

WELCOME

THE WEBINAR WILL BEGIN SOON



ASTM INTERNATIONAL

FINAL ASTM
E1527-21 Update!



FINAL ASTM **E1527-21 Update!**

Thursday, January 5, 2023
12:00 PM CST



Presenter



Julie Kilgore, Chair, ASTM E-1527 TASKFORCE

- President of Wasatch Environmental based out of Salt Lake City
- 25 years of experience in environmental assessment, investigation, remediation, and regulatory agency coordination
- Chairs the task group responsible for revising the E1527 Standard Practice for ESAs: Phase I ESA Process
- Served on the ASTM International Board of Directors
- Appointed by the EPA as an environmental professional representative on the regulatory negotiation Federal Advisory Committee to assist in developing the federal All Appropriate Inquiry regulation that ultimately adopted by reference the ASTM E1527-05 standard practice
- An incredibly bright and accomplished individual, a great friend of ERIS, and the entire environmental assessment and remediation industry!



Moderator



Scott Davis, SVP, Industry Engagement, ERIS

Implementing the New ASTM E1527-21 Phase I Environmental Site Assessment Standard Practice

January 2023

Julie Kilgore
President, Wasatch Environmental
E1527 Task Group Chair

E1527 Revision Drivers

- ▶ CERCLA and the All Appropriate Inquiries rule require that assessments be conducted “*consistent with good commercial and customary practice*”
- ▶ ASTM uses a consensus-based method among Users and Producers to develop a **consistent** process that is expected to result in a **consistent** deliverable.
- ▶ Inconsistencies in process and quality signaled the areas where the standard could be improved.
- ▶ Review of recent litigation and claims also provided insight for areas where the standard could be improved.

ASTM Revision Process

- ASTM global requirement: All standards be revisited no later than once every eight years to ensure market relevance
- E1527 Task Group formally convened Feb 2018
- Extensive balloting process completed and revised standard published in 2021
- Once E1527 is published, ASTM submits notification to EPA that a new standard is available
- This same process is followed for the E2247 Phase I ESA for Forestland or Rural Property

EPA Regulatory Process

- For E1527 (and E2247), once EPA is formally notified by ASTM that a new or updated standard is available, EPA can begin the formal approval process of referencing that standard as a tool for complying with the All Appropriate Inquiries regulation
- EPA proposed a “direct final rule” to reference the updated standard
- If no comments are received, a direct rule can immediately go into affect.
- If comments are submitted, EPA withdraws the direct rule and proceeds with addressing comments

This is the normal process

and

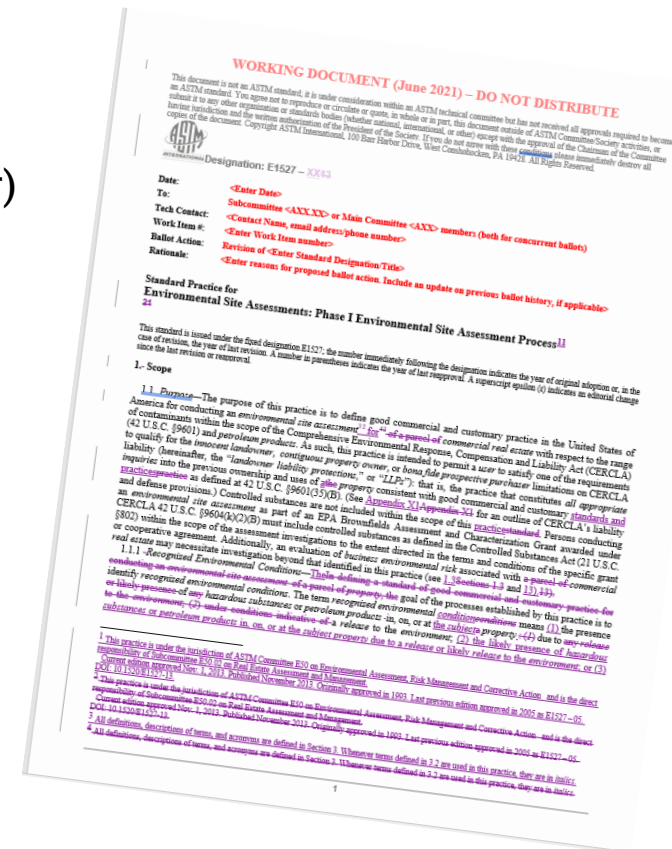
the same process that took place when E1527-13 was published

