

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
3. 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

6. Incorrect use of 'de minimus'; 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