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NEW STANDARD FOR PHASE I ENVIRONMENTAL SITE ASSESSMENTS

www.asti-env.com

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810.225.2800

West Great Lakes
616.957.5601

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ASTM E1527-13, The Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process was published by the American Society for Testing and Materials (All Appropriate Inquiry) the week of November 4, 2013 and replaces ASTM E1527-05.

Changes to the standard include an emphasis on User responsibilities, a revised definition of recognized environmental condition (REC) that includes subcategories, and inclusion of a vapor migration screening, as well as clarification on procedures for regulatory file reviews as follows.

- User responsibilities were initiated as part of ASTM E1527-05. ASTM E1527-13 further emphasizes these responsibilities by requiring the User to provide to the Environmental Professional (EP) the results of a search of liens and activity and use limitation (AULs) through a review of recorded land title records. Other User requirements regarding sales price, specialized knowledge, and commonly known or reasonably ascertainable records did not significantly change.

- ASTM standard E1527-13 revised the definition of a REC and HREC and added an additional term known as a CREC. The REC definition was revised to include the terms “in” and “at” a property (formerly only included “on” a property) and also refined the definition based on defining the terms “release” and “environment” as part of the standard. The HREC definition was revised to include only closures of investigations that meet residential cleanup criteria at the time of the investigation and under current residential closure standards. The CREC was added to address closures that do not meet residential cleanup criteria and may include Activity and Use Limitations including site use restrictions, engineering controls, or institutional controls. A CREC will be considered a REC in the conclusions section of the Phase I ESA report.

- Migration is defined in the new ASTM standard to include the term vapor. ASTM E1527-13 requires the inclusion of a vapor migration investigation by conducting Tier 1 non-invasive screening for potential vapor encroachment conditions (pVECs). ASTI will follow the ASTM E2600-10 standard when conducting such assessments. Sites identified up to 1/3-mile from the Property that may contain contaminants of concern (COCs) will be assessed through review of reasonably ascertainable records pertaining to the extent of contamination, area lithology including soil and groundwater conditions, and other factors that may affect migration of vapors. Vapor migration differs from vapor intrusion in that it refers to migration onto the property itself whereas intrusion refers to migration of vapors into a structure. However, if a vapor migration issue or pVEC is identified, this may ultimately lead to a vapor intrusion assessment, dependent on proposed use of the property.

Clarifications to regulatory file reviews were also included as part of ASTM E1527-13 that places an emphasis on a regulatory file review of the subject property and adjoining property database listings. ASTM E1527-13 does not require the review of these listings, but provides that justification for not reviewing these records be made by the EP and that significance of limitations/data gaps associated with lack of a review be clearly identified. Alternative sources can be used if sufficient information is obtained.

The EPA has not formally accepted the use of ASTM E1527-13; however, since its publication, it has become the general industry standard and it is anticipated that the EPA will formally recognize the standard within the upcoming months. It is advisable to consult with your lender regarding their requirements, as some will continue to use the ASTM E1527-05 standard. ASTI will conduct AAI inquiry using the ASTM E127-13 standard unless informed otherwise.

For more information, contact ASTI's Carey Kratz at ckratz@asti-env.com or 810.225.2800 ext. 222.