Availability

- ▶ E1527-21 Published November 2021
- ▶ Available through [astm.org](https://www.astm.org) (redline also available)
- ▶ E1527-13 now a “historical standard”
- ▶ EPA has issued a final rule stating that the E1527-21 standard, effective 2/13/2023
- ▶ EPA will remove reference to E1527-13 after one year to “provide parties with an adequate opportunity to complete AAI investigations that may be on-going and to allow all parties sufficient notice to become familiar with the updated industry standard”

Key Changes

- Revised Definitions (stronger, clearer)
- Guidance Language (“Discussion”)
- Historical Research
- Site Reconnaissance
- Report
- Appendices



What the Heck is a REC?

Recognized Environmental Condition (REC) definition reworded:

1. **Presence** of HS or PP due to a release to the environment
2. **Likely** presence of HS or PP due to a release or **likely** release to the environment, or
3. Presence of HS or PP under conditions that pose a **material threat** of a future release to the environment

What is “Likely”?

New Note added to the REC Definition:

“Likely” is that which is neither certain nor proved, but can be expected or believed by a reasonable observer based on the logic and/or experience of the environmental professional, and/or available evidence, as stated in the report to support the opinion given therein.

REC vs HREC vs CREC

- ▶ **Recognized Environmental Conditions:**
 - Presence or likely presence of a release . . . to the environment
- ▶ **Historical Recognized Environmental Condition (revised in 2013)**
 - Past releases affecting the subject property, addressed to unrestricted use
 - Must consider current regulatory framework (rules change)
 - HRECs are not RECs
- ▶ **Controlled Recognized Environmental Condition (introduced in 2013)**
 - Past releases affecting the subject property, addressed to anything above unrestricted use
 - CRECs are a subset of RECs (meets the “presence” test) and must be included in the conclusions section of the report

REC vs HREC vs CREC

- ▶ If there is residual contamination **present** at concentrations above unrestricted use criteria, that condition, by definition, will be either a REC (not yet fully addressed) or a CREC (fully addressed and controls understood).
- ▶ If there is residual contamination **present** at concentrations above unrestricted use criteria, that condition cannot by definition, be an HREC.

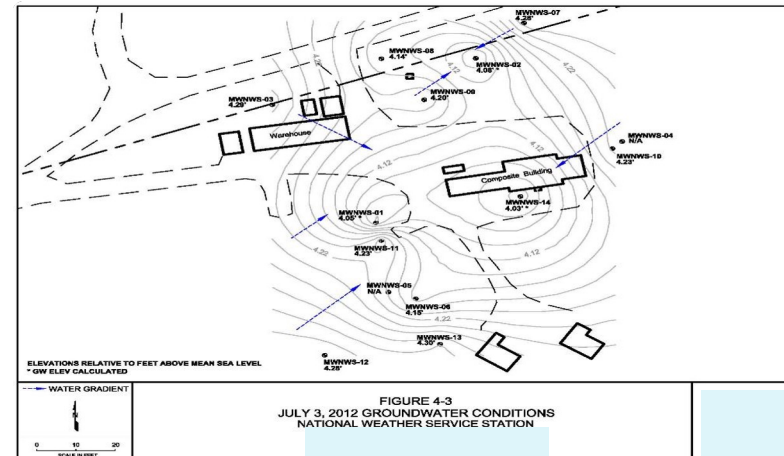
New Definition: Property Use Limitation

- ▶ Not a new concept. E1527-13 states
“... controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)”
- ▶ Task Group replaced “property use restrictions” (not previously defined) with “property use limitations” (now defined)”
- ▶ E1527-21: PUL defined broadly to capture a wide variety of risk-based mitigation end points:
“limitation or restriction on current or future use of a *property* in connection with a response to a *release*, in accordance with the applicable regulatory authority or authorities that allows *hazardous substances* or *petroleum products* to remain in place at concentrations exceeding unrestricted use criteria.”

