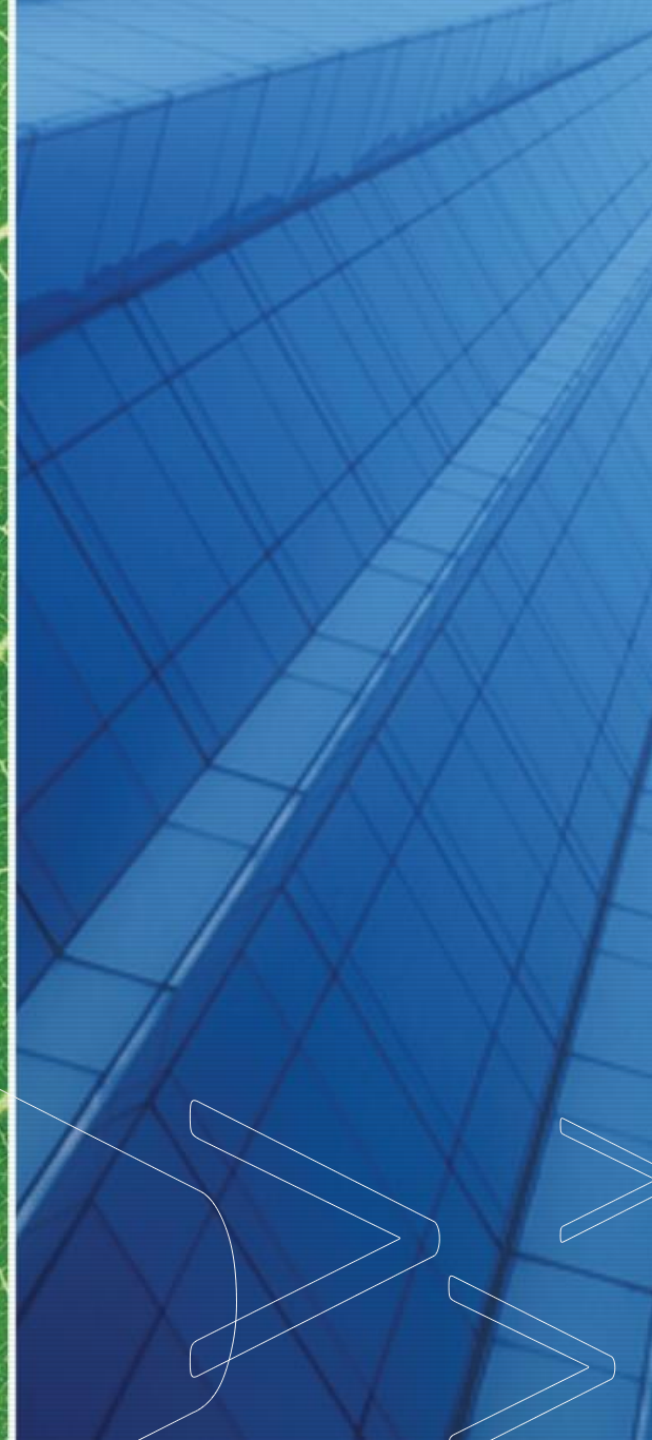


Environmental Law Update

What You Missed This
Summer

- Joseph G. Maternowski
- Hessian & McKasy, PA
- MSBA ENRE
- October 6, 2021



Revisions to
ASTM Standard
Practice E1527-13
Phase I
Environmental
Site Assessment

What Is a
Recognized
Environmental
Condition?

When Is a Release
Likely?



**“Recognized
Environmental
Condition”
Definition –**

**Proposed /
Revised**

“The term *recognized environmental condition* means (1) the presence of *hazardous substances* or *petroleum products* in, on or at the *subject property* due to a *release* to the *environment*; (2) the likely presence of *hazardous substances* or *petroleum products* in, on, or at the *subject property* due to a *release* or likely *release* to the *environment*; or (3) the presence of *hazardous substances* or *petroleum products* in, on or at the *subject property* under conditions that pose a *material threat* of a future *release* to the *environment*. A *de minimis condition* is not a *recognized environmental condition*.”

Revisions to ASTM
Standard Practice
E1527-13
Phase I
Environmental Site
Assessment

Hessian Attorneys at Law
& McKasy P.A.

How Important Is
the History of
Adjoining
Properties?

How Should PFAS
and Emerging
Contaminants Be
Addressed?

Revisions to ASTM
Standard Practice
E1527-13
Phase I Environmental
Site Assessment

Hessian Attorneys at Law
& **McKasy** P.A.

When is a Data
Gap
Significant?

When Does the
Viability Date of
Phase I Expire?

Revisions to ASTM
Standard Practice
E1527-13
Phase I Environmental
Site Assessment

Hessian Attorneys at Law
& **McKasy** P.A.

Other Issues?

When Does the
New Standard
Go Into Effect?

▶

**“Conclusions
Section –
Required
Language
Alternative 1”**

**Proposed /
Revised**

Hessian Attorneys at Law
& McKasy P.A.

“We have performed a *Phase I Environmental Site Assessment* in conformance with the scope and limitations of *ASTM Practice E1527-21* of [insert address or legal description], the *subject property*. Any exceptions to, or deletions from, this practice as described in Section [] of this *report*. This assessment has revealed no *recognized environmental conditions, controlled recognized environmental conditions or significant data gaps* in connection with the subject property,” or

▶

**“Conclusions
Section—
Required
Language
Alternative 2”**

**Proposed /
Revised**

Hessian Attorneys at Law
& McKasy P.A.

“We have performed a *Phase I Environmental Site Assessment* in conformance with the scope and limitations of *ASTM Practice E1527-21* of [insert address or legal description], the *subject property*. Any exceptions to, or deletions from, this practice as described in Section [] of this *report*. This assessment has revealed the following *recognized environmental conditions, controlled recognized environmental conditions or significant data gaps* in connection with the subject property,” (list)