Environmental Law Update

What You Missed This Summer

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

Hessian Attorneys at Law & McKasy P.A. 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?

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Hessian Attorneys at Law & McKasy P.A. When is a Data Gap Significant?

When Does the Viability Date of Phase I Expire?

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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)