Physical Setting Review

- ▶ Include physical setting source information obtained from agency file reviews

BOREHOLE LOG										BOREHOLE NO. xxx-BH01	
Project		Date		Strata (Level or)		Ge-ology (N. or S. or O.)		Sheet			
Contractor		Drawn by		Checked by		Reviewed by		Scale			
SAMPLER & TESTS											
Depth (m)	Type	Test	Time	Result	Remarks	STRATA DESCRIPTION					
0.00-1.50	SPT	1-4	10	10	10	0.00-1.50 loose light grey brown silty fine to medium grained SAND (TOPIC).					
1.50-3.00	SPT	5-8	10	10	10	1.50-3.00 loose grey brown silty clayey fine to medium grained SAND.					
3.00-4.50	SPT	9-12	10	10	10	3.00-4.50 loose grey brown silty clayey fine to medium grained SAND.					
4.50-6.00	SPT	13-16	10	10	10	4.50-6.00 loose grey brown silty clayey fine to medium grained SAND.					
6.00-7.50	SPT	17-20	10	10	10	6.00-7.50 loose grey brown silty clayey fine to medium grained SAND.					
7.50-9.00	SPT	21-24	10	10	10	7.50-9.00 loose grey brown silty clayey fine to medium grained SAND.					
9.00-10.50	SPT	25-28	10	10	10	9.00-10.50 loose grey brown silty clayey fine to medium grained SAND.					
10.50-12.00	SPT	29-32	10	10	10	10.50-12.00 loose grey brown silty clayey fine to medium grained SAND.					
12.00-13.50	SPT	33-36	10	10	10	12.00-13.50 loose grey brown silty clayey fine to medium grained SAND.					
13.50-15.00	SPT	37-40	10	10	10	13.50-15.00 loose grey brown silty clayey fine to medium grained SAND.					
15.00-16.50	SPT	41-44	10	10	10	15.00-16.50 loose grey brown silty clayey fine to medium grained SAND.					
16.50-18.00	SPT	45-48	10	10	10	16.50-18.00 loose grey brown silty clayey fine to medium grained SAND.					
18.00-19.50	SPT	49-52	10	10	10	18.00-19.50 loose grey brown silty clayey fine to medium grained SAND.					
19.50-21.00	SPT	53-56	10	10	10	19.50-21.00 loose grey brown silty clayey fine to medium grained SAND.					
21.00-22.50	SPT	57-60	10	10	10	21.00-22.50 loose grey brown silty clayey fine to medium grained SAND.					
22.50-24.00	SPT	61-64	10	10	10	22.50-24.00 loose grey brown silty clayey fine to medium grained SAND.					
24.00-25.50	SPT	65-68	10	10	10	24.00-25.50 loose grey brown silty clayey fine to medium grained SAND.					
25.50-27.00	SPT	69-72	10	10	10	25.50-27.00 loose grey brown silty clayey fine to medium grained SAND.					
27.00-28.50	SPT	73-76	10	10	10	27.00-28.50 loose grey brown silty clayey fine to medium grained SAND.					
28.50-30.00	SPT	77-80	10	10	10	28.50-30.00 loose grey brown silty clayey fine to medium grained SAND.					
30.00-31.50	SPT	81-84	10	10	10	30.00-31.50 loose grey brown silty clayey fine to medium grained SAND.					
31.50-33.00	SPT	85-88	10	10	10	31.50-33.00 loose grey brown silty clayey fine to medium grained SAND.					
33.00-34.50	SPT	89-92	10	10	10	33.00-34.50 loose grey brown silty clayey fine to medium grained SAND.					
34.50-36.00	SPT	93-96	10	10	10	34.50-36.00 loose grey brown silty clayey fine to medium grained SAND.					
36.00-37.50	SPT	97-100	10	10	10	36.00-37.50 loose grey brown silty clayey fine to medium grained SAND.					
37.50-39.00	SPT	101-104	10	10	10	37.50-39.00 loose grey brown silty clayey fine to medium grained SAND.					
39.00-40.50	SPT	105-108	10	10	10	39.00-40.50 loose grey brown silty clayey fine to medium grained SAND.					
40.50-42.00	SPT	109-112	10	10	10	40.50-42.00 loose grey brown silty clayey fine to medium grained SAND.					
42.00-43.50	SPT	113-116	10	10	10	42.00-43.50 loose grey brown silty clayey fine to medium grained SAND.					
43.50-45.00	SPT	117-120	10	10	10	43.50-45.00 loose grey brown silty clayey fine to medium grained SAND.					
45.00-46.50	SPT	121-124	10	10	10	45.00-46.50 loose grey brown silty clayey fine to medium grained SAND.					
