



# Environmental Issues in Real Estate

City Requirements for Phase I ESAs

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The Cities of Phoenix and Chandler each have adopted the requirements of the ASTM 1527-05 standard for Phase I Environmental Site Assessments (ESA), which meets the requirements of "All Appropriate Inquiry (AAI)" for land that is to be dedicated to the city. The City of Phoenix requires that any land that is to be developed by a private developer have an ESA performed to meet the requirements of AAI, an Environmental Assessment Declaration for Projects Constructed by Private Developers form must be submitted to Development Services, and the ESA must be assigned to the City of Phoenix and be less than six months old. The City of Chandler has similar requirements in the submittal of an ESA that is assigned to the City of Chandler and that is less than six months old. However, the City of Chandler takes it a step further and requires that any fill dirt on a property to be dedicated to the City (including for roadways and easements) that originates from an unknown source must be sampled for all possible contaminants.



*Fill Dirt of Unknown Origin Can Have Contamination*

### Chandler Requires Testing

The City of Chandler requires that any fill dirt on a property to be dedicated to the city that originates from an unknown source must be sampled for all possible contaminants. This can include pesticides, herbicides, petroleum products, metals, and other chemicals.

### Local Company Faces Penalties for Non-Compliance

According to an April 2007 news story on the web-site for the Arizona Department of Environmental Quality (ADEQ), Trendwood Incorporated, a south Phoenix furniture manufacturer, incurred \$40,000 in penalties for hazardous waste violations. This comes after two fires in April 2001 resulted from inappropriate hazardous waste handling and disposal practices. Waste filters that were saturated with a flammable material were improperly disposed of in a trash dumpster, causing the fires. Further violations include additional material storage and disposal issues.

### New Hazardous Air Pollutant Program Begins



*Paint Spray Booths are a Source of Air Emissions*

The State of Arizona implemented the new Hazardous Air Pollutant (HAP) Program on July 1, 2007, in accordance with Arizona Revised Statutes (A.R.S.) § 49-426.06. This program mandates that certain sources of HAP emissions must institute controls to reduce the risk to human health. A facility with a HAP source that can demonstrate that the emissions from their facility will not pose a threat to human health through a risk management analysis (RMA) are eligible for exemption from the control requirement. Businesses are subject to the HAP Program if they make a modification to an existing stationary source or if they construct a new stationary source.

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