

**ARCHIVE:** Archived due to the 2009 rule revision. Refer to VA30007.09.007 for the updated document.

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

**DATE EFFECTIVE:** January 2003

**HISTORY:** Update of VA30007.00.002 - Revision was necessary to conform to rule revisions that became effective on October 21, 2002. Also, the archived TDC document no longer provides current guidance.

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

**RULES:** OAC 3745-300-06(J)(3) and 3745-300-07(D)(1)(a)(ii)

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

**ANSWER:** If an activity required in OAC 3745-300-07(D) or (G) has not been performed within 180 days prior to issuance of an NFA letter, subsequent investigation must be conducted to ensure that current conditions have not changed since the activity was performed.

First, the chain-of-title investigation should be updated to determine whether any change in ownership or identifiable uses has occurred. Chain of title documents should also be reviewed to determine whether any new releases of hazardous substances or petroleum have or may have occurred on, underlying, or are emanating from the Property since the previous chain of title investigation. If documents identified in the update indicate that a new release has or may have occurred, activities required in OAC 3745-300-07(D)(2) and (4) should be conducted as necessary.

Second, the CP should conduct a Property inspection to determine whether any new releases of hazardous substances or petroleum have or may have occurred on, underlying, or are emanating from the Property or whether conditions have changed since the Phase I inspection. Items to note should include, but are not limited to, changes in on-property and nearby receptor populations (e.g., 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 determine whether on-property or off-property operations may have caused a new release or have changed in a way that has altered the regulatory compliance of the facility (e.g., 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 pursuant to OAC 3745-300-07(D)(2) and (3) 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 Property 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 Property Assessment, the CP should review the chain-of-title, regulatory information, and current and future use information to determine if conditions at the Property have changed in any way. Also, the CP should conduct a property inspection to ensure that 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.