46.50-48.00	SPT	125-128	10	10	10	46.50-48.00 loose grey brown silty clayey fine to medium grained SAND.					
48.00-49.50	SPT	129-132	10	10	10	48.00-49.50 loose grey brown silty clayey fine to medium grained SAND.					
49.50-51.00	SPT	133-136	10	10	10	49.50-51.00 loose grey brown silty clayey fine to medium grained SAND.					
51.00-52.50	SPT	137-140	10	10	10	51.00-52.50 loose grey brown silty clayey fine to medium grained SAND.					
52.50-54.00	SPT	141-144	10	10	10	52.50-54.00 loose grey brown silty clayey fine to medium grained SAND.					
54.00-55.50	SPT	145-148	10	10	10	54.00-55.50 loose grey brown silty clayey fine to medium grained SAND.					
55.50-57.00	SPT	149-152	10	10	10	55.50-57.00 loose grey brown silty clayey fine to medium grained SAND.					
57.00-58.50	SPT	153-156	10	10	10	57.00-58.50 loose grey brown silty clayey fine to medium grained SAND.					
58.50-60.00	SPT	157-160	10	10	10	58.50-60.00 loose grey brown silty clayey fine to medium grained SAND.					
60.00-61.50	SPT	161-164	10	10	10	60.00-61.50 loose grey brown silty clayey fine to medium grained SAND.					
61.50-63.00	SPT	165-168	10	10	10	61.50-63.00 loose grey brown silty clayey fine to medium grained SAND.					
63.00-64.50	SPT	169-172	10	10	10	63.00-64.50 loose grey brown silty clayey fine to medium grained SAND.					
64.50-66.00	SPT	173-176	10	10	10	64.50-66.00 loose grey brown silty clayey fine to medium grained SAND.					
66.00-67.50	SPT	177-180	10	10	10	66.00-67.50 loose grey brown silty clayey fine to medium grained SAND.					
67.50-69.00	SPT	181-184	10	10	10	67.50-69.00 loose grey brown silty clayey fine to medium grained SAND.					
69.00-70.50	SPT	185-188	10	10	10	69.00-70.50 loose grey brown silty clayey fine to medium grained SAND.					
70.50-72.00	SPT	189-192	10	10	10	70.50-72.00 loose grey brown silty clayey fine to medium grained SAND.					
72.00-73.50	SPT	193-196	10	10	10	72.00-73.50 loose grey brown silty clayey fine to medium grained SAND.					
73.50-75.00	SPT	197-200	10	10	10	73.50-75.00 loose grey brown silty clayey fine to medium grained SAND.					
75.00-76.50	SPT	201-204	10	10	10	75.00-76.50 loose grey brown silty clayey fine to medium grained SAND.					
76.50-78.00	SPT	205-208	10	10	10	76.50-78.00 loose grey brown silty clayey fine to medium grained SAND.					
78.00-79.50	SPT	209-212	10	10	10	78.00-79.50 loose grey brown silty clayey fine to medium grained SAND.					
79.50-81.00	SPT	213-216	10	10	10	79.50-81.00 loose grey brown silty clayey fine to medium grained SAND.					
81.00-82.50	SPT	217-220	10	10	10	81.00-82.50 loose grey brown silty clayey fine to medium grained SAND.					
82.50-84.00	SPT	221-224	10	10	10	82.50-84.00 loose grey brown silty clayey fine to medium grained SAND.					
84.00-85.50	SPT	225-228	10	10	10	84.00-85.50 loose grey brown silty clayey fine to medium grained SAND.					
85.50-87.00	SPT	229-232	10	10	10	85.50-87.00 loose grey brown silty clayey fine to medium grained SAND.					
87.00-88.50	SPT	233-236	10	10	10	87.00-88.50 loose grey brown silty clayey fine to medium grained SAND.					
88.50-90.00	SPT	237-240	10	10	10	88.50-90.00 loose grey brown silty clayey fine to medium grained SAND.					
90.00-91.50	SPT	241-244	10	10	10	90.00-91.50 loose grey brown silty clayey fine to medium grained SAND.					
91.50-93.00	SPT	245-248	10	10	10	91.50-93.00 loose grey brown silty clayey fine to medium grained SAND.					
93.00-94.50	SPT	249-252	10	10	10	93.00-94.50 loose grey brown silty clayey fine to medium grained SAND.					
94.50-96.00	SPT	253-256	10	10	10	94.50-96.00 loose grey brown silty clayey fine to medium grained SAND.					
96.00-97.50	SPT	257-260	10	10	10	96.00-97.50 loose grey brown silty clayey fine to medium grained SAND.					
97.50-99.00	SPT	261-264	10	10	10	97.50-99.00 loose grey brown silty clayey fine to medium grained SAND.					
