



#### 1.0 Purpose & Scope

- When GSA acquires a site, either through federal acquisition or build-to- suit lease acquisition, an Environmental Site Assessment is prepared for the site that identifies potential or existing environmental contamination liabilities. The analysis, often called an ESA, typically addresses both the underlying land as well as physical improvements to the property. Under Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), courts have held that a buyer, lessor, or lender may be held responsible for remediation of hazardous substance residues, even if a prior owner caused the contamination; performance of a Phase I Environmental Site Assessment, according to the courts' reasoning, creates a safe harbor, known as the 'Innocent Landowner Defense' for such a new purchaser or his lenders provided they are named as the "User".
- For federal acquisition of property, the Phase I may either be required to be performed by the seller with GSA named as a user (Contract Officer (CO) will place requirement in Request for Proposal (RFP)), or GSA will contract for the Phase I ESA.
- For build- to- suit lease acquisition, either the CO will place this requirement in the RFP or GSA will contract for the Phase I on the selected site.
- The actual sampling of soil, air, groundwater and/or building materials is typically not conducted during a Phase I ESA. The Phase I ESA is generally considered the first step in the process of environmental due diligence. Standards for performing a Phase I site assessment have been promulgated by the US EPA and codified in All Appropriate Inquiry Rule (AAI). The ASTM Standard E1527-05 covers the AAI requirements.
- If a site is considered contaminated, a Phase II Environmental Site Assessment may be conducted, ASTM test E1903, a more detailed investigation involving chemical analysis for hazardous substances and/or petroleum hydrocarbons.

#### 2.0 Activities & Departments Affected

- Due Diligence review is required for all federal and build to suite, lease acquisitions in the region to assess environmental conditions of the site and adjacent sites to ensure the health and safety of the federal employees that will occupy the site and to limit GSA's environmental liabilities.

#### 3.0 Exclusions

- None, although it is up to the discretion of the R8 Environmental Professional to determine if a Phase 1 Site Assessment is necessary based on preliminary screening data and business risk.

#### 4.0 Forms Used & Permits Required: (include reporting requirements)

In-house GSA Forms:



## DUE DILIGENCE SITE ASSESSMENT

### Region 8 Sustainability & Environmental Management System

- None

**Federal and State Forms and Permits:**

- None

## 5.0 Acronyms, Abbreviations, and Definitions

Acronyms	Meaning
AAI	All Appropriate Inquiry
ASTM	American Society for Testing Materials
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980
CO	Contract Officer
EDR	Environmental Data Resources
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
GSA	General Service Administration
R8	Region 8
RFP	Request for Proposal
SSD	sub-slab depressurization

## 6.0 Procedure

### State Specific Procedures & Requirements:

None

### Standardized Procedure:

- 6.1 Project Manager provides Environmental Professional with list of potential sites for review. The Project Manager can also require the Offeror to provide a Phase 1 ESA which the Environmental Professional than would review for potential environmental impacts.
- 6.2 Environmental Data Resources (EDR) database screening is performed by Environmental Professional to assess and develop an environmental report on each of the individual proposed properties identifying potential impacts on and surrounding the subject property. The screening is based on ASTM 1525-05 standards for Phase 1 Site Assessment.
- 6.3 The Environmental Professional ranks all of the screened properties based on environmental conditions and gives a ranking of: None, Low, Moderate, High. Mitigation strategies are provided if applicable. This information can be used to assess suitability of the site for future federal use.



- 6.4 A Phase 1 Site Assessment can be prepared on any proposed sites to fully assess the environmental conditions existing on that site. GSA contracts for these services. This assessment provides:
- CERCLA Environmental Protection as a User to the Government and tenant agency
  - A baseline of the facility/site so when the site is sold or agency moves out it is not held responsible for prior conditions
  - A healthy work environment for federal workers.
- A. If warranted due to site/area environmental conditions, the report can identify if conditions exist that would require an active sub-slab depressurization (SSD) system and vapor barrier, on new construction to protect tenants from vapor intrusion and potential sick building syndrome. This vapor analysis assessment is covered under ASTM E2600-08, Standard Practice for Assessment of Vapor Intrusion into Structures on Property Involved in Real Estate Transactions.
- Allows for development on brownfield sites and city centers with protection of federal workers from potential vapor intrusion from the site. Also, removes worker stigma of working and being impacted by perceived or real residual contamination. Most brownfields have residual contamination either at industrial standards or higher.
    - SSD is currently being required if the area has potential for shallow ground water contamination and associated soil vapor intrusion into a building.
    - SSD also is benefit to building owner in that it is a selling point – protection from radon and soil vapor issues.
  - Protects building occupancy from future off site releases. Off site ground water contamination flowing under building and resulting vapor intrusion into building.
  - Overall the program minimizes liability/potential for sick building syndrome.
    - Provides protection of office worker to vapor intrusion – Can be used when building is on a brownfield site to minimize tenant concerns, educate the tenants on how we have cut off the pathway/protected them from vapor intrusion.
    - Reduces business risk from sick building syndrome both due to real reduction in the impact to building air quality and the psychology that they are protected.
      - Reduces business risk – reduces number of tenants who move out (120 day notice) leaving GSA with duration of lease. This is applicable to Federal buildings or lease space.
      - Investigation of indoor air quality is very expensive ( \$10-15K typically) and hard to get tenants to believe investigators when they say – no risk. Sick building is a down hill slide from tenant perception.



