct or indirect support of floodplain development.

Refer to Exhibit 3-3.3.1 for help with determining whether a site has floodplain compliance requirements.

Exhibit 3-3.3.1
Floodplain Management



3-3.3.2 Definitions

The following definitions apply:

- *Floodplains* — lowlands and relatively flat areas adjoining inland and coastal waters. Floodplains are divided into a floodway and a floodway fringe. Flooding is the temporary condition of partial, or complete, inundation of normally dry land area from the overflow of waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.
- *One-hundred year floodplains* — areas having a 1 percent or greater chance of flooding in any given year.
- *Floodway fringe* — the portion of the 100-year floodplain that could be completely covered without increasing the water surface elevation by more than 0.2 foot at any point.
- *Floodway* — the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so the 100-year flood can be carried without substantial increase in flood heights.

3-3.3.3 Scope

Floodplain procedures must be followed for all proposed postal facility projects that involve the following:

- Acquisition of NCO or NCL.
- Acquisition of existing buildings, owned or leased, except the acquisition of existing leased facilities when no substantial external change in the configuration of the facility will occur.
- Modernization or improvement of an existing facility where the external configuration of the building, ancillary structures including parking lots, or use of the facility is changed substantially and significantly.
- Disposal or outleasing of owned excess property.
- Proposals for granting a property easement or right-of-way on owned property.

3-3.3.4 Procedures for Construction in a Floodplain

3-3.3.4.1 Site Evaluation

Each site under consideration for a new project must be examined to determine whether the proposed action is in a 100-year floodplain. During the evaluation of contending sites for a proposed project, sites that involve activities in a 100-year floodplain may only be considered when no practicable alternative site can be found.

If a portion of the site contains a 100-year floodplain but it can be positively ascertained that no construction activities will be conducted in the floodplain, a determination of “no practicable alternatives” is not required, but the ascertainment must be documented in writing and placed in the project file.

Construction activities include all land disturbing activities such as the following:

- Construction of postal buildings.
- Grading and filling.
- Land clearing.
- Placement of utility lines and/or structures.
- Future plans for building expansion.
- Placement of roadways, driveways, and parking lots.
- Placement of stormwater retention or detention basins.

3-3.3.4.2 Floodplain Information Sources

Official floodplain maps (known as Flood Insurance Rate Maps or FIRM maps) are prepared by the Federal Emergency Management Agency (FEMA) and are available from FEMA, state floodplain agencies, and, in many cases, city and county planning departments. In addition, FEMA sometimes prepares a Flood Insurance Study Report providing flood hazard information and flood elevations. When a detailed FIRM or study is not available, floodplain studies prepared by USACE; the U.S. Department of Housing and Urban Development (HUD); USGS, Water Resources Division; or other federal, state, or local agencies should be obtained to confirm the boundaries of the 100-year floodplain.

When no floodplain map is available from FEMA, or other agencies, and there is reason to believe that the site lies within the 100-year floodplain, a consultant should be retained to determine the 100-year floodplain elevation, the definition of the floodway, and floodway fringe portions of the 100-year floodplain.

3-3.3.4.3 Decision to Reevaluate Siting

If it is determined that no feasible or practicable alternative sites are available other than a site within a 100-year floodplain, the FSO or MFO manager must reevaluate the environmental consequences of the proposed action. The FSO or MFO manager must provide a summary to enable the comparison of the perceived impacts for all elements for all alternatives, including the “no action” (present baseline situation) alternative.

The FSO or MFO manager will need the following items to make an effective floodplain reevaluation:

- A summary of reasons why the rejected alternatives and alternative sites were considered impractical, including detailed descriptions of all rejected alternatives and alternative sites.
- Summary of comments received from public notification and the intergovernmental review process. See 3-3.3.5.
- Site evaluation and planning process documentation.
- The EA or the checklist.
- The floodplain map from which the determination was made indicating site elevations, base floor elevations, and floodplain elevations.

- The facility functional design specifications or site utilization drawings.
- Recommended mitigation measures to reduce impact on the floodplain.
- Any other pertinent information relating to the development stage of the project.

3-3.3.4.4 Information to Be Contained in Reevaluation

The following information must be contained in the FSO or MFO manager's floodplain siting reevaluation study:

- Documentation of the 100-year floodplain boundaries and hydraulic elevation of the 100-year flood.
- Evaluation of alternatives including alternative sites, alternative actions, alternative site plans, and no action.
- Documentation of whether the proposed action will directly or indirectly support floodplain development.
- Documentation of the impacts a proposed action would have on the floodplain including positive and negative, concentrated and dispersed, and short- and long-term.
- Documentation of the flood hazard and risk to lives and property.
- Presentation of the natural and beneficial floodplain values.
- Presentation of measures that will preserve the floodplain, minimize harm to it, or restore it. Minimization of harm is assessed in terms of the following:
  - Amount of investment at risk or the flood loss potential of the action itself.
  - Impact the action may have on others.
  - Impact the action may have on floodplain values.

Note: Any required site or real estate planning report and the EA (or EIS if applicable) must describe the floodplain reevaluation in detail.

3-3.3.4.5 FSO or MFO Notice to Field

If the FSO or MFO manager determines that there is no practicable alternative to constructing in a floodplain, the appropriate area manager is advised by letter with instructions for implementing mitigation measures that are mandatory during design and construction to minimize impacts to the floodplain and postal facilities. However, if an alternative site exists, the FSO or MFO manager will advise the area manager to abandon the selected course and pursue another alternative.

3-3.3.5 Public Notice Procedures for Floodplain Real Estate Activities

3-3.3.5.1 Early Public Notice

When a project involves a floodplain and is subject to an EA or EIS evaluation, the NOI to prepare an EA or EIS constitutes the early public review of a floodplain action as required by Executive Order 11988 Section 2(a)4. If no EA or EIS is involved in the project, an early public NOI to

implement operations and/or real estate activities in a floodplain must be published in one or more local newspapers, as a display legal advertisement, and be sent to the intergovernmental review offices, local public officials, and other parties who have expressed an interest in the project.

3-3.3.5.2 Public Notice of Floodplain Siting Determination

If no practicable alternative exists to siting in a floodplain, the FSO or MFO manager must provide a public notice of this determination. This public notice is independent of the early public notice described above and must be accomplished as soon as possible after the determination is made. The public notice of determination to site in a floodplain must be published and distributed in the same manner as the early public notice. The FSO or MFO manager must consider any comments received and document the file.

The notice must include the following:

- A description of why it is necessary to locate the proposed action in the 100-year floodplain.
- A description of all significant facts that were considered in making the determination, including alternative sites and actions.
- A statement indicating whether the action conforms to applicable local and/or state floodplain protection standards.
- If appropriate, a statement indicating why the National Flood Insurance Program (NFIP) criteria are demonstrably inappropriate for the proposed postal action.
- A description of measures that will restore or preserve the floodplain as well as minimize harm to it, consideration of the floodplain potential, and the impact of the project on others and on the floodplain itself.
- A statement indicating how the action affects natural or beneficial floodplain values.
- A list of involved agencies and individuals.
- A provision for a 30-day comment period before any action to acquire the site.

3-3.3.5.3 Joint Public Notices

When a project involves both floodplain and wetland impacts, the responsible postal official may combine any required public notices.

3-3.3.6 Floodplain Construction Design Requirements

Facilities constructed in and/or the development of a floodplain area must be designed to minimize harm to the floodplain; reduce the risk of flood loss; minimize the impact on human safety, health, and welfare; and restore and preserve the natural and beneficial floodplain values.

If Postal Service activities in a floodplain may cause adverse impacts, the proposed postal action should be reviewed at the 10 and 30 percent design stage to ensure that approved mitigation measures are incorporated into the project design.

3-3.3.7 National Flood Insurance Program and Floodproofing Requirements

Construction must be consistent with the standards and criteria of the NFIP, except where those standards are proven inappropriate for postal purposes.

Floodproofing must be provided by elevating structures, wherever practicable, rather than filling in land. The minimum elevation above the 100-year floodplain is 1 foot. However, whenever feasible a 2-foot minimum elevation should be provided (44 CFR 603).

3-3.3.8 Procedures Concerning Existing Buildings (Owned or Leased)

If an existing owned or leased postal facility has suffered flood damage or is located in a 100-year floodplain, the postmaster must install markers conspicuously delineating past flood record height and the probable 100-year flood height to enhance the public awareness of and knowledge about flood hazards. The markers must be installed on structures and other appropriate places where they are readily visible to anyone visiting or using the facility.

The FES must inform the appropriate district manager of any requirements to develop warning and evacuation procedures for properties subject to flash and rapid rise floods.

3-3.3.9 Procedures for Leases, Easement, Right-of-Way, or Disposal

If excess real property located in a floodplain is proposed for lease, easement, right-of-way, or disposal to nonfederal public or private parties, the responsible postal official, with concurrence from the Realty Asset Management (RAM), must reference the following in the conveyance:

- Those uses restricted under federal, state, or local floodplain regulations (restrictions generally are set out in state shoreline or coastal management plans or regulations, local plans, building codes, and zoning ordinances).
- Any restrictions for protecting an adjacent designated wild and scenic river.

The manager of RAM must also attach appropriate restrictions to the use of properties by the grantee or purchaser and any successors that ensure the following:

- Harm to lives, property, and floodplain values is identified.
- Harm is minimized.
- Floodplain values are restored and preserved, except where prohibited by law.

Unless all the requirements above are met, the responsible postal official must withhold the properties from conveyance.

3-3.3.10 References

Refer to the following sources for information:

- 39 CFR Part 776, Floodplain Management and Protection of Wetlands Procedures.
- 44 CFR Part 603, Federal Emergency Management Agency.
- FEMA Flood Insurance Rate Maps.
- State floodplain offices or city/county planning departments.
- USACE.
- HUD.
- USGS, Water Resources Division.
- Facilities Web site: http://blue.usps.gov/facilities.

3-3.4 Coastal Zone Management Act

3-3.4.1 Policy

Postal Service policy requires identification of potential coastal zone impacts and coordination of these findings with the state coastal zone management agency and/or appropriate local agency. All Postal Service activities in or near coastal zones that affect coastal zone resources must be consistent with the state's Coastal Zone Management Plan (CZMP).

3-3.4.2 Definitions

The following definitions apply:

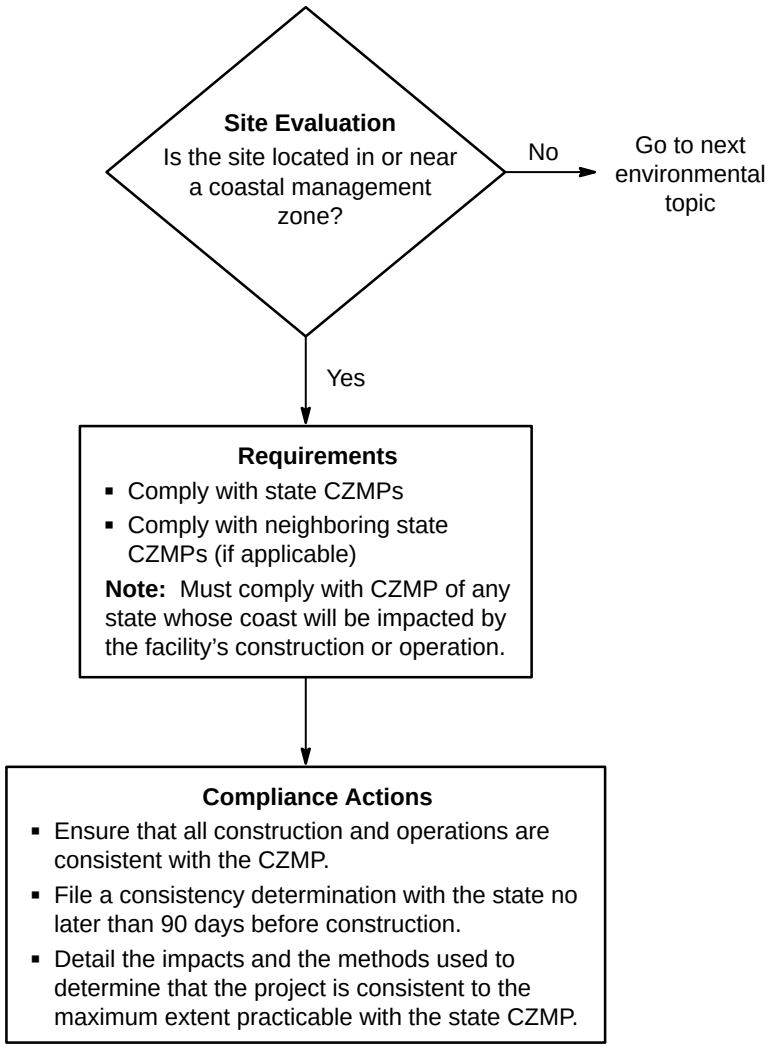
- *Coastal zone* — an area covering "the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches." (16 U.S.C. Section 1453(1))
- *Consistency determination* — a process that requires "any federal agency . . . [that] undertakes any development project in the coastal zone of a state . . . [to] insure that the project is, to the maximum extent practicable, consistent with approved state management programs." (16 U.S.C. Section 1456(c)(2))

3-3.4.3 General Requirements

Coastal zones are protected under the Coastal Zone Management Act (CZMA), Section 403 of CWA, the Ocean Dumping Ban Act, and other laws. Essentially, disposal of waste and sewage into the ocean is not allowed. Development near the oceans must not severely affect the ocean or coast. Under CZMA, states have the authority to develop enforceable CZMPs. These plans primarily set standards for all coastal and ocean activities. All federal actions must be "consistent to the maximum extent practicable" with these plans as determined by the state. The Postal Service must prepare a consistency determination for all projects and must file it with the state no

later than 90 days before approval of request, unless the Postal Service and the state agree to a different schedule. Early consultation with state officials is a critical part of project planning. Refer to Exhibit 3-3.4.3 for help with determining whether a site has coastal zone compliance requirements.

Exhibit 3-3.4.3
Coastal Zone Management Act



3-3.4.4 References

Refer to the following sources for information:

- State coastal zone management office and maps.
- 33 U.S.C. Section 1251 et seq., Clean Water Act.
- 16 U.S.C. Section 1451 et seq., Coastal Zone Management Act of 1972.
- Facilities Web site: http://blue.usps.gov/facilities.

3-3.5 Farmland Protection Policy Act

3-3.5.1 Policy

In 1981, Congress enacted the Farmland Protection Policy Act (FPPA). Postal Service policy is to comply with the provisions set forth in FPPA (see section 3-3.5.3). Sites located on or near designated farmland should be avoided whenever possible. The Postal Service will attempt to acquire sites located in urban development areas as defined by 7 CFR 658.1. When this cannot be accomplished, the Postal Service will examine each site to determine whether the proposed action adversely affects prime, unique, or important farmland. If it is determined that there is a potential for changes and/or disturbances to farmland, consultation with the U.S. Department of Agriculture (USDA) is required.

3-3.5.2 Definitions

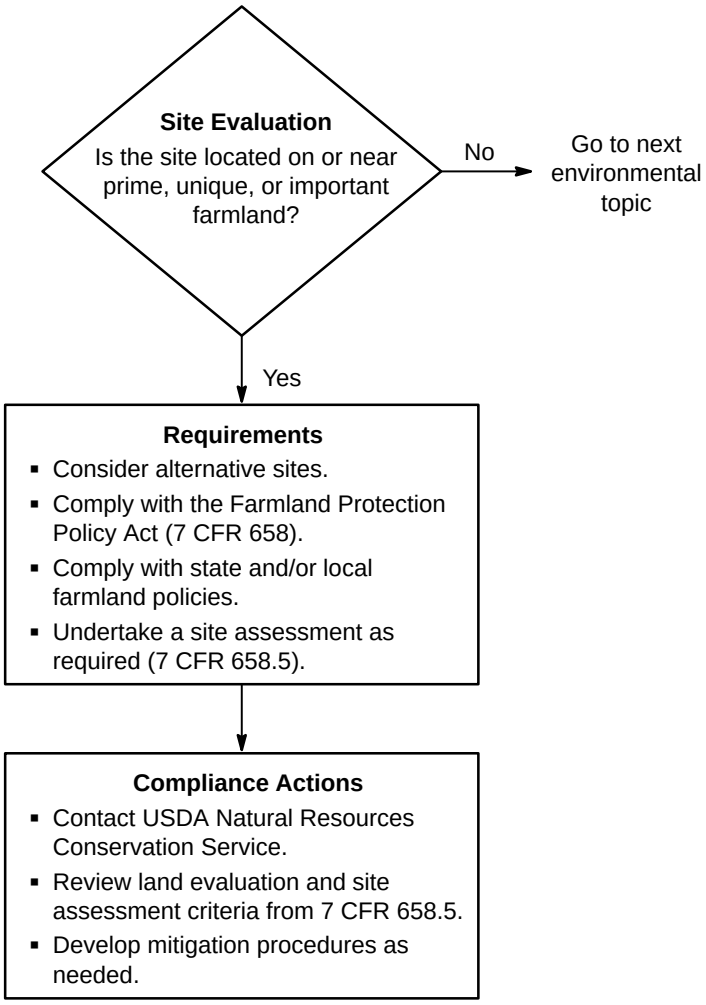
The following definitions apply:

- *Farmland already in urban development* — farmland with a density of 30 structures per 40-acre area. Also includes lands identified as "urbanized area" on census or USGS maps or as "urban built-up" on USDA maps.
- *Federal programs* — activities that include undertaking, financing, or assisting construction or improvement projects; or acquiring, managing, or disposing of federal lands and facilities.
- *Prime farmland* — land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion, as determined by USDA.
- *Unique farmland* — land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by USDA.
- *Important farmland* — land other than prime or unique farmland that is of statewide or local importance for the production of food, fiber, forage, or oilseed crops.

3-3.5.3 General Requirements

The FPPA requires that federal agencies use the criteria in 7 CFR 658.5 to identify and consider the adverse effects of their programs on the preservation of prime, unique, or important farmland; to consider alternative programs that could lessen these effects; and to ensure that their programs are compatible with state and local governments and private programs and policies to protect farmland. Refer to Exhibit 3-3.5.3 for help with determining whether a site has Farmland Protection Policy Act compliance requirements. Agencies may make the farmland determinations themselves or contact the USDA Natural Resources Conservation Service (NRCS).

Exhibit 3-3.5.3
Farmland Protection Policy Act



If a site is determined to be subject to FPPA, then the NRCS will measure the relative value of the site as farmland. Based on site assessment results, the Postal Service may consider alternative sites or mitigative measures that would convert either fewer acres of farmland or other farmland that has a lower value.

It is advisable that evaluations and analysis of prospective farmland conversion impacts be made early in the planning process before a site or design is selected and that the FPPA evaluations be made part of the NEPA process.

3-3.5.4 References

Refer to the following sources for information:

- 7 CFR 658, Farmland Protection Policy Act.
- USDA Natural Resources Conservation Service.
- Facilities Web site: http://blue.usps.gov/facilities.

3-3.6 Endangered Species Act

3-3.6.1 Policy

The Postal Service is required to comply with the Endangered Species Act of 1973 (ESA) by not affecting any listed species and/or designated critical habitat. To obtain information about threatened and endangered species, contact state fish and wildlife management agencies and the U.S. Fish and Wildlife Service (USFWS) for a "biological opinion."

3-3.6.2 Definitions

The following definitions apply:

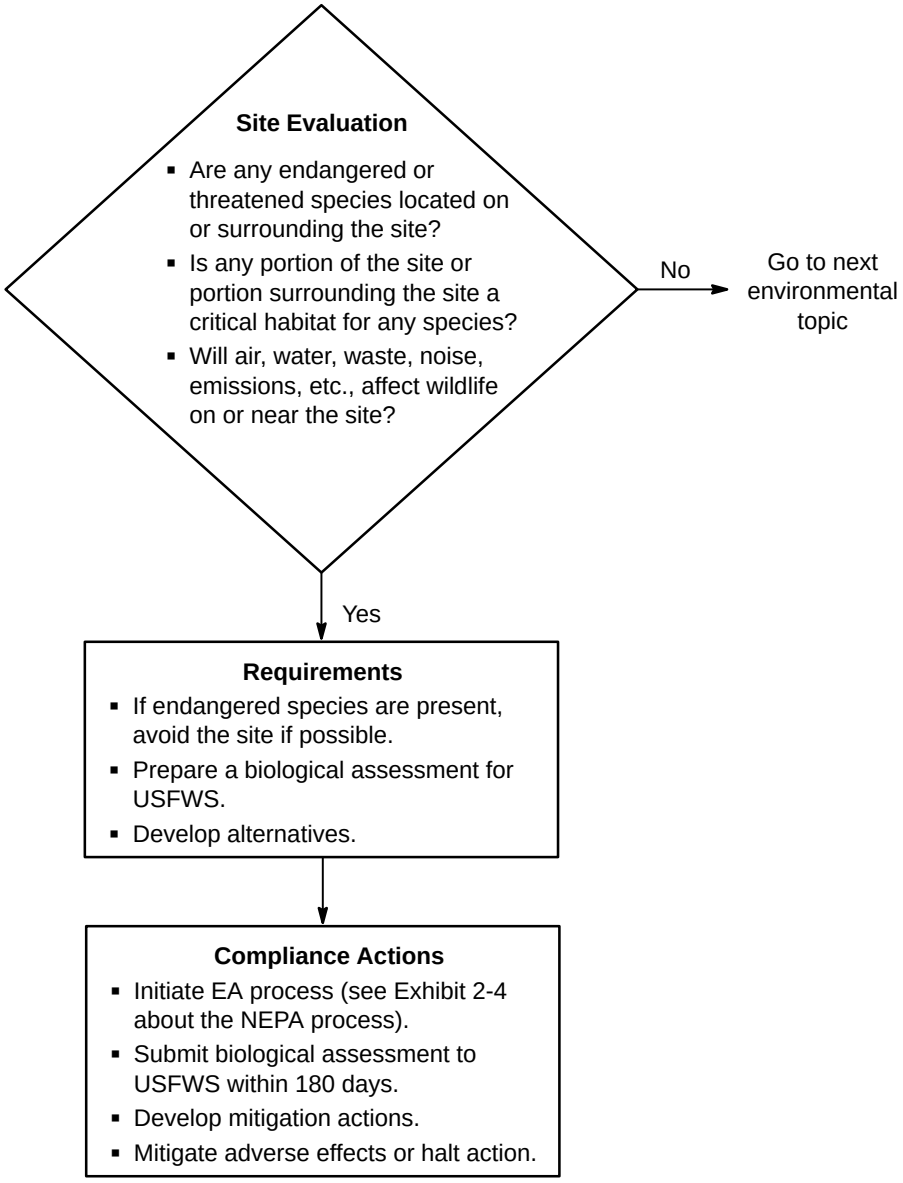
- *Endangered species* — "any species which is in danger of extinction throughout all or a significant portion of its range," as stated in the ESA.
- *Taking* — to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect an endangered species.
- *Threatened species* — "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range," as stated in the ESA.
- *Critical habitats* — (1) the specific areas within the geographical area occupied by the species having the physical or biological features essential to the conservation of the species and that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species if such areas are determined to be essential for the conservation of the species.

3-3.6.3 General Requirements

The ESA prohibits the "taking" of any endangered species. This prohibition extends to all federal agencies, which must ensure that all actions authorized, funded, or carried out by them do not jeopardize the continued existence of any endangered or threatened species, or result in the destruction or modification of any critical habitat. Harming a species on the federal list constitutes a federal crime, regardless of whether the species is listed on a state or local list.

If a Postal Service action has the potential to affect any critical habitat or any endangered species, a biological assessment must be submitted to the USFWS within 180 days. If the assessment shows that no species or habitat will be affected, the action may continue. If the assessment shows that there will be an effect, the Postal Service must consult with the USFWS, which will provide reasonable alternatives to the action. If the effects are adverse, the Postal Service must perform mitigation procedures or the action must be halted. Refer to Exhibit 3-3.6.3 for help with determining whether a site has ESA compliance requirements.

Exhibit 3-3.6.3
Endangered Species Act



3-3.6.4 References

Refer to the following sources for information:

- USFWS and the appropriate state agency contacts for information on the location of threatened and endangered species.
- 16 U.S.C. Part 1531, Endangered Species Act.
- Facilities Web site: http://blue.usps.gov/facilities.

3-3.7 Clean Water Act

3-3.7.1 Policy

Any Postal Service activity that results, or may result, in discharge or runoff of pollutants into waters of the United States (i.e., lakes, streams, rivers, bays, gulfs, creeks, harbors, etc.) must comply with all applicable federal, state, and local requirements. The Postal Service is required to comply with all federal laws and regulations developed under CWA, the Oil Pollution Act, and all state and local requirements regarding control and abatement of water pollution.

3-3.7.2 Definitions

The following definitions apply:

- *Non-point source* — any source of water pollution or pollutants not associated with a discrete conveyance, including runoff from fields, forest lands, mining, construction activity, and saltwater intrusion.
- *Point source* — any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, vessel, or other floating craft from which pollutants are discharged.

3-3.7.3 General Requirements

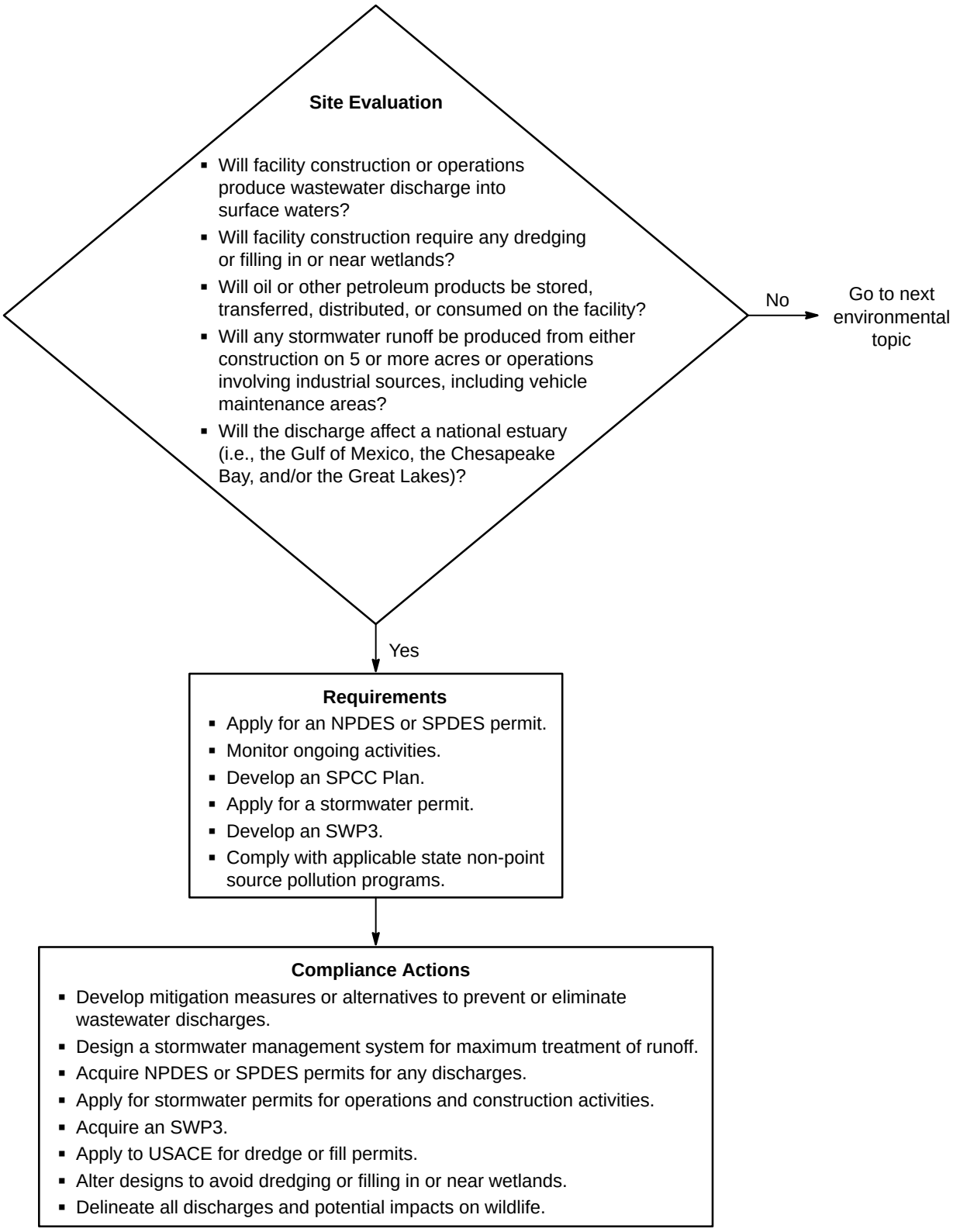
In the course of normal operations, Postal Service facilities discharge wastewater either directly into receiving waters, such as rivers and streams, or into municipal sewerage systems before ultimate discharge into receiving waters. Postal Service wastewater discharges may contain pollutants that can have an impact on receiving water quality or municipal wastewater treatment systems. A regulatory permitting system has been established under the provisions of the Federal Water Pollution Control Act. The 1977 amendment of this act includes regulation of toxic and hazardous pollutants along with conventional pollutants. This legislation is commonly referred to as the Clean Water Act.

Refer to Exhibit 3-3.7.3 for help with determining whether a site has CWA compliance requirements.

3-3.7.4 Wastewater Discharge

The wastewater discharge program created by the CWA is regulated under the National Pollutant Discharge Elimination System (NPDES) permit regulations. NPDES permits are required for discharges of wastewater from a point source into waters of the United States. The permits include monitoring requirements that determine compliance with specific limitations. CWA targets point source discharges such as stormwater discharges. Most states have been authorized to administer the program and are allowed to set permit criteria through the State Pollutant Discharge Elimination System (SPDES). Most municipalities have ordinances requiring a characterization of wastewater to be discharged to a sewer system. These discharges require sanitary sewer discharge permits.

Exhibit 3-3.7.3
Clean Water Act



Industrial sources of wastewater that discharge to a publicly owned treatment works (POTW) are referred to as indirect discharges. These “industrial users” are subject to federal general pretreatment regulations in 40 CFR, Subchapter N, Parts 401 through 471, and to applicable federal, state, and/or local requirements or standards. These discharges typically are subject to permit conditions issued by the municipality or other authorized control authority and, as such, can also be subject to sampling, analysis, and reporting requirements.

Postal facilities may contain sources subject to NPDES and/or SPDES permitting, sampling, analysis, and reporting requirements and/or industrial user permits issued for indirect discharges to a POTW. Such sources could include boiler blowdown, wastewater treatment plant effluent (domestic or industrial), vehicle wash waters, and oil/water separators. Sampling and analytical services may also be required for postal facilities conducting wastewater characterization surveys.