99.00-100.50	SPT	265-268	10	10	10	99.00-100.50 loose grey brown silty clayey fine to medium grained SAND.					
100.50-102.00	SPT	269-272	10	10	10	100.50-102.00 loose grey brown silty clayey fine to medium grained SAND.					
102.00-103.50	SPT	273-276	10	10	10	102.00-103.50 loose grey brown silty clayey fine to medium grained SAND.					
103.50-105.00	SPT	277-280	10	10	10	103.50-105.00 loose grey brown silty clayey fine to medium grained SAND.					
105.00-106.50	SPT	281-284	10	10	10	105.00-106.50 loose grey brown silty clayey fine to medium grained SAND.					
106.50-108.00	SPT	285-288	10	10	10	106.50-108.00 loose grey brown silty clayey fine to medium grained SAND.					
108.00-109.50	SPT	289-292	10	10	10	108.00-109.50 loose grey brown silty clayey fine to medium grained SAND.					
109.50-111.00	SPT	293-296	10	10	10	109.50-111.00 loose grey brown silty clayey fine to medium grained SAND.					
111.00-112.50	SPT	297-300	10	10	10	111.00-112.50 loose grey brown silty clayey fine to medium grained SAND.					
112.50-114.00	SPT	301-304	10	10	10	112.50-114.00 loose grey brown silty clayey fine to medium grained SAND.					
114.00-115.50	SPT	305-308	10	10	10	114.00-115.50 loose grey brown silty clayey fine to medium grained SAND.					
115.50-117.00	SPT	309-312	10	10	10	115.50-117.00 loose grey brown silty clayey fine to medium grained SAND.					
117.00-118.50	SPT	313-316	10	10	10	117.00-118.50 loose grey brown silty clayey fine to medium grained SAND.					
118.50-120.00	SPT	317-320	10	10	10	118.50-120.00 loose grey brown silty clayey fine to medium grained SAND.					
120.00-121.50	SPT	321-324	10	10	10	120.00-121.50 loose grey brown silty clayey fine to medium grained SAND.					
121.50-123.00	SPT	325-328	10	10	10	121.50-123.00 loose grey brown silty clayey fine to medium grained SAND.					
123.00-124.50	SPT	329-332	10	10	10	123.00-124.50 loose grey brown silty clayey fine to medium grained SAND.					
124.50-126.00	SPT	333-336	10	10	10	124.50-126.00 loose grey brown silty clayey fine to medium grained SAND.					
126.00-127.50	SPT	337-340	10	10	10	126.00-127.50 loose grey brown silty clayey fine to medium grained SAND.					
127.50-129.00	SPT	341-344	10	10	10	127.50-129.00 loose grey brown silty clayey fine to medium grained SAND.					
129.00-130.50	SPT	345-348	10	10	10	129.00-130.50 loose grey brown silty clayey fine to medium grained SAND.					
130.50-132.00	SPT	349-352	10	10	10	130.50-132.00 loose grey brown silty clayey fine to medium grained SAND.					
132.00-133.50	SPT	353-356	10	10	10	132.00-133.50 loose grey brown silty clayey fine to medium grained SAND.					
133.50-135.00	SPT	357-360	10	10	10	133.50-135.00 loose grey brown silty clayey fine to medium grained SAND.					
135.00-136.50	SPT	361-364	10	10	10	135.00-136.50 loose grey brown silty clayey fine to medium grained SAND.					
136.50-138.00	SPT	365-368	10	10	10	136.50-138.00 loose grey brown silty clayey fine to medium grained SAND.					
138.00-139.50	SPT	369-372	10	10	10	138.00-139.50 loose grey brown silty clayey fine to medium grained SAND.					
139.50-141.00	SPT	373-376	10	10	10	139.50-141.00 loose grey brown silty clayey fine to medium grained SAND.					
141.00-142.50	SPT	377-380	10	10	10	141.00-142.50 loose grey brown silty clayey fine to medium grained SAND.					
142.50-144.00	SPT	381-384	10	10	10	142.50-144.00 loose grey brown silty clayey fine to medium grained SAND.					
144.00-145.50	SPT	385-388	10	10	10	144.00-145.50 loose grey brown silty clayey fine to medium grained SAND.					
145.50-147.00	SPT	389-392	10	10	10	145.50-147.00 loose grey brown silty clayey fine to medium grained SAND.					
