[SLIDE 1]Phase I Property Assessment

I will be presenting the Ohio EPA's protocol and requirements for performing a Phase I property assessment, or Phase I, under the VAP. Based upon the requirements to become a CP, you should already be familiar with the Phase I ESA process, as defined and performed under the ASTM guidelines. Therefore, I will not focus on the basics of performing Phase I ESAs. Instead I will focus on the key elements of the Phase I in the VAP. I am also assuming that you have read, or will in the near future read, the VAP rules in their entirety.

[SLIDE 2]We will look at the following elements of the Phase I:

- The purpose of the Phase I;
- The end result of the Phase I;
- How the Phase I differs from other Phase I ESAs;
- The use of historical reports in the VAP;
- Components of the Phase I; and
- The role of CPs.

[SLIDE 3]We will first look at the purpose. Phase I ESAs are performed for a variety of reasons ranging from:

- lending institution requirements for loans;
- price negotiation on a property;
- evaluating the real environmental liability of the property;
- documenting the condition of the property when you enter and when you terminate a lease; and
- to provide CERCLA liability protection.

[SLIDE 4]However, the purposes of the VAP Phase I is two-fold: The first is to characterize a site for participation in VAP. The second is to determine if there have been releases of hazardous substances or petroleum onto the site for determining the necessity and scope of a Phase II property assessment, or Phase II.

When a VAP Phase I is performed instead of the typical ASTM-standard Phase I ESA, it is obvious that the intent is to potentially take the site through the voluntary program for an eventual no further action and covenant not to sue. Therefore, it is critical that issues that may reveal the site or portions of the site to be ineligible for inclusion in the VAP be identified early.

This is usually accomplished during the Phase I process. For instance, an underground storage tank, or a UST, related issue may be identified during the Phase I. This issue would need to be addressed under the Bureau of Underground Storage Tank Regulations (BUSTR) program before that area of the site could be considered in the NFA letter. Likewise, a hazardous waste storage unit may need to go through proper closure under RCRA before this area can be included in the NFA.

Another portion of this training program will address eligibility issues. However, the important point to remember during the VAP Phase I process is to identify all eligibility issues so they can be addressed early in the VAP process.

[SLIDE 5]The second purpose of a VAP Phase I is to "determine whether there is reason to believe that any releases of hazardous substances or petroleum products have or may have occurred on, underlying, or are migrating onto or from the property."

For those well versed in the ASTM Phase I standard, the above definition is somewhat similar to the term "Recognized Environmental Conditions," or RECs. This is defined by ASTM as "the presence or likely presence of any hazardous substance 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 ground, groundwater, or surface water of the property".

[SLIDE 6]Next we will discuss the end result of the Phase I, which would be either:

- No releases or suspected releases identified; or,
- releases or suspected releases are identified with corresponding recommendations for conducting a Phase II.

[SLIDE 7]It is possible, although unlikely, that the result of the Phase I would indicate that there have been no releases of hazardous substances or petroleum products on the subject property or migrating onto or beneath the subject property from an off-site source. The reason that this is generally unlikely in a practical sense is that the purpose of the VAP is to prepare a no further action, or NFA letter and receive a covenant not to sue, or CNS for a property. If there is no reason to suspect that the property has environmental issues, then most property owners, developers, and lending institutions have little need to get closure from the state through this program.

[SLIDE 8]If friable or Category I asbestos is present at the property which could have resulted in a release to environmental media onsite, then compliance with the VAP applicable standards is required. Therefore, a Phase II would need to be performed.

If there are no other contaminants of concern or COCs at the property and no releases of asbestos to environment have been identified, then the CP can stop with the Phase I. However, if the property has a building which is undergoing demolition or renovation, and even if a release to environmental media has not occurred, the CP must still verify that the asbestos abatement activities have complied with all other applicable laws and rules.