CWA requires operators of facilities, including federal facilities, to obtain permits under the NPDES permit system to control the quality of stormwater discharges. EPA issues regulations for permit applications associated with stormwater discharges of pollutants from any point source into waters of the U.S., including surface waters and wetlands. Federal and state permit and approval processes apply to the Postal Service.

3-3.7.5 Non-Point Discharges

NPDES permits are not required for discharges from non-point sources. However, the impacts of discharges from these sources should be considered during postal construction and operational activities, and best management practices (BMPs) (e.g., stormwater retention and detention basins) should be used to control pollution. See Appendix E, Stormwater Pollution Prevention Plan, for information on stormwater BMPs and processes for completing a Stormwater Pollution Prevention Plan (SWP3).

3-3.7.6 SPCC Plans

Spill Prevention Control and Countermeasures (SPCC) Plans are required by CWA for any facility that, due to location, could potentially discharge harmful quantities of petroleum products into navigable waters. SPCC Plans are required for facilities storing petroleum products with one AST of more than 660 gallons capacity, two or more ASTs with capacity of more than 1,320 gallons, or one UST with capacity of more than 42,000 gallons. For more information see MI AS-550-96-8, *Procedures for Reporting Releases of Hazardous and Regulated Substances to the Environment.*

3-3.7.7 References

Refer to the following sources for information:

- 33 U.S.C. Sections 1251 et seq., Clean Water Act.
- 40 CFR 112.1, SPCC Plans.
- 38 U.S.C. Sections 1321 et seq., Oil Pollution Act of 1990.

- State water quality division.
- MI AS-550-92-7, *Stormwater Management.*
- MI AS-550-96-8, *Procedures for Reporting Releases of Hazardous and Regulated Substances to the Environment.*
- Facilities Web site: http://blue.usps.gov/facilities.

3-3.8 Safe Drinking Water Act

3-3.8.1 Policy

Postal Service policy requires compliance with all applicable laws and regulations developed under SDWA. All Postal Service projects in a sole-source aquifer zone should be avoided. Any potential threat to the drinking water supply should be fully investigated and evaluated. Any real estate or operations activities within 500 feet of a drinking water production well should be avoided. If such sites cannot be avoided, the facility must comply with all requirements of the SDWA. Facilities subject to SDWA requirements must comply with established drinking water standards and follow all monitoring, reporting, and recordkeeping requirements.

3-3.8.2 Definitions

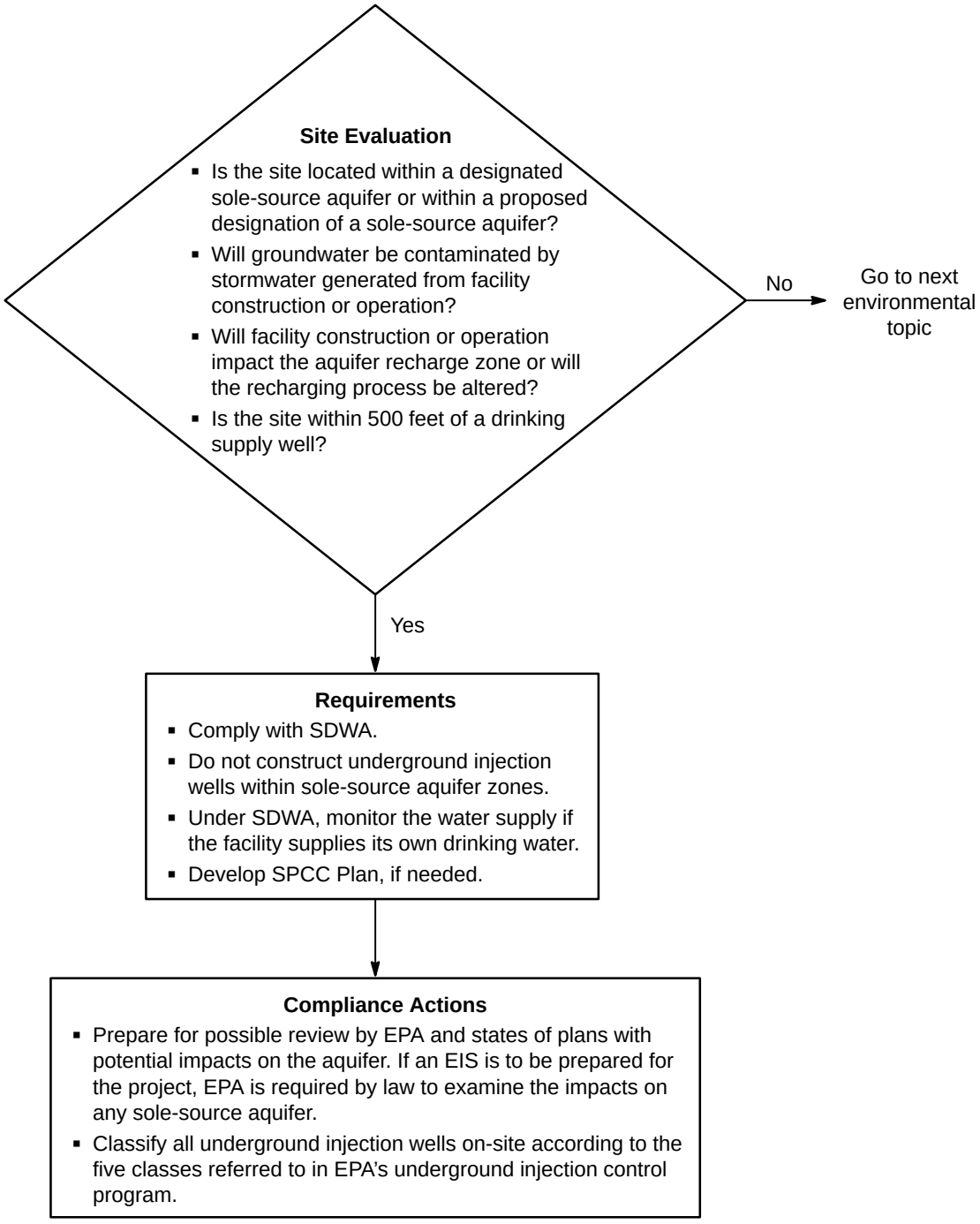
The following definitions apply:

- *Aquifer* — a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.
- *Sole or principal source aquifer* — an aquifer that is designated as the sole or principal source of drinking water for an area. Under SDWA, a sole-source designation enables EPA to review all actions receiving federal funding that could contaminate the water. EPA has the authority to ensure that necessary precautions are observed during the actions.

3-3.8.3 General Requirements

Each site under consideration for a new project must be evaluated to determine whether the proposed actions will adversely affect a local water supply's ability to meet the national drinking water standards (see below). During the evaluation of contending sites for a proposed project, sites involving activities that will impact drinking water quality may only be considered when no practical alternative site exists. The site must be evaluated to determine if the proposed action will impact drinking water quality to the point that maximum contaminant levels are exceeded. Special consideration must be given for projects or activities located near production wells, sole-source aquifers, water recharging areas, and drinking water reservoirs. Another factor to be considered is whether groundwater may be contaminated from stormwater runoff during construction. Evaluations must be documented in writing, accompanied by a detailed site plan and location map, and placed in the project file. Refer to Exhibit 3-3.8.3 for help with determining whether a site has SDWA compliance requirements.

Exhibit 3-3.8.3
Safe Drinking Water Act



3-3.8.4 Drinking Water Regulations

EPA has issued two sets of drinking water regulations under SDWA: (1) national primary drinking water standards and (2) secondary drinking water standards. Primary standards are federally enforceable, and the Postal Service and/or its facilities must comply with them. Primary standards regulate drinking water contaminants via maximum contaminant levels (MCLs) established for microorganisms, turbidity, and organic and inorganic chemicals. Refer to 40 CFR Part 141 for the list of MCLs. Secondary standards are concerned with the aesthetic quality of water. They are not federally enforceable but serve as guidelines for states. States can issue stricter requirements and many actively enforce the secondary standards.

3-3.8.5 Wellhead Protection

Each state is required to develop state wellhead protection plans with final approval by EPA. Coordination with the state agency responsible for the protection plan will aid in identifying the areas, impacts, and mitigation measures if a proposed project will encroach upon a wellhead protection area.

3-3.8.6 Underground Injection Control Programs

Regulations for state underground injection control programs contain minimum requirements for the prevention of endangering drinking water sources (42 U.S.C. 300h). The Postal Service does not normally participate in underground injection control programs; however, any facility that provides drinking water from an on-site well should monitor the drinking water supply as required under SDWA.

3-3.8.7 On-Site Wells and Treatment

Postal facilities that have more than 25 employees must comply with SDWA if (a) the facility obtains drinking water from private on-site wells or (b) the facility is connected to a municipal system *and* further treats the water (e.g., chlorination, filtration, or softening) on site before it is consumed by employees. State officials determine whether a water supply system is subject to SDWA requirements. If a facility fails to comply with an applicable SDWA standard or fails to conduct monitoring as required, the facility must provide immediate notification to its employees.

To protect the health and well-being of employees and to limit potential liabilities to the Postal Service, it is recommended that water tests to determine the level of treatment, if necessary, be conducted at postal facilities that have less than 25 employees and use drinking water supplied by on-site wells.

3-3.8.8 SPCC Plans

It may be necessary to develop an SPCC Plan for the protection of drinking water sources (e.g., reservoirs and groundwater recharge areas). Contact the FES to find out if the SPCC criteria apply to the facility and to arrange for the

preparation of an SPCC Plan, if necessary. See 3-3.7.6 for more SPCC guidance.

3-3.8.9 References

Refer to the following sources for information:

- 40 CFR 141, EPA National Primary Drinking Water Regulations.
- 40 CFR 142, EPA National Secondary Drinking Water Regulations.
- 40 CFR 112.1, SPCC Plans.
- State drinking water regulations.
- 21 U.S.C. 349, Safe Drinking Water Act.
- Facilities Web site: http://blue.usps.gov/facilities.

3-3.9 Protection of Wetlands

3-3.9.1 Policy

Executive Order 11990, Protection of Wetlands, was issued to avoid adverse impacts associated with modification and destruction of wetlands. It is Postal Service policy to avoid constructing a postal facility in a wetland or directly impacting a wetland unless there is no practicable alternative. Additionally, no construction, dredging, or filling activities are allowed in wetlands without permits required under Section 404 of CWA. USACE and EPA have jurisdiction over wetlands policy.

Specific Postal Service policies with respect to wetlands are as follows:

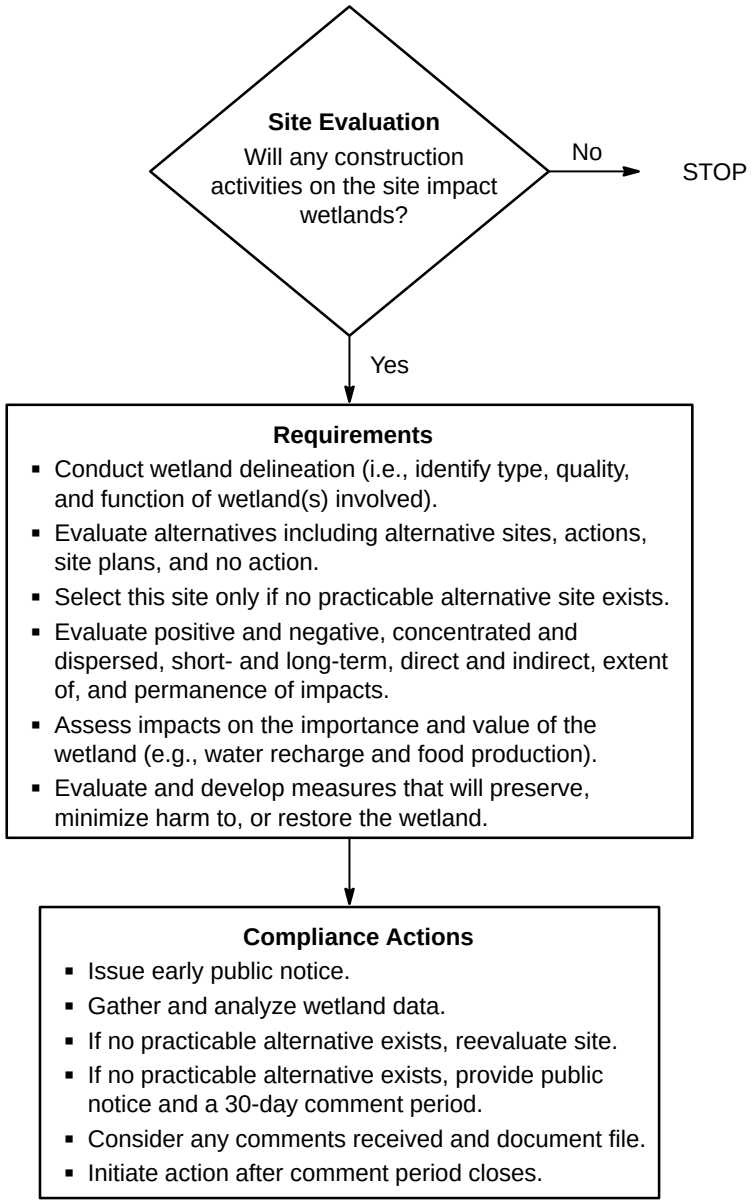
- Avoid direct or indirect, long- or short-term, adverse impacts on wetlands.
- Preserve and enhance the natural and beneficial values of wetlands.
- Minimize the destruction, loss, or degradation of wetlands.
- Maintain natural systems, including conservation and long-term productivity of existing flora and fauna species and habitat diversity.

Refer to Exhibit 3-3.9.1 for help with determining whether a site has wetlands protection compliance requirements.

3-3.9.2 Definition

Wetland refers to an area that is “inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances [does] support, a prevalence of vegetation typically adapted for life in saturated soil conditions,” 33 CFR Section 328.3(7)(b), 40 CFR Section 230.0(t). Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Exhibit 3-3.9.1
Protection of Wetlands



3-3.9.3 Applicable Projects

The procedures described in this section apply to the actions listed below. Wetland data must be compiled and examined by the responsible postal official for all proposed postal facility projects that involve the following:

- New construction for ownership or lease. The term “new construction” includes draining, dredging, channeling, filling, diking, impounding, and related activities.
- Acquisition of existing buildings, owned or leased, except the acquisition of existing leased facilities occupied by the Postal Service

when no substantial external change in the configuration of the facility will occur.

- Modernization or improvement of an existing facility where the external configuration of the building, ancillary structures including parking lots, or use of the facility is changed substantially and significantly.
- Disposal or outlease of owned excess property.
- Proposals for granting a property easement or right-of-way on postal-owned property.

3-3.9.4 Site Evaluation Criteria

An action's occurrence in, or impact on, a wetland site requires a documented analysis of alternatives. If a site contains wetlands, but construction activities will not be conducted on or affect the wetlands, an analysis of alternatives is not required. On the other hand, if construction activities on a site without wetlands will affect wetlands off site (for example, wetlands on an adjacent site), an analysis is required.

Construction activities include all land disturbing activities such as construction of postal buildings; grading, filling, and land clearing; placement of utility lines and/or structures; future plans for building expansion; placement of roadways, driveways, and parking lots; and placement of stormwater retention or detention basins.

3-3.9.5 Wetland Examination

3-3.9.5.1 Information Sources

Each site under consideration must be examined to determine whether the proposed action will occur in, or impact, a wetland. National Wetland Inventory maps, prepared by USFWS, identify and classify wetland areas using a standard classification procedure. Maps may also be obtained by contacting USGS. In some instances, state and local governments have prepared wetland maps or the Soil Conservation Service (SCS) may have maps available to determine the presence of soils that are normally associated with wetlands. Wetland inventories established by international treaty (e.g., the Ramsar Convention) should also be honored and used as an informational resource.

3-3.9.5.2 Lack of Information

Some existing maps may not be accurate for postal projects or may be out of date. If so, the site may require ground reconnaissance by a qualified expert. Also, when no National Wetland Inventory map is available from USFWS or other agencies and there is reason to believe that the site lies within a tidal or inland wetland, an environmental consultant should perform a wetland delineation to accurately assess the extent of the potential wetland area on the project site.

3-3.9.6 Construction in a Wetland

3-3.9.6.1 Criteria

During the evaluation of contending sites for a proposed project, sites that involve construction activities in a wetland may only be considered when there is no practicable alternative site or other alternative action.

3-3.9.6.2 Practicable Alternatives

When construction in a wetland is being considered, determine whether any affected wetlands are critical wetlands where development would be prohibited by federal regulation. Even if the wetland sites are not critical, an evaluation of whether there is a practicable alternative must be made. Alternatives to be evaluated must include alternative sites, alternative actions, alternative site plans, and no action.

In evaluating alternatives, the following must be considered:

- Natural environment (e.g., topography, habitat, soil and groundwater contamination, and other hazards).
- Social concerns (e.g., aesthetics; historic, cultural, and land use patterns; and traffic).
- Public need for the proposed action.
- Economic aspects (e.g., cost of space, construction, services, and relocation).
- Legal constraints (e.g., deeds, leases, and easements).
- Postal operational requirements.

3-3.9.6.3 Available Alternative

If there is a practicable alternative to constructing and/or impacting a wetland, the FSO or MFO manager must advise the submitting organization by letter that the previous course must be abandoned and other alternatives must be pursued.

3-3.9.7 Wetland Assessments

3-3.9.7.1 No Practicable Alternative

If it is determined that no practicable alternative sites are available, the FSO or MFO manager must prepare a written reevaluation containing the wetland assessment documentation. Early in the planning process USACE should be contacted to determine whether a permit is required.

3-3.9.7.2 Assessment Documentation Criteria

The responsible FSO or MFO manager or designee must fully record the determination to construct in a wetland and document the following:

- The wetland boundaries.
- Evaluation of practicable alternatives.
- Evaluation of the impacts to the wetland.
- Recommended mitigation measures to reduce impacts on the wetland.

- If applicable, summary of the reasons the rejected operational alternatives and alternative sites, if any, were considered not practicable alternatives to siting in the wetland.
- Information about required federal permits needed for development of the wetland.

A description of the impacts, if any, expected to occur as a result of locating a postal facility in the wetland or affecting a wetland environment must also be provided. If impacts are expected to occur in the wetland, the appropriate mitigation measures must be examined to alleviate any potential degradation of waters of the United States including adverse effects on human health; life stages of organisms dependent upon the aquatic ecosystem; ecosystem diversity; productivity and stability; water recharge and flood storage capabilities; and recreational, aesthetic, and economic values. In addition, any impacts must be reviewed to:

- Determine that state water quality standards or effluent standards of CWA are not violated.
- Ensure that listed endangered or threatened species or critical habitats are not jeopardized.
- Ensure that any federally designated marine sanctuary is not violated.

3-3.9.7.3 Types of Wetland Impacts

The following six types of impacts must be addressed in the wetland assessment:

- Positive and negative. These are both positive and negative impacts to the primary functions of the wetlands (e.g., flood control, wildlife habitat, and groundwater recharge).
- Concentrated and dispersed. An impact is concentrated if it occurs at or near the site of the action. It is dispersed if it occurs at a remote site from the action.
- Short- and long-term. This should include an evaluation of the short- and long-term impacts on the (1) physical, chemical, and biological characteristics of the ecosystem, (2) impacts on human uses of the wetlands, and (3) impacts on special wetland sites.
- Direct or indirect. This includes impacts that may affect the quality of the wetland environment.
- Extent and permanence. This is the extent and permanence of the beneficial and/or detrimental effects the proposed Postal Service activity is likely to have on the public and private uses to which the area is suited.
- Values. These are the natural and beneficial wetland values including habitat diversity, flood storage capabilities, water recharge, and food and fiber production.

After reviewing the wetland assessment document, if the FSO or MFO manager confirms that there is no practicable alternative to constructing in a wetland, he or she must advise the appropriate requesting organization in writing. The memorandum may contain instructions governing mandatory

mitigation measures to be implemented during design and construction of the project to minimize harm to the wetland.

3-3.9.8 Public Notice Procedures for Wetland Real Estate Activities

3-3.9.8.1 Early Public Notice

When a wetland siting involves an action that is subject to an EA or EIS evaluation, the public notice of intent to prepare an EA or EIS constitutes the early public review of a wetland action as required by Executive Order 11990, Section 2(b). However, if no EA or EIS is involved in the project, then an early public notice to site a project in a wetland must be published in one or more local newspapers, as a display legal advertisement, and be sent to intergovernmental review offices, local public officials, and other parties who express an interest in the project. The next section describes the contents of the public notice.

3-3.9.8.2 Contents of the Public Notice

The public notice must include the following:

- A description of why the proposed action must be located in the wetland.
- A description of significant facts considered in making the determination, including alternative sites and actions.
- A statement indicating whether the action conforms to applicable local and state wetland regulations.
- If appropriate, a statement indicating what type of wetland permits will be required and the likelihood of their issuance (i.e., nationwide or special permits).
- A description of measures that will restore, preserve, replace, or maintain the quality of the wetland; consideration of the project's wetland impact; and the project's impact on habitat diversity, timber, food, and fiber resources, water supply, quality, recharge and discharge, and sediment and erosion.
- A statement indicating how the action affects natural or beneficial wetland values.
- A list of involved agencies and individuals.
- A provision for a 30-day comment period before the Postal Service initiates action to acquire the site.

3-3.9.8.3 Joint Public Notices

When a project involves an action requiring a wetland use permit from USACE, the responsible postal official should consider the use of joint notification procedures with USACE to eliminate duplicate public notices and hearings on the project.

When a postal action involves wetland and floodplain impacts, the responsible postal official may issue one public notice providing a simultaneous determination.

3-3.9.9 Wetland Construction Requirements

3-3.9.9.1 Site Acquisition

If it is determined that there is no practicable alternative to constructing in a wetland, site acquisition must not occur until after the public notice period specified above is over.

3-3.9.9.2 Permits

EPA and USACE regulate wetlands, with USACE the primary regulatory agency. A project with potential wetland impacts must be reviewed by USACE or, in some cases, a state agency. The review agency will determine whether a permit is necessary or appropriate.

3-3.9.9.3 Design Stage

Newly constructed facilities that impact or develop a wetland must be designed to comply fully with Postal Service and federal regulations as outlined in 3-3.9.1. The proposed construction must be reviewed at the 10 and 30 percent design stages to ensure that approved mitigation measures are incorporated into the project design.

3-3.9.9.4 Construction

Construction must be consistent with the standards and criteria imposed by USACE, EPA, and applicable state and local wetland regulations.

3-3.9.10 Conveyance Requirements for Leases, Easement, Right of Way, or Disposal

If excess real property located in a wetland is proposed for lease, easement or right-of-way, or disposal to nonfederal public or private parties, the responsible postal official, with concurrence from the FSO or MFO manager, must:

- Reference in the conveyance those uses restricted under identified federal, state, or local wetland regulations.
- Attach other appropriate restrictions to the use of properties by the grantee or purchaser and any successors assuring that harm to wetland values are identified and minimized and that wetland values are restored and preserved except where prohibited by law.

Unless all the above requirements are met, the responsible postal official must withhold the properties from conveyance.

3-3.9.11 References

Refer to the following sources for information:

- Section 404, Clean Water Act.
- 39 CFR Part 776, Floodplain Management and Protection of Wetlands Procedures.
- Executive Order 11990, Protection of Wetlands.
- State wetland regulations.

- USACE.
- USFWS's National Wetland Inventory maps.
- State and local wetland maps.
- SCS soil maps.
- State and local wetland offices.
- Facilities Web site: http://blue.usps.gov/facilities.

4 Environmental Due Diligence

4-1 Introduction

In the field of environmental law, it is now well settled that an owner of property on which there has been a release of hazardous substances may be held liable for costs associated with its cleanup, even though the release occurred prior to the purchase. In addition, a current owner may be held liable to third parties for personal injury and property damage. Both sellers and purchasers may be liable to the government for cleanup of the contamination. These environmental liabilities arise from federal statutes concerning toxic/hazardous waste management, state statutes, and case law. Due to these environmental liabilities, it has become imperative that a prospective purchaser investigate potential liabilities under all environmental laws when contemplating acquisition of commercial property. This investigation is known as the “due diligence” process. This chapter provides guidance on how to successfully complete an environmental due diligence investigation.

This chapter applies to the following real estate activities:

- NCO or NCL, regardless of size.
- Lease of new alternate quarters.
- Purchase, or acquisition through exchange, of an existing building, regardless of size.
- Expansion or significant modification of an existing building.
- Advanced site acquisition, land-banking, and acquisition of unimproved excess real property through exchange.
- Developmental and joint-use projects.
- Acquisition of unimproved property or expansion onto unimproved postal-owned property that entail parking lot projects.

4-2 Legislative Background

A property owner’s liability for the environmental condition of his or her property arises out of numerous federal laws. Among these federal laws are the CERCLA, 42 U.S.C. Section 9601 et seq.; the Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. Section 9601 et seq.; the RCRA, 42 U.S.C. Section 6901; the CWA, 33 U.S.C. Section 1251 et seq.; and the

Toxic Substances Control Act (TSCA), 15 U.S.C. Section 2601 et seq. In addition, most states have enacted some type of statute dealing with the cleanup of hazardous substances. The details of these statutes and the intensity of state enforcement efforts vary considerably from state to state; their impact must be taken into account in all real estate transactions.

CERCLA imposes liability for the cleanup of hazardous waste sites. CERCLA was passed in 1980 to provide a federally funded response to problems caused by the release, or threatened release, of hazardous substances into the environment. The statute established a multibillion dollar fund, known as the Superfund, to pay for a wide range of cleanup actions at hazardous waste disposal sites. When Superfund money has been spent on response actions at a site, the federal government, through the EPA, may recover all such expenditures from four classes of "potentially responsible parties," which includes the present owner or operator of the site. Liability under CERCLA is joint and several: any responsible party may be held liable for the entire cleanup cost. Moreover, liability is strict — the current owner can be held responsible for toxic and hazardous wastes or materials left by other parties at a site or building even without a showing of fault.

A limited defense is available under CERCLA to current owners who acquire contaminated property after all hazardous substance disposal has occurred. These are "innocent purchasers" or "innocent owners." To establish this defense, the current owner must show that the contamination occurred prior to acquisition of the property and that at the time of the acquisition, the current owner did not know, or have reason to know, of the contamination. The due diligence process is used to establish the innocent purchaser defense.

4-3 Overview of Due Diligence

4-3.1 Definition

In its broadest sense, "due diligence" is a legal term meaning to exercise great attention and care to the details of individual circumstances. For the purpose of real estate transactions, due diligence requires the exercise of great attention and care to the details of each real estate transaction (refer to Handbook RE-1 for a description of the entire due diligence process.) In an even narrower sense, in the environmental area it is a term used for the process of investigating and identifying whether the presence of toxic and/or hazardous materials, or hazardous waste, on real estate properties present potential liabilities to a prospective purchaser. Due diligence is required to satisfy one of the requirements to qualify for the "innocent landowner" defense to CERCLA liability.

4-3.2 Purpose

The purpose of the environmental portion of the due diligence process ("environmental due diligence") is to identify recognized environmental conditions and potential environmental risks associated with past uses of real

estate. The term *recognized environmental conditions* means the presence, or likely presence, of any hazardous substances or petroleum products on a property under conditions that indicate there is an existing, past, or 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. Conducting environmental due diligence studies minimizes the financial risk of acquiring contaminated property. When properly completed, the environmental due diligence process provides the potential purchaser with information about the property's environmental conditions.

The environmental due diligence process includes performing varying levels of environmental site evaluations on property under consideration for purchase or lease. These site evaluations may include the transaction screen process; Phase I, environmental site assessment (ESA); Phase II, ESA; site characterization; and risk evaluation for real estate transaction negotiations. How these processes are used is described in this chapter.

4-3.3 Responsibilities

The due diligence process is the responsibility of all postal functional organizations involved in the procurement of postal facilities. The vice president of Facilities is responsible for the development of overall policies for acquisition of postal facilities using environmentally sound decision-making processes. For each postal acquisition, whether by construction, purchase, lease, or other transaction, the contracting officer is responsible for compliance with the Postal Service's due diligence policies. The FES serves as the technical advisor to the contracting officer on the environmental due diligence process.

4-4 Policy

Postal Service policy is to conduct some level of environmental due diligence on all properties proposed for postal facilities. The level of due diligence inquiry varies with the type of facility; with the type of contract the Postal Service will be entering into; and with the environmental condition of the property. This chapter provides guidance on the level of due diligence inquiry that is required for all proposed postal facilities.

Note: Postal Service regulations, MIs, and other documents referenced in this chapter are available on the Facilities Web page: http://blue.usps.gov/facilities.

4-4.1 Contaminated Property

Postal Service policy prohibits the purchase of contaminated real property (i.e., property containing hazardous waste or substances that exceed the current regulated limit for those contaminants) except in exceptional circumstances and unless authorized by the postmaster general (PMG). If the current levels of contamination are below regulated action levels, then real property is not considered contaminated. This policy protects the Postal

Service from the enormous expense the owner of contaminated property must assume to clean up the site and to pay damages to private individuals who successfully bring toxic tort claims against the property owner.

Contamination can be defined as concentrations of chemicals of concern that exceed a regulatory limit or standard. These regulatory limits may be based on numeric standards that apply to all sites under the regulatory program in a particular state. More recently, states are setting generic or site-specific limits based on the risk to human health and the environment that might be posed by a chemical of concern. The level of risk varies depending on the intended use of the property. Property found to contain contamination that is below regulated action levels is not considered contaminated. The existence of trace amounts of hazardous waste or substances below regulated thresholds does not prohibit the Postal Service from taking title. In addition, the policy does not prohibit the purchase of contaminated property, currently leased by the Postal Service, where the Postal Service caused the contamination (a rare circumstance).

Example: A previous site evaluation produced in a Phase II ESA revealed the presence of benzene in the groundwater at 2 parts per billion (ppb). A risk analysis based on the proposed use for this site concludes that the regulatory action limit is 5 ppb benzene for drinking water for this site. Therefore the site is not considered to be contaminated.

4-4.2 Remediated Property

The policy against the purchase of contaminated real property does not prohibit the purchase of property on which a release of a hazardous substance has occurred but which has been cleaned up by the property's owner prior to sale to the Postal Service. The Postal Service may contract for the purchase of contaminated real property as long as transfer of title is conditioned upon successful completion of the remediation. The remediation conducted by the seller must meet all applicable federal and state environmental criteria for the proposed site activity. The seller must obtain approval of the remediation plan from the appropriate environmental regulatory agency, usually a state agency. Upon completion of remediation, the seller must demonstrate to the satisfaction of the Postal Service that no further action is required and that the environmental conditions do not pose a significant risk of harm to the public or postal employees.

