

# UTS 161: Environmental Site Assessments

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# UTS 161: Environmental Site Assessments (ESAs)

- UTS 161 overview
- What is a Phase I ESA?
- Why do a Phase I?
- “No really, *why?*” A risk game
- Donations and potential risk
- When to do a Phase I
- What happens if you don’t...
- Who should I hire?



# UTS 161: Environmental Review for Acquisition of Real Property – Policy Statement

It is the policy of The University of Texas System to minimize its potential for exposure to claims made under the applicable laws governing the environment and hazardous substances by investigating the environmental condition of real property assets and making *all appropriate inquiry* where warranted based on risk.



# UTS 161: what's the process?

*All Appropriate Inquiry* prior to acquisition:

- Real estate at the institution contracts consultant
- Consultant performs Phase I Environmental Site Assessment
- Phase I is reviewed by ORM
- Results are shared with REO and the institution
- Decision to purchase or further investigate is made based on acceptable risk



# What is a Phase I ESA?

ASTM E1527–13 defines the requirements for a Phase I ESA.

- Defines *All Appropriate Inquiry*
- Satisfies due diligence for Superfund liability
- Identifies *Recognized Environmental Conditions*
  - Likely presence of hazardous substances or petroleum products



# What is a Phase I ESA?

Reviews property records back to 1940 or first developed use, where records are *reasonably ascertainable*

- Aerial photos
- Town records – fire or building department
- TCEQ
- Database search



# What is a Phase I ESA?

Requires a site inspection

- Neighboring property uses
- Interviews with those associated with the property



# Why do a Phase I?

- Environmental due diligence
- Qualifies the purchaser for “*landowner liability protections*”
  - *innocent landowner*
  - *contiguous property owner*
  - *bona fide prospective purchaser* limitations
- CERCLA/Superfund Liability Coverage





# No, really...why?

- Eliminate risk by *not acquiring* a “bad” property
- Identify risk on property we acquire
  - ✓ Negotiate
  - ✓ Mitigate
  - ✓ Manage or remediate



# When should you do a Phase I?

- Prior to purchase
- Prior to accepting a gift



# Let's play the property risk game!!

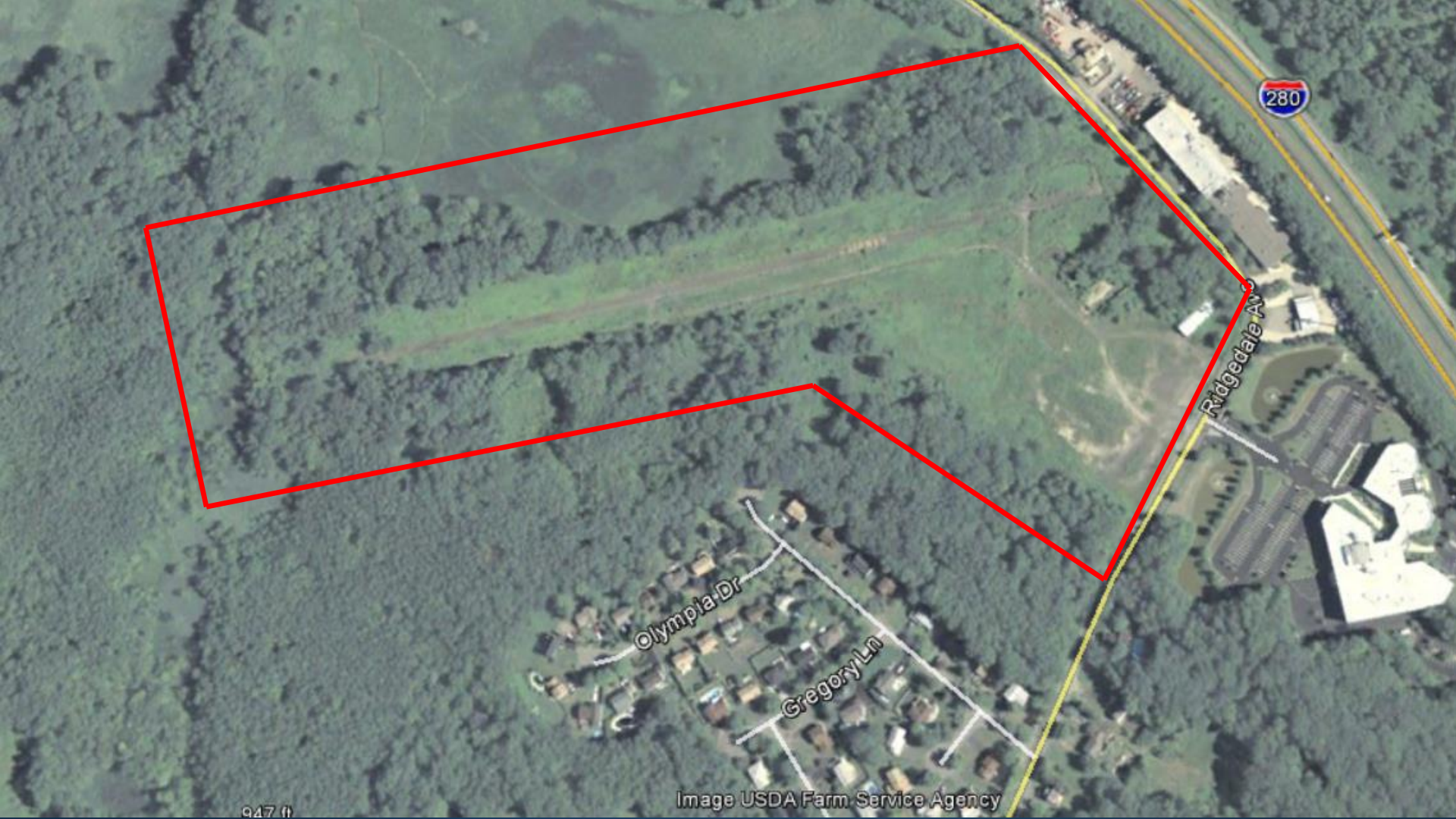
It looks harmless enough....