Lead based paint is addressed similarly to asbestos: that is, if lead paint is released into environmental media, then VAP applicable standards must be met. If lead remediation at a property is taking place, then the volunteer must demonstrate compliance with any other appropriate rules and laws.

[SLIDE 9]The VAP has a compendium of technical guidance used by Ohio EPA in setting program guidance and facilitating NFA letter reviews and issuance of covenants to volunteers. These technical guidance documents are catalogued in a compendium entitled "Technical Guidance Compendium," or TGC, and is available online at the VAP website. The compendium is an excellent resource for CPs and volunteers seeking rule interpretations and program decisions on various aspects of the VAP. I encourage you to review the various technical guidance documents in this compendium. Please be aware that not all technical guidance documents found in the compendium are current. Some of the documents have been archived as a result of newer or better information or as a result of clarification of a rule or a rule change. The archived documents are presented in the compendium for information purposes and to maintain a logical order showing the development of a technical decision. Do not use the archived technical guidance documents to make decisions for your property or to advise your client or volunteer.

The issues of asbestos and lead discussed above are respectively addressed in TGC documents. If no releases have been identified, as defined above, then the CP, upon authorization from the volunteer, can complete the NFA letter for potential submittal to the Ohio EPA for a CNS.

[SLIDE 10]The more likely end result of the VAP Phase I would be that releases of hazardous substances have or may have occurred on or have migrated onto the subject property. Therefore, a Phase II would be recommended in one or more Identified Areas, or IAs, where these releases have or may have occurred. We will discuss IAs later in the presentation. These IAs must be discussed in the Phase I report and depicted on a figure. These IAs then provide the basis for performing a Phase II.

Releases could be from an on-site source; for example, on-site leaking containers, or from an off-site source that has or may have impacted the subject site property, such as an adjacent gas station with documented leaking USTs.

[SLIDE 11]Furthermore, these releases could be:

- A current release, examples of current releases being a leaking ASTs observed on the property during the site inspection of the Phase I, or the site currently being listed as a leaking UST site, or an adjacent property that is contaminating the subject site;
- A documented historical release; or,
- A suspected release.

[SLIDE 12]Even though there may be no indications of a current release, historical releases to the environment may be identified through agency file reviews, historical environmental reports, or through site interviews. Even if these issues have been investigated in the past and determined to be evaluated, they still may need to be labeled as IAs and evaluated during the VAP process. An example would be if the subject site had an historic release from a UST, and the area was investigated and remediated to below the applicable standards for commercial use under the BUSTR program. If the BUSTR report was supported by data from a laboratory that did not hold certification within the VAP at the time of analyses for the particular analytes, then the non-CL data must be confirmed with VAP CL data.

[SLIDE 13]Another way a release can be indicated at a subject site in the VAP Phase I process would be through suspected releases on-site, or at adjacent properties with the potential to impact the subject site. An example would be the presence or historic presence of a dry cleaning operation or vapor degreaser on site or at an off-site property that is located up-gradient from the subject site.

[SLIDE 14]Now we will discuss how the VAP Phase I differs from other Phase I ESAs. There is specific guidance and requirements in the Phase I Rule that must be followed in performing a Phase I. It is strongly recommended that, before and during the Phase I process the Phase I rule be reviewed as it pertains to legal and site descriptions, ownership, eligibility issues, historic uses and issues, property inspection requirements, and reporting requirements. This review will minimize the chances of missing any information required under the Phase I rule that could potentially jeopardize the issuance of the NFA letter or receipt of a CNS.

[SLIDE 15]In comparing the Phase I with the most commonly performed Phase I EAS (ASTM-1527-13), the following additional requirements must be performed to satisfy the Phase I rule:

1. The CP may not issue an NFA letter without performing a walk-over of the property; making a determination that the information in the Phase I is complete and reliable as it pertains to the Phase I rule, and all the required aspects of the Phase I rule have been addressed.
2. A chain-of-title must be performed.
3. Agency files must be reviewed as part of the Phase I including:
   * U.S. EPA files, Ohio EPA files,
   * Ohio Department of Natural Resource (ODNR) files for oil and gas wells and water wells,
   * BUSTR files,
   * Emergency Response files including the State Emergency Response Commission (SERC) and the Local Emergency Planning Commission (LEPC), and
   * local health department files.