- Allows for development in central business districts and brownfield area and meeting GSA directives and community redevelopment goals. With facility protected from vapor intrusion.

6.5 If applicable and the site is considered contaminated, GSA may pursue further testing of the site by conducting a Phase 2 Site Assessment, ASTM E1903, which is a more detailed investigation involving chemical analysis for hazardous substances and/or petroleum hydrocarbons.

**7.0 Records Management**

Due Diligence reviews are documented and tracked by Contracting Officer in coordination with R8 Environmental Professional in EPG and with the R8 NEPA Program Specialist.

**8.0 References**

- ASTM E1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (Phase I ESA).
- ASTM E2600-08 Standard Practice for Assessment of Vapor Intrusion into Structures on Property Involved in Real Estate Transactions.
- Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)
- U.S. EPA’s final All Appropriate Inquiries Rule (70 Fed. Reg. 66069, 1 November 2005), and conforms to the American Society of Testing and Materials (ASTM) Standard E 1527-05 (Phase I), undertaken by an environmental professional with qualifications that meet the EPA and ASTM standards and who have an understanding of the current legal, regulatory, and technical issues surrounding this work effort;

**9.0 Appendices**

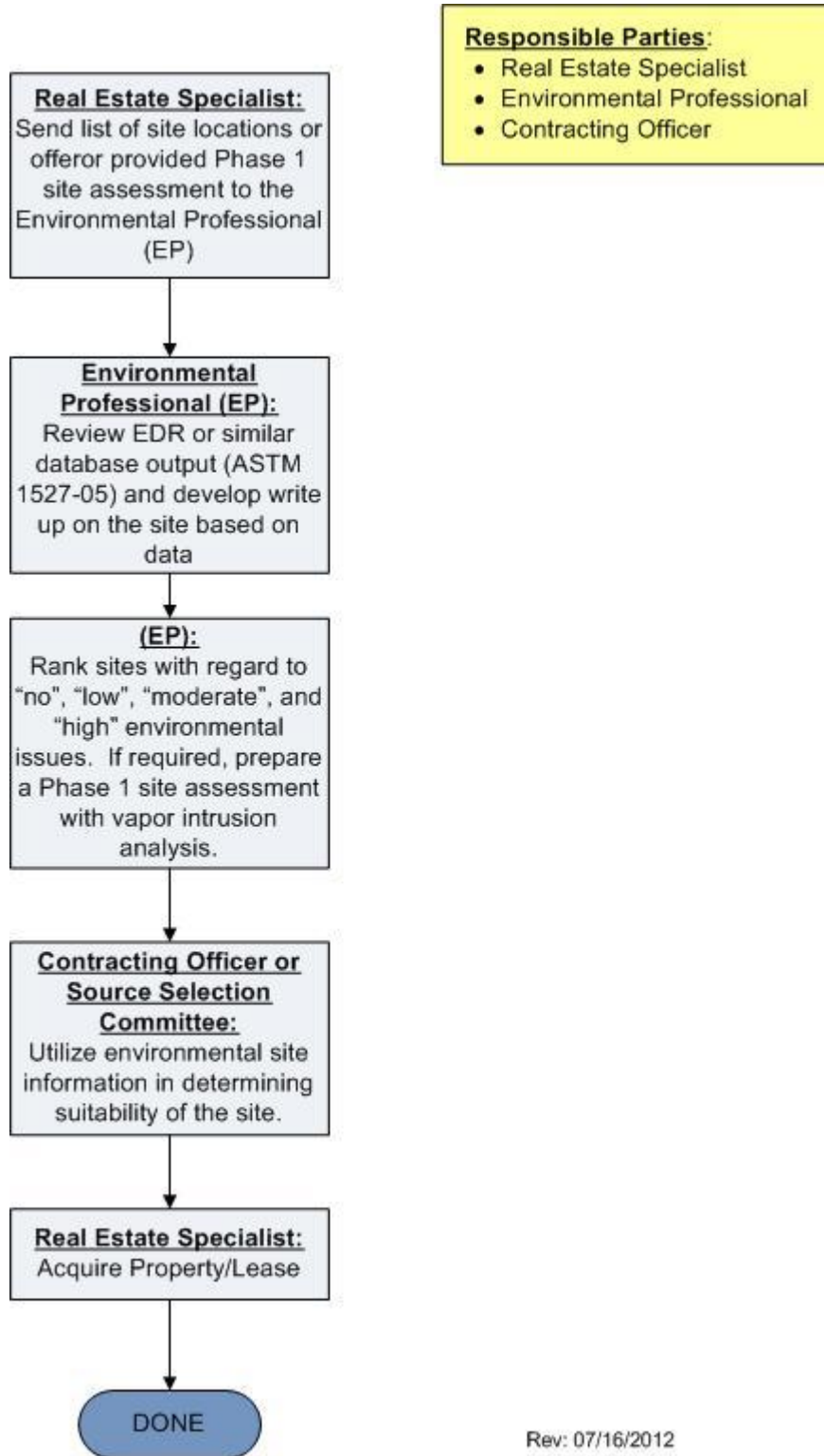
Attachment A: Due Diligence Flowchart

Attachment B: Recommended Table of Contents and Report Format for Phase I Site Assessment

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06/26/2012	Working Draft	Lisa Haskins
07/18/2012	Add Attachment B and Flowchart	Robert Melvin, Nick Gutschow

ATTACHMENT A: Due diligence Flowchart



Rev: 07/16/2012



Attachment B: Recommended Table of Contents and Report Format for Phase I Site Assessment

<b>1 Summary</b>	7.2 Interview with Site Manager
<b>2 Introduction</b>	7.3 Interviews with Occupants
2.1 Purpose	7.4 Interviews with Local Government Officials
