

## Cherryvale, Kansas

### Brownfields Assessment Project

EPA Cooperative Agreement Numbers: 2B97707501 &  
2B97707601  
Fact Sheet #2



# Phase I Environmental Site Assessment

What makes a property a “Brownfields site?” Historical information tells us every property with commercial history does not necessarily require environmental cleanup. It is impractical to go to every **potential** Brownfield and collect samples for identification of chemicals present at the site. Even if money were no object, you still couldn’t test for everything, everywhere on every property. So, where does a community begin?

## Brownfields Assessment

The Phase I Environmental Site Assessment (ESA) is a preliminary look at a potential Brownfield property. It is a “limited” evaluation which involves records research and an on-site visual reconnaissance. Phase I ESAs **do not** require sampling or laboratory testing. Phase I ESAs identify whether or not a recognized environmental condition<sup>1</sup> exists. If a recognized environmental condition is identified, it does not necessarily indicate that contamination exists or that cleanup is required. The Phase I ESA report does not require regulatory or other action except in special circumstances of imminent threat to public health. Conducting Phase I ESAs for the Cherryvale Brownfields Assessment project provides essential information to:

- Provide liability protection to owners
- Help decide where actual testing should occur when necessary

## Brownfields Liability

The Comprehensive Environmental Response, Compensation and Liability Act and amendments (CERCLA/ Superfund) deems that the responsibility of correcting past environmental problems may fall to a current owner or new buyer. The 2002 Small Business Liability Relief and Brownfields Revitalization Act (the Act) provides liability protection to landowners who completed “all appropriate inquiries” prior to purchasing property. This Act is EPA’s recognition that undiscovered conditions can remain hidden until after the land transaction is complete. These inquiries are governed by ASTM (formerly American Society for Testing and Materials) E 1527 which defines standard practices for conducting “all appropriate inquiries.”

*ASTM E1527 Standard Practice:  
Phase I Environmental Site Assessment  
Process*

*“The purpose of this practice ... is to define good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of 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 defense.”*



## For questions and comments, please contact:

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<sup>1</sup> Recognized Environmental Conditions are defined by ASTM E 1527-05 as “the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.”