   File reviews under the ASTM process are required unless justification for omitting the review of specific files is documented in the Phase I ESA report by the Environmental Professional. The VAP rules do not allow for opting out of the file reviews.
4. All IAs must be depicted on a map and discussed in the report. In addition, the following additional maps are required as part of the report:
   * a USGS 7.5-minute topographic map showing the property boundary;
   * a property map identifying structures, features and property boundary; and
   * a map showing all sites within ½-mile radius of the property.
5. Review of eligibility to participate in the VAP.

Unlike the ASTM 1527-13, and the AAI Phase I ESAs, the purpose of the VAP Phase I is not for establishing "Innocent Landowner Defense" under CERCLA.

[SLIDE 16]The Phase I Rule allows for the use of historic reports in some instances, as follows:

- Any Phase I ESA dated after December 16, 1996 used to support an NFA letter must meet the requirements of the current Phase I Rule. In other words, there is no provision that allows use of Phase I ESAs performed after this date not in accordance with the Phase I rule to be modified, amended, or supplemented to meet the requirements. The Phase I would have to be redone following the current Phase I Rules.
- Any Phase I ESA performed not as part of some voluntary action prior to December 16, 1996 could be modified to meet the requirements of the Phase I Rule.

[SLIDE 17]However, even if the older Phase I is amended, a separate Phase I must be completed in accordance with the Phase I Rule to address the time between the date of the historical report and the date the NFA will be issued.

- Furthermore, even if the pre-1996 report is supplemented or amended, it must still be included in the historical review section of the current Phase I to ensure that the CP has not missed any potential IAs or COCs that were apparent during the historical Phase I ESA, but may not have been detected during the current investigation. For example, extensive stained soil may have been noted in the historic Phase I ESA, but during the current Phase I the area is found to be paved with asphalt with no signs of contamination. This historic REC would have to be considered an IA.

The purpose of this portion of the presentation is not to train CPs or prospective CPs on how to perform a Phase I. I am assuming all of you have extensive experience in performing Phase I ESAs. The purpose is simply to highlight general requirements and any specific items required by VAP.

[SLIDE 18]The following preliminary steps should be performed BEFORE the Phase I is implemented:

- Make sure the boundaries of the property to be included in the Phase I are understood. This may seem like an obvious point, but there often has been misunderstanding on which portions of a site are to be included in a subsequent no further action. Legal descriptions

are essential in the preparation of an NFA, so property boundaries of the assessment should be fully understood at the beginning of the Phase I process.

- Obtain government files as soon as the project begins. There is generally a long lag time in obtaining government files, and these files often have significant bearing on the Phase I findings and potential eligibility issues. Ohio EPA prefers that Ohio EPA files are reviewed at the district offices and Central Office to ensure all the files are reviewed; as well as, at other agencies.

[SLIDE 19]As part of the VAP Phase I, a continuous history of the uses of the property must be determined, starting with current use and tracing back to when the property was first used for industrial or commercial use.

Historical use information can be obtained through the same variety of sources that are used when performing an ASTM Phase I ESA including:

- Interviews with facility personnel, especially those who have been associated with the site for many years;
- Sanborn (fire insurance) maps;
- Aerial photographs;
- City directories;
- Property tax files;
- land title records;
- building department records; and
- historical topographic maps.

In addition, unlike the ASTM standard, a review of the chain-of-title for the subject site must be obtained or performed to determine previous ownership and identifiable historic uses of the subject site.