But I know what to expect...



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280

Ridgedale Ave

Olympia Dr

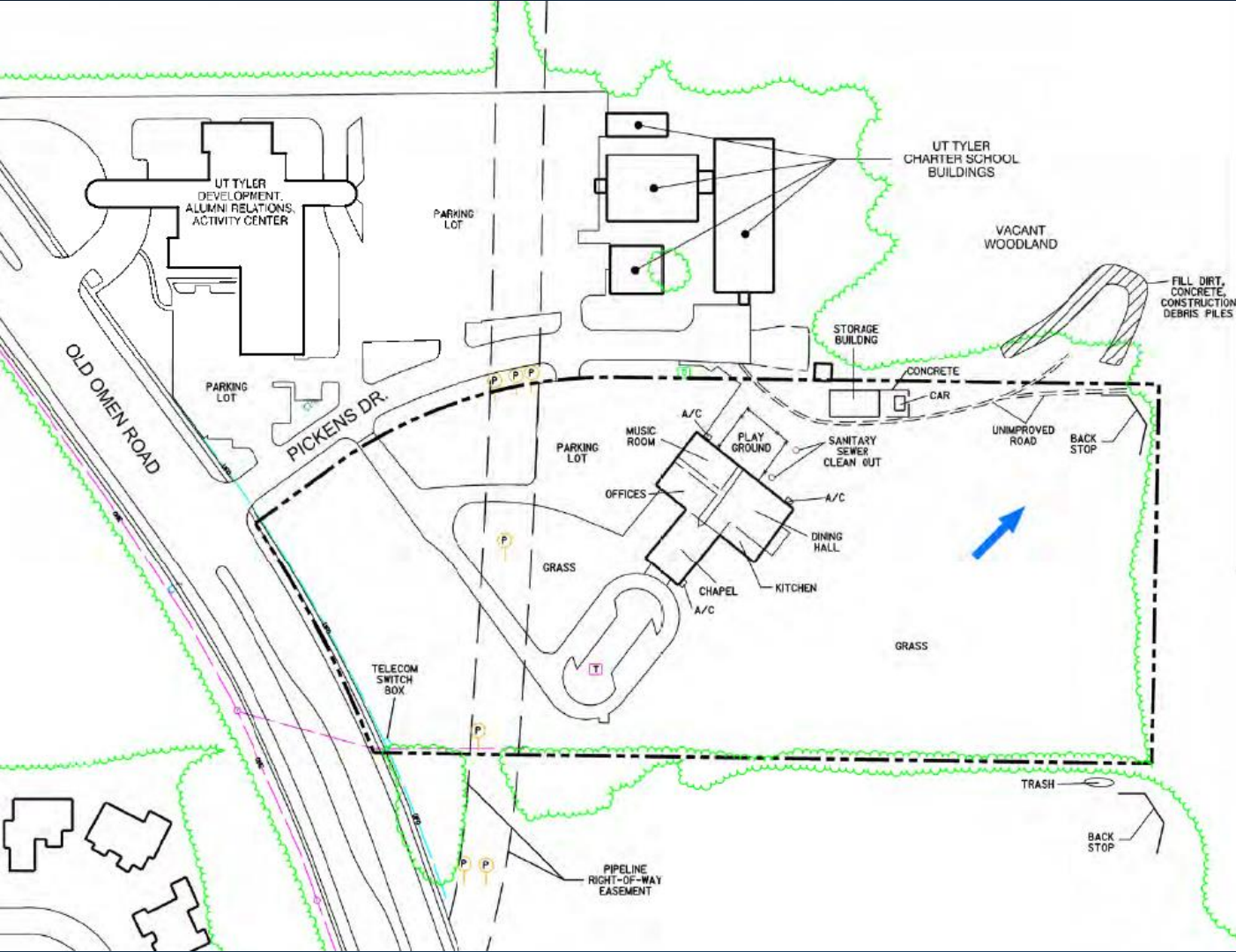
