Designation: E2247 – 23

Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property[1]

This standard is issued under the fixed designation E2247; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ε) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 *Purpose*—The purpose of this practice is to provide an alternative method to ASTM E1527 for good commercial and customary practices in the United States of America for conducting a *Phase I Environmental Site Assessment*[2] of *forestland* or *rural property* with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and *petroleum products*. As such, this practice is intended to permit a *user* to satisfy one of the requirements to qualify for the *innocent landowner*, *contiguous property owner*, or bona fide prospective purchaser limitations on CERCLA liability (hereinafter, the "*landowner liability protections*," or "*LLPs*"): that is, the practice that constitutes "*all appropriate inquiries*" into the previous ownership and uses of a *property* consistent with good commercial and customary standards and practices as defined at 42 U.S.C. §9601(35)(B). (See Appendix X1 for an outline of CERCLA's liability and defense provisions.) Controlled substances are not included within the scope of this standard. Persons conducting an *environmental site assessment* as part of an EPA Brownfields Assessment and Characterization Grant awarded under CERCLA 42 U.S.C. §9604(k)(2)(B) must include controlled substances as defined in the Controlled Substances Act (21 U.S.C. §802) within the scope of the assessment investigations to the extent directed in the terms and conditions of the specific grant or cooperative agreement. Additionally, an evaluation of *business environmental risk (BER)* associated with a parcel of *commercial real estate* may necessitate investigation beyond that identified in this practice (see 1.4 and Section 13).

1.1.1 *Standard Practice Selection*—The methodology included in this practice is an effective and practical process for achieving the objectives of a *Phase I Environmental Site Assessment* of *forestland* or *rural property* when some of the methodologies of ASTM E1527 are deemed to be impractical or unnecessary due to the size or nature of the *property*. This practice is intended to provide a more practical approach to assess rural and *forestland* properties that are generally uniform in use. A primary consideration in applying this practice instead of E1527 is the nature and extent of the *property* being assessed, as the typical environmental concerns, sources for *interviews* and records, and the methodology used to perform the *site reconnaissance* may differ significantly. The *property* to be assessed using this standard practice need not be contiguous and may contain isolated areas of non-*forestland* and non-*rural property*. *Site reconnaissance* of isolated areas of the *property* that include activities outside the definition of *forestland* or *rural property* should be addressed using methodologies such as those provided in E1527, which may be conducted and reported in conjunction with this practice, as discussed in 4.5.3.

1.1.2 *Recognized Environmental Conditions*—The goal of the processes established by this practice is to identify *recognized environmental conditions*. The term *recognized environmental condition* means *(1)* the presence of *hazardous substances* or *petroleum products* in, on, or at the *subject property* due to any *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*.

1.1.3 *Related Standard Practices*—This practice is closely related to Standard Practice E1527. Standard Practice E1527 is an *environmental site assessment* for *commercial real estate* (see 4.3).

1.1.4 *Petroleum Products*—*Petroleum products* are included within the scope of this practice because they are of concern with respect to many parcels of *forestland* or *rural property* and current custom and usage is to include an inquiry into the

[1] This practice is under the jurisdiction of ASTM Committee E50 on Environmental Assessment, Risk Management and Corrective Action and is the direct responsibility of Subcommittee E50.02 on Real Estate Assessment and Management.

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[2] All definitions, descriptions of terms, and acronyms are defined in Section 3. Whenever terms defined in 3.2 are used in this practice, they are in *italics*.

presence of *petroleum products* when conducting an *environmental site assessment* of *forestland* or *rural property*. Inclusion of *petroleum products* within the scope of this practice is not based upon the applicability, if any, of CERCLA to *petroleum products*.

1.1.5 *CERCLA Requirements Other Than Appropriate Inquiries*—This practice does not address whether requirements in addition to *all appropriate inquiries* have been met in order to qualify for the *LLPs* (for example, the duties specified in 42 U.S.C. §§9607(b)(3)(a) and (b) and cited in Appendix X1 including the continuing obligation not to impede the integrity and effectiveness of *activity and use limitations (AULs)*, or the duty to take reasonable steps to prevent *releases*, or the duty to comply with legally required *release* reporting obligations).