147.00-148.50	SPT	393-396	10	10	10	147.00-148.50 loose grey brown silty clayey fine to medium grained SAND.					
148.50-150.00	SPT	397-400	10	10	10	148.50-150.00 loose grey brown silty clayey fine to medium grained SAND.					
150.00-151.50	SPT	401-404	10	10	10	150.00-151.50 loose grey brown silty clayey fine to medium grained SAND.					
151.50-153.00	SPT	405-408	10	10	10	151.50-153.00 loose grey brown silty clayey fine to medium grained SAND.					
153.00-154.50	SPT	409-412	10	10	10	153.00-154.50 loose grey brown silty clayey fine to medium grained SAND.					
154.50-156.00	SPT	413-416	10	10	10	154.50-156.00 loose grey brown silty clayey fine to medium grained SAND.					
156.00-157.50	SPT	417-420	10	10	10	156.00-157.50 loose grey brown silty clayey fine to medium grained SAND.					
157.50-159.00	SPT	421-424	10	10	10	157.50-159.00 loose grey brown silty clayey fine to medium grained SAND.					
159.00-160.50	SPT	425-428	10	10	10	159.00-160.50 loose grey brown silty clayey fine to medium grained SAND.					
160.50-162.00	SPT	429-432	10	10	10	160.50-162.00 loose grey brown silty clayey fine to medium grained SAND.					
162.00-163.50	SPT	433-436	10	10	10	162.00-163.50 loose grey brown silty clayey fine to medium grained SAND.					
163.50-165.00	SPT	437-440	10	10	10	163.50-165.00 loose grey brown silty clayey fine to medium grained SAND.					
165.00-166.50	SPT	441-444	10	10	10	165.00-166.50 loose grey brown silty clayey fine to medium grained SAND.					
166.50-168.00	SPT	445-448	10	10	10	166.50-168.00 loose grey brown silty clayey fine to medium grained SAND.					
168.00-169.50	SPT	449-452	10	10	10	168.00-169.50 loose grey brown silty clayey fine to medium grained SAND.					
169.50-171.00	SPT	453-456	10	10	10	169.50-171.00 loose grey brown silty clayey fine to medium grained SAND.					
171.00-172.50	SPT	457-460	10	10	10	171.00-172.50 loose grey brown silty clayey fine to medium grained SAND.					
172.50-174.00	SPT	461-464	10	10	10	172.50-174.00 loose grey brown silty clayey fine to medium grained SAND.					
174.00-175.50	SPT	465-468	10	10	10	174.00-175.50 loose grey brown silty clayey fine to medium grained SAND.					
175.50-177.00	SPT	469-472	10	10	10	175.50-177.00 loose grey brown silty clayey fine to medium grained SAND.					
177.00-178.50	SPT	473-476	10	10	10	177.00-178.50 loose grey brown silty clayey fine to medium grained SAND.					
178.50-180.00	SPT	477-480	10	10	10	178.50-180.00 loose grey brown silty clayey fine to medium grained SAND.					
180.00-181.50	SPT	481-484	10	10	10	180.00-181.50 loose grey brown silty clayey fine to medium grained SAND.					
181.50-183.00	SPT	485-488	10	10	10	181.50-183.00 loose grey brown silty clayey fine to medium grained SAND.					
183.00-184.50	SPT	489-492	10	10	10	183.00-184.50 loose grey brown silty clayey fine to medium grained SAND.					
184.50-186.00	SPT	493-496	10	10	10	184.50-186.00 loose grey brown silty clayey fine to medium grained SAND.					
186.00-187.50	SPT	497-500	10	10	10	186.00-187.50 loose grey brown silty clayey fine to medium grained SAND.					
187.50-189.00	SPT	501-504	10	10	10	187.50-189.00 loose grey brown silty clayey fine to medium grained SAND.					
189.00-190.50	SPT	505-508	10	10	10	189.00-190.50 loose grey brown silty clayey fine to medium grained SAND.					
190.50-192.00	SPT	509-512	10	10	10	190.50-192.00 loose grey brown silty clayey fine to medium grained SAND.					
192.00-193.50	SPT	513-516	10	10	10	192.00-193.50 loose grey brown silty clayey fine to medium grained SAND.					
193.50-195.00	SPT	517-520	10	10	10	193.50-195.00 loose grey brown silty clayey fine to medium grained SAND.					
195.00-196.50	SPT	521-524	10	10	10	195.00-196.50 loose grey brown silty clayey fine to medium grained SAND.					
196.50-198.00	SPT	525-528	10	1							