Gregory Ln

947 ft

Image USDA Farm Service Agency







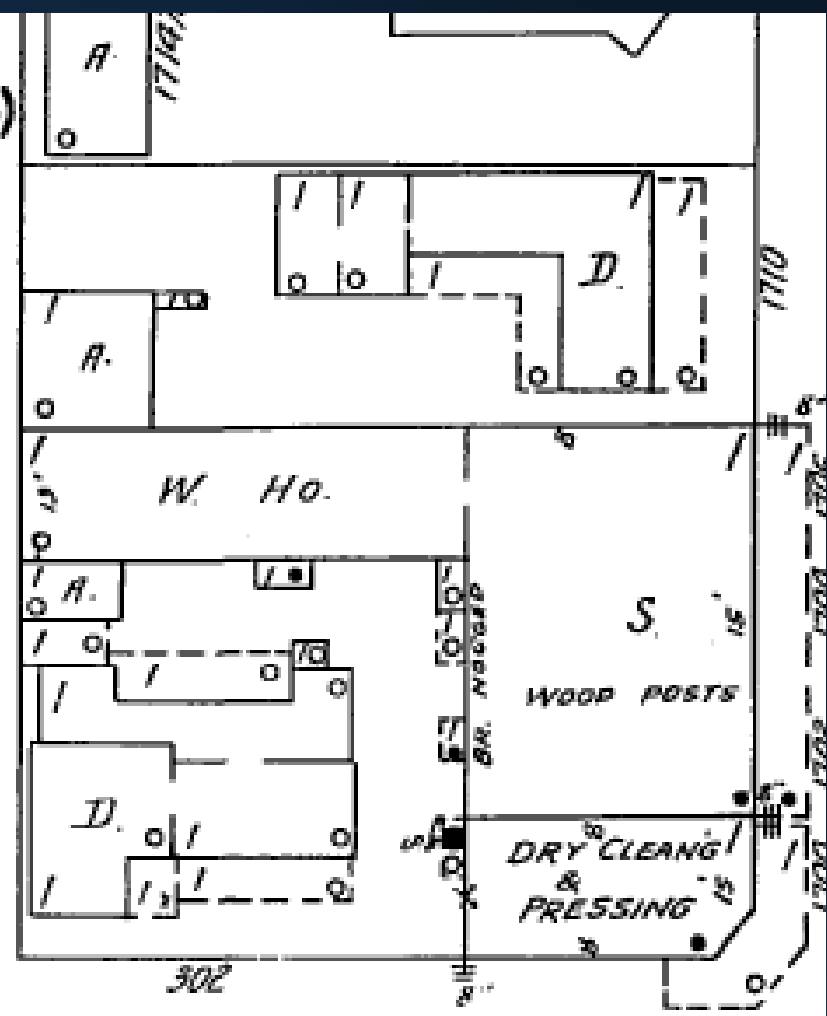
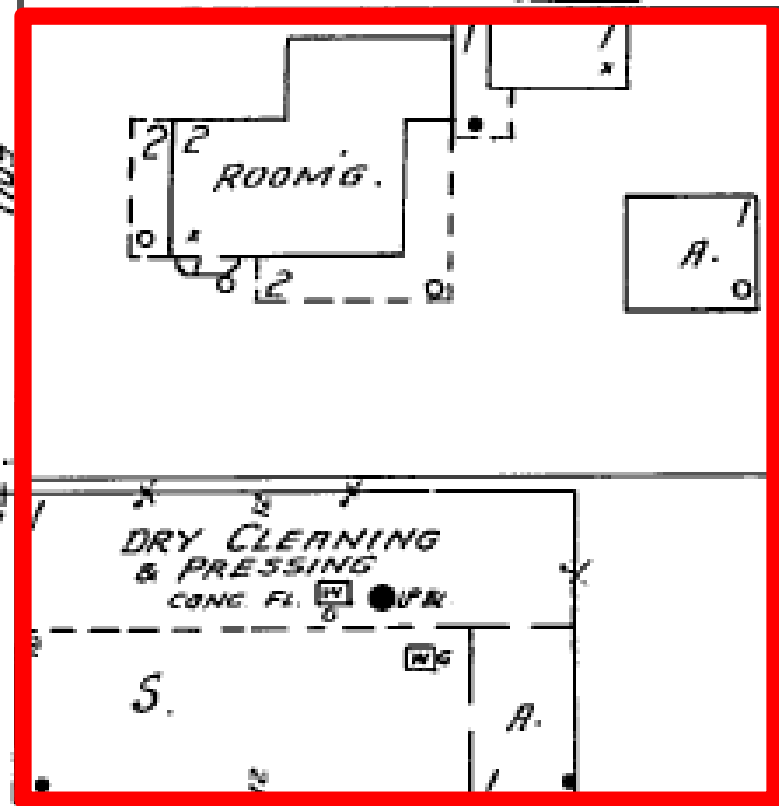
**EXPLANATION:**