[SLIDE 20]Not only must the historic use be identified for the subject site, but the history of environmental issues must be investigated to determine if there is, or has been, reason to suspect releases at the subject site, and to assist in determining if there are any VAP eligibility issues pertaining to the site. This portion of the Phase I process is critical, because, as in many cases, the current property evaluation may indicate no environmental issues, but the site may have a history of environmental issues that may or may not have been resolved.

This environmental history review must be a continuous review from current environmental issues back to first commercial/industrial use.

[SLIDE 21]This information is generally obtained through the following sources:

- Historic environmental reports performed by other consultants or in-house. These reports can include Phase I ESAs, Phase II Investigations, Remediation Reports, RCRA Closure Reports, UST Closure Reports, etc. An example would be a historic UST closure report that indicated the former presence of USTs on the property.
- **[SLIDE 22]**Historic environmental compliance reports or plans that might shed light on the historical environmental history of the site. These can include: historic compliance evaluations, Storm Water Pollution Preventions Plans (SWPPP), Spill Prevention Control and Countermeasure (SPCC) Plans, Contingency Plans, and Hazardous Waste Generator Status. While the purpose of the VAP Phase I is not to evaluate current or historical compliance with environmental regulations, an evaluation of this information can be used to shed light on the current and historical environmental history and to determine whether there is a likelihood of historic releases to the soil or groundwater at the subject site or whether the site is subject to compliance with any reporting obligations under other regulatory programs. One example would be the historic listing of the facility as a large quantity generator (LQG) of hazardous waste. This would obviously indicate hazardous waste was generated and potentially stored at the facility in a 90-day storage area that was subject to a generator closure. This storage area would be considered an IA in the VAP Phase I, and a generator closure would have to be completed for this area of the site to be eligible for the VAP and consideration in the NFA.
- **[SLIDE 23]**Review of federal and state environmental databases for listings regarding the subject site including: NPL, CERCLIS, RCRIS, Ohio EPA DERR, Ohio EPA Spills Database, BUSTR UST and LUST databases, and ODNR oil/gas/water well log databases. This information could be obtained by manually checking the individual databases; however, it is much more typical and easier to order a database search from a commercial database company. If ordering from a commercial database company, the data should always be evaluated thoroughly by the consultant to verify accuracy and how current the information is. For example, specific databases evaluated from a commercial database company are

updated quarterly to annually. Therefore, listings on the subject property and surrounding properties could be outdated. In addition, the consultant should always verify the distance, orientation, and topographic gradient of off-site properties of concern listed in the database in relation to the subject property.

- **[SLIDE 24]**Review of available files from the USEPA, Ohio EPA, ODNR, and BUSTR. A file review is performed based upon the findings of the database review. Files for apparently resolved issues (e.g. NFA from BUSTR or In Compliance Letter from Ohio EPA) should still be reviewed for accuracy and thoroughness.
- Review of files at the State Emergency Response Commission (SERC), the Local Emergency Planning Commission (LEPC), the local fire department, and the city or county health department should also be done to determine if there are or were sources of hazardous materials or petroleum products with the potential to impact the subject property.
- **[SLIDE 25]**Interviews with current and/or former site personnel who are knowledgeable about current or former environmental conditions at the subject site. Interviews with personnel who have worked at the subject facility for many years are often a good resource for information and in obtaining clarification of past operations and historic releases.

[SLIDE 26]The volunteer must include detailed information on current, recent, and historical releases of hazardous substances or petroleum at the subject site. This information is obtained from the same sources that would be used to obtain information on the environmental history of the site.

Details of the releases must be described in the Phase I report, including the material that was released, amount that was released, date of the release, the extent of contamination, and what measures were taken to clean up the material that was spilled, including any documentation as to the effectiveness of the clean up effort. This last point is very important, because in many instances site personnel have taken considerable effort to clean up an area where a spill had occurred, and either they did not know to collect confirmatory samples once remediation was complete or did not believe it was necessary, since, in their “judgment”, the contamination was removed.

