

**City of Chandler Guidelines for CERCLA Liability
Protection on New Property Acquisitions (12/13/02)**

Phase I Environmental Site Assessment

It is the Policy of the City of Chandler to conduct due diligence investigation before acquisition of any real property. Accordingly, when property is obtained from developers through plat dedication, gift, trade, purchase or other means, the City requires the developer to retain competent professionals to perform due diligence on behalf of the City of Chandler. It is therefore necessary that the Phase I - Environmental Site Assessment specify the City of Chandler as beneficiary of the investigation and report, and have all rights of recourse to the consultant for errors and omissions. The competent professional performing this investigation shall be fully insured and financially responsible. ASTM procedure E-1527 defines the qualifications for the investigators who perform Phase I - Environmental Site Assessments. It is necessary that any person performing such investigations meet this ASTM standard for qualification. Reports that do not demonstrate that the person conducting the investigation satisfies such criteria will not be acceptable.

The Phase I - Environmental Site Assessment must meet the following criteria.

- 1) Meet all criteria of ASTM E-1527 in its most current form.
- 2) Document investigator's qualifications and their compliance with ASTM criteria.
- 3) Document property uses back to 1940. It should be noted that ASTM criteria information resources are readily available for all property within the City of Chandler to 1940.
- 4) Specify in the Report that the City of Chandler is a beneficiary of the investigation with all rights, privileges and recourse.
- 5) Conducted within 180 days of the date the City of Chandler relies on the report for issuance of a grading permit and prior to the Mayor signing the final plat and registering of the plat with the Maricopa County Recorder.
- 6) Verify that the property records are free of Declaration of Environmental Use Restrictions (DEUR), Voluntary Environmental Mitigation Use Restrictions (VEMUR), or environmental liens of any kind.
- 7) Conclude that the property does not have any environmental defects. Such defects would include: contamination above Soil Remediation Levels (SRL) which could lead to CERCLA liability, hazardous wastes, hazardous substances, petroleum, underground storage tanks, above ground storage tanks, drywells (other than clean drywells used for disposal of uncontaminated storm water disposal only), solid waste, construction debris, landscape debris, piles of soil from unknown source, lagoons/ponds, burn pits, transformers, wells that are not abandoned according to ADWR procedures (unless the well is to be used in the proposed development), septic systems not abandoned according to Maricopa County abandonment procedures, abandoned equipment, waste like materials or materials treated in a

waste like manner, buried hazardous waste, buried solid waste, buried domestic waste, buried farm waste, or structures that are not intended to be part of the new development (i.e. National Emission Standards for Hazardous Air Pollutants (NESHAP) issues).

- 8) Document compliance with National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements for structures removed from the site during site clean up.
- 9) Define the property location (township, range, section, quarter section), size of the parcel (in acres), and contain a map of the property showing features discussed in the text, and such features necessary to effectively define the extent of the property. The map must contain sufficient detail as to define the property's north orientation, relationship to identifiable streets and relation to other relevant physical features. The map is to show the location of structures, contamination sites, wells, drywells, retention basins, sumps, debris piles, buried waste sites, sample locations and other pertinent information discussed in the report.
- 10) Include an interview with a "Key Site Manager". In the case where the property is owned by a developer seeking approval to develop the property, or an organization, which does not actively conduct operations on the property, the Key Site Manager should be identified from the last active operations on the property. Generally a developer's business manager does not conform to the definition of a Key Site Manager knowledgeable of the operations on the site.
- 11) If the investigation includes sampling, demolition activities, excavation and disposal of buried waste, well closing or other additions to the normal scope of a Phase I investigation, this information can be summarized with pertinent documentation attached (i.e. well closure submittals, NESHAP notices, underground storage tank closure documentation, etc.).

It is the intent of the City of Chandler to accept only property that is without recognized environmental conditions as defined above or properties with defects where the City has specifically accepted the defects as demonstrated in written agreements signed by the City. It is the intent of the City to identify all recognized environmental conditions prior to disturbance of the site and have these conditions remediated before dedication. This practice prevents inadvertent disposal of contaminated soils and other debris on the property, which make environmental clean up, and documentation of such clean up, more expensive and less conclusive.