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## Topics

Environmental

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## Related People

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# New Rules Provide More Detail in Phase I Environmental Site Assessments

*Community Banker* magazine

Mike Nesteroff authored an article in the Spring 2014 issue of Community Bankers of Washington's *Community Banker* magazine titled "New Rules Provide for More Detail in Phase I Environmental Site Assessments." In the article, Nesteroff discussed new standards endorsed by the Environmental Protection Agency (EPA) for Phase I environmental reports that have the potential to make the reports more useful in evaluating the risks at a property.

*The "all appropriate inquiry" rule comes into play if a party can show that it did everything commercially reasonable before closing a property transaction to inquire about previous ownership and uses of the property that would identify whether there were releases or threatened releases of hazardous substances at the site. A Phase I that meets standards adopted by the EPA qualifies a party for the innocent landowner defense under the federal Comprehensive Environmental Response, Compensation and Liability Act, which states such as Washington use as the guidance for statutes such as the Model Toxics Control Act. All appropriate inquiry also applies to brownfields funding, as well as prospective purchases of contaminated property.*