Example: The Postal Service has selected a former municipal landfill on which to construct a new carrier annex. The due diligence process revealed the presence of elevated levels of lead and hydrocarbons. The owner reported the environmental conditions to the state environmental regulatory agency, which determined that any risk to postal workers, visitors, and construction workers could be managed by properly phasing the construction work, paving the site, and prohibiting future use of the site for residential development. No cleanup was required. Purchase of this site does not violate the policy against acquisition of contaminated property.

4-4.3 Exceptional Circumstances

In exceptional circumstances, the Postal Service may purchase contaminated property before the owner has completed remediation of the property. This is the least preferable alternative for new postal facilities. To reach this determination, the responsible officials must conclude that it is in the best interest of the Postal Service. The operational necessity of the site must be justified, and an exhaustive review of alternative sites must be completed. Approval must be obtained from the PMG, EMP, area vice president (for facilities used in operations) or vice president of Facilities, and General Counsel or Managing Counsel. The proposed transaction must include the following provisions:

- The seller must indemnify the Postal Service from all damage, liability, or loss, including remediation costs, arising out of or in any way connected with the environmental contamination. The seller must demonstrate sufficient financial resources to meet the obligations in the indemnification. The Postal Service may accept escrow of a conservatively calculated estimate of future remediation costs and risks to the Postal Service in lieu of an indemnification agreement.
- A full environmental due diligence review must be completed, culminating in a site characterization (see 4-5.5 below) and a risk assessment (see 4-5.6 below), which must be completed in accordance with postal policy and guidelines.
- The cost of remediation and time for completion must be estimated.

The area environmental compliance coordinator (AECC), FES, EMP, and assigned Postal Service counsel must assist the contracting officer and serve as technical and legal advisors; their participation must begin before Postal Service resources are irretrievably committed.

4-4.4 Lease of Contaminated Property

Under federal and state environmental laws, a tenant who neither controlled nor participated in the disposal of hazardous substances at a facility is not generally held liable for contamination at the facility. Therefore, the risk to the Postal Service of entering into a lease of contaminated property is less than the risk of becoming owner of contaminated property. Accordingly, the Postal Service may consider a lease of contaminated property in exceptional circumstances when a thorough review of alternative sites has revealed no acceptable alternatives.

An environmental due diligence review of the property, conducted in accordance with the requirements of this chapter, must be completed, and all necessary approvals pursuant to the due diligence process must be secured from the contracting officer. Potential risks to employees and human health and the environment must be evaluated before acceptance of the lease. If a purchase option is included in the lease agreement, it must require the owner to clean up the property in accordance with applicable federal and state laws before the Postal Service exercises the purchase option. The lease must specifically impose responsibility on the lessor for remediation of all environmental contamination on the property so that the property is

environmentally clean, in normal operating condition, and in compliance with all applicable environmental laws and regulations. If these conditions are satisfied and the lease is accepted, the Postal Service may not engage in any activities on the leased premises that may exacerbate existing conditions.

4-4.5 Asbestos

No purchases of existing structures may be executed until an asbestos survey has been completed by the FSO or MFO, unless the purchase is being undertaken pursuant to a purchase option on leased space for which an adequate survey has already been completed. No leased space previously unoccupied may be occupied by postal personnel until an asbestos survey has been completed. However, a prior comprehensive asbestos survey provided by the lessor is acceptable. Purchase or lease agreements may be executed for buildings built after 1990 that have been certified, in writing, by the architect-engineer or an accredited asbestos inspector, the construction contractor, or the owner or lessor (in the case of NCL) as not containing asbestos-containing building materials (ACBMs).

If an asbestos survey has not been completed in buildings that were built prior to 1990, certain building materials are thought to be presumed asbestos-containing material (PACM). This material includes all thermal system insulation, sprayed- or troweled-on materials, and vinyl and asphalt flooring. Other materials commonly known to contain asbestos, such as ceiling tiles, which may also be a concern if significantly disturbed, should be treated as ACBM.

Any sprayed-on or troweled-on ACBMs must be removed following discovery regardless of their condition and exposure assessment. These materials have a high potential for disturbance and release (i.e., friable materials). Such materials that have been previously encapsulated or enclosed, however, may be managed in place provided they are in good condition. In those buildings that are identified as having ACBMs, a written Operation and Maintenance Plan must be established that meets the requirements of all applicable federal and state environmental laws and regulations established by the federal Occupational Safety and Health Administration (OSHA). For further information see related Postal Service asbestos directives.

The building owner or lessor should be asked to disclose any information or reports on ACBMs or PACMs in a building that the Postal Service will purchase or lease. OSHA and some states require the owner or lessor to disclose this information, if known. See the *Transaction Screen Questionnaire.*

4-4.6 Urea Formaldehyde

No space may be leased or purchased that is known to contain urea formaldehyde foam insulation. To determine the presence of urea formaldehyde insulation, check original building design specifications and/or repair and alteration specifications. Alternatively, if these are not available, investigative testing should be conducted.

4-4.7 Radon

Information on radon must be included in the due diligence process. The owner of the property under consideration should be asked to provide radon measurements that have been collected from existing offices on the subject property. For undeveloped properties or properties for which no radon measurements have been collected, radon information should be included in the transaction screen process and Phase I ESAs. Department of Health radon statistics, maintained by EPA, can be ordered as part of environmental database reports. The database reports provide information on average and peak radon levels found in residences and businesses tested in the county or ZIP Code of the property. The database reports should also indicate the EPA radon zone within which the property is located (Zone 1, 2, or 3). See related Postal Service radon directives for guidance.

4-4.8 Lead in Drinking Water

No newly occupied space may be leased or purchased that is known, as documented through sampling, to have lead levels in the water pipes and/or water supply appurtenances (i.e., water coolers) above the action levels specified by EPA. Where water flushing reduces lead levels to acceptable levels, the Postal Service may purchase or lease the facility. Water main flushing operations and water main plans must be provided for facilities where lead can be abated through flushing.

4-4.9 Lead-Based Paint

Postal policy is not to initiate any activities that may expose employees to unacceptable levels of lead-based paint (LBP). The building owner or lessor should be asked to disclose any information or reports on LBP in a building that the Postal Service will purchase or lease. Note that some state laws require the owner or lessor to disclose this information.

4-4.10 Underground Storage Tanks

If the Postal Service leases facilities containing USTs that are still in use, the lease agreement must clearly state the name of the party having maintenance responsibility for the tanks. The integrity (tightness) of the tank must be determined prior to signing a lease agreement. Review Facilities Bulletin RE-90-1, *Guidelines for Underground Storage Tank (UST) Systems at Leased Facilities,* to determine who has responsibility for conducting the tightness test of the tanks. Specific UST duties relating to FSOs and the MFO are contained in MI AS-550-95-9*, Underground Storage Tank Management.*

4-5 Environmental Due Diligence Process

4-5.1 Overview of ASTM Standards in Real Estate Transactions

The innocent purchaser defense requires the property owner to show that he or she exercised “all appropriate inquiry into the prior history and uses of the property consistent with good commercial or customary practice” (42 U.S.C. Part 9601(35)(B)). The American Society for Testing and Materials (ASTM) has developed standards that define “good commercial or industry practices.” ASTM has developed two standard practices for environmental site assessments: E1528, *Transaction Screen Process,* and E1527, *Environmental Site Assessment: Phase I Environmental Site Assessment Process* (Phase I ESA). These are the industry standards for environmental contamination evaluations that must be conducted to determine the presence, or likely presence, of hazardous substances or petroleum products on a property regardless of whether initial conditions indicate an existing release, a past release, or a material threat of a release. ASTM has also adopted standards for use when contamination has been confirmed: PS3-95, *Provisional Standard Guide for Accelerated Site Characterization for Confirmed or Suspected Petroleum Releases,* and E1739, *Risk-Based Corrective Action for Confirmed or Suspected Petroleum*. These standards are discussed below in greater detail.

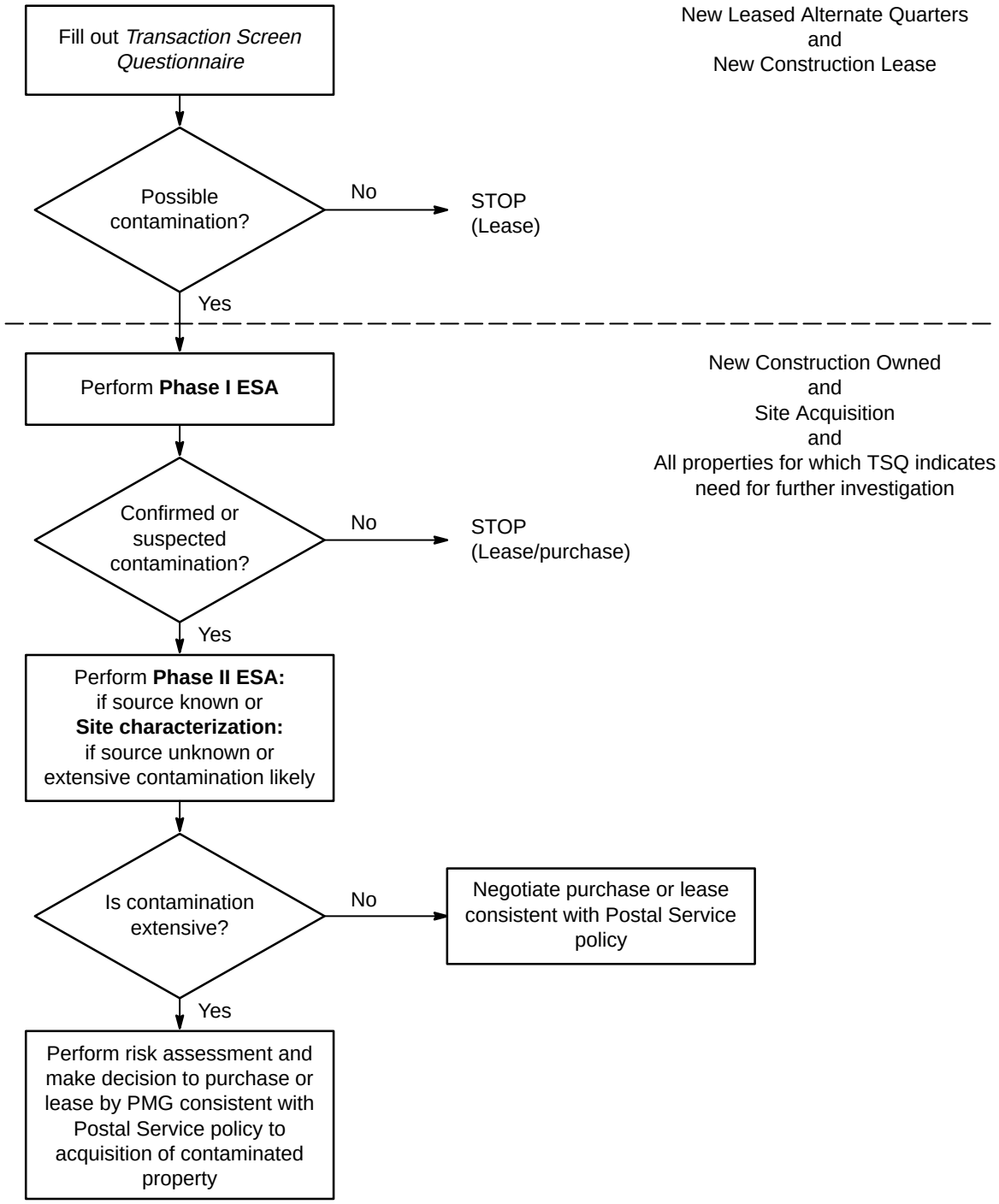
The Phase I ESA and the transaction screen process are distinct but equivalent processes that are intended to meet the appropriate inquiry standard of the innocent purchaser defense. The environmental due diligence process set forth in this guide is modeled on the ASTM standards. An overview of the use of ASTM standards in the postal environmental due diligence process is shown in Exhibit 4-5.1.

4-5.2 Transaction Screen Process (for Leased Property)

The ASTM transaction screen process consists of a detailed environmental questionnaire and checklist with a corresponding guide to assist the user in answering the questions. The TSQ is the screening mechanism by which the user decides whether further investigation of the environmental condition of the site is required. The questionnaire provides questions to be asked of current owners and occupants of the property; includes guidelines for a property walk-through; and sets out guidelines on how to perform a limited search of government and historical records.

Exhibit 4-5.1

The Due Diligence Process for Real Estate Transactions



The transaction screen process is used as a tool to allow users to determine whether any further inquiry is needed to assess the potential for identifying any recognized environmental conditions at the property. The screening is performed to answer the question: Is there a reasonable basis to suspect the presence of environmental contamination on a property under consideration for a postal facility? The TSQ is designed so that an affirmative answer or response of "unknown" to a question creates a presumption that further investigation is warranted. Thus, the TSQ contains a bias toward further inquiry. Under special circumstance (e.g., reason to believe a release of toxic/hazardous substances), it may be best to forego the TSQ and proceed with a Phase I ESA to investigate the presence of suspected contamination.

The Postal Service has developed the *Transaction Screen Questionnaire* based on ASTM Standard E1528. The questionnaire is in Appendix F. The FES provides technical guidance to the RES. This questionnaire is to be filled out for all properties being considered for lease. See 4-6.1 for more detailed instructions.

Note: The *Transaction Screen Questionnaire* has been designed to be completed by a nonenvironmental professional. The RES is responsible for completing the TSQ.

4-5.3 Phase I Environmental Site Assessment (for Purchased Properties)

A Phase I ESA consists of a four-part environmental review designed to identify recognized environmental conditions in connection with a property.

Note: The Phase I ESA has been designed to be completed by an environmental professional. The Phase I ESA is performed by either the FES or an environmental consultant. All Phase I ESAs completed in connection with Postal Service acquisitions, whether completed by the FES or an environmental consultant, are performed using the ASTM Standard E1527, *Environmental Site Assessment: Phase I Environmental Site Assessment Process*.

The Phase I ESA process consists of a records review; interviews with current owners and occupants of the property; site reconnaissance; and a report. The environmental professional conducting the Phase I ESA must review reasonably available public records as well as aerial photographs to determine whether they disclose environmental concerns associated with the property. The goal of the records review is to determine whether evidence exists of spills, leaks, or other releases of hazardous substances on or near the property. Any such evidence would necessitate further inquiry — a "windshield" survey (driving around within a 1-mile radius of the site) — and perhaps testing of the site.

Site reconnaissance reveals conditions on the property that suggest the release of hazardous substances, for example, stained soils, USTs or ASTs, basic topographic conditions, and current and past uses of the subject and adjacent properties.

Interviews with owners and occupants are geared toward identifying current and past uses of, and activities on, the property that indicate the presence of hazardous substances and any potential for release. The Phase I ESA culminates in an evaluation of the information obtained in the records review, site reconnaissance, and interviews. The report is accompanied by documentation to support its analysis, opinions, and conclusions.

The FES will also order an asbestos database survey, LBP survey, and radon studies as appropriate.

4-5.4 Phase II Environmental Site Assessment

A Phase II ESA is performed to evaluate the recognized environmental conditions identified in a Phase I ESA. Since postal policy does not allow for the purchase of contaminated property, except in extraordinary circumstances and with the proper authorization, the instances in which the Postal Service would prepare a Phase II ESA would be rare. There may be times, however, when the Postal Service would wish to negotiate with a seller to have a Phase II ESA performed. In any event, Phase II ESAs would be performed by outside environmental consultants who should follow these guidelines based on ASTM standards.

A Phase II ESA includes sampling and other environmental testing. Soil borings may be conducted to collect (soil) samples for analysis. Groundwater monitoring wells may be installed to determine the direction of groundwater flow underneath the property and to collect samples to analyze for the presence of hazardous or regulated substances. The scope of the Phase II ESA investigation varies from site to site depending on the issues raised in the Phase I ESA. A Phase II ESA involves intrusive sampling but is very limited in extent. A Phase II ESA does not define the source area of the contamination or the nature and extent of the contamination.

In situations where contamination is suspected on the basis of the Phase I ESA review and in the rare circumstances when the Postal Service wishes to have further studies conducted, rather than conduct a Phase II ESA, a comprehensive site characterization is done. A site characterization defines the source and nature and extent of contamination. Alternatively, in some circumstances an expanded multiphase (e.g., Phase III and/or IV) investigation including additional sampling may be conducted.

Example: A Phase II ESA revealed the presence of a heating oil underground storage tank release that had occurred 1 year ago. The Phase II ESA indicated some contamination locally around the heating oil tank. While the environmental contractor was on the site conducting the Phase II ESA, the maintenance manager recalled that a spill had occurred as a result of overfilling the oil tank. Because the volume of the release was minimal and localized, a site characterization or further investigation was not necessary.

4-5.5 Site Characterization

When the existence of contamination has been confirmed, a site characterization is performed to determine the nature and extent of the contamination and to confirm the source area. Site characterization is an evaluation of subsurface conditions (geology and hydrology) to confirm the suspected source area, the levels of the chemicals of concern, and the extent of migration of the contaminants of concern. The data collected on soil, soil vapor, groundwater, and potential exposure pathways and receptors may be used to select remedial action decisions.

A site characterization can be conducted in many ways. A conventional site characterization involves several trips to the site to collect data, with analysis performed off-site. Recently, ASTM has published a standard that describes an accelerated process for conducting a comprehensive site characterization, and a number of different regulatory agencies are in the process of developing guidance for accelerated site characterizations. ASTM Standard PS3-95, *Guide for Accelerated Site Characterization for Confirmed or Suspected Petroleum Releases,* provides guidelines for characterization of confirmed or suspected petroleum releases; this standard is a concise description that has general application. The ASTM standards should be followed by the environmental consultant conducting site characterization studies for those rare instances when contaminated properties are being considered for purchase by the Postal Service.

Example: The Postal Service was investigating a former oil gasification site for purchase to construct a mail processing plant. The Phase I ESA revealed that a microchip factory had replaced the oil gasification plant. The property consisted of 7 acres. In view of the size of the property and its history of major industrial activity, the Postal Service negotiated with the seller to conduct a full site characterization, which included a geophysical survey to select appropriate sampling locations. The sampling locations selected, when tested, revealed a high level of contamination that was very limited in extent to one part of the site. The seller cleaned up the contamination prior to transfer of title.

4-5.6 Risk Assessment and Establishing Remediation Criteria

Risk assessment is a decision-making process for the assessment of and response to a contaminated site. Contaminated sites vary greatly in terms of complexity and physical and chemical characteristics, as well as the risk that they may pose to human health and the environment. The environmental professional conducting the risk assessment recognizes this diversity and uses the information collected in the site assessments and characterization to evaluate the sources of the contaminates of concern, obvious environmental impacts (if any), any potential impacted humans and environmental receptors, and potentially significant transport pathways (sewer lines, utilities, etc.). A risk assessment is an analysis of the potential for adverse health effects caused by contaminates of concern from a site to determine the need for remedial action or the development of target levels where remedial action

is required. The risk assessment is the decision-making process by which remediation criteria are selected and corrective action (if any) developed.

The risk assessment is conducted by an environmental professional who has special training and is experienced with risk and exposure assessment methods. ASTM has developed an alternative tiered process that is designed for specific site conditions. ASTM E1739-95, *Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites,* integrates the results of the site characterization, the selected remedial action, and monitoring with EPA-recommended risk selection and exposure practices. This process allows remedial decisions to be made that protect human health and the environment and that are consistent with sound business practices. The ASTM standards should be used by the environmental consultant conducting risk assessment studies in those rare instances when contaminated properties are being considered for purchase by the Postal Service.

4-5.7 Use of Contractors

Because highly technical skills are necessary to conduct a Phase II ESA, site characterization, and/or risk assessment, it is important that a qualified firm be used that understands and has applied the ASTM standards described above. The firm should have individuals who have the necessary experience and background to perform Phase I and Phase II ESAs and, for contaminated sites, site characterizations and risk assessments. Sufficient qualification criteria include knowledge and experience in the following areas:

- Applicable regulations and ordinances, including state-specific certifications.
- Soil and groundwater sampling and analysis.
- Geology and hydrology.
- Health and safety requirements.
- Evaluation and interpretation of results.

A list of firms that perform environmental due diligence is available from the FES.

Note: Although contractors are responsible for meeting all of the requirements that pertain to their work, the Postal Service is ultimately the responsible party.

4-6 Application of the Due Diligence Process in Postal Facility Transactions

When a potential site is identified for a proposed postal facility, a due diligence review must be initiated. The level of review depends on the ownership interest the Postal Service will assume and the results of the due diligence review of the proposed facility. The due diligence review for a proposed lease of property can be satisfied by careful completion of the TSQ that reveals that no environmental conditions exist. Similarly, the due diligence review for a proposed purchase of real property can be satisfied by

completion of a Phase I ESA that reveals that no potentially adverse environmental conditions exist (See Exhibit 4-5.1). The following sections provide more detailed guidance on the level of review required for all proposed transactions applicable to this chapter.

4-6.1 New Leased Alternate Quarters and New Construction Lease

A transaction screen review must be completed by the assigned real estate specialist for all properties being considered for leased alternate quarters and NCL. Specifically, a transaction screen review must be completed for the following:

- All leases for VMFs.
- All leases for free-standing post offices.
- All leases for mail P&DCs.
- All leases for warehouse space.
- All leases for facilities with equipment maintenance functions.
- All leases for facilities with fueling capabilities and all facilities where chemical storage will occur.
- All leases for unimproved property (e.g., a parking lot).
- All NCL postal facilities.

The RES is responsible for completion of the TSQ, which is discussed in Appendix F. Although the TSQ does not have to be completed by an environmental professional, the RES may choose to have an environmental consulting firm complete the form.

A transaction screen review would not normally be necessary for the following:

- A lease of office or retail space in a multiple use property.
- A lease for temporary space, such as a Christmas lease, unless public water and sewer services are not provided.

Although a transaction screen review is not normally required for these facilities, the presence of asbestos must still be determined.

The results of the transaction screen review determine whether additional environmental investigation is required. If the transaction screen process reveals a reason to believe that past uses of a site, or adjacent sites, may have led to a release of toxic/hazardous contaminants on, under, or adjacent to the site, a Phase I ESA must be completed and, if appropriate, a Phase II ESA or site characterization. The level of investigation depends on a professional judgment of the likelihood of contamination based on the transaction screen review.

If the Phase I ESA reveals the presence of potential or actual contamination and if sufficient operational necessity is demonstrated justifying continued analysis of the proposed site, additional environmental investigation must be completed. The FSO or MFO manager must concur that continued analysis of the proposed site is in the best interest of the Postal Service, and must

specifically approve the expenditure of funds necessary for the required additional environmental due diligence investigation. This investigation may consist of additional phases of assessment: Phase II ESA or a site characterization. In situations where the presence of contamination is obvious, it may make sense to go directly from the transaction screen review to a Phase II ESA.

Example: A warehouse is being considered for leased alternate quarters. In order to determine whether any environmental conditions are associated with this property, the RES completed a TSQ. The warehouse had been built on a vacant lot and had been a building with no history of any oil tanks or other potential sources of contamination. The RES interviewed the property owners and researched property records. No further inquiry is warranted.

4-6.2 New Construction Owned and Site Acquisitions

A Phase I ESA must be performed for the following transactions:

- All NCO Postal Service facilities, regardless of size.
- All acquisitions of vacant or unimproved real property, including advanced site acquisition, land-banking, and acquisition of unimproved excess real property.
- All acquisitions, including exchange, of existing buildings, regardless of size.
- All expansions or significant modifications of existing buildings, unless an adequate Phase I ESA already exists.
- All acquisitions through the exercise of a purchase option or otherwise of properties currently leased by the Postal Service.
- All properties for which a transaction screen review indicates the need for further investigation.

The Phase I ESA should be performed using the ASTM Standard E1527, *Environmental Site Assessment: Phase I Environmental Site Assessment Process.* The Phase I ESA must be performed by an environmental professional. The FES can perform the Phase I ESA or may elect to procure the services of an environmental consultant to complete the Phase I ESA.

A standard scope of work for the performance of a Phase I ESA by an environmental consultant is available from the FES. In addition to the requirements of an ASTM Standard Phase I ESA, the following non-CERCLA liability issues must be investigated in connection with all new construction of postal facilities and all acquisitions of improved or unimproved real property:

- *Wetlands and floodplains.* Refer to Chapter 3 of this guide and/or Postal Service regulations 39 CFR Part 776 for policy regarding floodplain and wetland impacts.
- *Asbestos.* Examine the site for evidence of former buildings (e.g., curb cuts, footings, etc.) and visually inspect all existing buildings considered for purchase for ACBM. If asbestos is suspected, samples must be

taken in accordance with procedures outlined in Postal Service directives concerning asbestos.

- *Radon.* See related Postal Service directives for guidelines.
- *Lead.* Examine the site for LBP on walls, lead solder joints in piping, lead pipes, lead-lined tanks in water coolers, and lead in drinking water. Refer to MMOs 28-89, 30-90, 031-94, and 044-93 for guidance.
- *Aquifer protection zones, coastal management zones, and threatened or endangered species.* Refer to Chapter 3 of this guide for policy and regulatory guidance.

Note: The level of any additional environmental assessment required before the acquisition of real property or construction of new postal facilities, as described in this section, depends on the results of the Phase I ESA.

When a Phase I ESA reveals actual or potential contamination that is not likely to be extensive and the site is being seriously considered for purchase or lease, a limited investigation with intensive sampling and analysis should be conducted. The purpose of a Phase II ESA is to evaluate the recognized environmental conditions identified in the Phase I ESA. This assessment should be conducted only if the Phase I ESA indicates a potential for contamination, the site has a high economic or operational potential justifying the expenditure of funds necessary to undertake the investigation, or the seller has assumed full contractual responsibility for cleanup of the site. In exceptional circumstances, when the existence of contamination has been confirmed and the site is still under consideration, a site characterization may be authorized and conducted.

Example: An old wood preserving facility being considered for purchase was closed down and has been vacant since the 1920s. The results of the Phase I ESA indicated the potential presence of petroleum contamination. Due to the operational needs of the Postal Service, the FSO manager authorized further environmental studies. Because subsurface conditions were unknown and the potential for high concentrations of chemicals of concern existed, a site characterization and risk assessment were conducted. The site characterization and risk assessment defined weathered naphthalene (a polynuclear aromatic hydrocarbon) in soil that marginally exceeded risk levels determined for the site.

After discussing the risk posed by the residual naphthalene with state and federal regulators, the Postal Service negotiated an agreement with the owner and the regulators where limited corrective action would be conducted to lower the risk at the site. As part of the agreement, the state consented to issue a “no further action” letter if the site was used to demonstrate a “Brownfield Redevelopment” and if future land use was restricted to nonresidential uses. The corrective action was completed and the “no further action” letter was issued by the state before transfer of title to the Postal Service.

4-6.3 Cost Considerations

By defining the nature and extent of contamination, evaluating potential health and environmental risks, and establishing cleanup criteria levels on the basis of the risk evaluation, the remediation costs for a proposed site can be determined. The cost of remediation is a key negotiation leverage point and must be considered in business risk management practices.

4-7 Disposal of Excess Postal Properties and Buildings

4-7.1 Notice to Buyer

If the Postal Service enters into any contract for the sale or other transfer of postal-owned real property on which any hazardous substances, hazardous waste, or asbestos was stored for 1 year or more, was known to have been released, or was disposed of, the Postal Service must provide notice to the buyer of the type and quantity of such hazardous substances and notice of the time at which such storage, release, or disposal took place, to the extent such information is available.

4-7.2 Underground Storage Tanks

When Postal Service-owned property containing USTs are disposed of, the following procedures must be followed.

- A tank tightness test must be performed to verify that the tank and associated piping systems are sound and that no environmental contamination has occurred. This requirement may be waived if the state environmental regulatory agency has already requested a tank tightness test and the facility has received a permit to abandon the tanks in place.
- If the results of the tank test indicate the need to perform soil and/or groundwater testing to verify that no environmental contamination has occurred, additional environmental investigation must be completed.
- Environmental contamination, if present, must be cleaned up to the satisfaction of the Postal Service before execution of transfer of title.
- Tanks that will not remain in service following transfer of the property must undergo permanent closure in compliance with applicable federal, state, and local regulations.

Refer to MI AS-550-95-9, *Underground Storage Tank Management,* for more information.

4-7.3 Real Estate Disposal Survey

The Real Estate Disposal Survey, Exhibit 4-7.3a, is an environmental questionnaire and checklist for use before disposal of postal property. The Real Estate Disposal Survey is similar to the transaction screen process, and is used for auditing purposes. The survey is completed by the RES, with

technical assistance provided by the FES. Exhibit 4-7.3b, the Information Source List, provides a list of sources to complete the checklist. Exhibit 4-7.3c, Land Uses Potentially Associated with Toxic/Hazardous Waste, lists land uses that could be associated with toxic and/or hazardous wastes. Exhibit 4-7.3d summarizes commercial and industrial land uses where contamination is most likely to exist.

4-8 Notice to Regulatory Authority of Emergency Release

An environmental emergency is any situation where immediate action is required to prevent, remedy, or reduce harm to the environment, reduce potential danger to public health, or to alert others about harm that has occurred or may occur in the future. Environmental emergencies, such as fires, explosions, and spills involving toxic substances and petroleum products, may also involve serious safety, health, and public relations concerns.

An environmental emergency typically involves an accidental release of substances into the air, soil, water (including groundwater), or sewer. This release may result from spills or leaks or from pumping, pouring, emitting, or dumping. It may also involve the discharging, escaping, leaching, or disposal of substances.

The FESs are responsible for developing procedures that ensure that an environmental release that occurs during construction activities or disposal are properly reported to federal, state, and local environmental agencies. Any releases that are identified on nonpostal property before real estate acquisition as part of the due diligence site assessment process must be reported immediately to the owner or operator of the facility. The Postal Service may also be required, under applicable law, to report these releases to the regulatory agency. Releases of certain hazardous substances above quantities considered by the government to be potentially threatening must be immediately reported to the proper authorities if they occurred on postal property. Numerous federal and state laws define these release reporting requirements for more than 900 substances.

For further guidance on reporting procedures, contact the FES or refer to MI AS-550-96-8, *Procedures for Reporting Releases of Hazardous and Regulated Substances to the Environment,* and the *USPS Spill Reporting and Recordkeeping Tables and Forms* book.