Historical Research

- ▶ Objective is to identify uses back to 1940 or first developed use (unchanged)
- ▶ Intervals (unchanged):
- ▶ Standard Historical Sources (unchanged)
 - Aerial photos, fire insurance maps, street directories, topographic maps, building department records, interviews, property tax files, zoning/land use records

Historical Research

- ▶ Users and producers agreed that additional, consistent rigor needed
- ▶ Clearer emphasis on property identification:
 - The subject property is defined by its current boundaries
 - Properties may be different in use, size, configuration, or address than in the past
 - Research of additional addresses may provide further information to meet the objective
- ▶ Clarified Type of Use:
 - Specific information about uses is more helpful than general information
 - If the general type of use is retail, industrial, or manufacturing, then additional *standard resources* shall be reviewed if they are likely to identify a more specific use and are *reasonably ascertainable*
 - **Note:** Merely identifying that a building is present may not satisfy the historical research objective. For example, tenant operations in a retail building may have included past dry cleaning or other activities of concern.

E1527 Task Group and Industry Input Regarding Dry Cleaners

- ▶ EPA: Dry cleaners are currently the primary source of new superfund sites
- ▶ Illinois Drycleaner Fund: As of 2016, 88% of dry cleaner investigations for active dry cleaners exceeded action levels
- ▶ Consultant input: for older dry cleaners, that percentage is higher
- ▶ Small Business Administration: If a dry cleaner has ever been present, multi-media investigation is required
- ▶ North Carolina DEQ Dry Cleaning Solvent Cleanup Act Program: PCE continues to be the most prominent cleaning agent used at dry cleaners
- ▶ Many dry cleaner operators have not upgraded to newer machines