1.1.6 *Other Federal, State, and Local Environmental Laws*—This practice does not address requirements of any state or local laws or of any federal laws other than the *All Appropriate Inquiries* provisions of the *LLPs*. *Users* are cautioned that federal, state, and local laws may impose environmental assessment obligations that are beyond the scope of this practice. *Users* should also be aware that there are likely to be other legal obligations with regard to *hazardous substances* or *petroleum products* discovered in, on, or at the *subject property* that are not addressed in this practice and that may pose risks of civil and/or criminal sanctions for noncompliance.[3]

1.1.7 *Documentation*—The scope of this practice includes research and reporting requirements that support the *user's* ability to qualify for the *LLPs*. As such, sufficient documentation of all sources, records, and resources utilized in conducting the inquiry required by this practice must be provided in the written *report* (refer to 8.1.9 and 12.2).

1.2 *Objectives*—Objectives guiding the development of this practice are *(1)* to synthesize and put in writing good commercial and customary practices for *environmental site assessments* for *forestland* or *rural property*; *(2)* to facilitate high quality, standardized *environmental site assessments*; *(3)* to provide a practical and reasonable *standard practice* for *all appropriate inquiries*; and *(4)* to clarify an industry standard for *all appropriate inquiries* in an effort to guide legal interpretation of the *LLPs*.

1.3 *Units*—The values stated in inch-pound units are to be regarded as the standard. The values given in parentheses are mathematical conversions to SI units that are provided for information only and are not considered standard.

1.4 *Considerations Beyond Scope*—The use of this practice is strictly limited to the scope set forth in this section. Section 13 of this practice identifies, for informational purposes, certain environmental conditions (for example, threatened and endangered species and non-point source considerations) that may exist on a *forestland* or *rural property* that are beyond the scope of this practice, but may warrant discussion between the *environmental professional* and the *user* about a *forestland* or *rural property* transaction. The need to include an investigation of any such conditions in the *environmental professional's* scope of services should be evaluated based upon, among other factors, the nature of the *subject property* and the reasons for performing the assessment (for example, a more comprehensive evaluation of *business environmental risk*), and should be agreed upon between the *user* and *environmental professional* as additional services beyond the scope of this practice prior to initiation of the *environmental site assessment* process.

1.5 *This practice offers a set of instructions for performing one or more specific operations and should be supplemented by education, experience, and professional judgment. Not all aspects of this practice may be applicable in all circumstances. This ASTM standard practice does not necessarily represent the standard of care by which the adequacy of a given professional service must be judged, nor should this document be applied without consideration of a project's unique aspects. The word "standard" in the title means only that the document has been approved through the ASTM consensus process.*

1.6 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety, health, and environmental practices and determine the applicability of regulatory limitations prior to use.*

1.7 *This international standard was developed in accordance with internationally recognized principles on standardization established in the Decision on Principles for the Development of International Standards, Guides and Recommendations issued by the World Trade Organization Technical Barriers to Trade (TBT) Committee.*

2. Referenced Documents

2.1 *ASTM Standards:*[4]

NOTE 1—Referenced ASTM standards imply their current versions.

D7297 Practice for Evaluating Residential Indoor Air Quality Concerns

E1465 Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings (Withdrawn 2017)[5]

E1527 Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process

E1903 Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process

[3] Many states and other jurisdictions have differing definitions for terms used throughout this practice, such as "*release*" and "*hazardous substance*." If a *Phase I Environmental Site Assessment* is being conducted to satisfy state requirements and to qualify for the state (or other jurisdiction) equivalent of LLPs, *users* and *environmental professionals* are cautioned and encouraged to consider any differing jurisdictional requirements and definitions while performing the *Phase I Environmental Site Assessment*. Substances that are outside the scope of this practice (for example, emerging contaminants that are not *hazardous substance* under CERCLA) may be regulated under state law and may be federally regulated in the future. Although the presence or any *release*/threatened *release* of these substances are "non-scope considerations" under this practice, the *user* may nonetheless decide to include such substances in the defined scope of work for which the *environmental professional* conducting the *Phase I Environmental Site Assessment* is engaged. See 13.1.2.

[4] For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard's Document Summary page on the ASTM website.

[5] The last approved version of this historical standard is referenced on www.astm.org.