

ASTM E1527-13

Updated Phase I ESA Standard

Certified Professional Coffee

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- Replaces ASTM E1527-05
- All Appropriate Inquiry (AAI) Rule – U.S. EPA
 - Draft AAI rule considered allowing use of both ASTM standards
 - Final AAI rule no longer allows use of the old ASTM standard
- New ASTM standard is required when using federal brownfield grant money, including TBAs



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- Summary of Changes

- Definitions were revised or added
- Requires agency records review
- Requires consideration of potential indoor air impacts due to vapor intrusion
- *User responsibilities have been clarified*



- Covering First 3 Changes



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- How do these changes compare to VAP?
 - Current VAP rules?
 - Proposed VAP rules?



- TGC VA30006.09.005

Differences Between Phase I Assessment Requirements for the VAP and ASTM E1527-05 (All Appropriate Inquiry)



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- Revised definitions of key terms
 - Recognized Environmental Condition (REC)
 - Historical REC
- Key terms added or defined for first time
 - Controlled REC (only real new key term)
 - De minimis condition
 - Release
 - Environment



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- Recognized Environmental Condition (REC)
 - New definition is shorter and more streamlined, thus easier to understand
 - “Release” and “environment” are defined for first time, have same meaning as under CERCLA
 - New definition no longer mentions releases to structures
 - De minimis condition has been removed from definition of REC and is now its own definition



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- Recognized Environmental Condition (REC)
 - A REC is the presence or likely presence of any hazardous substance or petroleum products in, on, or at a property:
 - Due to release to the environment
 - Under conditions indicative of a release to the environment, or
 - Under conditions that pose a material threat of a future release to the environment



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- De minimis condition

- Not really a new definition, but defined for first time as a stand alone term
- Means a condition that does not threaten human health or environment and generally would not be subject to enforcement action
- Is not a REC in conclusion section for written report



Proposed VAP Changes

- De minimis release
 - Rely more on professional experience
 - Remove sampling requirements from rule
 - Retain four criteria from current rule:
 - Releases limited to surficial soil only,
 - Must be of a small quantity that is not considered a threat to human health or environment,
 - Releases are not a pattern of mismanagement or disposal, and
 - No more than 3 de minimis areas per acre



- Gets VAP closer to ASTM/AAI



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- Historical REC

- Past releases addressed to satisfaction of agency and meet standards for unrestricted residential use without the need for any land use controls

- Requires EP to consider whether historical REC should, in fact, be designated a REC under current regulatory standards
- Thus, a past release may need to be designated a current REC, if the past remediation does not satisfy current, more stringent regulatory criteria

- Is not a REC in conclusion section of written report



Proposed VAP Changes

- Areas previously addressed by other regulatory programs might not be IAs
 - No institutional or engineering controls
 - Documentation from other regulatory program that current residential standards are met
 - Size of investigation area, COCs, environmental media, and pathways must be consistent with current VAP
 - Closure or cleanup under BUSTR, Ohio EPA, or U.S. EPA
- Gets VAP closer to ASTM/AAI



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- Controlled REC
 - New concept and term
 - Past releases addressed to satisfaction of agency, but residual contaminants allowed to remain subject to required controls, e.g. engineering or institutional controls
 - Must be listed as REC in conclusion section of written report

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- Agency records review is now required
 - Intended to make Phase I ESAs more comprehensive
 - EP now required to review pertinent records of the subject property and adjoining property listed on state or federal databases to determine RECs, etc.
 - If EP determines records review is not warranted, justification for omitting review must be included in written report



Proposed VAP Changes

- Database search and records review
 - VAP has always required agency records review (can't opt out)
 - Current rule divides database search and records review into 2 groups
 - Property only
 - ½ mile surrounding the property
 - Proposed rule will divide database search and records review into 3 groups similar to ASTM
 - Property only
 - Property and adjoining property
 - Property and surrounding property – minimum distance ½ mile from property
- Gets VAP closer to ASTM/AAI



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- Consideration of vapor intrusion is required
 - Under ASTM E1527-05 vapor migration and its potential impact to indoor air was excluded from the Phase I scope
 - Definition of “migration” was revised to include migration of vapors, so vapor intrusion is now within the Phase I ESA scope
 - A full vapor intrusion screening per ASTM E2600-10 is not required as part of ASTM E1527-13



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- Conclusions

- TGC VA30006.09.005 needs to be updated
- VAP and ASTM/AAI are getting closer together, especially when proposed VAP rules are considered
 - REC & IA definitions
 - Historical REC
 - De minimis condition
 - Database search and agency records review
 - Vapor intrusion pathway



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- Questions

