

1  **Phase I Property Assessment**

OAC 3745-300-06

Certified Professional  
8-Hour Training

2  **Phase I Topics**

- Purpose
- End Result
- VAP Phase I vs. other ESAs
- Components of a VAP Phase I
- Role of Certified Professionals

3  **Purpose of Phase I Environmental Site Assessments**

- Lending institutions
- Price negotiations
- Document condition of property
- CERCLA liability protection

4  **Purpose of VAP Phase I**

- Characterize the site for participation in the VAP
- Address eligibility for participation in the VAP early

5  **Purpose (cont.)**

- Determine if there have been releases of hazardous substances/petroleum
- Similar to "Recognized Environmental Conditions"

6  **End Result of VAP Phase I Assessments**

- No releases or suspected releases identified, or
- Releases or suspected releases identified, recommendations for a Phase II

7  **No releases identified**

- Unlikely scenario
- If no reason to suspect contamination, process would not be started
- No release of liability would be pursued

8  **Friable asbestos/lead**

- No release to environmental media
- No other COCs on property
- CP must still demonstrate that abatement complies with applicable rules, laws.

9  **Technical Guidance Compendium**

- On VAP website
- Organized by rule number
- Archived also available for historic purposes

10  **Releases or suspected releases identified**

- Phase II would be recommended
- Identified areas must be discussed and depicted on figure
- Provides basis for Phase II Investigation

11  **Releases**

- On-site sources
- Off-site sources
- Current
- Historical
- Suspected

12  **Evaluating Historical Releases**

- Agency File Reviews
- Historical Environmental Reports
- Site Interviews
- Historic Release areas must be evaluated unless they meet the exception provision in the VAP rules

13  **Other Releases That Must Be Considered**

- Suspected Releases on Site
- Suspected Releases at Adjacent Properties

14  **VAP Phase I vs. other ESAs**

- Legal and site descriptions
- Ownership
- Eligibility
- Historic use
- Property inspection
- Reporting

15  **VAP Phase I additional requirements**

- CP must perform walkover for NFA
- Chain of Title
- Agency File Reviews
- Identified Areas
- Eligibility

16  **Use of Historic Phase I ESAs**

- Dated after December 16, 1996 must meet EPA rule requirements
- Completed prior to December 16, 1996 could be modified to meet requirements

17  **Pre-1996 ESAs**

- Separate Phase I must be conducted to address time between report and date NFA issued
- Must be included in historical review section of current Phase I

18  **Preliminary steps**

- Know property boundaries
- Legal descriptions essential in preparing NFA
- Obtain government files early

19  **Continuous history of use**

- Interviews
- Fire insurance and topo maps
- Aerial photos
- City directories
- property tax files,
- Land title, building department records

- ALSO chain-of-title
- 20  **History of environmental issues**
- Used to determine VAP eligibility
  - Must be continuous history
  - Current back to first commercial or industrial use
- 21  **Historic environmental reports**
- Phase I ESAs
  - Phase II investigations
  - Remediation reports
  - RCRA closure reports
  - UST closure reports
- 22  **Historic compliance reports**
- Historic compliance evaluations
  - Storm Water Pollution Prevention plans
  - Spill Prevention Control and Countermeasure plans
  - Contingency plans
  - Hazardous waste generator status
- 23  **Federal, state environmental databases**
- NPL
  - CERCLIS
  - RCRA
  - Ohio EPA spills database
  - BUSTR UST and LUST databases
  - ODNR oil/gas/water well log databases
- 24  **Agency file reviews**
- U.S. EPA
  - Ohio EPA
  - ODNR
  - BUSTR
  - SERC
  - LEPC
  - Local fire and health departments
- 25  **Interviews**
- Current and former site personnel
  - Clarify past operations and historic releases
- 26  **Release history**
- Must include details on current and historic release at/onto/beneath site
  - Historic releases must be evaluated with VAP protocol in mind
- 27  **Off-site properties**
- Search radius for report should be set at least ½ mile from the property
  - “Curb-side” inspection of adjacent and nearby properties
  - Review available environmental reports for off-site properties if necessary
- 28  **Property inspection**

- Assists in determining whether any releases have occurred or may have occurred on or beneath the property
- All interior and exterior portions of the property must be inspected
- Any physical obstructions that limited the visibility of conditions during the inspection must be identified

29  **Areas to inspect**

- All areas where hazardous substances and petroleum products are or have been located, used, or stored
- Pipes, drains, storm and sanitary sewer outfalls
- Spills, stressed vegetation, discolored soils

30  **Areas to inspect**

- Note topographic conditions, bodies of water
- Identify all migration conduits
- Inspect properties adjacent to site (without trespassing)

31  **Identified areas (IAs)**

- A location at a property where a release of hazardous substances or petroleum has or may have occurred
- Must be depicted on a figure and discussed in the Phase I Report
- Provide basis for Phase II

32  **Examples of IAs**

- Presence/former presence of UST(s) on-site
- Leaking UST property up-gradient of site
- Chemical/oil storage areas
- Presence/former presence of dry cleaner on-site

33  **Examples (cont.)**

- PCB-containing transformers
- Presence/former presence of a paint booth
- Staining or stressed vegetation not classified as *de minimus*
- Area addressed by another regulatory authority
- Listing in environmental database

34  **Exceptions to designating IAs**

- De minimus release - Similar to ASTM E1527-13
- Areas previously addressed by another regulatory program

35  **De minimus release**

- Release confined to surficial soil
- Must not have impacted groundwater, surface water, sediments, or sewers
- Small quantity that does not impact human health or the environment

36  **De minimus (cont.)**

- Not part of a pattern of mismanagement or disposal
- Limited to not more than three areas per acre

37  **Areas previously addressed by another regulatory program**

- Release addressed to most stringent standards
- No institutional or engineering controls
- Must fall under BUSTR, Ohio EPA or U.S. EPA jurisdiction

- 38  **Phase I report**
- Introduction – including intended use of property
  - Conclusions – any COCs and IAs identified
  - Maps
- 39  **Phase I report maps**
- USGS 7.5 minute topo map
  - Property map depicting site boundaries, structures, features
  - IA map
  - Map indicating any off-site properties with potential impact on site
- 40  **Additional Phase I report contents**
- Explanation of procedures
  - Summary of all relevant information
  - Summary of property eligibility
  - Any limitations or qualifications that impacted the Phase I
- 41  **Phase I report contents (cont.)**
- Recommendation whether NFA letter can be prepared or Phase II is necessary
  - Bibliography
  - Dated color photographs
  - Any appendices
- 42  **Role of CP**
- Information is complete and reliable in support of an NFA letter
  - Phase I was performed in accordance with the VAP requirements
  - Phase I was performed no more than 180 days prior to the date of the NFA
  - Site walkover
- 43  **Phase I update**
- Update and review chain of title.
  - Conduct property inspection to determine if any new releases have occurred.
  - Determine whether on or off site operations have caused a new release.
  - Identify any changes in the current or future land use of the property.
- 44  **Conclusion**
- Phase I is the initial and critical portion of VAP Process
  - A thorough and detailed Phase I Assessment can avoid surprises and headaches during subsequent stages of the VAP process