Exhibit 4-7.3a (p. 1)

Real Estate Disposal Survey — Hazardous Waste, Floodplain, and Wetland Site Characteristics

Project	Address
City	State ZIP+4
Site Size	Building Size

	(Check One)		Source
A. Review of Postal Records			
1. Has the property been previously evaluated for contamination? (If yes, attach a copy of that report.)	☐ Yes	☐ No	
B. Storage Tanks and Pipelines			
1. Does the site currently have any aboveground or underground storage tanks or any evidence of vents, fill caps, old gas islands, lifts, etc.? (If yes, full disclosure of the number and type of underground storage tanks is required by postal procedures.)	☐ Yes	☐ No	
2. If tanks are present, how old are they? _____			
3. If tanks are present, are there any signs of spills or leaks? (If yes, full disclosure of the substance released or spilled and the quantity released is required by postal procedures.)	☐ Yes	☐ No	
4. Has a tank tightness test been performed on underground storage tanks? (If not, a tank tightness test should be performed by a qualified tank testing firm.)	☐ Yes	☐ No	
5. Have aboveground or underground storage tanks ever been located on the property? (If yes, full disclosure of the number and type of underground storage tanks that were once present is required by postal procedures.)	☐ Yes	☐ No	
C. Field Investigation			
1. Is there any evidence of stressed vegetation or surface soil stains? (If yes, soil and groundwater samples should be collected and analyzed by a consultant.)	☐ Yes	☐ No	
2. Are there abandoned drums or other containers, rubbish, landfill, or other fill material that may indicate buried waste on the site? (If yes, soil and groundwater samples should be collected and analyzed by a consultant.)	☐ Yes	☐ No	
3. Does the site have polychlorinated biphenyl (PCB) electric transformers? (If yes, full disclosure of the number and location of the transformers is required by postal procedures.)	☐ Yes	☐ No	
4. Has there ever been a PCB leak, spill, or other contamination affecting the site? (If yes, full disclosure of the substance released or spilled is required by postal procedures.)	☐ Yes	☐ No	

Exhibit 4-7.3a (p. 2)

Real Estate Disposal Survey — Hazardous Waste, Floodplain, and Wetland Site Characteristics

	(Check One)		Source
C. Field Investigation (cont'd)			
5. Is there any evidence of asbestos disposal on the site? (If yes, full disclosure of the amount released or disposed of is required by postal procedures.)	☐ Yes	☐ No	
D. Building Investigation			
1. Is a building present on the site?	☐ Yes	☐ No	
2. If asbestos is present, is it friable?	☐ Yes	☐ No	
3. If floor drains are identified, are they connected to storm drains or sewer lines or do they directly discharge into the ground?	☐ Yes	☐ No	
4. Is there evidence of spills or stains on the floor? (If yes, full disclosure of the type and amount of spill or release is required by postal procedures. If information is not available concerning the amount and type of substance released, a consultant should be retained to collect and analyze hot spot areas.)	☐ Yes	☐ No	
5. Have any hazardous substances been stored for a year or more in the building or on the site? (If yes, full disclosure of the type and quantity of the substance stored and the time frame when it was stored is required by postal procedures.)	☐ Yes	☐ No	
E. Building Investigation by Consultant (To be completed after consultant submits report on asbestos, PCB, and urea formaldehyde.)			
1. Does the building contain asbestos? (If the building was constructed before 1990, an asbestos survey must be conducted so that full disclosure can be made of the type, quantity, and friability of the identified asbestos.)	☐ Yes	☐ No	
2. Does the building contain urea formaldehyde? (If urea formaldehyde is present, full disclosure must be made of the quantity and location of urea formaldehyde within the building.)	☐ Yes	☐ No	
3. Does the building contain PCB electric transformers? (If yes, full disclosure of the quantity and location of PCB transformers and other PCB-containing materials is required by postal procedures.)	☐ Yes	☐ No	
F. Remedial Action Where contamination is identified in the above sections of the survey, consult with the FES regarding methods of cleanup, removal, and disposal of hazardous substances.			
G. Wetlands and Floodplains			
1. Does the site contain any wetlands? (If yes, the conveyance must reference uses that are restricted under identified federal, state, or local wetland regulations.)	☐ Yes	☐ No	
2. Does the site contain any floodplains? (If yes, the conveyance must reference uses that are restricted under identified federal, state, or local floodplain regulations.)	☐ Yes	☐ No	

Exhibit 4-7.3b

Information Source List

Identify the information sources used to complete the Real Estate Disposal Survey by using the letter and number of each source consulted. For example, if historical aerial photos are used to determine the past uses of the site, then the code A.2 should be noted on the survey form.

A. Past Uses of the Site

1. Review of current aerial photographs
2. Review of historical aerial photographs
3. Review title history
4. Review zoning maps
5. Review land use maps
6. Interview with property manager or owner
7. Interview with fire officials
8. Interview with health department
9. Interview with town planner or zoning enforcement officer
10. Review of assessor's records
11. Review of recent hazardous waste assessment reports
12. Review of site survey or plot plan
13. Review of USGS maps
14. Other (specify)

B. Storage Tanks and Pipelines

15. Review of soil and groundwater tests
16. Review of tank tightness testing
17. Review of fire officials' records
18. Review of state environmental agency records
19. Observation(s) made during field inspection
20. Interview with property manager or owner
21. Review of oil and hazardous material incident response files
22. Review of state list of confirmed disposal sites and locations to be investigated
23. Other (specify)

C. Field Investigation

24. Observation(s) made during field inspection
25. Interview with property manager or owner
26. Interview with state environmental officials
27. Interview with local health department officials
28. Review of utility transformer records
29. Review of state environmental agency records
30. Review of soil groundwater tests
31. Review of sewer or water authority records
32. Other (specify)

D. Building Investigation

33. Observation(s) made during building inspection
34. Interview with property manager or owner
35. Interview with employees
36. Review of assessor's records
37. Information provided by building department
38. Information provided by fire department
39. Information provided by health department
40. Information provided by planning and zoning commission
41. Review of owner's records
42. Information provided by sewer department
43. Information provided by water department
44. Information provided by occupants or adjacent property owners
45. Other (specify)

E. Phase II Building Investigation

46. Results of on-site radon test commissioned by Postal Service
47. Results of on-site radon test commissioned by property manager or owner
48. Results of on-site radon test commissioned by others
49. Results of asbestos report commissioned by Postal Service
50. Results of asbestos report commissioned by property manager or owner
51. Results of asbestos report commissioned by others
52. Results of lead paint report commissioned by Postal Service
53. Results of lead paint report commissioned by property manager or owner
54. Review of utility transformer records
55. Review of building specifications
56. Review of public water test results
57. Review of water test results commissioned by Postal Service
58. Review of water test results commissioned by property manager or owner
59. Other (specify)

F. Permits and Records Review

60. Review of CERCLIS or state hazardous waste site list
61. Review of local right-to-know files on hazardous waste generators
62. Review of town tax records
63. Review of fire marshal or fire department records
64. Review of town assessor's records
65. Review of zoning enforcement officer's records
66. Review of town planner's office
67. Review of state oil and hazardous materials incident response files
68. Review of current aerial photographs
69. Review of licenses for fuel or chemical storage
70. Review of local health department records
71. Other (specify)

Exhibit 4-7.3c
Land Uses Potentially Associated with Toxic and Hazardous Waste

(*Source:* U.S. Environmental Protection Agency CERCLIS Database)

- Agricultural operations
- Agricultural spraying service companies (lawn firms, pest control)
- Airports
- Asphalt plants
- Auto repair centers
- Battery companies
- Bottling companies
- Cement processing operations
- Chemical companies
- Dry cleaners
- Fence companies
- Firing ranges and test sites
- Gas stations, tank firms, and heating oil businesses
- Highway spill sites
- Hospitals
- Incinerator sites
- Junk yards and scrap yards
- Labor camps — state highway department operations
- Landfills
- Metal fabricators
- Mining sites — sand and gravel pits
- Ordnance operations
- Paint stores, warehouses, etc.
- Penitentiaries
- Plastics companies
- Plating operations
- Processing plants and heavy industrial sites
- Railroad right-of-way, maintenance yards, and other related uses (derailment sites)
- Recycling companies
- Research laboratories
- Semiconductor and computer plants, high technology plants
- Sewage treatment plants
- Surplus government property
- Surplus military property
- Tanneries
- Tire and rubber plants
- Trucking terminals
- Utility companies — power plants, electrical equipment storage yards, etc.
- Waste lagoons
- Welding products companies
- Wood processing and preserving operations

Exhibit 4-7.3d
Summary of Commercial and Industrial Land Uses Most Likely to be Contaminated

Probability of Contamination			
Low	**Moderate**	**High**	**Very High**
Highways Research facilities Warehouses Other utilities — gas and electric Retail property Hospitals Offices (nonmanufacturing)	Trucking terminal Textile printing and finishing Resource recovery facilities Electrical, plumbing, and heating, ventilation, and air-conditioning services Photograph and graphic Auto dealership Fabric dyeing establishments Pharmaceutical establishments Printing and painting	Heavy industrial manufacturing Power plants Paper manufacturers Gas stations Tannery Urban vacant and abandoned land Furniture repair and stripping Circuit board manufacturers Tank farms Waste treatment plants Metal working and fabrication Railroad yards and right-of-ways Vehicle maintenance facilities Refuse recycling facility Agricultural mixers and formulators High technology manufacturing Junk yards Electronics manufacture Industrial parks Automotive assembly facility Light industrial manufacturing Dry cleaning Auto repair Chemical research facility	Former coal gas plants Fuel distributor Chemical distributor Airports Incinerators Auto salvage yards Plastics manufacture Electric utility (coal tar) Refining Hazardous waste store or transfer Oil and other petroleum storage Metal plating Landfills Chemical manufacture Metal finishing and tools and dye Laboratories

5 Environmental Oversight: Design, Construction, and Repair and Alteration

5-1 Introduction

5-1.1 Overview

This chapter provides policy and guidance for integrating environmental considerations into design, NCO, NCL, postconstruction processes, and repair and alteration projects. Guidance provided in this chapter may be supplemented by MI AS-510-97-6, *Environmental Integration in the New Construction Process.* This document and others referenced in this chapter are available on the Facilities Web page: http://blue.usps.gov/facilities.

5-1.2 Policy

Postal Service policy is to incorporate environmental considerations and requirements into all phases of construction. In order to ensure sound environmental and business planning, it is imperative to implement environmental considerations both early in the planning stages of a project and throughout the entire construction process.

5-2 Design

5-2.1 Green Buildings

The Postal Service has one of the largest civilian construction programs in the United States. The Postal Service owns and leases approximately 35,000 facilities. Handbook AS-503, *Standard Design Criteria,* which was "greened" and revised in 1997, enables project teams, including A-E firms, to plan and design environmentally friendly, or "green," buildings. The green design standards in Handbook AS-503 are mandatory for all new projects. These criteria describe the most environmentally beneficial building materials without compromising cost; provide guidance for selecting the most cost-effective, energy-efficient products; and provide guidance for developing

environmentally sound, low maintenance sites and structures. Green buildings are designed, constructed, operated, renovated, and demolished in an environmentally sound manner that minimizes natural resource consumption, adverse site impacts, and poor indoor environmental quality. An added benefit of building green is that, according to the Department of Energy, employee performance increases 10 percent in green buildings.

In addition to Handbook AS-503, the *Green Addendum (Version 1.0)* provides greening options to be considered. Building green enables the Postal Service to demonstrate its commitment to environmental protection and allows for increased building durability, lower maintenance costs, and natural resource conservation.

5-2.2 Design Responsibilities

The statement of work (SOW) for the A-E for a design-build solicitation is developed by the project manager. The FES serves as technical advisor on environmental issues during this process and for the award of the contact. After the contract is awarded, a predesign meeting is held. If environmental issues are associated with the project, the FES should participate in the predesign meeting. All site-specific environmental issues are to be identified before developing the initial design.

5-2.3 Design Review Process

The FES should attend review meetings if the project involves environmental issues. The design review process consists of the following four stages:

- *Initial (10 percent) design* review addresses environmental issues, including mitigation measures identified in the EA. For complex projects, the FES may develop a checklist of mitigation measures, special design components, and permit requirements.
- *Intermediate (30–50 percent) design* review ensures that the design concept is finalized and confirms that issues identified during the initial design review have been addressed.
- *Prefinal (60–90 percent) design* review enables the FES to ensure compliance with mitigation measures and any other environmental issues identified earlier.
- *Final design* review enables the FES and project manager to review final changes and confirm necessary permits. At this stage, the FES ensures that all environmental project documents (for example, the Environmental Transfer Package (ETP) as discussed in MI AS-510-97-6) are forwarded to the AECCs and/or DECCs and installation head.

5-3 Construction

5-3.1 Responsibilities

The Postal Service must ensure that all applicable permits have been obtained. However, it is a contractor's responsibility to obtain all permits. This responsibility is outlined under the "permits and responsibilities" clause of the construction contract. The FES works with the project manager and design A-E to monitor the contractor's compliance.

The FES serves as a technical advisor to the contracting officer on environmental matters throughout the construction process. The contracting officer works with the FES and project manager to include environmental clauses in the solicitation. The SOW for the construction solicitation must include development and management of on-site environmental files, regulatory correspondence, permit inspection reports, permit compliance, and mitigation and abatement measures and must provide for site visits and inspections.

During the preconstruction meeting, the project manager, FES, AECC or DECC (depending on project level), A-E contractor, and construction contractor identify environmental activities and mitigation measures to be implemented during construction.

The guidelines described in the sections below, in conjunction with information previously obtained from the environmental planning process such as the *Facilities Environmental Checklist,* the ESA, and any NEPA analysis, help the FES develop a checklist, if necessary, for mitigation measures and design requirements and for identifying required permits.

5-3.2 Regulatory Requirements

5-3.2.1 Stormwater

5-3.2.1.1 Policy

The Postal Service is committed to establishing effective resource management practices to prevent pollutants from entering stormwaters, remove pollutants from runoff, and reduce the use of pollutant materials in its activities. The Postal Service must comply with all applicable aspects of the CWA regarding stormwater management, and applicable requirements imposed by state and local agencies.

5-3.2.1.2 Background

Under the CWA Amendments of 1987 and EPA regulations of 1990, stormwater discharges associated with construction activities over 5 acres must be permitted under the NPDES. However, some states' regulations may be more stringent. For example, some states may require permits for construction activities involving less than 5 acres. The applicability of these state statutes and programs to postal operations must be determined (see Chapter 3).

5-3.2.1.3 Requirements

Unlike traditional NPDES permits that regulate the amount of pollution in a discharge, stormwater permits require operators to minimize the amount of pollutants leaving a site during and after construction. The operator of a regulated construction activity demonstrates compliance with the NPDES permit for construction activities by developing and implementing a site-specific SWP3. See Appendix E for a detailed description of SWP3 requirements.

5-3.2.2 Radon

5-3.2.2.1 Policy

All facilities selected, whether leased or purchased, must be evaluated for the presence of radon. Radon evaluations are conducted after the facility has been accepted and the heating, ventilation, and air-conditioning system is operational. See related Postal Service directives for action plan procedures and testing guidance.

5-3.2.3 Storage Tanks

5-3.2.3.1 Policy

Postal Service policy is to avoid installation of USTs wherever possible. However, if there is documentation of no alternative, all new or newly acquired USTs must meet specifications listed in Handbook AS-503. New USTs are those that have never been installed and will be used as new or replacement storage units at a site. Newly acquired USTs are those already installed on the site of newly purchased or leased property. Additionally, Handbook AS-503 provides criteria for installing gasoline or diesel tank systems.

5-3.2.3.2 Permits and Regulations

The FES must monitor the contractor to ensure that all required federal, state, and local operating permits are obtained before tank installation. For a leased property, the landlord must provide the FES with documentation of proper permits. The DECC or AECC may provide specific information relating to permits and state and local regulatory requirements.

Federal UST standards can be found in 40 CFR 280.10 through 280.74, EPA Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks. An applicable Postal Service management instruction is MI AS-550-95-9, *Underground Storage Tank Management.*

5-3.2.4 Landscaping

Whenever possible, facility projects must implement landscaping practices that preserve the environment and are considered long-term cost savings for the federal government. For more information refer to Executive Memorandum, *Environmentally and Economically Beneficial Practices on*

Federal Landscaped Grounds, April 26, 1994. Landscaping practices should maximize the following parameters:

- Use regionally native plants for landscaping.
- Design, use, or promote construction practices that minimize adverse effects on the natural habitat.
- Seek to prevent pollution by reducing the use of fertilizers and pesticides, using integrated pest management techniques, recycling green waste, and minimizing runoff.
- Implement water-efficient practices such as mulches, efficient irrigation systems, or usage of recycled or reclaimed water.
- Plant regionally native shade trees around buildings to reduce air-conditioning demands.
- Create outdoor demonstrations incorporating native plants as well as pollution prevention and water conservation techniques to promote awareness.

5-3.2.5 Floodplains

5-3.2.5.1 Policy

Postal Service policy is to avoid development and/or construction in a 100-year floodplain unless there is no practicable alternative. If developing in a 100-year floodplain is the only practicable alternative, Postal Service policy is to not undertake development within the 100-year floodway. The Postal Service has specific regulations regarding floodplains: 39 CFR Part 776, Floodplain Management and Protection of Wetlands Procedures.

5-3.2.5.2 General

Facilities constructed in a floodplain area must be designed to minimize harm to the floodplain; reduce the risk of flood loss; minimize the impact on human safety, health, and welfare; and restore and preserve natural and beneficial floodplain values. An in-depth discussion of postal requirements is located in Chapter 3 of this guide.

If adverse impacts will occur in a floodplain due to Postal Service activities, the proposed postal action should be reviewed at the 10 and 30 percent design stage to ensure that approved mitigation measures are incorporated into the project's design.

5-3.2.5.3 National Flood Insurance Program

Construction must be consistent with the standards and criteria of the NFIP, except where those standards are demonstrably inappropriate.

5-3.2.5.4 Floodproofing Requirements

Wherever practical, floodproofing must be provided by elevating structures rather than filling in land. A minimum elevation of 1 foot above the 100-year floodplain is required. However, whenever feasible, a minimum elevation of 2 feet is preferred.

5-3.2.6 Wetlands

5-3.2.6.1 Policy

Postal Service policy is to avoid constructing in a wetland or to directly impact a wetland unless there is no practicable alternative. Additionally, no construction activities are allowed in a wetland designated as critical by USACE or EPA. The Postal Service has specific regulations regarding wetlands: 39 CFR Part 776, Floodplain Management and Protection of Wetlands Procedures.

5-3.2.6.2 General

Facilities activities that impact a wetland must be designed to minimize harm to the wetland; to minimize destruction, loss, or degradation of wetlands; to minimize the impact on human safety, health, and welfare; and to restore and preserve the natural and beneficial wetland values. Construction project designs must be reviewed at the 10 and 30 percent design stage to ensure that approved mitigation measures are incorporated into the project design. Construction must be consistent with the standards and criteria imposed by USACE, EPA, and applicable state and local wetland regulations. A discussion of postal wetland requirements is located in Chapter 3 of this guide.

5-3.2.6.3 Permits

Activities that impact wetlands, such as construction, dredging, or filling, require permits. USACE is the primary regulatory agency. If it is determined that a project will have an impact on wetlands, a project description must be sent to USACE, or in some cases a state agency, for its review and permit determination.

5-3.2.7 Asbestos, Lead, and Polychlorinated Biphenyls

Refer to the following MI and MMOs for information regarding asbestos, lead, and PCB issues and requirements during the construction phase:

- MI EL-810-94-3, *Asbestos-Containing Building Materials Control Program.*
- MMO 045-93, *Asbestos Control.*
- MMO 031-94, *Lead Exposure in Construction (Lead-Based Paint).*
- MMO 1-84, *Use and Disposal of Polychlorinated Biphenyls.*
- MMO 60-85, *Transformers with PCBs.*

Also see other related Postal Service directives.

5-3.3 Site Monitoring and Mitigation Tracking

Note: The procedures discussed here are *not* mandatory and may not apply to small projects.

The frequency and need for site visits involving the FES are determined by environmental considerations and the complexity of a project. The FES advises the contracting officer on environmental matters identified during the

site visit. Exhibit 5-3.3, Environmental Site Visit Fact Sheet, is an optional tool that may be used to record facts gathered during the site visit.

Procedures and documentation for site visits are as follows:

- If appropriate, the FES and/or the AECC or DECC accompany the project manager on site visits. During site visits, it is the contractor's responsibility to identify any areas of environmental concern. The FES is responsible for observing environmental conditions and communicating any deficiencies to the postal project manager.
- The FES reviews the contractor's environmental files. The files should have a section for permits.
- If the Environmental Site Visit Fact Sheet is used, the completed record should be forwarded to the postal project manager and contracting officer. Any deficiencies must be corrected in a timely manner, as specified in the contract. For more complex projects, a narrative inspection report may be required.
- The postal project manager, with assistance from the FES, monitors mitigation activities to ensure that these measures are being properly addressed, along with permit and special compliance issues.

5-3.4 Postconstruction

Note: The procedures discussed here are *not* mandatory and may not apply to small projects.

5-3.4.1 Prefinal Site Visit

The project manager and FES conduct the prefinal site visit with the A-E contractor to do the following:

- Ensure that any environmental problems identified during earlier visits have been corrected.
- Make a "punchlist" of any remaining problems or deficiencies that must be corrected.
- Begin to compile components of the ETP.

5-3.4.2 Final Visit and Inspection

The FES and/or the AECC or DECC may assist the project manager to do the following:

- Review the deficiency punchlist and permit documentation.
- Upon approval of final site visit and inspection, begin the facility acceptance process.

5-3.4.3 Facility Acceptance

If the facility passes the final inspection, the FES prepares the ETP which includes, but is not limited to, the following:

- Environmental construction permits.
- Regulatory inspections and notices.

- Internal inspection records.
- Internal communication records.
- Operational permit requirements.
- Internal and external key contacts.
- Additional guidance.
- Summary of ongoing reporting and monitoring requirements.

Copies of the ETP and as-built drawings are distributed to the contract file, postal project manager, AECC, DECC, and facility manager.

As the ETP is compiled, proper permit documentation is completed. Permits that are ongoing (e.g., UST, air, and NPDES) are identified in the ETP. For complex projects with permits requiring termination (e.g., stormwater construction permit), the construction contractor notifies the appropriate regulatory agencies and obtains documentation of permit closure.

The ETP is intended to be a tool to assist with facility transfer from Facilities to Area Operations; however, it does not result in a *final* hand-off. Communications between the two groups are expected to continue. Any regulatory matters that are evident early in site operations should be discussed with the FES to ensure the best course of action. The purpose of the ETP is to help those who will operate the facility to understand their building's history.

5-4 Repair and Alteration

5-4.1 Overview

The Postal Service performs many R&A projects. When undertaking an R&A project, it is important to fully consider environmental impacts that the project may incur. For example, when replacing a boiler, several compliance issues must be considered. One of these issues is the need to install the correct size of boiler for the building. Installing a boiler that is too large for the building may create unnecessary purchase and operating costs as well as additional air compliance permitting requirements (particularly in a nonattainment area). Another environmental issue to be considered when replacing a boiler is the removal and disposal of asbestos insulation. If asbestos is to be removed, the National Emissions Standards for Hazardous Air Pollutants (NESHAP) must be carefully followed. Additionally, under CERCLA, any release of a pound or more of asbestos during removal requires a report to the National Response Center. Asbestos must be disposed of at a licensed landfill. Most states have special laws governing asbestos; many of these laws may be more stringent than federal NESHAP standards. See related Postal Service directives for more guidance on asbestos issues.

5-4.2 Responsibility

Environmental programs are a shared responsibility. Environmental experts on tasks and programs are divided among the area offices and Operations

Support, FSOs or the MFO, and Safety and Health. Unique situations or requirements may be imposed by environmental regulations. Under these circumstances, the FES, AECC, or DECC should be contacted for technical advice.

The contracting officer, contracting officer's representative, and project manager are responsible for ensuring that the contract language includes environmental requirements and for enforcing compliance. The need to obtain applicable environmental permits must be included in the contract and implemented for the project. The plant and/or facility manager is ultimately responsible for environmental compliance.

Failure to comply with applicable environmental regulations exposes the Postal Service to possible civil and criminal penalties. Therefore, it is important to document activities related to environmental requirements.

5-5 Environmental Emergencies

Occasionally, an environmental emergency may occur at a construction site or during an R&A project. An environmental emergency is a situation where immediate action is required to prevent, remedy, or reduce harm to the environment. Environmental emergencies, such as fires, explosions, and spills involving toxic substances and petroleum products, may have serious safety, health, and public relations concerns.

Environmental emergencies typically involve the accidental release of substances into the air, soil, water (including groundwater), or sewer. Releases may result from spills or leaks (e.g., a punctured UST) or from pumping, pouring, emitting, or dumping. Releases may also involve the discharging, escaping, leaching, or disposal of substances.

Releases of certain hazardous substances above quantities considered by the government to be potentially threatening are required to be immediately reported to the proper authorities. Many federal and state laws define release reporting requirements for more than 900 substances. Follow-up written reports are usually required.

Failure to comply with release reporting laws can lead to stiff criminal and civil penalties, including imprisonment. For example, noncompliance with the release reporting requirements under CERCLA and Emergency Planning and Community Right-to-Know Act (EPCRA) may result in civil penalties of up to $25,000 for *each day* a release report is delayed and $75,000 for repeat violations. Criminal penalties of up to $25,000 in fines and imprisonment for 2 years are possible for a knowing and willful failure to notify. For further guidance on reporting procedures, refer to MI AS-550-96-8 and *USPS Spill Reporting and Recordkeeping Tables and Forms* book.

Exhibit 5-3.3 (p. 1)
Environmental Site Visit Fact Sheet

Environmental Site Visit Fact Sheet

Site name:

Site location:

Prepared by:

Date:

Weather conditions:

Describe site history and/or enforcement issues:

Site contact:

Site availability:

Alternate contact:

Is the contact familiar with permits and Postal Service policy?

Does the site have written procedures to respond to a spill or emergency?

Is the contact maintaining the environmental file?

Has the contact applied for and/or received required permits and is the contact complying with special issues? List all permits on site.

Is a stormwater management system in place?

Exhibit 5-3.3 (p. 2)
Environmental Site Visit Fact Sheet

Environmental Site Visit Fact Sheet (reverse)

Are nearby water resources and wetlands protected?

Are noise and air pollution programs in place?

Are vegetation and natural resources programs in place?

Is a housekeeping and litter control program in place?

Is a site security program in place?

Discuss other issues:

On a separate sheet provide a sketch of the site.

Appendix A

Categorical Exclusions

The following is the list of classes of Postal Service actions that are categorically excluded from the requirement for either an environmental assessment or an environmental impact statement under NEPA. The Postal Service has determined that these classes of actions do not individually or cumulatively have a significant impact on the human environment. To be categorically excluded, it must be determined that the proposed action fits within a class listed and that there are no extraordinary circumstances that may affect the significance of the proposal. The proposed action must not be connected to other actions with potentially significant impacts or related to other proposed actions with potentially significant impacts. Extraordinary circumstances are those unique situations presented by specific proposals, such as scientific controversy about the environmental impacts of the proposal, uncertain effects, or effects involving unique or unknown risks.

In order to determine whether there are any extraordinary circumstances presented by the proposed action, the *Facilities Environmental Checklist* must be completed. The following categorical exclusions are excerpted from the Postal Service NEPA regulations, which may be found in their entirety at 39 CFR 775:

(b) Categorical exclusions relating to general agency actions:

(1) Policy development, planning and implementation that relate to routine activities such as personnel, organizational changes or similar administrative functions.

(2) Routine actions, including the management of programs or activities necessary to support the normal conduct of agency business, such as administrative, financial, operational and personnel action that involve no commitment of resources other than manpower and funding allocations.

(3) Award of contracts for technical support services, management and operation of a government owned facility, and personal services.

(4) Research activities and studies and routine data collection when such actions are clearly limited in context and intensity.

(5) Educational and informational programs and activities.

(6) Reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances or other similar causes that do not affect more than 1,000 positions.

(7) Postal rate or mail classification actions, address information system changes, post office name and zip code changes.

(8) Property protection, law enforcement and other legal activities undertaken by the Postal Inspection Service, the Law Department, the Judicial Officer, and the Inspector General.

(9) Activities related to trade representation and market development activities abroad.

(10) Emergency preparedness planning activities, including designation of on-site evacuation routes.

(11) Minor reassignment of motor vehicles and purchase or deployment of motor vehicles to new locations that do not adversely impact traffic safety, congestion or air quality.

(12) Procurement or disposal of mail handling or transport equipment.

(13) Acquisition, installation, operation, removal or disposal of communication systems, computers and data processing equipment.

(14) Postal facility function changes not involving construction, where there are no substantial relocation of employees, or no substantial increase in the number of motor vehicles at a facility.

(15) Closure or consolidation of post offices under 39 U.S.C. 404(b).

(16) Minor operational changes at an existing facility to minimize waste generation and for reuse of materials. These changes include but are not limited to, adding filtration and recycling systems to allow reuse of vehicle or machine oil, setting up sorting areas to improve process efficiency, and segregating waste streams previously mingled and assigning new identification codes to the two resulting streams.

(17) Actions which have an insignificant effect upon the environment as established in a previously written Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) or Environmental Impact Statement (EIS). Such repetitive actions shall be considered “reference actions” and a record of all decisions concerning these “reference actions” shall be maintained by the Chief Environmental Officer or designee. The proposed action must be essentially

the same in context and the same or less in intensity or create fewer impacts than the “reference action” previously studied under an EA or EIS in order to qualify for this exclusion.

(18) Rulemakings that are strictly procedural, and interpretations and rulings with existing regulations, or modifications or rescissions of such interpretations and rulings.

(c) Categorical exclusions relating to emergency or restoration actions:

(1) Any cleanup, remediation or removal action conducted under the provisions of the Comprehensive Environmental Response compensation and Liability Act (CERCLA) or the Resource Conservation and Recovery Act (RCRA), any asbestos abatement actions regulated under the provisions of the Occupational Safety and Health Act (OSHA), or the Clean Air Act or any PCB transformer replacement or any lead based paint abatement actions regulated under the provisions of the Toxic Substances Control Act (TSCA), OSHA or RCRA.

(2) Testing associated with environmental cleanups or site investigations.

(d) Categorical exclusions relating to maintenance or repair actions at existing facilities:

(1) Siting, construction or operation of temporary support buildings or support structures.

(2) Routine maintenance and minor activities, such as fencing, that occur in floodplains or state and local wetlands or pursuant to the nationwide permitting process of the Corps of Engineers.

(3) Routine actions normally conducted to protect and maintain properties and which do not alter the configuration of the building.

(4) Changes in configuration of buildings required to promote handicapped accessibility pursuant to the Architectural Barriers Act.

(5) Repair to, or replacement in kind or equivalent of building equipment or components (e.g., electrical distribution, HVAC systems, doors, windows, roofs, etc.).

(6) Internal modifications or improvements to structure, or buildings to accommodate mail processing, computer, communication or other similar types of equipment or other actions which do not involve modification to the external walls of the facility.

(7) Joint development and/or joint use projects that only involve internal modifications to an existing facility.

