

Phase I Property Assessment

OAC 3745-300-06

Certified Professional
8-Hour Training

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Phase I Topics

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



Purpose of Phase I Environmental Site Assessments

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



Purpose of VAP Phase I

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



Purpose (cont.)

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



End Result of VAP Phase I Assessments

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



No releases identified

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



Friable asbestos/lead

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



Technical Guidance Compendium

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



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



Releases

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



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



Other Releases That Must Be Considered

- Suspected Releases on Site
- Suspected Releases at Adjacent Properties



VAP Phase I vs. other ESAs

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



VAP Phase I additional requirements

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



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



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



Preliminary steps

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



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



History of environmental issues

- Used to determine VAP eligibility
- Must be continuous history
- Current back to first commercial or industrial use



Historic environmental reports

- Phase I ESAs
- Phase II investigations
- Remediation reports
- RCRA closure reports
- UST closure reports



Historic compliance reports

- Historic compliance evaluations
- Storm Water Pollution Prevention plans
- Spill Prevention Control and Countermeasure plans
- Contingency plans
- Hazardous waste generator status



Federal, state environmental databases

- NPL
- CERCLIS
- RCRA
- Ohio EPA spills database
- BUSTR UST and LUST databases
- ODNR oil/gas/water well log databases



Agency file reviews

- U.S. EPA
- Ohio EPA
- ODNR
- BUSTR
- SERC
- LEPC
- Local fire and health departments



Interviews

- Current and former site personnel
- Clarify past operations and historic releases



Release history

- Must include details on current and historic release at/onto/beneath site
- Historic releases must be evaluated with VAP protocol in mind



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



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



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



Areas to inspect

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



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



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



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



Exceptions to designating IAs

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



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



De minimus (cont.)

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



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



Phase I report

- Introduction – including intended use of property
- Conclusions – any COCs and IAs identified
- Maps



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



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



Phase I report contents (cont.)

- Recommendation whether NFA letter can be prepared or Phase II is necessary
- Bibliography
- Dated color photographs
- Any appendices



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



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.



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

