



ASTM E 1527-13

Summary of Changes for Phase I ESAs

Georgia AWMA Meeting
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- Old definition of a REC in ASTM E 1527-05:
 - *“the presence or likely presence of any hazardous substances 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 the ground, ground water, or surface water of the property...”*
- New definition of a REC:
 - *“the presence or likely presence of any hazardous substances or petroleum products **in, on, or at** a property: (1) due to any **release** to the environment; (2) under conditions **indicative of a release** to the environment; or (3) under conditions that pose a **material threat of a future release** to the environment.”*

- Section 3.2.78, ASTM E1527-13, November 2013

Revised HREC Definition

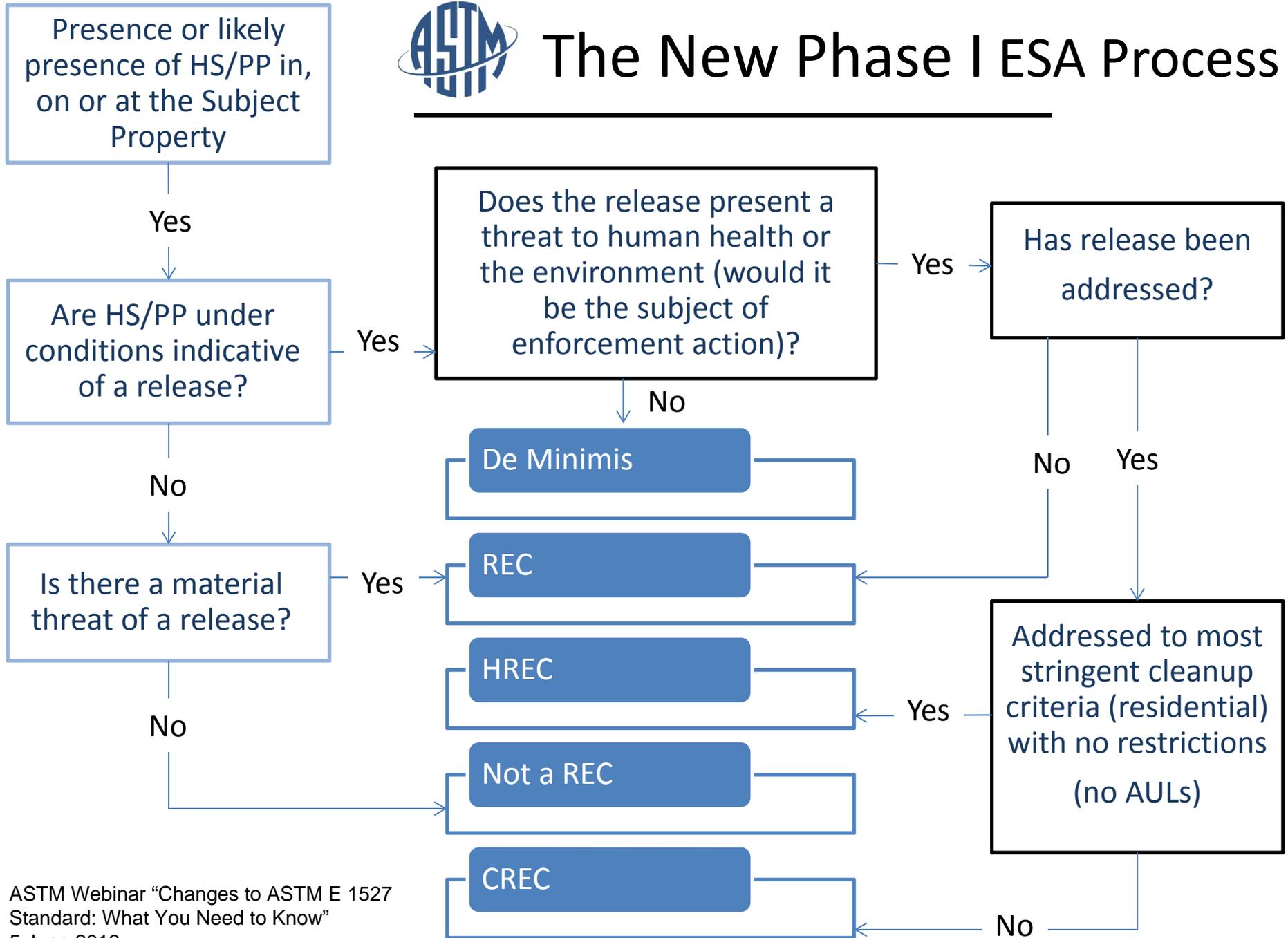
- Old definition of HREC in ASTM E1527-05:
 - *“an environmental condition which in the past would have been considered a REC, but which may or may not be considered a REC currently.”*
- New definition of HREC:
 - *“a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting **unrestricted** use criteria established by a regulatory authority, **without** subjecting the property to any required controls (for example, property use restrictions, AULs, institutional controls, or engineering controls).” Before calling the past release an HREC, the EP must determine whether the past release is a REC at the time the Phase I ESA is conducted (for example, if there has been a change in regulatory criteria)*