(8) Noise abatement measures, such as construction of noise barriers and installation of noise control materials.

(9) Actions which require concurrence or approval of another federal agency where the action is a categorical exclusion under the NEPA regulations of that federal agency.

(e) Categorical exclusions relating to real estate actions.

(1) Obtaining, granting, disposing, or changing of easements, licenses and permits, rights-of-way and similar interests.

(2) Extension, renewal, renegotiation, or termination of existing lease agreements.

(3) Purchase of Postal Service occupied leased property where the planned postal uses do not differ significantly from the past uses of the site.

(4) Acquisition or disposal of existing facilities and real property where the planned uses do not differ significantly from past uses of the site.

(5) Acquisition of real property not connected to specific facility plans or when necessary to protect the interests of the Postal Service in advance of final project approval. This categorical exclusion only applies to the acquisition. Any subsequent use of the site for a facility project must be considered under this part.

(6) Disposal through sale or outlease of unimproved real property.

(7) Disposal through sale, outlease, transfer or exchange of real property to other federal or state agencies.

(8) Acquisition and disposal through sale, lease, transfer or exchange of real property that does not involve an increase in volumes, concentrations, or discharge rates of wastes, air emissions, or water effluents, and that under reasonably foreseeable uses, have generally similar environmental impacts as compared to those before the acquisition or disposal. A determination that the proposed action is categorically excluded can be based upon previous “reference actions” documented under Sec. 775.6(b)(17).

(9) Acquisition and disposal through sale, lease, transfer, reservation or exchange of real property for nature and habitat preservation, conservation, a park or wildlife management.

(10) New construction, Postal Service owned or leased, or joint development and joint use projects, of any facility unless the proposed action is listed as requiring an EA in Sec. 775.5.

(11) Expansion or improvement of an existing facility where the expansion is within the boundaries of the site or occurs in a previously developed area unless the proposed action is listed as requiring an EA in Sec. 775.5.

(12) Construction and disturbance pursuant to a nationwide permit issued by the Corps of Engineers.

(13) Any activity in floodplains being regulated pursuant to Sec. 776 and is not listed as requiring an EA in Sec. 775.5.

Appendix B

Facilities Environmental Checklist and Instruction Guide

B-1 Purpose and Policy

The Postal Service is required to consider the environmental consequences of postal facility acquisition, leasing, property management, development, and disposal actions, as well actions unrelated to facilities, to comply with the environmental policy guidelines outlined in Chapter 1. Completing the *Facilities Environmental Checklist* (see Exhibit B-1 at the end of this appendix) assists with the determination of whether the proposed action will trigger additional environmental review under NEPA, or whether it may generate any compliance actions.

All projects and programs within the jurisdiction of Facilities, including repair and alteration, as well as minor construction completed through the Administrative Support units, should have a checklist completed to determine if there is a possibility of a significant impact on the environment.

Minor, routine, or slight changes in vehicle routes and deployments of extra vehicles do not necessarily need to undergo a checklist review because their potential environmental impacts are not considered significant. However, if in doubt about the scope of any impact, a checklist should be completed. Many answers on the checklist will not indicate significant concerns and thus will not require more analyses. However, the designated environmental professional will review the checklist to determine if any further actions are warranted.

Programs with a national scope should have a checklist completed if they affect facility operations or increase vehicle space, equipment, or service requirements that are not similar to existing services being provided by the Postal Service.

B-2 General Procedures

B-2.1 Responsibility

The FSO and/or MFO manager must ensure that the *Facilities Environmental Checklist* is completed by a qualified person. Qualified persons may include

the RES, FES, or an environmental contractor. The RES must ensure that the project file is documented with a completed checklist.

B-2.2 When to Prepare the Facilities Environmental Checklist

The checklist must be completed before the proposed action is initiated. Where site selection is involved, the checklist should be prepared on all contending sites as early as possible during the planning phase of the project to enable it to be used as a decision-making tool. However, the checklist should not be completed so early that project information used to complete it is lacking, thus making the analysis inaccurate. The checklist should be initiated when the contending sites have been identified and must be completed before the site is selected.

B-2.3 How to Complete the Facilities Environmental Checklist

The checklist contains 20 questions that address a range of relevant environmental issues affecting postal facilities activities. The FSO or MFO manager and/or FES should be advised if affirmative answers are given. Although an affirmative answer does not automatically trigger further NEPA review, it may indicate other environmental compliance issues.

The person who prepares the checklist should visit the site of the proposed action if possible. That person must review all appropriate official records, both internal and external, including historic records; should contact the appropriate agencies; and should answer any questions truthfully.

When the checklist is completed and all answers are “no,” indicating no further NEPA review is necessary, the *Record of Environmental Consideration* is prepared. The *Record of Environmental Consideration* is a Postal Service form that documents the level of NEPA review that has taken place for any given project.

B-3 Facilities Environmental Checklist Categories

This section provides information for completing the checklist. The checklist addresses a comprehensive range of issues as discussed below. Those questions that are self-explanatory are not discussed. See also Chapter 3, Environmental Regulatory Requirements, for a summary of major federal environmental requirements that apply to the Postal Service.

B-3.1 Wetlands and Adjacent Streams and Lakes

Section 404 of the CWA, EPA regulations at 33 CFR 328.3(7)(b) and 40 CFR 230.0(t), Executive Order 11990, as well as Postal Service implementing regulation 39 CFR Part 776 require the minimizing of destruction, loss, or degradation of wetlands and preservation and enhancement of their natural and beneficial values. The U.S. Army Corps of Engineers is responsible for

developing implementing regulations to protect wetlands and for issuing wetlands permits. The USACE should be able to provide guidance to the Postal Service on whether a proposed action has the potential to affect wetlands. Other agencies that may be helpful in determining the impact of a proposed action on wetlands are the USFWS, SCS, USGS, and state and local departments of environmental protection.

Three primary sources of information are available for determining if a site has wetlands. The project file should note the source(s) of information used in determining whether wetlands were present on the site. Sources for wetlands information include the following:

- *National Wetlands Inventory (NWI) maps.* The NWI maps correspond to USGS 7.5 Minute Series quadrangles, which have been photo-interpreted based on vegetation, hydrology, and geography. The legend provided on each map is self-explanatory. These maps are available through the USFWS of the U.S. Department of the Interior. Check with the FES for the address and contacts in the local area.
- *Municipal mapping.* Municipal delineations may be based on NWI maps, state descriptions, or a local survey. The RES should check with municipal authorities, especially someone on the local environmental commission, if one exists, or the local planning department.
- *Hydric soils.* One of the three criteria used by the USACE for authenticating the existence of wetland areas is appropriate soil types (the other two are vegetation and hydrology). A useful secondary source is the SCS field sheets. These maps, using an aerial photobase, outline the location of soil types on a countywide basis. A separate legend, or key, defines the soil types in a particular area along with their hydric (water-retaining) characteristics. For locations and telephone numbers of SCS offices, contact the FES.

If wetlands maps or sufficient information on wetlands are unavailable, the project manager may have to consult a wetland delineation expert. If the proposed action is located in or near an identified wetland, or is adjacent to streams or lakes, check “yes” on the form. Otherwise, check “no.”

The following are examples of actions with potential impacts that would exceed the threshold for triggering the NEPA process:

- Filling in more than 1 acre of wetlands.
- Create, restoring for the functional replacement of, a wetland that is to be destroyed during construction.

B-3.2 100-Year Floodplain

The Postal Service defines a floodplain in terms of the 100-year flood, although state and localities may have additional requirements associated with their definitions. These should be ascertained by the Postal Service before site selection. The project file should note the sources of information used in determining whether floodplains were present on the site. Sources for determining the 100-year floodplain include the following:

- *Federal Emergency Management Agency.* The most widely used definition of a flood area is based on FEMA mapping. FEMA has produced a series of flood insurance rate maps, through its National Flood Insurance Program, that are easily obtainable. Check with the FES for addresses and contacts in the local area.
- *Flood hazard zone, state-defined.* Municipal definitions often refer to FEMA, but they may also refer to state or local mapping. Check with municipal authorities, especially the city or county engineer or local planning department, for pertinent maps.

If one of the above sources indicates that the proposed action will be located in or near a 100-year floodplain, check "yes."

An example of an action with a potential impact that would exceed the threshold for triggering the NEPA process is the construction of a building that could obstruct water and debris during a 100-year flood. (However, placing mail boxes in a floodplain does not require an EA.)

B-3.3 Coastal Zone Management Area

Under the CZMA, states are directed to develop individual CZMPs. These plans, if approved, serve as the state law governing the states' coastal zones. Consequently, any Postal Service action affecting a state's coastal zone must be consistent with the standards set in the CZMP. A coastal zone management area can be affected if the Postal Service action is likely to produce any discharges into the ocean, directly or indirectly affect a tidal wetland, and/or conflict with the land use policies under the state plan.

The following are examples of actions with potential impacts that would exceed the threshold for triggering the NEPA process:

- Construction that would alter, degrade, or destroy the first dune of a coastline.
- Construction of a bridge across tidal waters that would restrict access of boats inland or upstream.

B-3.4 Critical Habitat or Rare or Endangered Species

The Endangered Species Act, 16 U.S.C. Sections 1531 et seq., protects species that are in danger of extinction. The act states that an *endangered species* is "any species which is in danger of extinction throughout all or a significant portion of its range"; a *threatened species* is "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range."

Critical habitats are the specific areas within the geographical area occupied by the species, having physical or biological features essential to the conservation of the species, and requiring special management considerations or protection. They also include specific areas outside the geographical area occupied by the species upon a determination by the Secretary of the Interior that such areas are essential for the conservation of the species.

The USFWS develops a federal list of endangered or threatened species requiring protection under the law. Also, states and localities can add their own lists of endangered and threatened species. Harming or destroying threatened or endangered species is prohibited under the law; such acts constitute a federal crime.

Contact the USFWS for information on the location of threatened and endangered species and whether any of those species are listed or proposed to be listed as endangered or threatened. Compile a list of any species that may be affected by the proposed action. If any of these are endangered or threatened, check “yes.”

An EA must be initiated if a “yes” answer is given on the checklist. The following are examples of actions with potential impacts that would exceed the threshold for triggering the NEPA process:

- Building where an endangered or threatened species has been identified or a biological assessment is required.
- Initiating an action at a site near or similar to others at which an endangered or threatened species has been identified.
- Taking an action at a site determined to be a critical habitat.

B-3.5 EPA or State Superfund or Priority Cleanup Site

High-risk land usage includes any current industrial operations that involve handling, manufacturing, storage, and disposal of refuse and hazardous substances; discharging polluted water or air emissions; or contamination from past operations. Because of CERCLA’s joint, several, and strict liability provisions, the Postal Service could be involved with potentially expensive environmental cleanup lawsuits.

State environmental agencies or the regional EPA office can identify where these sites are located. State and EPA offices keep track of all hazardous waste sites. If any proposed sites are located within a quarter mile radius of a Superfund or state hazardous waste site, answer “yes”; otherwise, answer “no.” In addition, see Chapter 4, Environmental Due Diligence, for further environmental planning requirements.

B-3.6 Historic, Cultural, or Archaeological Resources

The items discussed below may be addressed by interviewing a municipal official or members of the local historic preservation commission. A local history enthusiast may be able to identify responsible officials or supply supplemental information. Answering “yes” to these items does not fulfill requirements of Section 106 of the National Historic Preservation Act. (See Chapter 9 of Handbook RE-1*, Realty Acquisition and Management*, or contact the FSO or MFO historic coordinator for further details.) The items are as follows:

- Is the property an individual historic site or is it a contributing element of a historic district? The Postal Service has standard requirements with respect to historic properties. Handbook RE-1 (Chapter 9) describes Postal Service policies and procedures in this regard.

Properties already on the *National Register* have clear-cut requirements. The issue with respect to acquisition of new property is whether there is potential eligibility. Thus, properties on local or state lists of historic resources may be candidates. Contact must be made with the FSO or MFO historic coordinator and possibly the State Historic Preservation Officer.

- Have artifacts been recovered from or adjacent to the site? This issue may require professional assessment. However, one simple indicator during the initial review is whether any artifacts have been recovered from the immediate area. Contact must be made with the FSO or MFO historic coordinator and possibly the State Historic Preservation Officer.

If the proposed action is near a historic property, answer “yes” on the checklist. Answering “yes” does not necessarily mean that an EA must be prepared, since impacts to only cultural resources do not trigger EAs. However, when environmental impacts are identified, impacts to historic and cultural resources must also be evaluated. In addition, a “yes” answer may trigger action under the NHPA.

B-3.7 Prime, Unique, or Important Farmland

The Farmland Protection Policy Act requires federal agencies to identify and consider the adverse effects of their programs on the preservation of prime, unique, or important farmland; to consider alternative programs that could lessen these effects; and to ensure that their programs are compatible with state and local governments and private programs and policies to protect farmland. Agencies may determine the farmland effects themselves or contact USDA, Natural Resources Conservation Service. For more information see 3-3.5.

Two items should be considered under this topic. The first can be determined by a field survey of the site, but the second requires data collection and description:

- *Current cultivation status.* The definition of prime farmland does not require that the land is currently being cultivated and it excludes land in, or committed to, urban development. In most cases, if the land is committed to urban development, no further research is needed.
- *Important soils.* If the property is even partially under cultivation or is being used in any nonurban way, the nature of the soils present must be determined. This information can be obtained from SCS. Maps are available from the same sources as in the section above.

Sites located on or near designated farmland should be avoided whenever possible. If it is determined that there is a potential for changes and/or disturbances to farmland, answer “yes.” Answering “yes” does not necessarily mean that an EA must be prepared; however, USDA must be consulted.

B-3.8 Park Lands or Wild or Scenic Rivers

Postal Service regulations at 39 CFR Part 775 state that any proposed action entailing development within park lands or located in close proximity to a wild or scenic river, unless categorically excluded, requires the preparation of an EA.

B-3.9 Drinking Water Supply

Factors to consider under this topic include sole-source aquifers, aquifer recharge zones, drinking water production wells, and designated reservoirs. A *sole-source* or *principal-source aquifer* is one that is designated as the sole or principal source of drinking water for an area. Under SDWA, designation of an aquifer as a sole source enables EPA to review all federally funded actions that could contaminate public groundwater supplies. The EPA and state or local water management agencies have the authority to ensure that necessary precautions are taken with actions in a sole-source aquifer.

To determine whether the proposed action affects a sole-source aquifer protection zone, nearby production wells, designated reservoirs, or an aquifer recharge zone, contact EPA's Office of Groundwater and Drinking Water or the state environmental protection agency and request a list of designated and proposed sole-source aquifers and drinking water supply sources. Determine whether the proposed action is located within or near one or more of the designated or proposed sole-source aquifers or reservoirs. Also, determine whether stormwater generated from the proposed action may affect a nearby designated or proposed sole-source aquifer or reservoir.

Determine whether the proposed action impacts the aquifer recharge zone or alters the recharging process. If it affects sole-source aquifer protection zones or an aquifer recharge zone, check "yes" on the form. If the proposed action is located near production wells or designated drinking water reservoirs, also check "yes" on the form.

Actions that have the potential to contaminate a sole-source aquifer require, at a minimum, the preparation of an EA. If no reasonable alternatives exist, the Postal Service must be prepared for possible review of the plans and their potential impacts on the aquifer. This review may be initiated either by EPA or in response to a public petition. If an EIS is prepared for the proposed action, the EPA is required by law to examine the impacts on the sole-source aquifer.

The following is an example of an action that would exceed the threshold for triggering the NEPA process: constructing and operating a hazardous material or fuel or oil storage site in which a spill to the environment could potentially contaminate a drinking water source.

The following is an example of an action that would not normally trigger NEPA: constructing and operating a small hazardous material storage shed for a gasoline lawn mower located adjacent to the main Postal Service building in which there will be no potential for a spill to contaminate an aquifer recharge zone.

B-3.10 Human Health and Safety

To answer this question, determine if the activity would result in any extraordinary risk to health and/or safety to employees and/or the surrounding community.

B-3.11 Traffic

During a site visit, observe whether conditions exist, such as an upgrade or downgrade between the street and proposed loading and parking areas, a ditch or stream to be traversed, or poor sight line at the driveway, that limit immediate site access. Major changes to traffic patterns can cause significant traffic congestion, affect Postal Service employee commuting times, and pose a safety problem as well. Because of these problems, changes to existing traffic patterns can be very controversial.

Obtain a copy of the local community master plan or traffic and transportation studies from the local planning board. Contact the local and state highway departments and the Federal Highway Administration (when interstate and federal highways are involved). Ask to see completed traffic studies that may shed light on the effects of the proposed action.

Consider the number of customers, Postal Service vehicles, and privately owned employee vehicles that the proposed action will generate. From that information, determine whether the proposed action may increase traffic congestion. If a significant increase in traffic congestion is possible, check “yes” on the form.

The following are examples of actions with potential effects that would exceed the threshold for triggering the NEPA process:

- For an action that causes a travel pattern to change and increases the travel time or the number of trips, the highway department needs to be consulted. An EA with a traffic study should be considered.
- An increase in the average response time of local emergency services (e.g., ambulance, police, and fire departments) to unacceptable levels because of traffic delays. If local authorities can meet the required service time without having to build new facilities or negotiate with other providers for emergency situations, the action should *not* be considered for an EA. If new facilities or emergency planning are required because of this action, preparation of an EA should be considered.
- If major changes are required to improve the highway patterns, maintain safety, or relieve congestion, an EA should be considered.

The following example is an action that would not normally trigger the NEPA process: If traffic safety can be maintained by installing road signs and/or a light and without making major changes in public highway patterns, NEPA is not triggered.

B-3.12 Changes in Land Uses on or Near the Site

A land use plan is one that describes the proposed or projected use of land resulting from zoning and planning studies. It is usually presented in map

form, indicating areas in which commercial, residential, industrial, open space, and other types of usage would be most desirable. A zoning map graphically depicts the zones or districts within a municipality, county, or other area for which the zoning ordinance is applicable.

Many local governments restrict land use through zoning ordinances. Contact the local city or county planner and/or city engineer to obtain information on local zoning and local planning and development objectives. Determine whether the proposed action is appropriate for local zoning and consistent with local planning and development objectives. If it is not consistent with any one of the three, check “yes” on the form.

An EA may be appropriate in cases where the proposed Postal Service action would be inconsistent with the local zoning regulations.

B-3.13 Changes to Topography

The following items are included under this topic and generally can be answered by a field survey of the site:

- *Slopes over 15 percent.* Areas of steep slopes are regulated in some localities and may be excluded from gross land area in calculating the permitted floor area ratio. Steep slopes can be determined from USGS topographic maps, from soil characteristics associated with SCS soil types, or from direct observation in the field.
- *Site requires extensive grading or fill.* This issue involves some understanding of where structures are or would be proposed for the site. Determine if the building or parking locations will be on a slope or in a depression.
- *Soil erosion.* Soil erosion carries sediment into rivers, clogging navigation and requiring dredging. It contributes to water pollution and degradation of water quality. Land areas subjected to erosion may become barren.

Investigation of the topography and soil conditions is required where real estate actions are planned. Where several contending sites are under consideration for real estate acquisition, it may be advisable to avoid acquiring a site with steep slopes. Sites with extensive grading or fill may require extensive soil stabilization. Problems may arise due to soil bearing capacity, settlement, and/or excessive erosion with the potential to affect waterways. Answering “yes” to this question does not necessarily require the preparation of an EA, but may only require obtaining the appropriate regulatory permits.

B-3.14 New Air Pollution Sources

Under CAA, states have the authority to develop State Implementation Plans to meet EPA-established NAAQS. SIPs regulate emission of hazardous air pollutants. A *nonattainment area* is an area in which one or more of the NAAQS are not being met. State and local air regulatory agencies have promulgated air pollutant emissions regulations that are designed to meet required air quality standards.

To answer this question, the local air management district or state air quality agency should be contacted to determine if the proposed action occurs in a nonattainment area. Typically, the following postal activities may emit state- or EPA-listed hazardous air pollutants and therefore are subject to the SIP requirements: open burning; motor vehicle emissions and inspections; gas dispensing operations; solvent metal cleaners such as degreasers and cold cleaners; fugitive dust emissions from sources such as road and construction activities; transportation of refuse or materials in open vehicles; operation of fossil-fuel-fired steam generators; spray painting of vehicles, buildings, and/or furniture; and paving of roads and parking lots.

The provisions under SIPs are far reaching and may affect every aspect of Postal Service activities. Consultation with a FES can help to determine if an air quality permit is needed. If any changes to an existing air permit are required due to the proposed activities, answer “yes.”

Preparation of an EA may be necessary if any changes to the existing permit are required. For example, expansion of a vehicle refueling operation in a nonattainment area requiring changes to the existing air permit may require the preparation of an EA.

B-3.15 Modification of Public Utilities

Although most Postal Service actions have a negligible impact on the utilities support infrastructure, some large projects may require special attention. Large increases in water or electrical usage from Postal Service actions may require construction of a new water treatment plant or a new power plant. The Energy Policy Act of 1992 and Executive Order 12902 encourage the Postal Service to become more efficient in energy use and conserve water whenever practical.

Contact appropriate utility companies to determine whether the proposed action requires drastic improvements to the existing infrastructure. For example, an increase in electrical demand caused by new Postal Service activities may create a shortage of electricity during peak hours. Answer “yes” if the utility company’s responses indicate major improvements are required to the existing infrastructure.

If Postal Service actions are large enough to affect the current utilities support infrastructure, impacts from these actions may exceed the threshold for triggering the NEPA process.

B-3.16 Excessive Noise

Noise impacts are associated not only with factors that generate noise pollution but also with their reception. Sensitive receptors are places of special concern because of the particular population (e.g., residents and schoolchildren) and/or because of the type of exposure they receive (e.g., prolonged, intermittent daytime and/or nighttime exposure). Three common types of sensitive receptors are included under this topic: residences, institutions, and schools (including day care facilities). In general, all three

can be identified by a field survey of the area. The presence of the following sensitive receptors within a 200-foot radius of the site must be assessed:

- *Residences* — Of particular concern are residential properties abutting the site and houses along the main route of travel to and from the site. Residences also include transient facilities such as hotels or motels. The main issue is disruption of sleep.
- *Institutions* — Institutions refer to residential places such as hospitals or convalescent homes.
- *Schools and day care facilities.*

If the project is expected to generate excessive noise, it may be necessary to comply with local noise zoning, ordinances, and land use controls. Additionally, it may be necessary to prepare an EA if excessive noise could potentially affect sensitive receptors.

B-3.17 Extraordinary Circumstances

Extraordinary circumstances include actions that raise environmental issues that may create intense public or other government agency interest. This is a catchall phrase and cannot be easily defined. If it is not clear whether these circumstances exist, consult the FES.

B-3.18 Further Information

If you are unsure about the potential for environmental consequences or need advice about completing the *Facilities Environmental Checklist,* contact the FES.

Exhibit B-1 (p. 1)

Example of Facilities Environmental Checklist

UNITED STATES POSTAL SERVICE®

Facilities Environmental Checklist

Project

Address *(No., Street, City, State, ZIP + 4)*

Site Size | Proposed Building Size

Assessment Items	Yes	No	Unknown
Will the action taken affect site or is site on or near the following:		*(Check one)*	
1. Wetlands, adjacent streams, or lakes.			
2. 100-year floodplain.			
3. Coastal Zone Management Area.			
4. Critical habitat or rare or endangered species.			
5. EPA or State Superfund, or priority cleanup site.			
6. Historic, cultural, or archaeological resources.			
7. Prime, unique, or important farmland.			
8. Park lands or wild or scenic river.			
9. Drinking water supply.			
10. Human health and safety.			
11. Traffic (e.g., site access constraints, congestion).			
Will the action result in the following:			
12. Changes in land uses on or near site (e.g., zoning).			
13. Changes to topography (slopes over 15%, grading, fill, soil erosion).			
14. New air pollution sources (impacts on air conformity).			
15. Modification of public utilities.			
16. Reduction in force involving more than 1,000 positions.			
17. Relocation of 300 or more employees more than 50 miles.			
18. Excessive noise (presence of sensitive receptors).			

(Check one)

Is the proposed action listed as a categorical exclusion in 39 CFR, Part 775? ☐ Yes ☐ No

If the action is categorically excluded, does the checklist identify any extraordinary circumstances that may cause it to have a significant environmental effect? ☐ Yes ☐ No
If yes, please describe below.

PS Form **7498-D,** October 1997

Exhibit B-1 (p. 2)

Example of Facilities Environmental Checklist

Action Required

(Check one)

☐ The checklist contains no "Yes" answers, to the best of my knowledge, therefore no further NEPA review is necessary. Place this checklist in the project file.

☐ The checklist contains one or more "Yes" or "Unknown" answers, to the best of my knowledge. The Facilities environmental specialist will determine the need for further environmental studies.

Note: *Completion of Form 7498-D does not preclude, exempt, or fulfill due diligence process requirements.*

Notes:

Checklist Completed By *(Print name)*	Date *(Month, Day, Year)*

Signature of Individual Completing Checklist

Title	Telephone Number *(Include area code)*

PS Form **7498-D,** October 1997 *(Reverse)*

Appendix C

Preparation of an EIS

C-1 When to Prepare an EIS

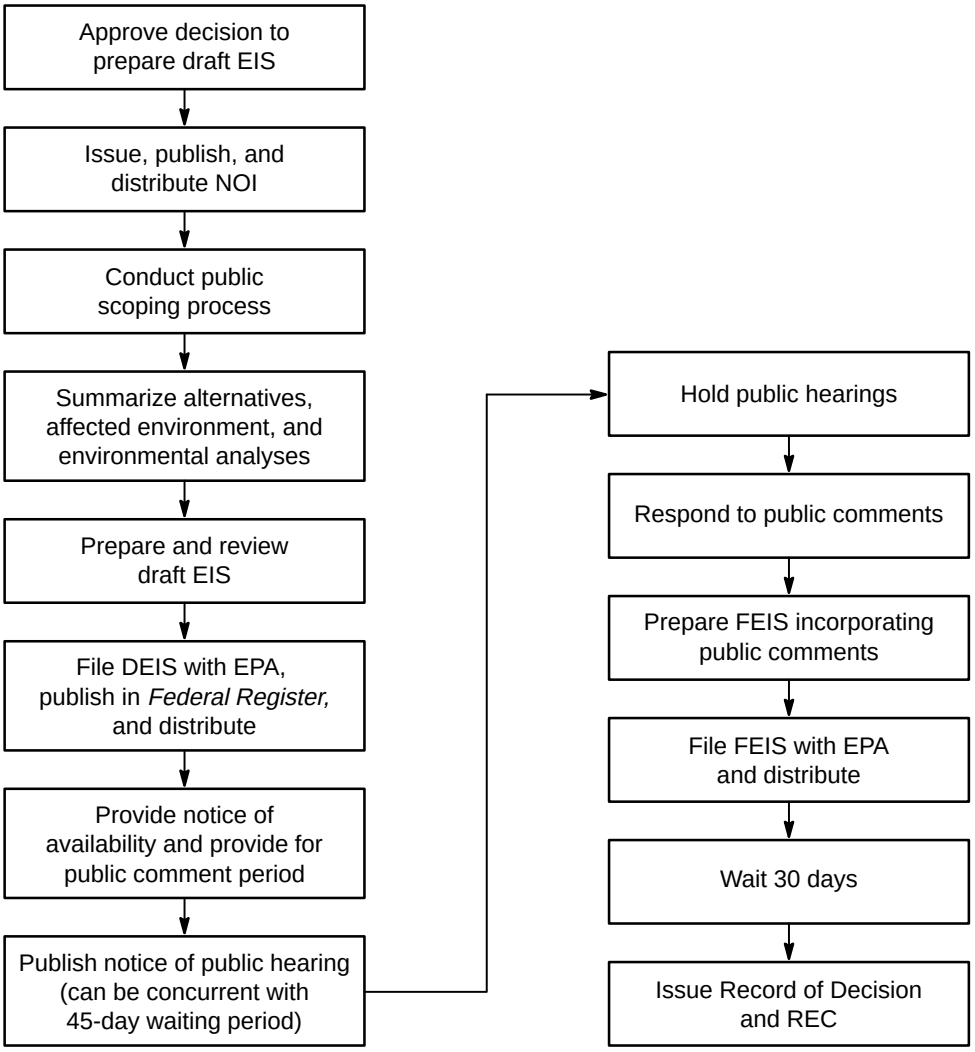
An EIS must be prepared if the EA indicates that significant environmental impacts that cannot be avoided through mitigation measures are associated with the proposed project. The purpose of an EIS is to fully investigate the significant environmental impacts of proposed actions and discuss them in detail for Postal Service decision-makers and the public.

Usually, projects or actions undertaken by the Postal Service do not automatically require the preparation of an EIS. It is important to reevaluate alternatives whenever the environmental review process suggests that an EIS might be required, as preparing an EIS is time-consuming and costly.

If there are reasons to believe that an EIS is necessary for a proposed facilities action, the FES should be contacted as early as possible during the EA process. Unless directed otherwise, FSOs and the MFO are responsible for preparing EISs for facilities projects. A DAR is prepared accordingly and submitted to the area or Headquarters capital investment committee for approval and to the Board of Governors, if required. The vice president of Facilities must approve the preparation of an EIS. For field operational activities, the EIS is prepared by the AECC, and the vice president of Area Operations must approve the preparation of an EIS. For Headquarters operations projects, EMP prepares the EIS, and the appropriate Headquarters vice president must approve the preparation of the EIS. See Exhibit C-1 for a summary of the steps for conducting an EIS.

If a contractor prepares an EIS, the responsible Postal Service official must also evaluate the environmental issues, as the Postal Service is responsible for the scope and content of the EIS.

Exhibit C-1
Preparing an Environmental Impact Statement



C-2 Lead Agency Arrangements for a Jointly Prepared EIS

If the Postal Service and another federal agency, or agencies, become involved in the joint preparation of an EIS, the agencies will prepare a lead agency agreement. The specific agreement between the Postal Service and the other agency must be detailed in writing and must specify which agency is to serve as the lead agency and how information and documents will be distributed to the public.

C-3 Preparation Guidelines

EISs are prepared in two stages. The first stage is a draft Environmental Impact Statement (DEIS), which is prepared in accordance with the determined scope. The second stage is the final Environmental Impact Statement (FEIS). The FEIS responds to comments received on the DEIS, discussing and responding to any responsible opposing views that were not adequately discussed in the draft.