Revised Historical Research – Subject Property

- ▶ The following standard resources shall be reviewed if reasonably ascertainable, likely to be useful, and applicable to the subject property
 - * Aerials
 - * Fire Insurance Maps
 - * Topos
 - * City Directories
- ▶ If not reviewed, state why
- ▶ Additional standard resources **shall** be reviewed, as needed, to satisfy **the objective**
- ▶ Can continue to use “other historical resources”

New Section: Historical Research - Adjoining Property

- ▶ During research of the subject property, past uses of the adjoining properties that are obvious shall be identified to evaluate if those uses may have led to RECs
- ▶ If researched for the subject property, if they provide coverage the adjoining properties, and if they are likely to be useful in satisfying the objective, review the following:

Aerials

Fire Insurance Maps

Topos

City Directories

If reviewed for the subject property and not the adjoining property, say why

- ▶ Additional standard historical resources **should** be reviewed if warranted to satisfy the objective.
- ▶ Can continue to use “other historical resources.”

City Directories

- ▶ EPs were interpreting **E1527-13** differently:
“Uses in the area surrounding the *property* shall be identified in the *report*, but this task is required only to the extent that this information is revealed in the course of researching the *property* itself”
- ▶ **E1527-13** says factors to consider include:
“. . . the time and cost involved in reviewing surrounding uses (for example . . . reviewing *local street directories* for more than the few streets that surround the site is typically too time-consuming)



Historical Research – Surrounding Area

- ▶ Substantially unchanged
- ▶ Factors to consider in making this determination include . . . reasonably ascertainable; the time and cost . . . (for example, analyzing aerial photographs is relatively quick, but reviewing local street directories for more than the few streets that surround the subject property is typically too time-consuming); information is useful, accurate, and complete . . .

AUL Search in Land Title Records

The User may rely on title insurance documentation (i.e. preliminary title reports or title commitments) typically prepared for title insurance.

The user must inform the EP if the title report identified environmental liens/AULs

Unless expressly added by a change in the Phase I scope of work, the EP is not responsible for reviewing land title records for environmental liens or AULs

Third-party vendors offer this service, as long as the title search information report reviews land title records back to 1980

Section 6.2 of the Standard

Significant Data Gap

New Definition:

- ▶ *3.2.84 significant data gap—a data gap that affects the ability of the environmental professional to identify a recognized environmental condition.*



Strengthen the Deliverable

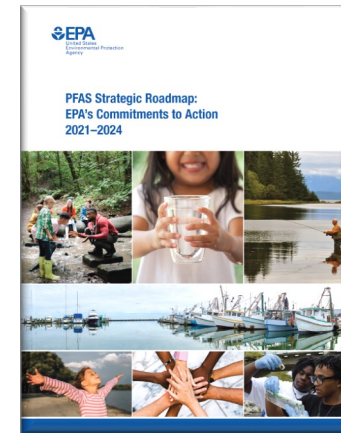
- ▶ Consistent use of “Subject Property”
- ▶ More robust discussion about how significant data gaps affect the EP’s opinion.
- ▶ Conclusions must include RECs, CRECs, and Significant Data Gaps
- ▶ Include Photos and Site Map



PFAS/PFOS Today . . . Tomorrow?

- ▶ “Emerging Contaminants” added to list of Non-Scope Considerations in Section 13
- ▶ Additional discussion within Appendix X6. – Summary of Common Non-scope Issues

Once the emerging contaminants are defined to be a ***hazardous substance*** under CERCLA, as interpreted by EPA regulations and the courts, these substances must be evaluated within the scope of E1527



Final Thoughts on Changes to E1527

- ▶ Latest revisions reflect input from across the country from users and producers representing current good commercial and customary
- ▶ Many of the changes were requested by User groups seeking better consistency in the Phase I process and deliverables
- ▶ EPs producing quality deliverables will likely see little substantive change in their process
- ▶ Read the Standard
- ▶ Take an ASTM Phase I class offered by ASTM

Comments
or
Questions?

Contact Information



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