[SLIDE 27]During the VAP Phase I Process an evaluation of off-site properties must also be made to determine if hazardous substances or petroleum products from the adjacent properties may have been released on, beneath, or migrated onto the subject site. This evaluation can be accomplished initially by reviewing the environmental database report that was obtained for the subject site. The search radius for off-site properties should be set at least at one-half mile from the subject property. In addition, a "curb-side" inspection of properties adjacent to and nearby the subject site should be performed, without entering onto these properties, to determine the condition of the properties and to identify any obvious indications of environmental impairment with the potential to impact the subject site.

Based upon the results of the database review, the inspection of these off-site properties, and the proximity and orientation to the subject site, further investigation may be necessary. This investigation would include a review of available environmental files for these properties from applicable local, state, and federal agencies for these off-site properties. The agency file review would assist in determining the extent of contamination, the potential of these properties to impact the subject site, and, if necessary, the design of a Phase II Property Assessment for the subject site.

[SLIDE 28]The property inspection is a critical component of the VAP Phase I Process. The site inspection assists in determining whether any releases of hazardous substances or petroleum products have or may have occurred on or beneath the subject site, or if adjacent properties are impacting the subject site with hazardous substances or petroleum.

It is important that the entire property, including all interior and exterior portions, is inspected. It is unacceptable to state that certain portions of the property were not accessible during the inspection and then assume that a portion of the site is not impacted. The consultant must identify in the Phase I report any physical obstructions that limited the visibility of conditions on the property during the site inspection. Furthermore, if extensive ground cover is present, for example, snow, that prohibits the evaluation of staining or petroleum on the ground, a re-inspection of the site may be warranted, if the CP has reason to believe there may have been releases in portions of the site.

[SLIDE 29]At a minimum, VAP requires the following areas to be inspected, evaluated, and discussed in the Phase I report:

- All areas where hazardous substances or petroleum products are or have been located, which would include current and historic locations of storage, usage, or transport of these substances. All past and present ASTs, UST systems, pipelines, production areas where chemicals are used, oil and gas wells, on-site landfills, lagoons, pits, wastewater treatment areas, oil and chemical storage areas, and RCRA satellite and 90-day storage areas must be inspected. The consultant must not only note the presence of these items, but also evaluate the condition of these items to determine the potential of any releases to the environment in these areas. Examples would be inspecting ports of existing USTs for product, cracks in the pavement in chemical storage areas, and staining around oil and gas wellheads and storage tanks.
- All pipes, drains, storm and sanitary sewer outfalls, and catch basins should be inspected for evidence of any releases to them.
- All areas of spills, stressed vegetation, discolored soils, or areas of filling. Also, note all points of unauthorized and permitted discharges.
- **[SLIDE 30]**Note the topographic conditions, both natural and manmade, at and surrounding the site. Also note all bodies of water on the site, both manmade and natural, including storm water retention basins, drainage channels, creeks, rivers, ponds, lakes, etc.
- Identify all migration conduits that chemical releases may enter, including: basements, sewers, utility lines, etc.
- Inspect properties adjacent to the subject site, without entering the properties, to determine potential sources of contamination that could impact the subject site.

[SLIDE 31]One of the main purposes of the VAP Phase I is to list and describe all IAs at the subject site. As mentioned earlier, an IA is defined in the Phase I Rule as "a location at a property where a release of hazardous substances or petroleum has or may have occurred".

Each of the IAs must be depicted on a figure and discussed in detail in the Phase I Report. These IAs in the Phase I will provide the basis for the Phase II Investigation. Each of the Areas can be redelineated or eliminated if the results of the Phase II support this action.

