



Environmental Site Assessments

The New EPA "All Appropriate Inquiries" Rule

"AAI Rule" 40 CFR Part 312 Final Rule becomes effective **November 1, 2006**, requiring changes to how Phase I Environmental Site Assessments are conducted.

Are you aware of these new requirements? Do you know what your environmental liability is on your next property transaction?

Atlantic Testing Laboratories (ATL) can help qualify your risk by performing a Phase I Environmental Site Assessment per AAI and ASTM E 1527-05. **ATL's** environmental professionals can also provide updates to recent Phase I's to meet the new AAI rules.



New Requirements and Differences in ASTM E 1527-05



- ◆ Defines **Environmental Professional**: Must maintain specific certification/licensure, education, and expertise requirements; applies to individuals conducting or supervising "**All Appropriate Inquiries**"
- ◆ Mandates certain elements of an AAI ESA Phase I be conducted/overseen by an **Environmental Professional**
- ◆ Visual inspection of subject property and adjoining properties
- ◆ Interviews with current and past owners, and occupants
- ◆ Interviews with neighboring and nearby property owners
- ◆ Records of **Activity and Use Limitations** and **Environmental Cleanup Liens**
- ◆ Treatment of data gaps and **Recognized Environmental Conditions**
- ◆ Requires certain post-purchase obligations
- ◆ Requires **Environmental Professional Statement** and signature

Background

The AAI Rule arose from the 2002 amendments to the Comprehensive Environmental Response, Compensation and Liability Act, which is contained in the Small Business Liability Relief and Brownsfield Revitalization Act. It imposed a number of pre-purchase and post-purchase requirements on those seeking protection under the **innocent landowner defense** in order to avoid CERCLA liability. The amendments also establish two new categories of prospective landowners that may avoid CERCLA liability, **contiguous property owners** and **bona fide prospective purchasers**.

ATL is a full-service firm offering a comprehensive line of technical support services. These include special inspection services, subsurface investigations, water-based investigations, geotechnical engineering, construction materials engineering and testing, pavement engineering, nondestructive testing, geoprobe services, stormwater pollution prevention planning, and surveying from our 11 offices.

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