

## **Attachment A - Assessment Activity Information Sheet**

### **General Description of Common Environmental Assessment Activities**

Phase I and II environmental site assessments (ESAs) are studies that are typically performed as part of due diligence associated with real estate transactions and/or development projects. They may also be a requirement for refinancing of debt owed on a property, or for certain types of grants or other funding. They are most frequently required for properties subject to commercial or industrial uses and for which there is a potential for recent or historic use and/or on-site storage of petroleum products or other hazardous materials. They may also be required or recommended for other types of properties in certain circumstances.

#### **Phase I ESAs**

Phase I ESAs are typically performed as the first step in the environmental due diligence process, and consist of four general components:

1. Gathering information about past and present uses of the site;
2. Inspection of the site by an environmental professional, usually accompanied by someone familiar with the property;
3. Reviewing environmental files maintained by the site owner and regulatory agencies;
4. Preparing a report that identifies existing and potential sources of contamination on the property.

The entire Phase I ESA process including the report format and components are dictated by a "standard practice" developed by the American Society for Testing and Materials (ASTM). The current standard is ASTM E1527-13.

The Phase I ESA report has legal significance in providing certain protections to purchasers of contaminated properties from potential liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (a/k/a the "Superfund" Act). Parties who may "rely" on the report (and its conclusions) are limited and must be identified in the report text. Otherwise, a reliance letter with a separate fee may be required later. Phase I ESAs are "current" for a six-month period following the initial step in the data gathering process. After six months and up to one year, the Phase I ESA can be updated. After one year, the Phase I ESA would be no longer considered valid for legal purposes (although it could remain useful for other purposes). Knowledge of the existence of a Phase I ESA must typically be disclosed by the owner as part of a property transaction (although disclosure requirements vary from state to state).

Phase I ESAs performed using USEPA funding will be public records that could be requested from EPA by other parties via a request submitted under the Freedom of Information Act.

**Output:** Phase I ESA report (printed or electronic copy) prepared in accordance with ASTM Standard Practice 1527-13.

## **Phase II ESAs**

A Phase II ESA is typically performed to assess one or more conditions or concerns identified in a Phase I ESA or by other means that suggest the potential presence of soil, groundwater, or other types of contamination at a site. The Phase II ESA includes collection and analysis of various types of samples to confirm the presence or absence of contamination at strategic locations, in particular, areas where there is a documented history of use, storage, or spillage, of petroleum products or other hazardous substances. The following steps are typically associated with performance of a Phase II ESA:

1. Execution of an access agreement.
2. Preparation of a sampling and analysis plan, and approval by regulatory agencies, if required or applicable.
3. Clearance of planned drilling or subsurface sampling locations by calling JULIE, reviewing locations with the property owner, and if necessary, retaining a private utility locating service.
4. Collection of soil and/or groundwater samples by an environmental professional, utilizing a drilling subcontractor, hydraulic probe, backhoe, or other sampling equipment.
5. Analysis of the samples for key contaminants of interest or concern by a State-of-Illinois certified laboratory.
6. Evaluation of the data, and preparation of a Phase II ESA report, that includes a summary and analysis of the data collected, copies of laboratory reports, and copies of IEPA-required borehole or well forms.

The Phase II ESA will typically confirm the presence or absence of contaminants at key locations, as well as provide an initial assessment of the general magnitude of impacts presence but will typically not fully define the nature and extent of environmental impacts. If contamination is documented at a property as part of the Phase II ESA, the owner may have disclosure or other obligations in accordance with Illinois Statutes pertaining to real property (Illinois Compiled Statutes 5 to 1075). The owner should consult with an attorney and/or real estate professional for further guidance regarding these potential obligations.

**Outputs:** 1) Access agreement. 2) Sampling and analysis plan. 3) Phase II ESA report.

## **Environmental Site Investigations and Remedial Action Plans**

If contamination is discovered, the owner may choose to enter the site into the Illinois Site Remediation Program, and to conduct further assessment of soil, groundwater, or soil vapor as necessary to fully delineate and assess the nature, magnitude, and extent of contamination and as a step in securing a No Further Remediation (NFR) letter. Other cleanup programs may be applicable depending on the type of site and source of contamination. For eligible sites (and subject to approval by the Brownfields Advisory Committee), USEPA assessment grant funding may be available to pay for additional environmental site investigation (ESI) activities, evaluation of contamination under the Tiered Approach to Cleanup Objectives (TACO), and/or preparation of a remedial action plan. Environmental site investigations would include on-site work activities subject to the access agreement.

**Outputs will vary for each project, depending on the applicable Illinois cleanup program, site**

**eligibility, available funding, and other factors, but may include:** 1) Access agreement (if updated). 2) Site investigation Work Plan. 3) Site Investigation Report 4) Remedial Objectives Report 5) Remedial Action Plan.

### **Hazardous Building Materials Surveys**

Buildings, in particular those constructed prior to approximately 1980, may contain a variety of hazardous building materials including lead-based paint, asbestos, and polychlorinated biphenyls (PCBs). USEPA assessment grant funding can be used to conduct the sampling and analysis necessary to identify and quantify these materials as part of planning for either demolition or rehabilitation of a building that is part of a brownfield site. The purpose for the survey (i.e., demolition versus renovation) should be identified in advance of the survey. Demolition projects are likely to require "destructive" sampling methods to collect samples from piping or other materials that may be hidden behind walls, or beneath multiple layers of roofing. If demolition is the purpose, and destructive testing is required, then the general assumption will be that repairs of any damage to the structure caused by sampling will not need to be repaired. Another important issue that needs to be addressed as part of planning is the scope of sampling, if any, in locations with physical hazards, in particular, deteriorated roofing.

**Outputs:** 1) Access agreement (if not already executed for other tasks). 2) Hazardous Building Materials Survey Report (which will identify the locations and estimate the quantities for any hazardous materials assessed and provide appropriate documentation).