[SLIDE 32]Some examples of IAs in a Phase I would be:

- Presence or former presence of a UST onsite;
- Leaking UST property up-gradient of the site;

- Chemical and/or oil storage area;
- Presence or former presence of a dry cleaning facility on site or up-gradient of the site;
- **[SLIDE 33]**PCB-containing transformers onsite;
- Presence or former presence of a paint booth onsite;
- Staining on the ground or stressed vegetation not defined as de minimus. (De minimus will be covered later);
- An area previously addressed by another regulatory authority, such as a BUSTR regulated release, but was closed using standards inconsistent with current VAP standards (this will be covered later); or
- Listing of the site in an environmental database that may have indicated a release to soil or groundwater.

[SLIDE 34]The VAP has identified two exceptions when designating IAs. The first is de minimis releases and the second is for areas previously addressed by another regulatory authority.

The VAP has changed its rule requirements for de minimis releases to be more consistent with ASTM standard E1527-13.

[SLIDE 35]In order to demonstrate that a release is de minimus, VAP has established the following requirements:

- The release is confined to surficial soils on the property and the release from the de minimis area has not been released into surface water, sediments or ground water on or from the property. Surface waters would also include sewer lines – both storm and sanitary. Many times, small releases have occurred in an outdoor storage area in the immediate area of sewer catch basins. If the release appeared to have entered the sewer, it can no longer be considered de minimus.
- The release of hazardous substances or petroleum must have been a small quantity confined to a limited area of shallow depth of the soil surface that generally would not present a threat to human health, safety and the environment. For staining on pavement inside or outside a building, it is up to the CP to determine whether such a release has impacted environmental media.

- **[SLIDE 36]**The release was not part of a pattern of disposal or mismanagement. One way to determine if there has been mismanagement is to ascertain if the facility is operating within the guidelines of their Storm Water Pollution Prevention Plan (SWPPP), SPCC Plan, or Contingency Plan, if they are in place for the facility. Another way a CP can determine if there has been ongoing mismanagement is by looking at the overall housekeeping of the facility. A facility that is relatively clean and has all appropriate plans in place and is abiding by these plans is not as likely to have mismanagement issues as opposed to a facility that has poor housekeeping regarding the handling and management of hazardous substances and petroleum products and are not abiding by their existing plans.

A further stipulation that VAP places on de minimus areas is that there can be no more than three de minimus areas per acre. If there are more than three, a Phase II must be performed in accordance with the Phase II Rule. Although not necessarily warranted, the volunteer can investigate de minimus areas as part of a Phase II investigation. Investigating these de minimus areas may be advantageous when other IAs have to be investigated during the Phase II process. For example, significant staining may be noted around a gasoline dispensing island on site. It would make sense to collect shallow soil samples associated with the surface release while performing the subsurface investigation to evaluate any releases beneath the gasoline dispensing area.

A volunteer may elect to properly remediate these de minimus areas, for example by excavating surface soils and backfilling with clean material. However, documentation must be made to verify that the requirements for de minimus release have been met. For example, confirmatory sampling following excavation would be a good way to demonstrate the second point above. However, if an alleged de minimus release has impacted surface or groundwater, the area would still need to be investigated under the Phase II Rule, even though surficial soils were remediated.

[SLIDE 37]The second exception to designating IAs involves areas previously addressed by another regulatory program. To make this demonstration, the investigation or remediation of the areas where a release of hazardous substances occurred must have met the most stringent standards without the need for any land use restrictions or controls. However, documentation from the other regulatory program must be evaluated to determine whether

the release meets current unrestricted residential standards, or the equivalent. The other regulatory program must have addressed all potential constituents identified in the Phase I ESA, or the additional constituents from the release must be considered an IA. The size of the area, the environmental media and the pathways investigated by the other regulatory program must be consistent with what would have been investigated under the VAP, or the release must be considered an IA. Regulatory authorities accepted for this exception include closure or clean up under BUSTR, Ohio EPA, or U.S. EPA.

[SLIDE 38]Once all the information has been gathered, evaluated, and confirmed with site contacts, a detailed Phase I report must be prepared.

