



Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property¹

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1. Scope

1.1 *Purpose*—The purpose of this practice is to define good commercial and customary practice in the United States of America for conducting a *Phase I environmental site assessment*² of a *property* 120 acres or greater of *forestland* or *rural property* or with a developed use of only *managed forestland* and/or agriculture with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and *petroleum products*. The property need not be adjoining; however, the separate areas should have substantially the same general land use and be part of the same transaction. The property may contain isolated areas of non-*forestland* and non-*rural property*. As such, this practice is intended to permit a user to satisfy one of the requirements to qualify for the *innocent landowner defense* to CERCLA liability; that is, the practices that constitute “all appropriate inquiry into the previous ownership and uses of the *property* consistent with good commercial or customary practice” as defined in 42 USC § 9601(35)(B). (See Appendix X1 for an outline of CERCLA’s liability and defense provisions).

1.1.1 *Recognized Environmental Conditions*—In defining a standard of good commercial and customary practice for conducting an *environmental site assessment* of a parcel of *property*, the goal of the processes established by this practice is to identify *recognized environmental conditions*. The term *recognized environmental conditions* means 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 a release of any *hazardous substances* or *petroleum products* into *structures* on the *property* or into the ground, groundwater, or surface water of the *property*. The term includes *hazardous substances* or *petroleum products* even under conditions in

compliance with laws. The scope of the work in Section 12 (Non-Scope Considerations) also applies to conditions that would affect the quality of water and threatened and endangered species on a *property* (as defined in the Clean Water Act and the Endangered Species Act specific to non-point source BMP deviations and the taking of threatened and endangered species). The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment or that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

1.1.2 *Three Related Practices*—This practice is closely related to Practices E 1527 and E 1528. Both E 1527 and E 1528 are *environmental site assessments* for *commercial real estate* (see 4.3). This practice also shares similar protocols with Appendix guidance documents X3 and X4: Phase I Environmental Site Assessment Guides for Clean Water Act Non-Point Source Considerations and Threatened and Endangered Species Considerations on *Forestland* or *Rural Property*.

1.1.3 *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 presence of *petroleum products* when doing 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*. (See Appendix X1 for discussion of *petroleum exclusion* to CERCLA liability.)

1.1.4 *CERCLA Requirements Other Than Appropriate Inquiry*—This practice does not address whether requirements in addition to *appropriate inquiry* have been met in order to qualify for CERCLA’s *innocent landowner defense* (for example, the duties specified in 42 USC § 9607(b)(3)(a) and (b) and cited in Appendix X1).

1.1.5 *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 *appropriate inquiry* provisions of CERCLA’s *innocent landowner defense*. 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

¹ This practice is under the jurisdiction of ASTM Committee E50 on Environmental Assessment 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 or described in 3.3 are used in this practice, they are in *italics*.