



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Recent Updates to ASTM E1527-21: Thomas Huetter, P.G. (Harbor Environmental): Arkansas Environmental Federation Land Resources Seminar Presentation

05/02/2023

Thomas Huetter, P.G., undertook a presentation at the April 13th Arkansas Environmental Federation Land Resources Seminar titled:

Recent updates to ASTM E1527-21

Phase I Environmental Site Assessment

Standard Practice ("*Presentation*")

Tom serves as Senior Project Manager at Harbor Environmental in Little Rock, Arkansas.

The *Presentation* addressed a number of issues associated with Phase I Environmental Site Assessments ("ESAs") including a recent update of the ASTM E1527 Standard.

The importance of ESAs and the ASTM Standard is tied to the fact that if appropriately undertaken they can constitute All Appropriate Inquiries ("AAI") pursuant to the Comprehensive Environmental Response, Compensation, and Liability ("CERCLA").

The importance of AAI is that the Standard must be met in circumstances such as:

- Threshold criteria for Brownfield grant applicants
- Recipients of Brownfield assessment grants
- CERCLA liability determination (i.e., parties seeking protection for CERCLA liability as bona fide prospective purchasers, contiguous property owners, or innocent landowners who must conduct AAI prior to purchasing property)
- Target Brownfield assessments

Tom's *Presentation* specifically addressed:

- What is a Phase I ESA? (Referencing the multiple times that it has been updated)
- AAI (What is it and from what does it originate?)
- AAI as Defined as ASTM and EPA through CERCLA
- Persons Subject to AAI
- Timing of New Standard ASTM E1527-21

- Old Definition of Recognized Environmental Condition and the Related Term “Likely”
- New Definition of Recognized Environmental Condition and the Related Term “Likely”
- New Definition of an Historical Recognized Environmental Condition (HREC)
- Newly Defined Recognized Environmental Condition – Controlled Recognized Environmental Condition (CREC)
- Recognized Environmental Condition Guidance
- Chart Defining Simplified Recognized Environmental Condition Logic Found in ASTM E1527-21
- “Subject Property”
- How Long is a Phase I ESA Valid?
- Title Searches
- Standard Historical Sources
- USGS Topographic Maps
- Historical Aerial Photos
- Sanborn Maps
- City Directories
- Additional Standard Historical Sources
- Interviews
- Significant Data Gaps
- Maps and Photographs
- Map Examples

A copy of the slides from the *Presentation* can be found [here](#).