At a minimum, A Phase I report must include:

- An introduction - Besides the obvious information included in the introduction, the key points a volunteer must include in this section is a summary of the intended use of the property.
- Conclusions - The conclusion has to state whether there is reason to believe that any releases of hazardous substances or petroleum have or may have occurred on, beneath, or coming from the subject property. If there is reason to believe that releases have or may have occurred, the COCs and the IAs must be presented. This information will then provide the basis for the scope of work during the VAP Phase II process. These IAs could be re-evaluated or eliminated based upon the results of the Phase II.
- **[SLIDE 39]**The following maps/figures must be included in the Phase I report:
  * A current USGS 7.5 minute topographic map with the property depicted and surrounding significant features such as roads, surface water bodies and adjacent properties.
  * Property map clearly depicting the site boundaries and all significant structures and features of the site. If a portion of a site is to be considered for an NFA, the boundaries of the property must be clearly depicted on the map.
  * IAs map. This map must include all IAs that were presented in the conclusion section of the report. Areas considered to be de minimus or previously addressed by another regulatory program must also be depicted on the map.

* Area map. This map depicts all off-site properties within one-half mile of the subject site that were identified during the Phase I that have impacted or have the potential to impact the site.

- **[SLIDE 40]**In addition, the Phase I report must include the following:
  * Explanation of all procedures used during the Phase I;
  * Summary of all relevant information used to obtain the conclusions of the Phase I;
  * Summary of whether the property is eligible to participate in the VAP and any eligibility issues that need to be resolved prior to NFA issuance;
  * A statement of any limitations or qualifications that impacted the Phase I. It should be noted, however, that if there are limitations that prevent a proper evaluation of the subject site with regards to accurately and thoroughly complete the NFA letter, an additional site visit may be warranted to address these missed items.
  * **[SLIDE 41]**A recommendation stating that either an NFA letter can be prepared, or that a Phase II Assessment would be necessary to investigate the IAs;
  * A bibliography of References;
  * Dated color photographs depicting the current condition of the property; and
  * Any appendices. While the VAP does not dictate exactly what appendices must be included in the report, any information used to support and document the findings of the Phase I should be included.

[SLIDE 42]Finally, we will discuss the role of the CP during the Phase I process. If the CP intends to utilize the Phase I in support of an NFA letter for the property, the CP must ensure the following:

- That all the information in the Phase I is complete and reliable to the extent of supporting an NFA or in designing a Phase II Investigation scope of work;
- That the Phase I has been performed in accordance with the VAP requirements, as specified in the regulations;
- That the Phase I has been performed within 180 days of issuance of the NFA. This 180-day timeframe is not from the date of the Phase I, but the date of the site inspection, file reviews, and interviews.

[SLIDE 43]If this timeframe has been exceeded, a subsequent investigation (Phase I Update) must be performed to ensure that conditions have not changed since the performance of the original Phase I. The Phase I Update must include the following:

* Review and update of the chain of title;
* Property inspection performed by the CP to determine if any new releases have occurred since the time the Phase I was performed;
* Determination of whether on or off site operations have caused a new release or have changed in a way that has altered the regulatory compliance of the facility (e.g. eligibility issues, closure requirements, etc.);
* Any changes in the current or future land use of the property.

- Finally, that the CP has performed a walk-over of the property to make sure that the VAP requirements listed above have been met before issuing an NFA letter.

[SLIDE 44]The Phase I is the initial and critical portion of the entire VAP process. If the Phase I is not performed properly or incompletely, the next courses of action (Phase II and potential remediation) will likely be incomplete or inaccurate. Oversights made by the consultant during the Phase I process can cause real surprises and disappointments to the volunteer. The Phase I should not to be taken likely. I conclude by reiterating what I had stated at the beginning of this session – that it is very important that the persons doing the Phase I be fully aware of the Phase I and eligibility requirements in the VAP rules before beginning the Phase I. Thank you.