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Apartment Building/Adjacent Historical Service Stations Sites: Blog Commonground Discusses Whether a "Phase II" is Necessary?

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A post on the blog *Commonground* discusses a situation in which an initial environmental assessment of an apartment building may have identified service stations formerly operating next to or near to the site.

A periodic issue identified in an initial environmental assessment of a property or facility is determining the potential impact a former adjacent or area activity.

The question asked in the initial post is whether the possible former operation of these facilities in the area warrants sampling or additional assessment work?

The post notes:

I have a site that is a 4 unit apartment building. Sanborns picked up two different filling stations on the adjacent property in 1920 and up to 1969. No listing of adjacent properties on UST or LUST list, but did show up on Historical Auto Stations. Based on environment practices in the 1960s and farther back and the lack of any records, I am calling the adjacent property a REC and doing my first vapor risk analysis. For the purposes of all appropriate inquiry, do holes need to be drilled on the property line? I think after 40 years the risk for vapor is pretty low and the risk to the subject property from contamination is pretty low, but without the holes, I do not have much to back up my opinion. Old service station buildings property is totally covered by a newer (1970s) building, not no visual clues regarding the tanks are left.

The reference to "REC" is the term recognized environmental condition.

One commenter responds:

What you need to decide is if contamination from the gas station is "likely" to have impacted the site. You say that the risk is "pretty low". "Pretty low" is not a REC. By definition a REC is "likely".

Another commenter notes:

There is no such thing as a REC next door. For it to be a REC, your Phase I must conclude that it's **likely** a release from the historical adjacent gas station has migrated on to your property above levels which would be considered de minimis. Based on your own description, doesn't sound like that bar has been met. If your client wants a higher level of certainty about the environmental condition of the property, they can always do a Phase II. But that doesn't make it a REC. This misunderstanding is very common and one of the biggest problems in the industry right now. Too many consultants are so afraid of being sued that they replace "likely" with "remotely possible" in the REC definition. A lot of clients do this also. The

recommendations part of the report takes into consideration the client's specific circumstances. I might recommend one thing to one client and something completely different to a different client for the same exact issue at the same property. The REC determination is independent of the client.