

J DOD Format for Finding of Suitability to Transfer/Lease

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AP3. APPENDIX 3

FORMAT FOR FINDING OF SUITABILITY TO TRANSFER/LEASE

AP3.1. FOST/FOSL

For matters specifically related to hazardous substances, petroleum products and other regulated materials (e.g., asbestos) on the property, authorized officials shall sign a FOST/FOSL summarizing how the applicable requirements and notifications for these substances and materials have been satisfied.

AP3.2. FOST OUTLINE

The following outline shall be followed for all DoD FOSTs and FOSLs:

AP3.2.1. Purpose

AP3.2.2. Property Description

AP3.2.3. Summary of Environmental Condition and Notifications (see Table AP3.T1)

AP3.2.4. Finding of Suitability to Transfer/Lease with Signature

AP3.2.5. Enclosures:

AP3.2.5.1. Site Map

AP3.2.5.2. References – Documentation Supporting the FOST/FOSL

AP3.2.5.3. Regulatory Comments and Comment Adjudication – Lists the regulatory agencies that commented on the FOST/FOSL, summarizes how the comments were adjudicated, and describes any issues for which the DoD Component may not agree. Comments may be attached as part of the enclosure.

AP3.3. FOST SECTIONS AND CONTENT

AP3.3.1. Purpose – The purpose of the FOST/FOSL is to “summarize how the requirements and notifications for hazardous substances, petroleum products and other regulated materials on the property have been satisfied.”

AP3.3.2. Property Description – This section should provide a brief description of the property being conveyed/leased, including acreage, current ownership/leasing, and buildings and utilities present. A legal description is not required.

AP3.3.3. Summary of Environmental Requirements and Notifications.

AP3.3.3.1. This section should summarize the actions and notifications taken to satisfy requirements related to hazardous substances, petroleum products and other regulated materials. The FOST/FOSL need not repeat information documented elsewhere, but should state the actions taken and provide references to other documents. This section will also summarize any deed/lease restrictions.

AP3.3.3.2. Table AP3.T1 provides the list of topics that shall be addressed. Summaries need only be provided for the topics checked “yes” in Table 1 (i.e., topics that are applicable for the property). If applicable, this section shall incorporate analysis of the environmental impacts caused by adjacent property conditions.

AP3.3.4. Finding of Suitability to Transfer/Lease and Signature – The following standard text shall be used:

AP3.3.4.1. FOST Language: Based on the information contained in this FOST, and the notices, restrictions, and covenants that will be contained in the deed, the property is suitable for transfer.

AP3.3.4.2. FOSL Language: Based on the information contained in this FOSL, the uses contemplated for the lease are consistent with the protection of human health and the environment, and there are adequate assurances that the United States will take all remedial action necessary with respect to any hazardous substance remaining on the property that has not been taken on the date of the lease. The property therefore is suitable for lease.

TABLE AP3.T1. Environmental Requirements and Notifications to Cover in FOST/FOSL

Applicable to Property?		<u>APPLICABLE TOPICS</u>
No	Yes	
		Presence of Hazardous Substances (Notification)
		CERCLA/RCRA (Response/Corrective Actions)
		Presence of Petroleum Products and Derivatives (Notification)
		UST/AST Storage Tanks (Closure/Removal)
		Munitions and Explosives of Concern – Response Actions
		Asbestos Containing Material (Abatement/Notification)
		Lead-Based Paint, Target Housing and Residential Property (Abatement/Notification)
		PCBs (Notification)