



## **American Society of Testing Materials (ASTM) E1527-13 approaches its first year anniversary - by Chuck Merritt**

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How can an environmental standard released in 2013 (as per the last two digits) be celebrating a one-year anniversary in the fall of 2016? Because when it was first released in November of 2013, the Federal Environmental Protection Agency (EPA) allowed the existing American Society of Testing Materials (ASTM) E1527-05 Phase One Environmental Site Assessment (ESA) standard to remain in place. This created a situation in which there were two recognized standards. After the ASTM committee protested this decision stating it caused confusion with the end users, the EPA in January of 2015 sunset the older standard with an implementation date of October of 2015 and that's how you get to a one-year anniversary three years later.



(<https://nyrej.com/img/wordpress>:  
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Many consultants adopted the new standard when it was first released so it has been widely used in the market place for almost two years. Others stuck by the older report claiming it was cheaper. Lenders have also been adopting the 13 standard as the only one they will accept. The standard meets the definition of the All Appropriate Inquiry (AAI) rule which is a key component for purchasers as it provides some legal language that is important during the acquisition of a property. This is the only standard that provides that protection so purchasers need to require their consulting firm of choice prepare the phase one to meet that definition.

There were several major sections covered by the new standard as well as some clarifications to sections that were not being followed correctly. The most crucial section of the standard involved the discussion of Vapor Encroachment (VE). VE is the process where contaminants in the soil and groundwater breakdown into a gaseous state. When this occurs, vapors can migrate onto a property and eventually into a structure on the property. This typically occurs through cracks in the foundation walls and floor slabs). Enough vapors inside a building can cause air quality issues to the building occupants. Most vapor scenarios stem from present and former gasoline stations and dry-cleaners that utilized chlorinated solvents. The need to understand and include this item in a phase one report is more paramount than ever.

There are a few ways to determine if a vapor issue exists. The first step is to determine if a vapor encroachment situation may be present based on that definition of the standard. If the consultant feels that vapors could be an issue, it should be pointed out as a Recognized Environmental

Condition (REC) in the phase one ESA. The next step is to obtain more data about the property which include soil/groundwater sampling (phase 2) which is a traditional method of determining if a "source" exists. With that data, a consultant can draw conclusions about the possibility of vapors being present in a building. The other method becoming more popular is soil gas vapor coupled with indoor air quality testing. This method involves less invasive methods of gathering data and can also help a consultant make a determination of whether or not potentially harmful vapors exist. Of course the best method is to use all four of these data points. However, this is the most costly approach. This investigation is also beyond the scope of the Phase one ESA, so additional time may be required to obtain the necessary data.

Lenders have become more aware of the vapor scenario in recent years as many of the reports they have reviewed now outline this potential based on the consultant's research of the site and adjacent sites. Consultants representing lenders have also been educating their client base through seminars and newsletters pointing out the importance of this phenomenon. With only one standard now available that provides the AAI benefit, pricing in the market should be more consistent from firm to firm. Since the introduction of the new standard, the average price increase has been around \$350-\$500. So as we move into the final quarter of 2016, users of the new standard should be able to assume all reports are prepared equally with only one Phase one ESA standard. In theory the answer is yes. However, experience of the individual inspector, expertise and commitment to provide the best report possible is based on each firm's dedication to that mission.

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