2.2 Detailed Scope-of-Services	7.5 Interviews with Others
2.3 Significant Assumptions	<b>8 Findings</b>
2.4 Limitations and Exceptions	<b>9 Opinion</b>
2.5 Special Terms and Conditions	<b>10 Conclusions</b>
2.6 User Reliance	<b>11 Deviations</b>
<b>3 Site Description</b>	<b>12 Additional Services</b>
3.1 Location and Legal Description	<b>13 References</b>
3.2 Site and Vicinity General Characteristics	<b>14 Signature(s) of Environmental Professional(s)</b>
3.3 Current Use of the <i>Property</i>	<b>15 Qualification(s) of Environmental Professional(s)</b>
3.4 Descriptions of Structures, Roads, Other Improvements on the Site (including heating/cooling system, sewage disposal, source of potable water)	<b>16 Appendices</b>
3.5 Current Uses of the Adjoining Properties	16.1 Site (Vicinity) Map
<b>4 User Provided Information</b>	16.2 Site Plan
4.1 Title Records	16.3 Site Photographs
4.2 Environmental Liens or Activity and Use Limitations	16.4 Historical Research Documentation (aerial photographs, fire insurance maps, historical topographical maps, etc.)
4.3 Specialized Knowledge	16.5 Regulatory Records Documentation
4.4 Commonly Known or Reasonably Ascertainable Information	16.6 Interview Documentation
4.5 Valuation Reduction for Environmental Issues	16.7 Special Contractual Conditions between User and Environmental Professional
4.6 Owner, Property Manager, and Occupant Information	16.8 Qualification(s) of the Environmental Professional(s)
4.7 Reason for Performing <i>Phase I</i>	
4.8 Other	
<b>5 Records Review</b>	Source: ASTM E 1527 - 05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process
5.1 Standard Environmental Record Sources	
5.2 Additional Environmental Record Sources	
5.3 Physical Setting Source(s)	
5.4 Historical Use Information on the <i>Property</i>	
5.5 Historical Use Information on Adjoining Properties	
<b>6 Site Reconnaissance</b>	
6.1 Methodology and Limiting Conditions	
6.2 General Site Setting	
6.3 Exterior Observations	
6.4 Interior Observations	
<b>7 Interviews</b>	
7.1 Interview with Owner	