	SUBJECT PROPERTY BOUNDARY
	OHE OVERHEAD ELECTRIC LINE
	POLE MOUNTED TRANSFORMER
	PAD MOUNTED TRANSFORMER
	UFO UNDERGROUND FIBER OPTIC LINE
	FIRE HYDRANT
	CHAINLINK FENCE
	A/C AIR CONDITIONING UNIT(S)
	DIRECTION OF SURFACE DRAINAGE
	TREE LINE
	PIPELINE MARKER
	DUMPSTER

PELOTON OFFER  
512.814.3400

1703 GUADALUPE

3  
(36)





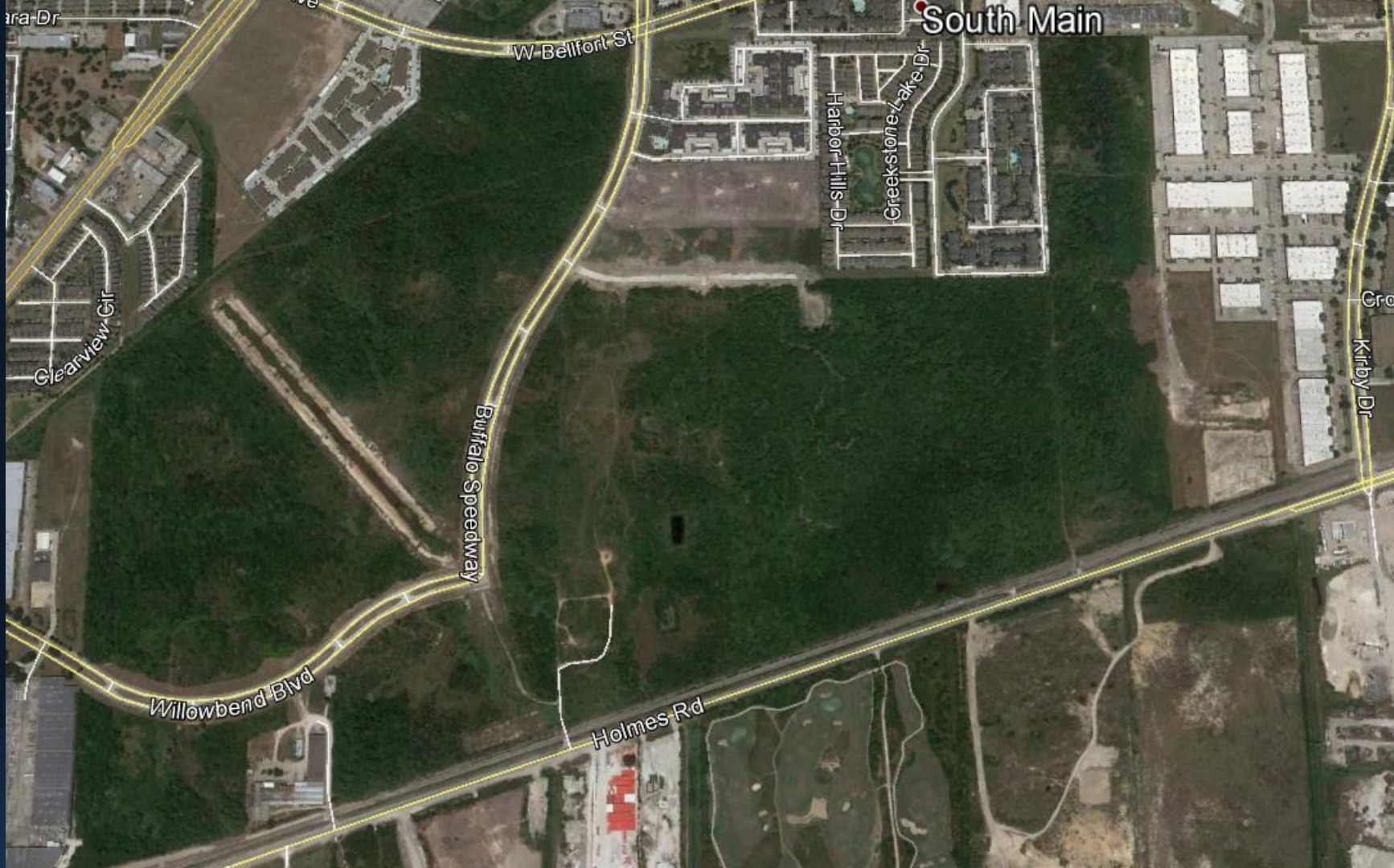




Burger King

Valero!









# Donated Property

...but, Michelle, it's FREE!!



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SITE

H STREET

LANCASTER DRIVE

MCKNIGHT DRIVE

E. 52ND

BLUE DRIVE





- POLE MOUNTED TRANSFORMER
- DIRECTION OF SURFACE DRAINAGE
- FENCE LINE
- GRATE INLET
- 6 INCH COVERED METAL PIPE
- FORMER SUMP
- FIRE HYDRANT
- WATER WELL
- CONCRETE FILLED 1' DIAMETER METAL RING
- APPROXIMATE LOCATION OF FORMER MONITOR WELLS ASSOCIATED WITH ODESSA CHROMIUM FACILITY SAMPLING













**Chromium in GW**

**Chromium and Solvents in GW**

The map shows an industrial area bounded by W. 54th St. to the west, E. 52nd St. to the south, and Lancaster Dr. to the east. Key features include:

- Streets:** W. 54th St., E. 52nd St., Blue Dr., Lancaster Dr., and Evans Highway.
