

**TITLE:** Amending the Phase I Property Assessment If 180 Days Has Elapsed

**DATE EFFECTIVE:** January 2003

**HISTORY:** Update of VA30007.09.007 - Revision was necessary to conform to rule revisions that became effective in August 2014.

**KEYWORDS:** Phase I; updating; update; elapse of 180 days; Phase I amendment; amending

**RULES:** OAC 3745-300-06(H) and 3745-300-07(E)(1)(c), 3745-300-13(D)(1), 3745-300-06(C) and (E)

**QUESTION:** If more than 180 days has elapsed since the performance of any activity required as part a Phase I Property Assessment, the Phase I Assessment must be amended. What activities should be conducted as part of the Phase I Amendment to ensure that property conditions have not changed prior to issuance of the NFA Letter?

**ANSWER:** If a Phase II property assessment has not been initiated within 180 days of performing a Phase I, the volunteer needs to ensure that no change in environmental conditions has occurred since the Phase I was conducted. Likewise, if a Phase I has not been conducted within 180 days prior to issuance of an NFA letter, the CP should ensure that no change in environmental conditions has occurred since the Phase I was performed. A change in environmental conditions means new information regarding known or suspected releases resulting in additional IAs that should be investigated through a Phase II ESA.

In determining whether any environmental changes have occurred at the property since the Phase I was performed, the CP or volunteer should evaluate the requirements of OAC 3745-300-06 (C) and (E), including:

- Review of historical information and current property use.
- Review of government databases and files.
- Chain of Title investigation.
- Interviews with persons familiar with operations on the property.
- Interviews with persons who have relevant historical environmental knowledge of the property.
- Property inspection.

- Records indicating potential off-property sources that could impact the VAP property.
- Property hazardous substance or petroleum release history.
- Designating Identified Areas.

The volunteer or CP should use best professional judgment to determine which requirements of OAC 3745-300-06 (C) and (E) should be re-evaluated. Any sections that require re-evaluation should be documented in an updated Phase I report.

The level of effort for the re-evaluation could run from minimal to more involved depending on the potential for releases to have occurred at the property since the previous Phase I. A fairly minimal level of effort may be required for Properties that have ceased operations, have been under continuous control by the volunteer and the CP since the last Phase I, and have no off-site sources. A more involved Phase I update may be required in situations with ongoing operation on- and/or off-site, where the CP and volunteer have little to no site knowledge of potential new releases.

If documents identified in the update indicate that a new release has or may have occurred, Phase II activities required in OAC 3745-300-07 (F)(1) and (4) should be conducted as necessary.

**SUMMARY:**

A Phase I must have been conducted 180 days prior to beginning a Phase II or prior to issuance of an NFA letter, or information must otherwise support, in the judgment of the CP, that environmental conditions at the property have not changed. Any environmental conditions at the property that have changed should be documented in an amendment to the Phase I report.

**OHIO EPA  
CONTACT:**

For any questions concerning this issue, please contact the VAP central office at (614) 644-2924.