

I want to purchase a property that may be contaminated. How do I find out what problems I might encounter?

If you are looking to purchase a property that may be contaminated, you will want to have an environmental site assessment(s) performed by an experienced environmental consultant. Environmental site assessments are typically conducted in phases, and are used to determine whether a site is contaminated or not. A Phase I environmental assessment is a review of all the records and knowledge associated with the property's historical record to see if there is the potential for the presence of contamination. If the Phase I indicates there is a potential for contamination, then the assessment of the site proceeds to the next phase. A Phase II involves sampling of the site and will help determine: the extent of contamination; the types and probable sources of contamination the level of risk to humans and the environment associated with the contamination and whether the contamination needs to be cleaned up.

Performing these phased environmental site assessments will give you information to help you determine what kind of additional costs you will incur before you finalize the property purchase. In the case of a property that is contaminated, you want to find out how much it is likely to cost to clean it up before you buy it. An environmental site assessment that meets the requirements of the All Appropriate Inquiries (AAI) rules (click [here](#) - for more information on AAI); can limit your liability under the federal Superfund law. In addition, an environmental site assessment conducted in accordance with Ohio EPA's Voluntary Action Program (VAP) rules can be used as part of a no further action letter (NFA) when requesting a covenant not to sue (CNS) from the state. A VAP CNS, issued by Ohio EPA after a property completes a VAP cleanup, releases the owner (and anyone else with an interest in the property) from any future requirements to conduct additional investigation and cleanup on the property. For more information about the VAP, click [here](#) .