The following are general guidelines for preparing an EIS:

- A contractor employed to prepare an EIS must certify that it has no financial or other interest in the outcome of the project.
- EISs must be concise.
- Material may be incorporated into an EIS by reference only when the material is reasonably available for inspection by interested persons within the time allowed for comment.
- If information relevant to adverse impacts is essential to making a reasoned choice among alternatives, but the cost of obtaining it is exorbitant or the means to obtain it are beyond the state of the art, the need for the action must be weighed against the risk and severity of possible adverse impacts if the action were to proceed. An analysis of alternatives based on reasonably foreseeable future conditions and an indication of the probability or improbability of the occurrence must be included.
- If a cost-benefit analysis (e.g., DAR) evaluating environmentally different alternatives was prepared for the proposed action, it may only be incorporated by reference or appended to internal copies of the DEIS or FEIS; alternatively, proprietary business information should be deleted if it must be attached to public copies. The relationship between the DAR and any analysis of unquantified environmental impacts, values, and amenities must be discussed, even if the cost-benefit analysis is not released to the public.
- Scientific and other sources relied on for conclusions must be identified and referenced by footnote or end note. Analytical information and techniques may be incorporated in appendices.

- Permits, licenses, and other authorizations needed to implement a proposal must be listed and the prospects for obtaining them assessed. If it is uncertain whether a permit, license, or other authorization is necessary, it should be indicated.
- Where state laws or local ordinances impose EIS-type requirements that do not conflict with those in NEPA, the EIS should satisfy pertinent state and local environmental issues to the extent practicable. In addition, an EIS must contain the following:
  - A discussion of all inconsistencies between the proposed action and any state or local law ordinance or approved plan.
  - A description of the manner and extent to which the proposed action will be reconciled with the law, ordinance, or approved plan.

C-4 Format

The following is a list of items that need to be included in the EIS:

- Cover letter.
- Summary.
- Table of contents.
- Purpose and need statement.
- Alternatives.
- Affected environment and impacts.
- Mitigation.
- List of mitigation measures.
- Comparison chart or matrix.
- List of preparers.
- List of agencies.
- Index.
- Appendices.

The above items are discussed more specifically below as appropriate:

- *Cover letter.* The cover letter, not to exceed one page, must include:
  - A list of responsible agencies.
  - Subject of the EIS.
  - Designation of whether the document is a draft or final EIS.
  - One paragraph abstract of EIS.
  - Date by which comments are to be received.
- *Summary.* The summary should compare and summarize the findings of the analyses of the affected environment, the environmental impacts, the environmental consequences, the alternatives, and mitigation measures. The summary should sharply define the issues and provide a clear basis for choosing alternatives.

- *Purpose and need statement.* This section should clearly outline the need for the EIS and the purpose of the proposed action. The entire action should be discussed, including connected and similar actions (see discussion on preparation of an EA). A clear description of the action will assist the reviewer in assessing the discussion of alternatives.
- *Alternatives.* This discussion is a vitally important part of the EIS. Those preparing the EIS must:
  - Explore and evaluate all reasonable alternatives, including the "no action" alternative (the present baseline situation), and briefly discuss the reasons for eliminating any alternatives.
  - Consider each alternative in detail, including the proposed action, so that reviewers may evaluate their comparative merits.
  - Identify the preferred alternative or alternatives.
- *Affected environment and impacts.* For each proposed action and alternative, the EIS must describe each affected element of the environment immediately followed by an analysis of the impacts (i.e., environmental consequences).
  - At a minimum, the analysis must describe:
    - All adverse environmental effects that cannot be avoided if the action is implemented.
    - The relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity.
    - All irreversible or irretrievable commitments of resources to be used for implementing the action.
    - Energy requirements and conservation potential of the various alternatives and mitigation measures.
    - Direct, indirect, and cumulative impacts.
    - The environmental impact of proposed actions (do not justify decisions previously made).
    - Natural and depletable resource requirements, mitigation measures, and the conservation potential of various alternatives.
    - Possible conflicts between the proposed action and the objectives of federal, regional, state, and local (and in the case of a reservation, Indian tribe) land use plans, policies, and controls for the area concerned.
    - Urban quality and historic and cultural resources, including the reuse and conservation potential of various alternatives and mitigation measures.
    - Means to mitigate adverse environmental impacts.
  - The EIS must also address the environmental consequences to affected floodplains and wetlands. See Executive Orders 11988

and 11990 and Postal Service regulations in 39 CFR Part 776. Refer to Chapter 3 for more information.

- The assessment of each element above must describe the findings. If scoping determines that some of the elements above are not affected, it is only necessary to explain for each why there will be no impact. Use exhibits and maps, as necessary. Statements identifying the significance of the effects on the environment must be supported by attached assessment data or by reference to a source commonly available to the public.

- *Mitigation.* For each of the impacts identified, the EIS should discuss measures that could be implemented that would mitigate adverse environmental impacts. Mitigation measures must be feasible and effective:
  - Those preparing the EIS must identify and describe appropriate mitigation measures not already included in the proposed action.
  - The Postal Service must implement the mitigation measures identified in the EIS that were accepted in the project decision and stated in the ROD. See section C-7 for ROD requirements. Also, mitigation plans need to be supported by a monitoring program to ensure that the mitigation is successful in achieving the desired goal(s). The Postal Service must specify how mitigation plans will be funded and when they will be implemented. A plan without funding is not a credible plan and will not be acceptable to reviewers of the EIS.
  - An FES or designee will review design documents and proposed action implementation at the 10 and 30 percent completion design stages to ensure that the approved mitigation measures are being implemented, as stated in the EA. This review is intended to guarantee that approved mitigation measures are implemented in the project's design and construction phases.
  - Upon request, the Postal Service must inform federal, state, and local agencies and the public of the progress in carrying out adopted mitigation measures.
- *List of mitigation measures.* The EIS should provide a list of the mitigation measures identified for the recommended alternative.
- *Comparison chart or matrix.* Provide a summary matrix to facilitate the comparison of the perceived impacts for all elements for all alternatives, including the no action alternative. A sample Environmental Impacts Summary Matrix is contained in Chapter 2 of this guide.

C-5 The EIS Process

C-5.1 Public Notice of Intent to Prepare an EIS

If the appropriate vice president approves the preparation of an EIS, the FSO or MFO manager (or responsible vice president) must issue an NOI to prepare the EIS and notice to hold public scoping hearings. The NOI must be published in the *Federal Register* and mailed to organizations reasonably expected to be interested. If the notice concerns a proposal of national concern, it must be mailed to national organizations reasonably expected to be interested. The notice should also include information about the scoping hearing.

In the case of an action with effects primarily of local concern, a copy of the NOI must also be sent to each of the following:

- The Intergovernmental Review Office; SHPO; local public officials; and for projects in the Washington, DC, National Capitol Planning Region, to the National Capital Planning Commission.
- One or more local newspapers for publication as a display legal advertisement. It is strongly recommended that NOIs be translated and provided to foreign language newspapers in areas where many non-English-speaking citizens are present near the project impact area.
- The district manager or postmaster for posting on and near any proposed and alternate sites for an action (e.g., at the nearest postal facility).
- Anyone who has requested it, including interested community organizations and owners and occupants of nearby or affected properties.

C-5.1.1 NOI Content

The NOI to prepare an EIS must briefly:

- Describe the proposed action and all reasonable alternatives.
- Describe the proposed process for determining the scope of environmental issues (including when and where the scoping meeting will be held).
- State the name, address, and telephone number of a person within the agency who can answer questions about the proposed action and provide copies of the environmental document.

C-5.1.2 Publication in the Federal Register

The FSO or MFO manager (or responsible official) must send a copy of every NOI to prepare an EIS to the Chief Counsel, Legal Policy, General Counsel, Headquarters, who will have it published in the *Federal Register.*

C-5.1.3 Other Public Notice Requirements

In addition to the NOI to undertake an EIS, throughout the EIS process public notice is also given for scoping meeting(s) for NEPA-related hearings and the availability of NEPA documents as follows:

- Notices must be mailed to those who have requested them. The Postal Service makes environmental documents available to the public upon request in accordance with 39 CFR Part 265. Release of information is also governed by the *Administrative Support Manual.*
- Notices concerning a proposal of national concern must be mailed to national organizations who may reasonably be expected to be interested. Any such notice is to be published in the *Federal Register* according to procedures set forth in C-5.1.2.
- Notices on any proposed action having effects of local concern are:
  - Provided to Intergovernmental Review Offices.
  - Provided to the National Capital Planning Commission for those projects in the Washington, DC, National Capital Planning Region.
  - Provided to the appropriate review officials, State Historic Preservation Officer, and local officials. Include copies of pertinent environmental information.
  - Published in one or more local newspapers.
  - Posted on or near any proposed and alternate sites for an action.
  - Mailed to potentially interested community organizations, including small business associations.
  - Mailed to owners and occupants of nearby or affected property.
- All notices must give the name and telephone number of a postal official who may be contacted for information. NEPA documents are made available to the public on request.

C-5.2 Determining the Scope

Immediately after issuing the NOI, the responsible postal official must initiate the public scoping process. The purpose of the scoping process is to identify significant issues that are related to the proposed project. All federal, state, and local agencies and the public that are likely to be affected or interested in the proposed action must be invited to participate in the scoping process. They may furnish written comments and relevant information and/or attend the public scoping hearing.

Notice of the public scoping hearing must be published in the local newspaper(s) as a legal notice in the Monday, Wednesday, and Friday editions in the week beginning 2 weeks before the public hearing and on the day before the public hearing. Notices must be mailed or published in the same manner as the NOI.

As part of the scoping process, the Postal Service (or the lead agency) must identify any known public EAs and other EISs that are related to, but are not part of, the scope of the EIS under consideration. In addition, other

environmental review and consultation requirements are to be identified so that the lead agency may concurrently conduct required analyses to be integrated with the EIS. Finally, the lead agency must indicate the estimated time of the preparation of the environmental analyses and the agency's tentative planning and decision-making schedule.

The issues analyzed in the EIS must consider the following in relation to the proposed action: connected actions, similar actions, and cumulative impacts, which are discussed in 2-6.2. The scope of the EIS must be revised if substantial changes are subsequently made to the proposed action or if significant new circumstances and information arise that have a bearing on the proposal or its impacts.

C-5.3 Internal Review

Appropriate Postal Service personnel should review the DEIS and FEIS 3 to 4 weeks before the documents are distributed for public comment. This will assist in the timely completion of an acceptable document. For an EIS and ROD at the field operational and FSO or MFO levels, the area managing counsel, or designee, must be involved in the review process. For Headquarters projects and programs, the senior counsel, Environmental Law, Corporate Law, General Counsel, or designee, must be involved in the review process.

C-5.4 Filing a DEIS or an FEIS

DEISs and FEISs must be filed with the EPA in Washington, DC. When mailing an EIS to the EPA, provide five bound copies, including appendices, to:

US ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF FEDERAL ACTIVITIES
NEPA COMPLIANCE DIVISION
EIS FILING SECTION
MAIL CODE 222-A
401 M STREET SW
WASHINGTON DC 20460

When sending EISs by special delivery or hand carrying EISs to the EPA, the documents should be taken to:

US ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF FEDERAL ACTIVITIES
NEPA COMPLIANCE DIVISION
EIS FILING SECTION
ARIEL RIOS BUILDING (SOUTH OVAL LOBBY)
MAIL CODE 2252-A ROOM 7241
1200 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20044

Five bound copies of the EIS should also be sent to the responsible EPA region. Statements may not be filed with the EPA earlier than they are transmitted to commenting agencies and made available to the public.

The official filing date of each EIS is the day it is received by the EPA.

C-5.5 DEIS and FEIS Distributions

DEISs and FEISs must be filed with EPA no earlier than they are transmitted to commenting agencies and made available to the public. If an EIS is hand carried to EPA, the person delivering the document must complete a form stating that transmittal to all commenting agencies is being made simultaneously with the filing with the EPA. This will assure that the EIS is received by all interested parties by the time the EPA notice of availability appears in the *Federal Register.*

The Office of Federal Activities (OFA) should be contacted at 202-564-7167 to ensure that the EIS has been received (Express Mail should be used). The OFA may also be contacted for projected *Federal Register* publication dates and minimum review periods.

In addition to filing with EPA, copies of DEISs and FEISs must also be furnished to:

- Any federal agency that has jurisdiction by law or special expertise with respect to any environmental impact involved.
- Any appropriate federal, state, or local agency authorized to develop and enforce environmental standards.
- Intergovernmental Review Office(s) (see Handbook RE-1); local public officials; the State Historic Preservation Officer; and when *National Register* or eligible historic properties may be affected, the Advisory Council on Historic Preservation.
- The National Capital Planning Commission for those projects in the Washington, DC, National Capital Planning Region.
- Any person, organization, or agency requesting them.
- For an FEIS, any person, organization, or agency that submitted substantive comments on the draft.

C-5.6 Notice of Availability

Notice of availability of the DEIS and FEIS must be provided to all recipients of prior notices. In addition, the notice must be published in one or more newspapers as a legal notice on 3 consecutive days beginning on the date the DEIS and FEIS are distributed. In the case of the DEIS, the notice must also provide a 45-day comment period and indicate where comments are to be sent.

C-5.7 Public Hearings

Other than the scoping meeting(s), neither Council on Environmental Quality (CEQ) regulations nor postal regulations require a public hearing solely

because the agency is preparing an EIS. However, it is strongly recommended that a public hearing be held whenever the Postal Service prepares an EIS. Additionally, postal regulations require hearings whenever there is:

- Substantial environmental controversy concerning a proposed action and a responsible individual or organization has so requested.
- A request for a hearing by an agency with jurisdiction over or special expertise concerning the proposed action.
- A reasonable expectation that a hearing will produce significant information not likely to be obtained without a hearing.

A logical time to hold a public hearing is after distribution of the DEIS and before the expiration of the public comment period. Notice requirements are described in 39 CFR Part 775.

C-5.8 Preparing the FEIS

C-5.8.1 Response to Public Comments

The FEIS must respond to comments received by mail or during public hearings on the DEIS. Appropriate responses may include the following:

- Modification of alternatives, including the proposed action.
- Development and evaluation of alternatives not previously given serious consideration.
- Supplemental, improved, or modified analyses.
- Correction of facts.
- Explanation of why a comment does not warrant a direct response, citing supporting sources, authorities, or reasons. Relevant circumstances that may trigger reappraisal or further response must be indicated.

Substantive comments received on the DEIS must be attached to the FEIS as appendices.

C-5.8.2 Minor Changes

If all the changes are minor and are confined to responses to public comments, errata sheets may be written, and only the comments and errata sheets need to be recirculated. However, in such a case, the DEIS with the comments, errata sheets, and a new cover must be filed with the EPA as the FEIS.

C-5.9 Time Frames for Publishing DEIS and FEIS

C-5.9.1 Federal Register Notice

Each week EPA publishes in the *Federal Register* notices of DEISs and FEISs received in its office the preceding week. Minimum time periods, which are calculated from the date of publication of EPA notice of receipt of the EIS, are as follows:

- A minimum of 45 days must be allowed for comments on DEISs.
- A decision on a proposed action may not be made or recorded until the later of the following dates: 90 days after publication of the EPA notice for a DEIS, or 30 days after publication of notice for an FEIS.

C-5.9.2 Concurrent Time Periods

A public hearing may be held during the 45-day comment period for a DEIS, provided that it is held no earlier than 15 days after the DEIS is made available to the public. If an FEIS is filed with the EPA within 90 days after the DEIS was filed, the 30-day period and the 90-day period may run concurrently.

C-5.9.3 Altering the Prescribed Time Period

The EPA may, upon a showing by the lead agency of compelling national policy reasons, reduce the prescribed time periods, and upon a showing by any other federal agency of compelling national policy reasons, may also extend the time periods, but only after consultation with the Postal Service. Failure to file timely comments is not a sufficient reason for extending a time period. If the Postal Service does not concur with the extension of time, the EPA may not extend it for more than 30 days. When the EPA reduces or extends any time period, it will notify the CEQ.

C-5.10 EIS Supplements

C-5.10.1 Requirement

A supplement to a DEIS or FEIS must be issued if one of the following occurs:

- Substantial changes that are relevant to environmental concerns are made in the proposed action.
- Significant new circumstances, or information bearing on environmental impacts of the proposed action, arise or are discovered.

The significance of the justification for a supplement must be judged professionally to determine whether both draft and final supplements should be prepared.

C-5.10.2 Development of New Alternatives

If a supplemental DEIS (SDEIS) is required, a new NOI and notice of public hearing must be issued. The decision to proceed with a proposed action involving an EIS must be delayed until any necessary supplement has been circulated and has gone through the requisite comment period(s).

C-5.10.3 Processing Supplements

A supplement is prepared, noticed, circulated, and filed in the same manner as a DEIS and FEIS. A public scoping meeting is only required on supplements when a significant change is made to the project.

C-6 Project Decision Analysis Report

Upon completion and approval of the FEIS, the DAR is revised by postal personnel to reflect the additional environmental evaluation. The capital investment committee or Board of Governors reviews the revised DAR to decide whether the proposed project should proceed, be restudied, or be abandoned. If the decision is made to proceed with the proposed project, that decision must identify which alternative is to be undertaken, or which alternative site is to be acquired for project development, and determine which mitigation measures described in the EIS will be adopted.

C-7 Record of Decision

For actions requiring an EIS, a concise public ROD is prepared after the FEIS is completed and at the time when a decision is made to proceed with the action. A decision on a proposed action may not be made or recorded, however, until the later of the following dates: 90 days after publication of the EPA notice for a DEIS, or 30 days after publication of the notice for an FEIS.

If the capital investment committee or Board of Governor's decision is to proceed with the project, the responsible official must prepare a ROD and transmit it to the Intergovernmental Review Office, local public officials, and the National Capital Planning Commission, if appropriate. In addition, if a wild or scenic river, prime farmland, floodplain, or wetland is affected, the responsible official must notify the National Park Service, SCS, FEMA, and USACE, respectively.

The ROD must do the following:

- State what the decision was.
- Identify all alternatives considered in reaching the decision, specifying alternatives considered to be environmentally preferable.
- Identify and discuss all significant factors, including any essential considerations of national policy, that were addressed in making the decision, and state how those considerations entered into the decision.
- State whether all mitigation measures to avoid or minimize environmental harm from the alternative selected have been or will be adopted, and if not, why not. A monitoring and enforcement program must be adopted and summarized, where applicable, for any mitigation measure.

Until a ROD is issued, no action may be taken on the project that would:

- Adversely affect the environment.
- Limit the choice of reasonable alternatives.

C-8 Decision to Proceed

After project authorization and publication of the ROD, the FSO or MFO manager acquires the identified site and proceeds with the action.

C-9 Record of Environmental Consideration

The *Record of Environmental Consideration* identifies that the Postal Service has reviewed proposed activities as required under NEPA. The project manager is responsible for completing the REC for any project or action that requires an EIS. The REC is placed in the project file to document that the initiating project manager and the responsible official have complied with Postal Service NEPA procedures.

Appendix D

Clean Air Act — Conformity Determination

D-1 General

The Clean Air Act (CAA) conformity rule (42 U.S.C. 7506(c)) only applies to federal actions taking place in designated "nonattainment" or "maintenance" areas for specific National Ambient Air Quality Standards (NAAQS). If an action will result in potential emissions exceeding *de minimis* levels, the rule requires that a conformity determination be conducted. In this conformity determination the federal entity must identify mitigation measures to reduce emissions; coordinate with the applicable air quality management agency and obtain any required permits; and comply with public notice and participation requirements. A conformity determination is not necessary if the action's potential emissions are below the *de minimis* levels.

All postal activities must conform to State Implementation Plans (SIPs). The SIP objectives are designed to comply with the CAA by eliminating or reducing the severity and number of violations of NAAQS. The SIP's purpose is to achieve expeditious attainment of those standards. Under the CAA, Postal Service actions may not:

- Cause or contribute to any new violation of the standards.
- Increase the frequency or severity of any violation of any standard.
- Delay timely attainment of any standard or any required interim emission reductions.

A conformity determination is required for any postal action for which total direct and indirect emissions of any pollutant meet or exceed certain *de minimis* levels established by the SIP. The Postal Service must ensure that applicable preconstruction air pollution permits are obtained if it is determined that the action's actual or potential emissions, as regulated by the SIP, will exceed *de minimis* levels. For example, one action may require operating permits based on actual emissions, while another may require a Title V permit based on the "potential to emit." For more information see MI AS-550-95-18, *Clean Air Act Compliance.*

D-2 Definitions

The following definitions apply:

- *Baseline emissions* — total emissions for future years using historic activity levels and appropriate emission factors for the future years. The baseline emissions should reflect the historic activity levels that occurred in the area affected by the Postal Service action during the calendar year 1990; the calendar year that is the basis of the classification; or the year of the baseline inventory in the applicable SIP.
- *Criteria pollutant* — any pollutant for which an NAAQS is established.
- *Direct emissions* — emissions of a criteria pollutant or its precursor caused or initiated by the action and that occur in the same time and place as the action. Examples of direct emission sources are those occurring in a building's stacks.
- *Fugitive emissions* — non-point source emissions resulting from activities such as construction and clearing of land.
- *Future years* — described as all of the following: (1) CAA-mandated attainment year, or the farthest year for which emissions are projected in the maintenance plan; (2) the year during which the total emission from the action is expected to be the greatest on an annual basis; and (3) any year for which the applicable SIP specifies an emissions budget.
- *Indirect emissions* — emissions of a criteria pollutant or its precursor that are associated with the action, but removed in either space or time and/or can be practically controlled by the facility. Examples of indirect emission sources are those from construction activities.
- *Reasonably foreseeable emissions* — projected future indirect emissions that are identified at the time the conformity determination is made, when the location of such emissions is known and the emissions are quantifiable.
- *Total emissions* — the net total of direct and indirect emissions associated with the action.

D-3 Determining Conformity

D-3.1 Facilities

When the combined total of direct and indirect emissions of any pollutant from a facility is less than the *de minimis* levels established in the regulation but represents 10 percent or more of a nonattainment or maintenance area's total emissions of that pollutant, the action is "regionally significant" and a conformity determination is required. Emissions and/or air quality modeling must be used to prove that an action will meet conformity requirements.

D-3.2 Vehicles

Vehicle emission models break down emission factors by vehicle class and speed. These are combined with vehicle miles traveled from a transportation model to yield emissions that then can be compared with a budget or used as input to an air quality model. Inputs include vehicle miles traveled by vehicle class and model year, description of inspection and maintenance program, speeds, and temperature. The latest transportation assumptions and emission models must be used. For California vehicles, this model is EMFAC7F; for all other vehicles it is EPA's MOBILE5a.

Air quality models used must be appropriate to the situation and used properly. EPA recommendations on inputs and model applicability appear in the *EPA Guideline on Air Quality Models.* Other models and procedures may be used on a case-by-case basis.

Information and documentation about EPA-recommended models and lists of EPA guidance documents are available on the Technology Transfer Network (TTN) electronic bulletin board system. This can be reached by computer modem at 919-541-5742; the TTN help line number is 919-541-5384. Emissions models and documentation and the conformity regulations themselves are in the OMS section of TTN; air quality models, guidance, and memoranda are in the Support Center for Regulatory Air Models (SCRAM) section. Models and documents are also available from the National Technical Information Service at 703-487-4650.

D-3.3 Requirements for Assessing Conformity

D-3.3.1 General

A conformity determination is required for each nonattainment pollutant generated by an action. An action is determined to conform if the total emissions are in compliance or consistent with all relevant requirements, assumptions, and milestones contained in the applicable SIP and meets any of the following requirements:

- For any criteria pollutant, the total emissions are specifically identified and accounted for in the SIP's attainment or maintenance demonstration.
- For specific pollutants, one of the following requirements:
  - For ozone (O_3) or nitrogen oxides (NO_x), the total emissions are fully offset within the same nonattainment or maintenance area through a revision to the applicable SIP or a similarly enforceable measure that creates emission reductions so there is no net increase in emissions of that pollutant.
  - For particulate matter 10 microns or less in diameter (PM_{10}), carbon monoxide (CO), lead (Pb), and sulfur oxides (SO_x), the total emissions meet either one of the following requirements:
    - The areawide and local air quality modeling requirements.

- The requirements of the bullet below concerning O_3 and NO_x and the requirements for local air quality modeling analysis.

- For CO or PM_{10}, one of the following requirements:
  - The state agency responsible for the SIP determines that an areawide modeling analysis is not needed and the total emissions meet the local air quality modeling analysis requirements.
  - The state agency responsible for the SIP determines that an areawide modeling analysis is appropriate, local air quality analysis is not needed, and the total emissions meet the areawide modeling requirements or meet the requirements of the bullet below concerning O_3 and NO_x.
- For O_3 or NO_x and for the options as discussed in the above bullets, the action meets one of the following requirements:
  - The state has an approved attainment or maintenance demonstration and the state air agency determines one of the following:
    - The total emissions from the action are within the emissions budgets in the SIP.
    - The total emissions exceed the emissions budgets, but the state makes a written commitment to EPA which includes the following:
      - A specific schedule for revising the SIP which would achieve the needed reductions before the time Postal Service emissions would occur.
      - Identification of specific measures to be incorporated into the SIP to achieve the needed reductions.
      - A demonstration that all existing SIP measures are being implemented and that local authority to implement additional measures is being pursued.
      - A determination that the Postal Service has met all required reasonable mitigation measures associated with the action.
      - Written documentation including air quality analyses supporting the conformity determination.
  - The action fully offsets emissions within the same nonattainment or maintenance area through a SIP revision or other similarly enforceable measure.
  - The action is specifically included in a current transportation plan and transportation improvement program which have been found to conform to the SIP.

- Where the EPA has not approved a revision to the SIP attainment or maintenance demonstrations, the total emissions for the future years do not increase emissions with respect to the baseline emissions.

D-3.3.2 Public Participation

The public participation element of the conformity determination process requires the Postal Service to make public the following:

- Upon request by any party, the draft conformity determination containing supporting materials describing analytical methods used and conclusions relied upon in making the determination.
- Within 30 days of making the determination, the final conformity determination.

Notices must be placed in a daily newspaper with general circulation in the area affected by the action. If a notice of the draft conformity determination is published, it must provide 30 days for written public comments before any formal action is taken. This comment period may be concurrent with other public involvement procedures, such as those required by NEPA. The Postal Service must document its response to all comments and make the comments and response available upon request within 30 days of the final conformity determination.

D-3.4 Frequency of Conformity Determinations

D-3.4.1 General

The conformity determination is valid for 5 years unless the action has been completed or a continuous program has been commenced to implement the action within a reasonable time frame. Ongoing activities at a given site showing continuous progress are not new actions and do not require periodic redeterminations so long as such activities are within the scope of the final conformity determination. Any change in an action that increases the total direct and indirect emissions requires a new conformity determination, but only if the increase itself equals or exceeds the *de minimis* levels established.

D-3.4.2 Exceptions

The Postal Service does not have to make conformity determinations when:

- Emissions are not reasonably foreseeable from an action.
- Emissions are below *de minimis,* unless regionally significant.
- The action implements a conforming program.
- The action requires and receives a permit under the new source review or prevention of significant deterioration programs.
- The action is a response to emergencies or natural disasters.
- The action involves research, investigations, studies, demonstrations, or training where no environmental detriment is incurred and/or the

particular action furthers air quality research, as determined by the state.

- The actions are continuing, recurring, and/or similar in scope to current activities.
- The action involves routine maintenance and repairs.
- The action involves alterations or additions (to existing structures) specifically required by new or existing environmental regulation or legislation (e.g., air emission control equipment).
- The action is administrative.
- The action is for transfer of land and/or facilities.

Appendix E

Stormwater Pollution Prevention Plan

E-1 Introduction

E-1.1 General

The Clean Water Act (CWA) requires operators of facilities, including federal facilities, to obtain permits under NPDES in order to control the quality of stormwater discharges. The EPA has issued regulations for permit applications associated with stormwater discharges of pollutants from any point source into waters of the U.S., including surface waters and wetlands. Federal and state permit and approval processes apply to the Postal Service.

NPDES permits are not required for discharges from non-point sources. However, the impacts of discharges from these sources should be considered during postal construction and operational activities, and BMPs should be used to control pollution. The following provides information on stormwater BMPs and processes for completing a Stormwater Pollution Prevention Plan (SWP3). For further information on CWA requirements, see Chapter 3.

E-1.2 Responsibilities

The Postal Service is responsible for managing stormwater runoff during construction activities affecting more than 5 acres (some states regulate construction activities of less than 5 acres). Postal managers must be familiar with BMPs, pollution prevention techniques, measures, and equipment used to provide effective stormwater management. Such measures include creating an SWP3. Postal managers and contractor personnel must comply with the plan.

E-1.3 Definitions

The following definitions apply:

- *Construction activity* — all clearing, grading, and excavation activities, except operations that result in the disturbance of less than 5 acres of total land area, that are not part of a common plan of development or sale (40 CFR 122.26(b)(14)(x)).

  Note: Some states regulate disturbances of less than 5 acres.

- *Operator* — defined by EPA in two ways:
  - The operator is the person who has operational control over site specifications. The term may include the facility engineer managing the construction.
  - The operator has daily operational control over site activities. Since the general contractor usually maintains control of the site activities, this definition also encompasses the general contractor.

E-2 SWP3 Process

E-2.1 Notice of Intent to Construct

At least 2 days before construction begins, the operator(s) of a construction site must submit an NOI to the state permitting agency or the EPA. The NOI must describe the site location and be signed by an authorized official. The operator must complete the SWP3 *before* submitting the NOI. If the operator of the site changes at any time, a new NOI must be submitted.

E-2.2 Contents of the SWP3

The SWP3 must contain the following information:

- An estimate of the total area of the site and of the area to be disturbed.
- Information on the type of soils at the site and an estimate of the runoff coefficient of the site after construction is complete.
- The sequence of major construction activities.
- The name of all receiving waters.
- A list of the sediment and erosion controls to be used.
- The timing or staging of the sediment, erosion controls, and stormwater management measures.
- Certification of compliance with federal, state, and local regulations.
- Maintenance and inspection procedures.
- The material inventory for site operations.
- Material management and product-specific spill prevention practices.
- Certification signatures from authorized Postal Service representative and contractors.
- A site map indicating drainage patterns and slopes after grading activities are completed, area of soil disturbance, outline of the area to be disturbed, location of stabilization measures and controls, and surface waters at the discharge points.

E-2.3 Common Best Management Practices

Most BMPs fall into one of the three categories below:

- *Erosion and sediment controls.* This category includes both stabilization (e.g., seeding and mulching) and structural (e.g., sediment

basins and silt fences) controls that are implemented during the construction process to prevent soil from migrating off-site.

- *Stormwater management controls.* This category includes the measures that control stormwater runoff after the construction is complete (e.g., stormwater detention structures and infiltration measures).
- *Other controls (good housekeeping).* This category includes all the measures taken at the construction site that prevent construction materials from coming into contact with stormwater; they include dust control measures, off-site vehicle tracking controls, proper waste disposal at site, and site sanitation.

