

ARCHIVE: Archived because this document no longer provides current guidance and because revisions made to VAP rules in 2002 in OAC Chapter 3745-300 necessitate revisions to this guidance. Refer to VA30007.03.001 for the updated document.

TITLE: Amending the Phase I Assessment if 180 Days has Elapsed

DATE EFFECTIVE: July, 2000

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

RULES: OAC 3745-300-07(D)(1)(a)(ii) - Amending the Phase I Assessment

QUESTION: More than 180 days has elapsed since the Phase I Assessment was completed and, pursuant to the Phase II Rule, needs to be amended.

ANSWER: Several sections of the Phase I should be reviewed to determine if the Phase I Assessment adequately reflects the current conditions and knowledge of the Property.

First, the chain-of-title should be checked to ensure the current deed and owner are reflected in the NFA document. This must be done to ensure that filing requirements for use restrictions under the VAP are met appropriately. If the current owner(s) is volunteer, a use restriction may be filed after the Covenant Not to Sue is granted for volunteers who do not own the Property.

Second, a site walk-over should be conducted by the CP to ensure Property conditions have not changed. This would include both the VAP Property and adjacent properties. Items to note should include, but are not limited to, changes in on-site and nearby receptor populations (i.e. a new daycare facility), releases which could impact or may impact the Property in the future, and installation of wells (water and oil).

Third, a CP should note if on-site or off-site operations may have caused a release or have changed in a way that has altered the regulatory compliance of the facility (i.e. eligibility issues, spills or closure requirements impacting the VAP Property). If an event or change has occurred or may have occurred, a new file review or

database search may be necessary to document that the property has or has not been impacted.

Finally, the update should include any changes in the current or future land use of the Property. This is important for site characterization activities under the Phase II Assessment as well as for pathway determinations and risk assessment evaluations. For example, the previous Phase I indicates the main source area will be a parking lot in the future, however, upon re-evaluation it is found the Volunteer will have a building with a basement on the source area. This scenario may then require additional pathway evaluations for the construction worker scenario if subsurface soils and ground water are impacted above applicable standards.

SUMMARY:

In order to update the Phase I Assessment, the CP should review the chain-of-title, regulatory information, and current and future use information to determine if these sections have changed in any way. Also, the CP should conduct a site walk-over to ensure property conditions have not changed significantly.

**OHIO EPA
CONTACT:**

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