- Buildings and Structures:** Shop Building, Residence, Former Office Bldg. A, Former Fab Shop, Former Tool Shop, Former Office Bldg. B, Former Insulation Shop, Outdoor Welding Structure, Former Auto Repair, Med Tech Testing, White House Meat Market, Turbo Supply, Cruzn Body Shop, Premium Auto Care, Vacant Bldg., Storage Bldg., Lenas Upholstery, Mobile Home, Locksmith, Wireless 4 U, King Tile Co., Kemp's Automotive.
- Parking Lots:** Asphalt Parking Lot, Unpaved Former Storage Yard (Caliche Gravel), Asphalt Parking Lot, Former Pipe Rack, Water Well Pump House, Former Pipe Rack, Bollards, Stained Asphalt, Asphalt Parking Lot, Above Ground Vehicle Lift, Asphalt Parking Lot, Oil Storage on Pallets, Unpaved Former Storage Yard (Caliche Gravel), Unpaved.
- Other Features:** Empty Storage Shed, Location of Former On-Site VST and Associated Dispenser (Removed in 1992), Concrete Pads, Compressed Air and Water, Empty 55-Gallon Plastic Drum, Former Oil/Water Separator, Propane Gas, Fabricated Tank Storage, Empty 55-Gallon Plastic Drum, Sand, Gravel, Concrete, Asphalt & Metal Piles, Pipe, Sewer Cleanouts, Empty 55-Gallon Plastic Drum, Former Repair, Gate, Former Office Bldg. A, Former Office Bldg. B, Former Insulation Shop, Former Pipe Rack, Water Well Pump House, Former Pipe Rack, Bollards, Stained Asphalt, Asphalt Parking Lot, Above Ground Vehicle Lift, Asphalt Parking Lot, Oil Storage on Pallets, Unpaved Former Storage Yard (Caliche Gravel), Unpaved.

