CHANGES TO THE ASTM PHASE I STANDARD

What to expect and why

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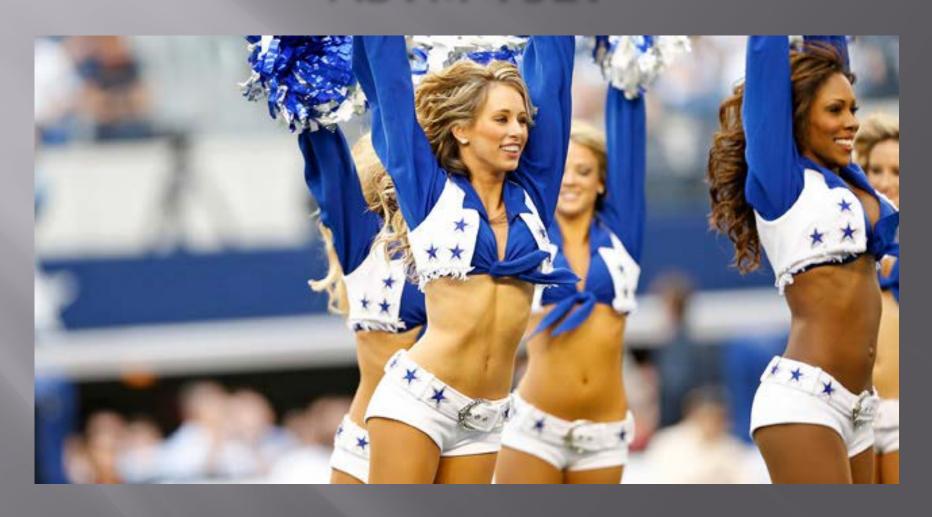


■ The reasons for the likely changes in ASTM-1527 in 2013

 A brief review of everything you already know about the Phase I Standard (Right?)

■ The likely changes in ASTM-1527

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ASTM requires a review of all standards every 8 years

The new standard has passed the general committee review, but still needs to be approved by ASTM as well as

the EPA's review re: All Appropriate Inquiry

ISSUES ON THE BURNER

- 1. Overall poor quality of reports, lack of consistency
- 2. Clarify REC and Historical REC
- Refine and clarify definitions for 'release'; 'environment'; and 'migration'
- 4. Make sure the right people are doing the User questionnaire right, right?
- 5. Clarify 'historical research' are agency file reviews always necessary?



More issues

- Incorrect use of 'deminimus'; has been used regularly for past contamination that has been closed by regulation
- 7. Historical REC's term being used for conditionally closed sites

Likely changes

1. Definition of Recognized Environmental Condition (REC)

Known release

Looks likely a release occurred

Threat of a release



What About Vapor?

- Soil Vapor is recognized as a type of contamination and so it needs to be addressed as a potential REC
- However, ASTM E-2600 does not specifically have to be used

More about REC's

- REC's no change
- HREC's to be used where there is no remaining restricted area
- CREC "Controlled" REC, where control conditions remain for the site

What about User's responsibilities??

 New questionnaire that is more specific about search for environmental liens and Activity/Use limitations

Regulatory files reviews

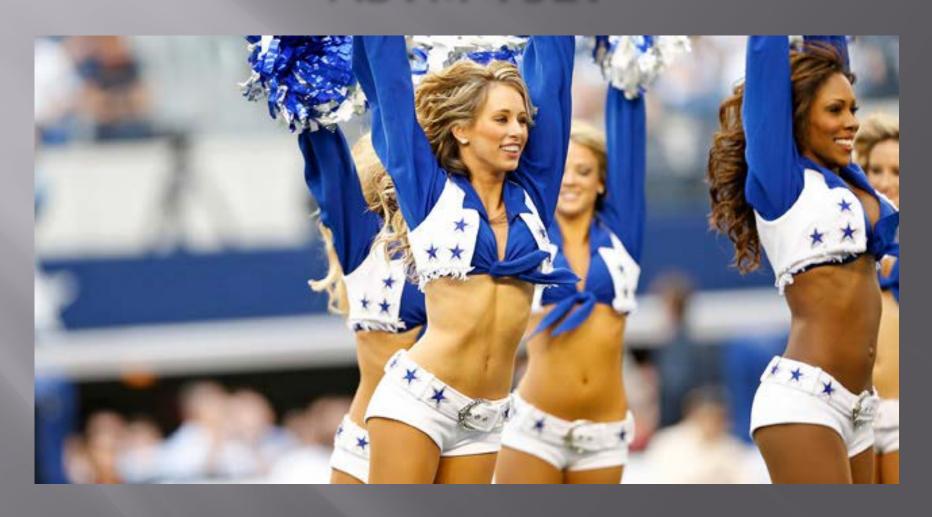
For subject site and adjacent properties – you don't have to make the visit…but if you don't

Why not?

A few things we all know perfectly well thank you

- First responsibility to identify REC's innocent landowner defense
- Environmental Professionals (EP's) need to, at minimum, plan site reconnaissance and interviews
- Recommendations are not required they are not part of the ASTM-1527 scope of work
- 180 shelf life of a Phase I the environmental consultant retirement clause

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Conclusion

- ASTM 1527 is going to change
- Might be a good idea to read the Standard thoroughly
- The USGA 7.5 Minute Topo remains king of all maps