- Section 3.2.42, ASTM E1527-13, November 2013

- Addition of a new REC called Controlled REC (CREC):
 - *“a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been **addressed** to the satisfaction of the applicable regulatory authority (e.g., as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to **remain in place subject to the implementation of required controls** (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).”*
 - *A CREC shall be listed in the Findings Section of the Phase I ESA Report and as a REC in the Conclusions of the report*
 - Section 3.2.18, ASTM E1527-13, November 2013
 - Section 12.8, ASTM E1527-13, November 2013



The New Phase I ESA Process



- **Bottom Line:** Vapor migration must be considered no differently than contaminated groundwater migration
 - *“...’migrate’ and ‘migration’ refer to the movement of hazardous substances or petroleum products in any form, including, for example, solid and liquid at the surface or subsurface, and vapor in the subsurface...”*
 - Section 3.2.56, ASTM E1527-13, November 2013
 - *E1527-13 references E2600 as a method to assess vapor migration, but does not require E2600. For example, state or federal vapor intrusion guidance may come into play*
 - *Whichever method is used, soil vapor migration must be considered in the assessment and documented in the report*

- Regulatory file reviews **should** be conducted if the environmental database search identifies the target property or an adjoining property
 - *If the EP determines that such a file review is not warranted, justification **must** be provided in the Phase I ESA report*
 - *As an alternative, the EP may review on-site records, user-provided records, local government records, and interviews with regulators*
 - *Summary of information obtained from the review **shall** be included in the Phase I Report and EP **must include opinion** on the sufficiency of the information obtained*

REC/HREC/CREC? Examples Courtesy of Anthony Buonicore

- Target property is a shopping center that had source/soil contamination removed and State agency approved an MNA remedy that includes quarterly groundwater sampling that is currently being performed.
- **CREC:** Groundwater contamination exists above standards...previously classified as a REC but MNA remedy typically supported with risk assessment and State has added “restriction” (quarterly sampling) until in compliance with standards so a CREC

- Target property is a shopping center that was remediated 10 years ago with risk-based approach and State issued NFA. During course of current Phase I ESA, it was identified that vapor pathway was not evaluated during the prior risk-based cleanup.
- **REC:** Contamination still exists (since risk-based cleanup), VI not considered, NFA letter typically has re-opener for new information and VI concern represents new information

- Target property is an office complex that has been remediated to industrial/commercial soil and groundwater standards and State issued NFA with restriction that property use remains industrial/commercial.
- **CREC:** Contamination present that exceeds residential standards and use restrictions are in place

- A LUST on a property has been remediated (UST removed, impacted soil removed, and groundwater remediated to residential standards) and State issued NFA letter with no restrictions on use.
- **HREC**: No impacts exceed residential standards and property meets “unrestricted use” criteria in HREC definition

- Industrial-zoned property cleaned up to industrial/commercial standards and State issued NFA with no restrictions noted in the NFA letter.
- **CREC:** Contamination present above residential standards – even though property is zoned industrial and no restrictions it does not meet “unrestricted use” criteria for HREC

- A former dry cleaner is identified on a shopping center during a Phase I ESA being done to support a property transaction.
- **REC:** Assume PCE used in dry cleaning and based on professional experience the probability of a release is very high (“likely presence”)

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