# Chromium and Solvents in GW

- |   |  |
|---|--|
|    | POLE MOUNTED TRANSFORMER   |
|    | DIRECTION OF SURFACE DRAINAGE  |
|    | FENCE LINE   |
|  | GRATE INLET  |
|  | 6 INCH COVERED METAL PIPE  |
|  | FORMER SUMP  |
|  | FIRE HYDRANT   |
|  | WATER WELL   |
|  | CONCRETE FILLED 1' DIAMETER<br>METAL RING  |
|  | APPROXIMATE LOCATION OF FORMER<br>MONITOR WELLS ASSOCIATED WITH<br>ODESSA CHROMIUM FACILITY SAMPLING |

# What happens if we accept a contaminated site?

- Contamination found on site belongs to the owner of the site
- State and federal superfund sites
  - The new owner would be held responsible for contamination from previous owners.



It's FREE...it's VACANT...what could go  
WRONG??

2012 Aerial Photo  
Halff Phase I



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# 1950 Aerial



# What happens if we accept a property and we didn't complete our due diligence?

- The seller won't allow a Phase II.
- Contamination found on site belongs to the owner of the site.
- If we bought it
  - risk to visitors, students on site

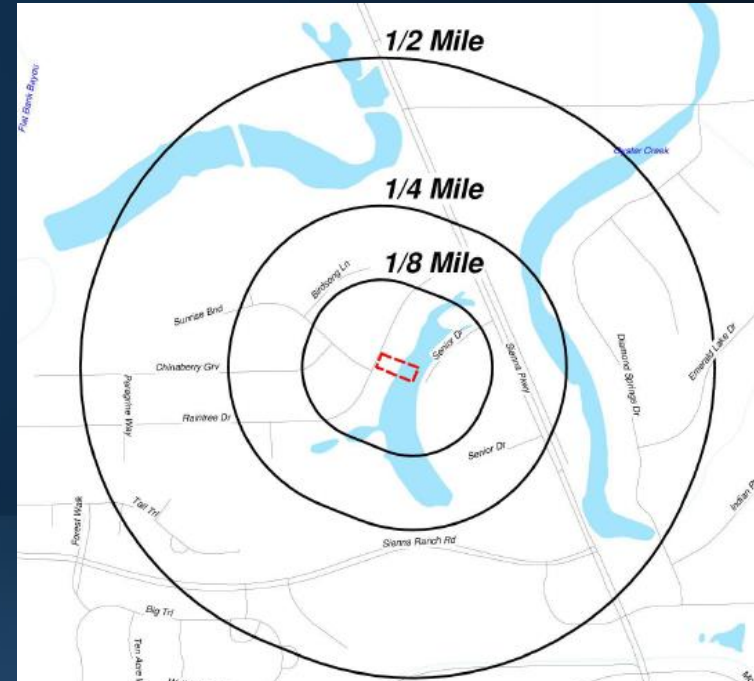






It's vacant!  
It's pretty!  
It's in the middle of a neighborhood!  
It STILL makes me uncomfortable!

- In-house review
- Database report
- Aerial Photos
- Site visit



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# Who should do a Phase I and how do I find them?

- Systemwide Environmental Services Contracts
  - Halff Associates, Inc ★★★★★
  - ATC Group Services
  - EnSafe, Inc.
  - Terracon Consultants
  - <https://apps.utsystem.edu/ogcprotected/systwidecont.htm>
- Contact the contract coordinator, get a proposal/scope of work, and process as appropriate





# Why UTS 161?

Environmental Site Assessments identify risk

- ✓ Negotiate
- ✓ Mitigate
- ✓ Manage



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# Questions?

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