E-2.4 Certification Requirements

SWP3 certification requirements are as follows:

- *Certification for true, accurate, and complete information.* The NOI, notice of termination (NOT), SWP3, and inspection reports must include certifications stating that the information presented is true, accurate, and complete. The NOI, NOT, and SWP3 usually are certified and signed by the FSO or MFO manager, Army Corps of Engineer's district engineer, or their duly authorized delegate (authorized in writing). The inspection reports usually are signed by the general contractor or site inspector. The EPA has the authority to impose various civil and criminal penalties for making false statements in such certifications. In signing the plan, the authorized representative certifies that the information is true and assumes liability for the plan.
- *Certification for acknowledging the terms and conditions of the general permit.* Contractor(s) and subcontractor(s) must certify that they understand and accept the terms and conditions of the SWP3. The certifications should be filed along with the SWP3 before each contractor or subcontractor begins operations on the site.

E-2.5 Monitoring and Inspection Requirements

The SWP3 must contain a monitoring and inspection plan that clearly identifies the actions to be taken and all responsible parties. The Federal General Permit, which details requirements of SWP3s, contains no sampling requirements for construction activities. However, some states require visual or chemical monitoring of the permitted discharge. All stormwater controls must be inspected every 7 calendar days and within 24 hours after any storm event that produces more than 0.5 inches of rainfall in a 24-hour period. The objective of inspections is to ensure that the permit conditions are being met.

The monitoring and inspection plan must specify the following:

- Areas to be inspected and maintained.
- Control measures to be inspected and maintained.
- Maintenance procedures.
- Inspection and maintenance forms.

- Names (or titles) of inspectors.
- Qualifications of inspectors.

The inspector prepares a report documenting the inspection and findings. The inspector also should be responsible for notifying the responsible parties (i.e., contractors) of any required maintenance or repairs. If the SWP3 is updated to allow for site changes or requests from the regulatory agencies, the inspector should make the changes or notify the person responsible for the affected control measure.

E-2.6 Notice of Termination

The NOT is a one-page form that should be completed and submitted to the EPA when a site has reached the final stabilization stage or when an operator of a construction activity changes. The NOT must include the following:

- Location of the construction site.
- Information on operator terminating coverage.
- NPDES general permit number.
- An indication of why coverage should be terminated for the operator.
- A signed certification statement.

Final stabilization occurs when:

- All the soil disturbing activities at the site are completed.
- A uniform perennial vegetative cover with a density of 70 percent of the cover for unpaved areas not covered by permanent structures is established or equivalent permanent stabilization measures (such as the use of riprap or geotextiles) are in place.

E-2.7 Recordkeeping Requirements

Following the termination of construction activities, the permittees (whoever filed the NOT) must keep copies of the SWP3, certifications, inspection reports, and the NOT for at least 3 years (from the date of final site stabilization). The EPA can extend the records retention period upon notification to the permittee.

E-2.8 Penalties for Noncompliance

The CWA provides significant penalties for failure to comply with the program requirements. Criminal and civil penalties may be assessed for negligent violations; knowing violations; knowing endangerment; or making false statements on permit applications, inspection reports, or other submittals. The criminal penalties can be up to 15 years in prison or $25,000 per day, per violation.

E-3 General Permit Requirements — States

E-3.1 Permits

The 39 states that have NPDES permitting authority for federal facilities may not have uniform permit requirements. Because most states have authority to issue their own NPDES permits for stormwater discharges, contact state representatives to obtain specific permitting information. In general, state permits are different in the following respects:

- The expiration date.
- The requirement to submit a copy of the SWP3 with the NOI for review.
- The number of days before the start of construction that the NOI must be submitted.
- The acreage regulated by state permits.
- The permitting fee.
- The requirements for inspection and recordkeeping, which can include different inspection frequencies and different inspector qualifications.
- The requirement for sampling and monitoring of discharges from construction sites.
- The requirement that a professional engineer certify the SWP3.
- The public notice requirement that in some states mandates that the operator post a notice of construction in a public forum such as a local newspaper.

E-3.2 State Non-point Source Pollution Programs

Many states have implemented non-point source pollution programs under Section 319 of the CWA. Like the stormwater requirements, these programs generally identify BMPs to be used by producers of non-point source pollution. Participation in most non-point source pollution programs is voluntary. Contact the appropriate state environmental agency for information regarding such programs. The Postal Service will voluntarily comply with any such programs as long as the requirements can be reasonably achieved.

Appendix F

Guide to Transaction Screen Questionnaire

F-1 Overview

The Postal Service transaction screen process is intended to be used to assess the environmental condition of leased commercial real estate. Use of this process constitutes "appropriate inquiry" for purposes of CERCLA's "innocent landowners" defense. This process is also designed to identify recognized environmental conditions in connection with a property. Environmental site assessments that are more comprehensive than this process (e.g., Phase I ESA) may be appropriate in some circumstances. The transaction screen process does not require the judgment of an environmental professional.

The transaction screen process consists of asking questions from the *Transaction Screen Questionnaire* of owners and occupants of the property, observing site conditions, and to the extent reasonably ascertainable, conducting limited research regarding certain government records and standard historical sources.

F-2 How to Complete the TSQ

The following guide provides details on the appropriate use of the TSQ. The TSQ is shown in Exhibit F-2 located at the end of this appendix.

The questions below should be asked of the current owner of the property; any major occupant of the property; or if there are no major occupants, at least 10 percent of the occupants. Additionally, any occupant likely to be using, treating, storing, or disposing of hazardous substances or petroleum products in or from the property must be interviewed. A "major" occupant is any occupant using at least 40 percent of the leasable area of the property or any anchor tenant when the property is a shopping center.

F-2.1 Owner/Occupant Inquiry and Site Visit Observation

The preparer should ask each person to answer all questions to the best of their knowledge and in good faith. When completing the *observation* portion of the questionnaire, the preparer should be sure to observe the property and any buildings and other structures on the property.

1a. Is the property used for industrial purposes? Specify.

1b. Is any adjoining property used for industrial purposes? Specify.

Certain industrial uses on the property may raise concerns regarding the possibility of contamination affecting the property. For purposes of this form, an industrial use is an activity resulting in the production or distribution of a product or article, including manufacturing, processing, extraction, refining, warehousing, transportation, and utilities. *Manufacturing* is defined as a process or operation of producing by hand, machinery, or other means a finished product or article from raw material. *Industrial uses* may be categorized as light or heavy industrial uses, depending on the scale of the operations and the impact upon surrounding property in terms of smoke, fumes, and noise. For the purposes of the transaction screen process, the concern is whether the use involves the processing, storage, manufacture, or transportation of hazardous substances or petroleum products. For example, further inquiry would be necessary if the industrial use concerned the manufacture of paints, oils, solvents, and other chemical products, but not if the use concerned the storage of inert goods in containers.

The term *adjoining property* means any real property or properties the border of which is contiguous or partially contiguous with that of the property, but for a street, road, or other public thoroughfare separating them. A*djoining properties* means the property and includes properties across the street or any right-of-way from the property.

To use the information supplied in response to the question in a prior ESA, the preparer must determine if the use of the property or any adjoining property has changed since the prior ESA that are material to recognized environmental conditions in connection with the property. If so, the information requested must be supplied for each property for which the use has changed. If not, using information generated from the prior ESA is appropriate.

2a. Did you observe evidence or do you have any prior knowledge that the property has been used for industrial purposes in the past? Specify.

2b. Did you observe evidence or do you have any prior knowledge that any adjoining property has been used for industrial purposes in the past? Specify.

The owner and each occupant should be queried. Inspect for any indications that an industrial facility may have once existed on the site. Old building pipes, containers, or other debris are indicators of previous industrial use of the site.

See question 1 for the definition of *adjoining property*.

3a. Is the property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?

3b. Is any adjoining property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?

All property uses listed in this question involve the use of hazardous substances or petroleum products and therefore require further inquiry concerning the possible release of such substances.

See question 1 for the definition of *adjoining property* and for applicability of using a prior ESA.

4a. Did you observe evidence or do you have any prior knowledge that the property has been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?

4b. Did you observe evidence or do you have any prior knowledge that any adjoining property has been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?

See instructions for question 3.

5a. Are any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of greater than 5 gallons in volume or 50 gallons in the aggregate currently stored on or used at the property or at the facility?

5b. Did you observe evidence or do you have any prior knowledge that any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of greater than 5 gallons in volume or 50 gallons in the aggregate have previously been stored on or used at the property or at the facility?

Are there any containers on the site that may contain any of these items? Is there any reason to suspect that chemicals or hazardous substances in such quantities may be stored on the site? Sheltered areas, cartons, sacks, storage bins, large canisters, sheds, or cellars of existing improvements are examples of containers and areas where chemicals or hazardous substances may be stored. If the answer to this question is “yes,” list the items and the location(s) where they are stored. If unfamiliar with the contents of any container located on the site, the question must be answered “yes” until the materials are identified.

Warning: Hazardous materials often may be unmarked. The preparer should never open any containers that are unmarked because they may contain explosive materials or acids.

Consumer products in undamaged containers used for routine office maintenance or business, such as copy toner, should not create a need for further inquiry unless the quantity of such products is in excess of what would be customary for such use. EPA has published a guidance document that identifies hazardous substances that must be reported under Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA). That document lists, in tabular form, the CERCLA Section 103 chemicals. If a preparer has a question regarding whether the substance is a hazardous substance under CERCLA, the preparer may refer to the "list of lists" or 40 CFR Part 302. In addition, EPA has also published a guidance document that sets forth the hazardous substances found in many common consumer products listed by trade name.

A preparer should *not* rely exclusively upon a prior ESA in supplying this information.

6a. Are any industrial drums (typically, 55 gallons) or sacks of chemicals currently located on the property or at the facility?

6b. Did you observe evidence or do you have any prior knowledge that any industrial drums (typically, 55 gallons) or sacks of chemicals have previously been located on the property or at the facility?

Chemicals are frequently stored in large 55-gallon (208 liter (l)) drums, and dry chemicals are often stored in 20 pound (9 kilogram (kg)) sacks.

A preparer should *not* rely exclusively upon a prior ESA in supplying this information.

7a. Did you observe evidence or do you have any prior knowledge that fill dirt that originated from a contaminated site has been brought onto the property?

7b. Did you observe evidence or do you have any prior knowledge that fill dirt that is of an unknown origin has been brought onto the property?

The origin of fill dirt brought onto the property should be investigated to determine whether such dirt came from a contaminated site. If any structures have been demolished on the property, the preparer should investigate whether the structures were demolished in place and fill dirt compacted over them, because such demolition debris may contain asbestos or hazardous substances.

To use the information supplied in response to this question in a prior ESA, the preparer must determine if there has been any filling at the site since the prior ESA. If not, then using information in a prior ESA is appropriate. If so, the information requested must be supplied for any fill dirt brought onto the property since the prior ESA.

8a. Are any pits, ponds, or lagoons in connection with waste treatment or waste disposal currently located on the property?

8b. Did you observe evidence or do you have any prior knowledge that any pits, ponds, or lagoons in connection with waste

treatment or waste disposal have previously been located on the property?

The presence of pits, ponds, or lagoons together with waste treatment or waste disposal may indicate contaminated property. See the definition for pits, ponds, and lagoons.

A preparer should *not* rely exclusively upon a prior ESA in supplying this information.

9a. Is any stained soil currently on the property?

9b. Did you observe evidence or do you have any prior knowledge that any stained soil has previously been on the property?

Stained soils are frequently associated with contamination and often are an indication of either current or previous leakage associated with piping and liquid storage containers. Soils that are stained show a marked discoloration as compared to other soils in the immediate vicinity.

A preparer should *not* rely upon a prior ESA in supplying this information.

10a. Are any registered or unregistered storage tanks (aboveground or underground) currently located on the property?

10b. Did you observe evidence or do you have any prior knowledge that any registered or unregistered storage tanks (aboveground or underground) have previously been located on the property?

Tanks are often used to store heating fuels, chemicals, and petroleum products; although tanks may be associated with the storage of chemicals, most often they are associated with liquid-fuel heating systems (e.g., oil furnaces).

To use the information supplied in response to this question in a prior ESA, the user must determine if there were storage tanks installed on the site since the prior ESA. If not, then using information in a prior site assessment is appropriate. If so, the information requested must be supplied on all storage tanks installed on the site since the prior ESA.

11a. Are any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground currently located on the property or adjacent to any structure located on the property?

11b. Did you observe evidence or do you have any prior knowledge that any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground have previously been located on the property or adjacent to any structure located on the property?

Vent or fill pipes often signal the current or previous existence of underground storage tanks. Additionally, in answering this question, the owner and occupant should consider any asphalt or concrete patching that would indicate the possibility of previous underground storage tank removal.

A preparer should *not* exclusively rely upon a prior ESA in supplying this information.

12a. Are any flooring, drains, or walls that are stained by substances other than water or are emitting foul odors currently located within the facility?

12b. Did you observe evidence or do you have any prior knowledge that any flooring, drains, or walls that are stained by substances other than water or are emitting foul odors have previously been located within the facility?

Stains (other than water stains) or foul odors may indicate leaks of hazardous substances of contaminants. Floor drains located within a building adjacent to hazardous substance storage areas or connected to an on-site disposal system (e.g., septic system) present a potential source of subsurface discharge of contaminants.

A preparer should *not* exclusively rely upon a prior ESA in supplying this information.

13a. If the property is served by a private well or nonpublic water system, is there evidence or do you have prior knowledge that contaminants have been identified in the well or system that exceed guidelines applicable to the water system?

13b. If the property is served by a private well or nonpublic water system, is there evidence or do you have prior knowledge that the well has been designated as contaminated by any government environmental or health agency?

Private wells and nonpublic water systems are not monitored daily for water quality as are municipal systems. If the system is private, it probably has been tested for contamination or evidence that it is free from contamination; the results of any such tests should be produced by the owner or occupant of the well. The preparer is not required to test the water system to conduct the transaction screen process.

A preparer should *not* exclusively rely upon a prior ESA in supplying this information.

14. Does the owner or occupant of the property have any knowledge of environmental liens or government notification relating to past or recurrent violations of environmental laws with respect to the property or any facility located on the property?

In most cases, the federal or state government will notify the property owner before filing a lien on the property. Sections 302, 311, 312, and 313 of EPCRA and other provisions of federal and state environmental laws establish reporting requirements with respect to businesses storing or using hazardous substances in excess of certain quantities. These businesses should be making periodic reports to a federal, state, or local environmental department, agency, or bureau. The government may periodically inspect such facilities to ensure compliance with environmental laws. In the event of a release of a reportable quantity within a 24-hour period (as defined in CERCLA and regulations promulgated pursuant to CERCLA), the person in charge of the facility is obligated to notify the EPA of the release. Any notification or response by any governmental entity will be in writing.

The information supplied in response to this question in a prior ESA may be used, provided it is updated to the present time.

15a. Has the owner or occupant of the property been informed of the past existence of hazardous substances or petroleum products with respect to the property or any facility located on the property?

15b. Has the owner or occupant of the property been informed of the current existence of hazardous substances or petroleum products with respect to the property or any facility located on the property?

15c. Has the owner or occupant of the property been informed of the past existence of environmental violations with respect to the property or any facility located on the property?

15d. Has the owner or occupant of the property been informed of the current existence of environmental violations with respect to the property or any facility located on the property?

Consider whether any environmental professionals familiar with hazardous substances or petroleum products have observed or determined that contamination existed on the property. Hazardous substances or petroleum products from the property may have affected soils, air quality, water quality, or otherwise affected structures located on the property.

The information supplied in response to this question in a prior ESA may be used, provided it is updated to the present time.

16. Does the owner or occupant of the property have any knowledge of any environmental site assessment of the property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the property or recommended further assessment of the property?

Copies of reasonably ascertainable prior ESAs of the property or any portion thereof should be obtained and examined to determine whether further action or inquiry is necessary in connection with any environmental problems raised by a prior ESA.

The information supplied in response to this question in a prior ESA may be used, provided it is updated to the present time.

17. Does the owner or occupant of the property know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum product involving the property ?

The Postal Service is not required to investigate this independently or to search records on file with a court or public agency in answering this question; this question is to be answered by the owners or occupants on the basis of their respective actual knowledge and review of reasonably ascertainable records in their possession.

The information supplied in response to this question in a prior ESA may be used, provided it is updated to the present time.

18a. Does the property discharge waste water on or adjacent to the property, other than stormwater into a stormwater sewer system?

18b. Does the property discharge waste water on or adjacent to the property, other than stormwater into a sanitary sewer system?

The owner and each occupant should be asked where drain traps lead and the purpose of drainage pipes at the facility. All drain traps and pipes should be examined and their endpoints should be determined. Any ditches or streams on or adjacent to the site should be observed for wastewater flow. Domestic sewage is not a CERCLA issue; the reference to wastewater does not include domestic sewage.

Some jurisdictions require facilities with a large roof or paved areas and construction sites to collect and divert runoff through a treatment process before discharging the stormwater runoff to municipal, separate storm sewer systems, or the waters of the United States. Such units often are called “stormwater treatment systems.” Oil/water separators are most often found outside a building under a manhole and require routine servicing to remove oil. Oil/water separators are usually in restaurants, repair garages, and service stations. If any such oil/water separators or treatment systems have been installed at the property since a prior ESA was conducted, the requested information must be supplied for each new installation.

To use the information supplied in response to this question in a prior ESA, the preparer must determine if there was any change in discharge practices at the facility since the prior ESA. If not, using information in the prior ESA is appropriate. If so, the information requested must be supplied for all new or changed discharge practices.

19. Did you observe evidence or do you have any prior knowledge that any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries, or any other waste materials have been dumped above grade, buried, and/or burned on the property?

Past waste disposal practices should be examined because they may have resulted in hazardous substances or petroleum products being released on the property. Does the property have any evidence of any mounds or depressions that suggest a disposal site?

To use the information supplied in response to this question in a prior ESA, the preparer must determine if there was any dumping, burying, or burning of such materials at the site since the prior ESA. If so, the information requested must be supplied for all such events happening since the prior ESA. If not, then using information in the prior ESA is appropriate.

20. Do any records exist indicating the presence of polychlorinated biphenyls (PCBs) for a transformer, capacitor, or any hydraulic equipment?

PCBs are regulated by TSCA, 15 U.S.C. 2601 et seq. In the absence of a release, PCBs are not regulated by CERCLA. The provisions of CERCLA apply if PCBs are released. Accordingly, if an affirmative

answer is obtained to this question, the further focus should be on whether there have been any instances of insulating oil leakage and, if so, whether these are suspected of being PCB-contaminated.

Elevators and auto lifts are often run by hydraulically controlled systems containing PCBs. If inspection or maintenance records for the elevator, capacitor, or other hydraulic equipment indicate that no release has occurred or that regular, scheduled maintenance has taken place and the machinery does not appear to be damaged or leaking, no further inquiry is required.

PCB containing transformers may have many different sizes and shapes. Transformers are to be registered pursuant to 40 CFR 761.30.

To use the information supplied in response to this question in a prior ESA, the preparer must determine if any transformers were installed at the site since the prior ESA that are not owned by a utility, cooperative, or association. If not, then using information in the prior ESA is appropriate, except that for any transformer identified in the prior ESA, the PCB status should be updated. If new transformers have been installed, their PCB status also should be verified.

21. Does the owner or occupant have any knowledge of any asbestos-containing materials or presumed asbestos-containing materials on any facility located on the property?

The owner and each occupant should be asked whether any facility now or formerly located on the property contains or contained asbestos or PACMs. PACM means thermal system insulation and surfacing material found in buildings constructed no later than 1980. Asphalt, vinyl, and other resilient flooring material installed no later than 1980 are also presumed to be asbestos containing. Building materials that are suspected of containing regulated concentrations of asbestos include cement pipes, cement wallboard, and cement siding; and asphalt and vinyl floor tile, floor backing, construction mastics, ceiling tiles, spray-applied and blown-in insulation, and roofing shingles, felt, and flashing. The owner and occupant should be asked to provide prior asbestos assessment reports and prior records of asbestos activities, if such exist. A preparer should not rely exclusively upon a prior asbestos assessment report in supplying this information.

F-2.2 Government Records and Historical Sources Inquiry

Information for questions 22–25 can be obtained from any national database supplier. One such national database firm is Environmental Data Resources, Inc. (EDR) at 800-352-0050. Following is the Internet address to EPA's home page: http://www.EPA.gov. This site will allow access to the Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS), the Resource Conservation Recovery Information System (RCRIS), and other environmental databases. Contact the FES for assistance in obtaining and/or interpreting a database.

22. Do any of the following federal government record systems list the property or any property within the circumference of these areas:

(a) National Priorities List — within 1.0 mile (1.6 kilometer (km))?

(b) CERCLIS List — within 0.5 mile (0.8 km)?

(c) RCRA corrective actions (CORRACTS) facilities — within 1.0 mile (1.6 km)?

(d) RCRA treatment, storage, and disposal (TSD) facilities — within 0.5 mile (0.8 km)?

The lists are described as follows:

- The National Priorities List (NPL) is a list compiled by EPA pursuant to CERCLA, 42 U.S.C. 9605(a)(8)(B), of properties with the highest priority for cleanup in accordance with EPA's hazard ranking system. See 40 CFR Part 300.
- CERCLIS is the list of sites compiled by EPA that EPA has investigated, or is currently investigating, for potential hazardous substance contamination for possible inclusion in the NPL.
- RCRA CORRACTS Facilities are those facilities which treat, store, and/or dispose of hazardous wastes on-site and at which corrective action is underway, as defined and regulated by RCRA.
- RCRA TSD Facilities are those facilities which treat, store, and/or dispose of hazardous waste and at which corrective action has not been required by EPA.

If the preparer elects to obtain the records directly from government agencies, those records typically must be obtained through a formal written request to the office within each agency that is responsible for maintaining the records or for responding to public requests for records. At the federal level, these requests are governed by the Freedom of Information Act (FOIA). FOIA requires a written request that identifies the site and geographic area for which the preparer needs the records (e.g., the address of the site and the appropriate city, county, or ZIP Code to be searched). The request should be directed to the FOIA officer for the regional EPA office responsible for the region in which the site is located. A list of the FOIA offices for each of the EPA regions may be obtained from the federal government or local library. The preparer should anticipate a response from the federal EPA offices no sooner than 4 to 8 weeks.

If the government information is obtained from a commercial service, the firm should provide assurances that its records stay current with the government agency record sources. Government information obtained from commercial sources may be considered current if the source updates the information at least every 90 days, or for information that is updated less frequently than quarterly by the government agency,

within 90 days of the date the government agency makes the updated information available to the public.

The information supplied in response to this question in a prior ESA may be used, provided it is updated to the present time.

23. Do any of the following state record systems list the property or any property within the circumference of these areas:

(a) List that is the state equivalent to NPL maintained by state environmental agency of hazardous waste sites identified for investigation or remediation — within approximately 1.0 mile (1.6 km)?

(b) List that is the state equivalent to CERCLIS maintained by state environmental agency of sites identified for investigation or remediation — within 0.5 mile (0.8 km)?

(c) Leaking Underground Storage Tank (LUST) List — within 0.5 mile (0.8 km)?

(d) Solid Waste/Landfill Facilities — within 0.5 mile (0.8 km)?

The lists are described as follows:

- The LUST list is a list of sites containing one or more underground storage tanks that have been identified as having leaked or are potentially leaking their contents into the ground or groundwater; these sites may be involved in a state cleanup program.
- The solid waste/landfill facilities list is a list of sites that accept, or have accepted in the past, waste of any kind for disposal on site. Solid waste/landfill facilities lists typically are obtained through a state office of solid waste management, which often is a division of the primary state environmental agency.

Although many states do not have specific freedom of information laws, if the preparer elects to obtain the records directly from government agencies, a similar written request for state records should be made to the primary state agency responsible for environmental regulation in that state. Typically, the office responsible for maintaining the records and for responding to requests for records is the same. Once again, the written request should identify the specific records requested and identify the site and geographic area for which the preparer needs the records. The state agency response will vary from state to state and agency to agency, but the preparer should anticipate a minimum of 4 weeks for a response.

In some cases, the request should be directed to a specific state office. For example, leaking underground storage tank requests should be made through either the state agency's groundwater management division, the state's fire marshall's office, or the state's emergency planning and management agency.

The identity of the state office to which the request should be made can be obtained by contacting the primary state environmental agency.

Also, there are publications listing agency sources for each state. The local public library may contain these publications.

24. Based on a review of fire insurance maps or consultation with the local fire department serving the property, are any buildings, or other improvements on the property or on an adjoining property, identified as having been used for any industrial use or uses likely to lead to contamination of the property?

The focus of this review is to determine whether any past use of the property suggests the presence of contamination associated with the property. If reasonably ascertainable, one of the two sources of data should be examined in the following order of preference: fire insurance maps showing the property or the local fire department serving the property. However, if the user has firsthand knowledge of the use of the property from the present back to 1940 or if the preparer interviewed disinterested people with such knowledge, then the preparer may eliminate this research effort and answer “not applicable” to the question. Additionally, the preparer may eliminate this research and answer not applicable if the preparer is unable to find appropriate sources of fire insurance maps or individuals at the local fire department for the property’s past use — after making a reasonable effort in good faith to locate such information or if the information is otherwise not reasonably ascertainable.

The preparer should obtain fire insurance maps from the period(s) not covered by the firsthand knowledge of the user or of those interviewed, beginning with when maps are first available for the area or when the area was first thought to be developed. At least two maps should be ordered at points in time separated by at least 10 years.

To obtain a fire insurance map for the property, contact:

SANBORN MAP COMPANY
629 FIFTH AVENUE
PELHAM NY 10803
914-738-1649

Additionally, fire insurance maps also may be available at public libraries, colleges, and local historical societies.

In examining a fire insurance map, only those areas shown in the given source need to be reviewed. For example, if a source covers a large area, only the area within approximately 1/8 mile (200 meters) of the property must be reviewed.

Fire insurance maps reviewed as part of a prior ESA do not need to be searched or reviewed again, but the preparer should make a reasonable effort to determine the uses of the property since the last use identified in a prior ESA.

25a. Does the database indicate the average radon level for the subject property county/ZIP Code? If so, record level: _____ pCi/l (picoCuries per liter).

25b. Has radon testing been conducted on the subject property?

25c. In what EPA radon zone is the subject property located?

Radon information is considered in the due diligence process for properties being considered for lease or purchase. Any data that is available from the property owner should be considered. Obtaining radon information entails review of the Department of Health database (by county or ZIP Code), maintained by EPA, which provides information on the number of residences and businesses tested in the area as well as the average and peak radon levels. The database should also indicate the EPA radon zone within which the property is located (zone 1, 2, or 3). This information can be ordered as part of the database. Contact the FES for assistance in obtaining and/or interpreting the database. Also, see related radon directives for guidance.

F-3 Terms Specific to the TSQ

adjoining properties — any real property or properties the border of which is contiguous with that of the property, or that would be contiguous or partially contiguous with that of the property, but for a street, road, or other public thoroughfare separating them.

aerial photographs — photographs taken from an airplane or helicopter.

appropriate inquiry — that inquiry constituting “all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice” as defined in CERCLA, 2 U.S.C. 9601(35)(B). This inquiry will provide a party to a commercial real estate transaction with the “innocent landowner” defense to CERCLA liability (42 U.S.C. 9601(A) and (B) and 9607(b)(3)), assuming compliance with other elements of the defense.

approximate minimum search distance — may include areas outside the property and is measured from the nearest property boundary. This term is used in lieu of “radius” to include irregularly shaped properties.

building department records — records of the local government in which the property is located indicating permission of the local government to construct, alter, or demolish improvements on the property. Often, building department records are located in the building department of a municipality or county.

commercial real estate — any real property except a dwelling or property with no more than four dwelling units exclusively for residential use (except that a dwelling or property with no more than four dwelling units exclusively for residential use is included in the term commercial real estate when it has a commercial function, as in the building of such dwellings for profit). The term commercial real estate includes but is not limited to undeveloped real property and real property used for industrial, retail, office, agricultural, other commercial, medical, or educational purposes; property used for residential purposes that has more than four residential dwelling units; and property with no more than four residential dwelling units for residential use when it has a commercial function, as in building such dwellings for profit.

commercial real estate transaction — transfer of title to, or possession of, real property or receipt of a security interest in real property, except that it does not include transfer of title to, or possession of, real property or the receipt of a security interest in real property with respect to an individual dwelling or building containing fewer than five dwelling units. It does not include the purchase of a lot or lots to construct a dwelling for occupancy by a purchaser. A commercial real estate transaction does not include real property purchased or leased by persons or entities in the business of building or developing dwelling units.

due diligence — the process of inquiring into the environmental characteristics of a parcel of commercial real estate or other conditions, usually in connection with a commercial real estate transaction. The degree and kinds of due diligence vary for different properties and differing purposes.

environmental audit — the investigative process to determine if the operations of an existing facility are in compliance with applicable environmental laws and regulations. The term environmental audit should not be used to describe this practice, although an environmental audit may include an environmental site assessment or, if prior audits are available, may be part of an environmental site assessment.

environmental professional — a person possessing sufficient training and experience necessary to conduct a site reconnaissance and interviews; and from the information generated by such activities, having the ability to develop conclusions regarding recognized environmental conditions in connection with the property in question. An individual’s status as an environmental professional may be limited to the type of assessment to be performed or to specific segments of the assessment for which the professional is responsible. The person may be an independent contractor or a postal employee.

environmental site assessment — the process by which the person or entity seeks to determine if a particular parcel of real property (including improvements) is subject to recognized environmental conditions. An ESA may include more inquiry than that constituting appropriate inquiry or, if not concerned about qualifying for the innocent landowner defense, less inquiry than that constituting appropriate inquiry. An ESA is different from and less rigorous than an environmental audit.

fill dirt — dirt, soil, sand, or other earth, obtained off-site, that is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property. It does not include material used in limited quantities for normal landscaping activities.

hazardous waste/contaminated sites — sites on which a release has occurred or is suspected to have occurred of any hazardous substance, hazardous waste, or petroleum products, and on which a release or suspected release has been reported to a government entity.

innocent landowner defense — the defense to CERCLA liability provided in 42 U.S.C. 9601(35) and 9607(b)(3). One of the requirements to qualify for this defense is that the party make “all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice.”

key site manager — the person identified by the owner of a property as having good knowledge of the uses and physical characteristics of the property.

local government agencies — those agencies of municipal or county government having jurisdiction over the property. Municipal and county government agencies include but are not limited to cities, parishes, townships, and similar entities.

LUST sites — state lists of leaking underground storage tank sites. Section 9003 (h) of Subtitle I of RCRA gives EPA and states, under cooperative agreements with EPA, authority to clean up releases from UST systems or require owners and operators to do so.

major occupants — those tenants, subtenants, or other persons or entities each of which uses at least 40 percent of the leasable area of the property; or any anchor tenant when the property is a shopping center.

obvious — that which is plain or evident; a condition or fact that could not be ignored or overlooked by a reasonable observer while visually or physically observing the property.

other historical sources — any sources that are credible and that identify past uses or occupancies of property. The term includes records in the files and/or occupants.

physical setting sources — sources that provide information about the geologic, hydrogeologic, hydrologic, or topographic characteristics of a property.

pits, ponds, and lagoons — man-made or natural depressions in a ground surface that are likely to hold liquids or sludge containing hazardous substances or petroleum products. The likelihood of such liquids or sludge being present is determined by evidence of factors associated with the pit, pond, or lagoon, including, but not limited to, discolored water, distressed vegetation, or the presence of an obvious wastewater discharge.

practically reviewable — information that is practically reviewable means that the information is provided by the source in a manner and in a form that, upon examination, yields information relevant to the property without the

need for extraordinary analysis of irrelevant data. The form of the information is such that the user can review the records for a limited geographic area. Records that cannot be feasibly retrieved by reference to the location of the property or a geographic area in which the property is located are not generally practically reviewable. When so much data is generated that it cannot feasibly be reviewed for its impact on the property, it is not practically reviewable. Most databases of public records are practically reviewable if they can be obtained from the source agency by the county, city, ZIP Code, or other geographic area of the facilities listed in the record system. Records that are sorted, filed, organized, or maintained by the source agency only chronologically are not generally practically reviewable. For large databases with many facility records (such as RCRA hazardous waste generators and registered underground storage tanks), the records are not practically reviewable unless they can be obtained from the source agency in the smaller geographic area of ZIP Codes. Even when information is provided by ZIP Code for some large databases, it is common for an unmanageable number of sites to be identified within a given ZIP Code. In these cases, it is not necessary to review the impact of all the sites that are likely to be listed in any given ZIP Code because that information would not be practically reviewable. In other words, when such data is generated that it cannot be feasibly reviewed for its impact on the property, it is not practically reviewable.

preparer — the person preparing the transaction screen questionnaire pursuant to this practice, who may be either the user or the person to whom the user has delegated the preparation.

prior assessment usage — standard historical sources reviewed as part of a prior environmental site assessment do not need to be searched for or reviewed again, but uses of the property since the prior environmental site assessment should be identified through standard historical sources or by alternatives to standard historical sources, to the extent such information is reasonably ascertainable.

publicly available — information that is publicly available means that the source of the information allows access to the information by anyone upon request.

reasonably ascertainable — information that is publicly available, obtainable from its source within reasonable time and cost constraints, and practically reviewable.

recognized environmental conditions — 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 *de minimis* 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.

recorded land title records — records of the fee ownership, leases, land contracts, easements, liens, and other encumbrances on or of the property recorded in the place where land title records are recorded for the local jurisdiction in which the property is located.

site visit — the visit to the property during which observations are made.

sources — standard environmental record sources include the following: federal NPL site list; federal CERCLIS list; federal RCRA TSD facilities list; federal RCRA generators list; federal Emergency Response Notification System (ERNS) list; state lists of hazardous waste sites; state landfill and/or solid waste disposal site lists; state LUST sites; and state registered UST lists. Additionally, local records that may be useful include: lists of landfill/solid waste disposal sites, hazardous waste and contaminated sites, registered USTs, records of emergency release reports (SARA), and contaminated public wells. Physical setting sources may be obtained from current USGS “7.5 minute topographic maps.” However, if conditions have been identified in which hazardous substances or petroleum products are likely to migrate to the property or from the property into the groundwater or soil, other additional physical setting sources may be obtained at the discretion of the environmental professional.

standard physical setting source — a current USGS 7.5 minute topographic map (if any) showing the area on which the property is located.

user — the party seeking to use the transaction screen process to perform an environmental assessment.

USGS 7.5 minute topographic map — a map available from or produced by the United States Geological Survey, entitled “USGS 7.5 minute topographic map,” which shows the property.

visually and/or physically observed — observations made by walking through a property and the structures located on it and observations made by a sense of smell, particularly observations of noxious or foul odors. (The term *walking through* is not meant to imply that disabled persons who cannot physically walk may not conduct a site visit; they may do so.)

zoning and land use records — records of the local government in which the property is located indicating the uses permitted by the local government in particular zones within its jurisdiction. The records may consist of maps and/or written records.

F-4 Acronyms and Abbreviations

ASTM	American Society for Testing and Materials
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980 (as amended, 42 U.S.C. 9601 et seq.)
CERCLIS	Comprehensive Environmental Response, Compensation and Liability Information System, maintained by EPA
CFR	*Code of Federal Regulations*
CORRACTS	corrective actions
EDR	Environmental Data Resources, Inc.
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act (also known as SARA Title III) (42 U.S.C. 11001 et seq.)
ERNS	Emergency Response Notification System
ESA	environmental site assessment (different than an environmental audit)
FES	facilities environmental specialist
FOIA	U.S. Freedom of Information Act (5 U.S.C. 552 et seq.)
kg	kilogram
km	kilometer
l	liter
LUST	leaking underground storage tank
NPL	National Priorities List
PACM	presumed asbestos-containing material
PCB	polychlorinated biphenyl
pCi/l	picoCuries per liter
RCRA	Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.)
RCRIS	Resource Conservation Recovery Information System
SARA	Superfund Amendments and Reauthorization Act of 1986 (amendment to CERCLA)
TSCA	Toxic Substances Control Act
TSD	treatment, storage, and disposal of hazardous waste (as defined and regulated by RCRA)
TSQ	*Transaction Screen Questionnaire*
U.S.C.	*United States Code*
USGS	U.S. Geological Survey
UST	underground storage tank

Exhibit F-2 (p. 1)

Example of Transaction Screen Questionnaire

UNITED STATES POSTAL SERVICE®

Transaction Screen Questionnaire

Proposed Action or Project:

Site Size:	Proposed Building Size:

Address *(No., Street, City, State, ZIP + 4)*

Answer the Questions Below to the Best of Your Knowledge.

Owner/Occupant Inquiry and Site Visit Observation	Information Source	Response Yes	No	Unk
1a. Is the property used for industrial purposes? Specify: _____	Owner/Occupants			
	Observation			
1b. Is any adjoining property used for industrial purposes? Specify: _____	Owner/Occupants			
	Observation			
2a. Did you observe evidence or do you have any prior knowledge that the property has been used for industrial purposes in the past? Specify: _____	Owner/Occupants			
	Observation			
2b. Did you observe evidence or do you have any prior knowledge that any adjoining property has been used for industrial purposes in the past? Specify: _____	Owner/Occupants			
	Observation			
3a. Is the property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?	Owner/Occupants			
	Observation			
3b. Is any adjoining property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?	Owner/Occupants			
	Observation			
4a. Did you observe evidence or do you have any prior knowledge that the property has been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?	Owner/Occupants			
	Observation			
4b. Did you observe evidence or do you have any prior knowledge that any adjoining property has been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?	Owner/Occupants			
	Observation			
5a. Are any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of greater than 5 gallons in volume or 50 gallons in the aggregate currently stored on or used at the property or at the facility?	Owner/Occupants			
	Observation			
5b. Did you observe evidence or do you have any prior knowledge that any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of greater than 5 gallons in volume or 50 gallons in the aggregate have previously been stored on or used at the property or at the facility?	Owner/Occupants			
	Observation			
6a. Are any industrial drums (typically, 55 gallons) or sacks of chemicals currently located on the property or at the facility?	Owner/Occupants			
	Observation			
6b. Did you observe evidence or do you have any prior knowledge that any industrial drums (typically, 55 gallons) or sacks of chemicals have previously been located on the property or at the facility?	Owner/Occupants			
	Observation			

PS Form **7499**, October 1997 *(Page 1 of 4)*

Exhibit F-2 (p. 2)
Example of Transaction Screen Questionnaire

Owner/Occupant Inquiry and Site Visit Observation *(Continued)*	Information Source	Response Yes	Response No	Response Unk
7a. Did you observe evidence or do you have any prior knowledge that fill dirt that originated from a contaminated site has been brought onto the property?	Owner/Occupants			
	Observation			
7b. Did you observe evidence or do you have any prior knowledge that fill dirt that is of an unknown origin has been brought onto the property?	Owner/Occupants			
	Observation			
8a. Are any pits, ponds, or lagoons in connection with waste treatment or waste disposal currently located on the property?	Owner/Occupants			
	Observation			
8b. Did you observe evidence or do you have any prior knowledge that any pits, ponds, or lagoons in connection with waste treatment or waste disposal have previously been located on the property?	Owner/Occupants			
	Observation			
9a. Is any stained soil currently on the property?	Owner/Occupants			
	Observation			
9b. Did you observe evidence or do you have any prior knowledge that any stained soil has previously been on the property?	Owner/Occupants			
	Observation			
10a. Are any registered or unregistered storage tanks (aboveground or underground) currently located on the property?	Owner/Occupants			
	Observation			
10b. Did you observe evidence or do you have any prior knowledge that any registered or unregistered storage tanks (aboveground or underground) have previously been located on the property?	Owner/Occupants			
	Observation			
11a. Are any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground currently located on the property or adjacent to any structure located on the property?	Owner/Occupants			
	Observation			
11b. Did you observe evidence or do you have any prior knowledge that any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground have previously been located on the property or adjacent to any structure located on the property?	Owner/Occupants			
	Observation			
12a. Are any flooring, drains, or walls that are stained by substances other than water or are emitting foul odors currently located within the facility?	Owner/Occupants			
	Observation			
12b. Did you observe evidence or do you have any prior knowledge that any flooring, drains, or walls that are stained by substances other than water or are emitting foul odors have previously been located within the facility?	Owner/Occupants			
	Observation			
13a. If the property is served by a private well or nonpublic water system, is there evidence or do you have prior knowledge that contaminants have been identified in the well or system that exceed guidelines applicable to the water system?	Owner/Occupants			
	Observation			
13b. If the property is served by a private well or nonpublic water system, is there evidence or do you have prior knowledge that the well has been designated as contaminated by any government environmental or health agency?	Owner/Occupants			
	Observation			
14. Does the owner or occupant of the property have any knowledge of environmental liens or governmental notification relating to past or recurrent violations of environmental laws with respect to the property or any facility located on the property?	Owner/Occupants			
15a. Has the owner or occupant of the property been informed of the past existence of hazardous substances or petroleum products with respect to the property or any facility located on the property?	Owner/Occupants			
15b. Has the owner or occupant of the property been informed of the current existence of hazardous substances or petroleum products with respect to the property or any facility located on the property?	Owner/Occupants			
15c. Has the owner or occupant of the property been informed of the past existence of environmental violations with respect to the property or any facility located on the property?	Owner/Occupants			

PS Form **7499**, October 1997 *(Page 2 of 4)*

Exhibit F-2 (p. 3)
Example of Transaction Screen Questionnaire

Owner/Occupant Inquiry and Site Visit Observation *(Continued)*	Information Source	Response Yes	No	Unk
15d. Has the owner or occupant of the property been informed of the current existence of environmental violations with respect to the property or any facility located on the property?	Owner/Occupants			
16. Does the owner or occupant of the property have any knowledge of any environmental site assessment of the property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the property or recommended further assessment of the property?	Owner/Occupants			
17. Does the owner or occupant of the property know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum product involving the property?	Owner/Occupants			
18a. Does the property discharge waste water on or adjacent to the property, other than stormwater into a stormwater system?	Owner/Occupants Observation			
18b. Does the property discharge waste water on or adjacent to the property, other than stormwater into a sanitary sewer system?	Owner/Occupants Observation			
19. Did you observe evidence or do you have any prior knowledge that any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries, or any other waste materials have been dumped above grade, buried, and/or burned on the property?	Owner/Occupants Observation			
20. Do any records exist indicating the presence of polychlorinated biphenyls (PCBs) for a transformer, capacitor, or any hydraulic equipment?	Owner/Occupants			
21. Does the owner or occupant have any knowledge of any asbestos-containing materials or presumed asbestos-containing materials on any facility located on the property?	Owner/Occupants			

(See Guide to TSQ, Appendix F, in Handbook RE-6 for information on database resources.)

Government Records and Historical Sources Inquiry	Response Yes	No
22. Do any of the following federal government record systems list the property or any property within the circumference of these areas:		
a. National Priorities List — within 1.0 mile (1.6 km)?		
b. CERCLIS List — within 0.5 mile (0.8 km)?		
c. RCRA CORRACTS Facilities — within 1.0 mile (1.6 km)?		
d. RCRA TSD Facilities — within 0.5 mile (0.8 km)?		
23. Do any of the following state record systems list the property or any property within the circumference of these areas:		
a. List that is the state equivalent to NPL maintained by state environmental agency of hazardous waste sites identified for investigation or remediation — within approximately 1.0 mile (1.6 km)?		
b. List that is the state equivalent to CERCLIS maintained by state environmental agency of sites identified for investigation or remediation — within 0.5 mile (0.8 km)?		
c. Leaking Underground Storage Tank (LUST) List — within 0.5 mile (0.8 km)?		
d. Solid Waste/Landfill Facilities — within 0.5 mile (0.8 km)?		

	Yes	No	N/A
24. Based on a review of fire insurance maps or consultation with the local fire department serving the property, are any buildings, or other improvements on the property or on an adjoining property, identified as having been used for any industrial use or uses likely to lead to contamination of the property?			
25a. Does the database indicate the average radon level for the subject property county/ZIP Code? If so, record level: _____ pCi/l.			

	Yes	No	N/A	Unk
25b. Has radon testing been conducted on the subject property?				

	1	2	3
25c. In what EPA radon zone is the subject property located? *(Check one)*			

PS Form **7499**, October 1997 *(Page 3 of 4)*

Exhibit F-2 (p. 4)

Example of Transaction Screen Questionnaire

General Information ***(The person preparing the Transaction Screen Questionnaire must complete and sign the following):***	
Completed By Name	Title
Firm	Telephone Number *(Include area code)*
Address *(No., Street, City, State, ZIP +4)*	
Date	Preparer's Relationship to the Postal Service *(For example, employee, agent, consultant)*
Name of Owner/Occupant Who Provided the Information	
Address *(No., Street, City, State, ZIP +4)*	
Telephone Number *(Include area code)*	Date
Name of Owner/Occupant Who Provided the Information	
Address *(No., Street, City, State, ZIP +4)*	
Telephone Number *(Include area code)*	Date
Copies of the Completed *Transaction Screen Questionnaire* Have Been Filed at:	
Copies of the Completed *Transaction Screen Questionnaire* Have Been Mailed or Delivered to:	

Preparer represents that, to the best of the preparer's knowledge, the above statements and facts are true and correct, and to the best of the preparer's actual knowledge, no material facts have been suppressed or misstated.

Signature	Date
Signature	Date
Signature	Date

Acknowledgment: This questionnaire was modified from ASTM Designation: E 1528-96, *Standard Practice for Environmental Site Assessments: Transaction Screening Process*.

PS Form **7499**, October 1997 *(Page 4 of 4)*

Appendix G

Acronyms and Abbreviations

ACBM	asbestos-containing building material
A-E	architect-engineer
AECC	area environmental compliance coordinator
ASM	*Administrative Support Manual*
AST	aboveground storage tank
ASTM	American Society for Testing and Materials
AVR	average vehicle ridership
BMP	best management practice
CAA	Clean Air Act
CATEX	categorical exclusion
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CFC	chlorofluorocarbons
CFR	*Code of Federal Regulations*
CO	carbon monoxide
CORRACTS	corrective actions
CSBBS	Customer Service and Sales Bulletin Board System
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
CZMP	Coastal Zone Management Plan
D&C	design and construction
DAR	Decision Analysis Report
DECC	district environmental compliance coordinator
DEIS	draft Environmental Impact Statement
EA	Environmental Assessment
EDR	Environmental Data Resources

EIS	Environmental Impact Statement
EMIS	Environmental Management Information System
EMP	Environmental Management Policy
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
ERNS	Emergency Response Notification System
ESA	environmental site assessment or Endangered Species Act
ETP	environmental transfer package
ETRP	employee trip reduction plan
FEIS	final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FES	facilities environmental specialist
FIRM	Flood Insurance Rate Map
FOIA	Freedom of Information Act
FONSI	Finding of No Significant Impact
FPO	Federal Preservation Officer
FPPA	Farmland Protection Policy Act
FSO	facilities service office
GMF	general mail facility
HUD	U.S. Department of Housing and Urban Development
ICA	Intergovernmental Cooperation Act
JOE	Justification of Expenditure
kg	kilogram
km	kilometer
l	liter
LBP	lead-based paint
LUST	leaking underground storage tank
MCL	maximum contaminant level
MFO	major facilities office
MI	management instruction
MMO	maintenance management order
NAAQS	National Ambient Air Quality Standards
NCL	new construction lease
NCO	new construction owned
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants

NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NO_x	nitrogen oxides
NOI	Notice of Intent
NOT	notice of termination
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
O_3	ozone
OFA	Office of Federal Activities
OSHA	Occupational Safety and Health Administration
P&DC	processing and distribution center
PACM	presumed asbestos-containing material
Pb	lead
PCB	polychlorinated biphenyl
PCES	postal career executive service
pCi/l	picoCuries per liter
PEA	Programmatic Environmental Assessment
PEIS	Programmatic Environmental Impact Statement
PM_{10}	particulate matter 10 microns or less in diameter
PMG	postmaster general
POTW	publicly owned treatment works
ppb	parts per billion
PRN	Postal Routed Network
QAR	quality assurance review
R&A	repair and alteration
RAM	realty asset manager
RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation Recovery Information System
REC	*Record of Environmental Consideration*
RES	real estate specialist
ROD	Record of Decision
SARA	Superfund Amendments and Reauthorization Act
SCRAM	Support Center for Regulatory Air Models
SCS	Soil Conservation Service

SDEIS	supplemental draft Environmental Impact Statement
SDWA	Safe Drinking Water Act
SHPO	State Historic Preservation Officer
SIP	State Implementation Plan
SLAQM	state or local air quality management
SO_X	sulfur oxides
SOW	statement of work
SPCC	Spill Prevention Control and Countermeasures
SPDES	State Pollutant Discharge Elimination System
SWP3	Stormwater Pollution Prevention Plan
TSCA	Toxic Substances Control Act
TSD	treatment, storage, and disposal
TSQ	*Transaction Screen Questionnaire*
TTN	Technology Transfer Network
USACE	U.S. Army Corps of Engineers
U.S.C.	*United States Code*
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
UST	underground storage tank
VMF	vehicle maintenance facility

Appendix H

Glossary

aboveground storage tank — a tank the volume of which (including any underground pipes connected to it) is less than 10 percent beneath the surface of the ground.

Advisory Council on Historic Preservation — a council that is responsible, pursuant to Section 106 of the National Historic Preservation Act, for reviewing and commenting on any federal agency undertaking that may affect a historic district, site, building, structure, or object that is included in, or eligible for inclusion in, the *National Register of Historic Places.*

aquifer — a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

aquifer recharge zone — the area from which an aquifer draws water. The aquifer recharge zone serves as a water source to replenish water. Lakes, rivers, and streams are examples of aquifer recharge zones.

architect-engineer (A-E) services — professional services by qualified firms in the realm of architecture and engineering. Included in this category are environmental consultants and underground storage tank consultants.

asbestos — a group of naturally occurring minerals that separate into fibers. Asbestos is considered a toxic material. Asbestos is often used in such materials as suspended ceilings, wallboard, flooring, asphalt roofing, sprayed-on fireproofing, and insulation. See friable asbestos.

attainment area — an area considered to have air quality as good as or better than the CAA's National Ambient Air Quality Standards.

Brownfields — abandoned, idled, or underused industrial or commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination.

categorical exclusion — proposed activities that are excluded from NEPA review if past experience shows no significant impacts. A proposed action must be based on a determination that the activity fits within a class listed and that there are no extraordinary circumstances.

characteristic hazardous waste — waste chemicals and materials that may be listed as hazardous or toxic by EPA or may be considered as such if they display one or more of the following characteristics: ignitable, corrosive, reactive, or toxic.

coastal zone — an area covering "the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches." (16 U.S.C. Section 1453(1))

Coastal Zone Management Area (CZMA) — a zone along coastal areas in which development may be restricted by state, regional, or local planning agencies.

conformity analysis determination (Clean Air Act) — an analysis that requires a federal entity to identify mitigation measures to reduce emissions, obtain permits if required, and comply with public noticing and participation requirements. A conformity determination is not necessary if potential project emissions are below the *de minimis* levels.

consistency determination — a process that requires "any federal agency . . . [that] undertakes any development project in the coastal zone of a state . . . [to] insure that the project is, to the maximum extent practicable, consistent with approved state management programs." (16 U.S.C. Section 1456(c)(2))

construction activities — activities that include construction of postal facilities; grading; filling; land clearing; placement of utility lines and/or structures; future planned expansion; placement of roadways, driveways, and parking lots; and placement of retention and detention basins.

contending sites — viable site possibilities that satisfy the operational alternatives.

Council on Environmental Quality — a group of three Presidentially appointed members who assist the President in preparing the annual *Environmental Quality Report* and analyzing environmental trends, federal programs, and federal activities. The CEQ was established by the National Environmental Policy Act of 1970.

critical habitats — specific areas within the geographical area occupied by the species on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and specific areas outside the geographical area occupied by the species if such areas are determined to be essential for the conservation of the species.

critical wetland — a wetland whose value is such that the USACE will not issue a Section 404 permit.

Decision Analysis Report — a document prepared by the requiring organization recommending an investment. The DAR defines the problem and details the need for the expenditure.

eligible for inclusion in the *National Register* — includes properties formally determined as such by the Secretary of the Interior and all other properties that meet the listing criteria of the *National Register of Historic Places.*

endangered species — a species “which is in danger of extinction throughout all or a significant portion of its range,” as stated in the Endangered Species Act.

Environmental Assessment — a concise public document that provides evidence and analyses of potential environmental impacts to determine whether a “major action” will result in “significant environmental impacts” and, as a result, require the preparation of an Environmental Impact Statement.

environmental contamination — presence of toxic substances or hazardous waste (petroleum, radon, gas, asbestos, or urea formaldehyde) in soil, surface waters, groundwater, stream sediments, surface or subsurface strata, and ambient air.

environmental services — professional environmental engineering services required to prepare an EA, EIS, Phase I ESA, site characterization, etc.

environmental specialist — person selected by the FSO or MFO manager to be the representative to carry out the requirements found in this guide.

excluded UST — an underground storage tank that does not have to meet the requirements of 40 CFR 280.

Facility Planning Concept — a preliminary planning tool that contains information on the functions to be performed in the proposed facility action and the corresponding effect on other functional units.

Finding of No Significant Impact — a concise public document that briefly presents reasons why an action will not have a significant impact on the human environment and reasons why an EIS will not be prepared.

floodplain — the lowland and relatively flat areas adjoining inland and coastal waters including, at a minimum, that area subject to a 1 percent or greater chance of flooding in any given year (also called the 100-year floodplain, the 100-year frequency, or the base flood).

floodproofing — the design or modification of individual structures and facilities, their sites, or their contents to protect against structural failure, to keep water out, or to reduce effects of water entry.

floodway — the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 100-year flood can be carried without substantial increases in flood heights.

floodway fringe — that area located between the floodway and the 100-year flood boundaries.

friable asbestos — asbestos material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

hazardous air pollutants — air toxins or air pollutants that may reasonably result in an increase in mortality or an increase in serious irreversible or incapacitating reversible illness. These pollutants are listed in Section 112(b)(1) of CAA.

hazardous material — a material that due to its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in serious, irreversible illness or pose a substantial hazard to human health, safety, and welfare or to the environment when improperly treated, stored, transported, used, or disposed.

hazardous substance — CERCLA defines it as follows: such elements, compounds, mixtures, solutions, and substances that if released into the environment, may present substantial danger to the public health or welfare or the environment. The term does not include petroleum.

historic coordinator — person selected by the FSO or MFO manager to be the representative to carry out the requirements imposed by Chapter 9 of *Handbook RE-1, Realty Acquisition and Management.*

historic property — any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the *National Register of Historic Places.* Includes artifacts, records, and remains that are related to and located within such properties.

hydric soils — soil or substrate that is at least periodically saturated with or covered by water.

important farmland — farmland, other than prime or unique farmland, that is of statewide or local importance for the production of food, feed, fiber, forage, or oilseed crops.

industrial discharge — discharge of pollutants from an industrial process.

Justification of Expenditure — used to provide approving authority with adequate information in order to make prudent business decisions. JOEs are used for investments below the DAR threshold.

Keeper of the *National Register* — person responsible for final determinations of eligibility for nomination to the *National Register of Historic Places* and acceptance or rejection of nominations to the register.

land use plan — the proposed or projected use of land resulting from zoning and planning studies. The plan usually is presented in map form, indicating areas in which it would be most desirable for commercial, residential, industrial, open space, and other types of usage to occur.

lead agency — the agency or agencies preparing or taking primary responsibility for the significant cooperation and support of a federal agency, but not including requests for appropriations. Only the agency having primary responsibility for the subject matter involved will prepare an EIS.

long-term impacts — impacts that occur during or after an action; they may take the form of delayed changes or changes resulting from the cumulative effects of many individual actions.

master plan — a comprehensive plan for the physical, social, economic, and environmental development of a municipality. It includes studies of land use and circulation and a report presenting the objectives, assumptions, standards, and principles that are embodied in the various interlocking portions of the plan.

methane — an odorless, explosive gas produced by the decay of organic substances. This gas is commonly found in landfills and sites where wetlands or marshes have been filled.

mitigation — either (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or (e) compensating for the impact by replacing or providing substitute resources or environments.

National Environmental Policy Act — federal law requiring the federal government to consider the environmental impacts of its actions.

national programs — projects that have a nationwide or at least regional scope for their implementation. Typically, such projects are developed at the Postal Service Headquarters.

National Register of Historic Places — a listing maintained by the National Park Service that identifies historic, architectural, and archaeological resources of the United States.

NEPA procedures — the steps that may include completing an EA and/or an EIS.

net square feet — the sum of all floor areas within the inside surface of the exterior building walls.

nonattainment area — an area in which one or more of the NAAQS are not being met.

non-point source — any source of water pollution or pollutants not associated with a discrete conveyance, including runoff from fields, forest lands, mines, and construction activity and saltwater intrusion.

notice of availability — a notice of the availability of an EA, impact studies, and FONSI documents.

Notice of Intent — a notice that an EA or EIA will be prepared and considered. The notice describes the proposed action and possible alternatives, describes the scoping process, and lists the name and address of a point of contact.

operations activities — actions including expansion and closure of postal operations, fleet operations and maintenance, mail distribution operations, or other operational activities that are programmatic.

point source — any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, vessel, or other floating craft, from which pollutants are discharged.

pollutant — dredged soil; solid waste; incinerator residue; filter backwash; garbage; sewage; sewage sludge; chemical wastes; biological materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural wastes discharged.

polychlorinated biphenyls — a category of oils used as dielectric fluids for electric transformers. These fluids, due to their high toxicity, are strictly controlled by EPA.

prime farmland — land that has the best combination of physical and chemical characteristics for producing agricultural crops with minimum inputs of fuel, fertilizer, pesticides, or labor and without intolerable soil erosion. Prime farmland includes land that is being used to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

putrescible waste — the decomposition of organic matter by bacteria, fungi, and oxidation, resulting in the formation of foul-smelling products.

radon — the radioactive gaseous element produced by the decay of the element radium occurring in air, water, soil, or other media.

real estate activities — actions that include leasing, acquiring, managing, developing, and disposing of real property, building construction, and facility expansion.

regulated substances — certain substances defined in Section 101(14) of CERCLA (but not including any substance regulated as a hazardous waste under Subtitle C); and petroleum, including crude oil, that is liquid at standard conditions of temperature and pressure.

scoping — identifying and properly studying problems during the EA and EIS processes. The scoping process should identify public and agency concerns, clearly define environmental issues and alternatives, and identify state and local agency requirements that must be addressed.

Section 106 process — the process required of federal agencies, State Historic Preservation Officers, the Advisory Council on Historic Preservation, and interested persons for complying with Section 106 of the National Historic Preservation Act.

sewage — the waste matter that passes through the sewage system.

short-term impacts — temporary environmentally significant changes occurring during or immediately following an action and usually persisting for a short while.

significant — under NEPA, an action that requires considerations of both *context* and *intensity* of the environmental affect:

> *Context* — the analysis in several segments such as society as a whole, the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance usually would depend on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.
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> *Intensity* — the severity of the impact, including the degree to which the impacts are likely to be highly controversial. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action.

single point of contact — a designated state agency or person to whom intergovernmental review notices are sent.

sole- or principle-source aquifer — an aquifer designated as the "sole" or principle source of drinking water for an area. Under SDWA, a sole-source designation enables EPA to review all actions receiving federal funding that could contaminate the water. EPA has authority to ensure that necessary precautions are observed during the actions.

solid waste — usage is confined to all solid waste excluding hazardous waste. The regulatory definition for solid waste, 40 CFR 261.2, is complex and detailed.

State Historic Preservation Officer — a state official responsible for reviewing undertakings that may affect historic properties included in or eligible for inclusion in the *National Register of Historic Places.*

State Implementation Plan — a document, prepared by a state and submitted to EPA for approval, that identifies actions and programs required by the state and its subdivisions to comply with CAA.

threatened species — a species "which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range," as stated in the Endangered Species Act.

underground storage tank — a tank the volume of which (including the underground pipes connected to it) is 10 percent or more beneath the surface of the ground. The Postal Service program for UST management is described in MI AS-550-95-9, *Underground Storage Tank Management.*

unique farmland — land other than prime farmland that is used for production of specific high-value food and fiber crops. Examples of such crops include citrus, tree nuts, olives, cranberries, fruits, and vegetables.

urea formaldehyde — a synthetic substance used for the insulation of buildings. This insulation is known to produce toxic gases within buildings.

UST maintenance responsibility — this refers to the responsibility to maintain the integrity of the UST system as well as to keep the system in compliance with EPA, state and local regulatory design standards.

UST operational responsibility — the daily responsibility for use of a UST. Responsibilities include, but are not limited to, securing appropriate operating permits and paying annual fees, conducting daily inventory measurements of products, conducting product reconciliation, maintaining pump meter accuracy, maintaining automated leak-detection systems, and reporting leaks or overfills to appropriate agencies.

waters of the United States — waters such as wetlands, lakes, rivers, streams, mud flats, sand flats, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, tributaries, and territorial seas.

wetland — an area that is “inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances [does] support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR Section 328.3(7)(b); 40 CFR Section 230.0(t)). Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

zoning map — a map providing a graphic depiction of the zones or districts within a municipality, region, or other area for which the zoning ordinance is applicable.