

ONONDAGA COUNTY

**ENVIRONMENTAL SITE ASSESSMENT
POLICY AND PROCEDURES FOR
PROPERTY ACQUISITION**

REVISED APRIL 2002

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**ONONDAGA COUNTY
PROPERTY ACQUISITION AND DISPOSAL POLICY
AND PROCEDURES FOR
ENVIRONMENTAL SITE ASSESSMENT**
Revised April, 2002

I. INTRODUCTION

Both Federal and State law place the burden, responsibility and costs of cleaning up a hazardous waste site on the property owner. That includes the present property owner even if this owner did not cause the hazardous waste to be located on the property. If it is not possible to ascertain the party or parties responsible for the presence of the wastes, then the current property owner may be responsible for the entire cost of the site cleanup.

CONSEQUENTLY, IT IS IMPERATIVE TO MAKE EVERY EFFORT TO IDENTIFY POTENTIAL HAZARDOUS WASTE SITES AND/OR OTHER ADVERSE ENVIRONMENTAL CONDITIONS AS EARLY AS POSSIBLE IN THE PROPERTY ACQUISITION PROCESS TO MINIMIZE THE LIKELIHOOD OF THE COUNTY BECOMING THE UNKNOWING OWNER OF SUCH PROPERTY, AND/OR TO FACTOR SUCH CONDITIONS INTO FURTHER CONSIDERATION OF THE ACQUISITION.

The Superfund Amendments and Reauthorization Act (SARA) of 1986 provided a defense for the "innocent landowner" that might unknowingly acquire such a property. As written, the "innocent landowner" defense applies to a person who: 1) acquired property after the disposal of hazardous substances on it had occurred; 2) at the time of acquisition undertook all appropriate inquiry into the previous ownership and uses of the property (i.e., performed a "due diligence" investigation); and 3) based upon that inquiry, had no reason to know of or suspect a release of hazardous substance(s) at the site. It must be understood, however, that no such exemption exists under State law, and even though it may not be a "listed" site, the new owner of the property will still have possession of a contaminated property.

The purpose of establishing County Environmental Site Assessment Policy and Procedures for Property Acquisition is to attempt to identify potential hazardous waste sites and/or other types of undesirable environmental conditions or risks as early as possible in the property acquisition process to minimize the likelihood of the County becoming the unwitting owner of properties with potentially significant environmental liabilities.

II. COUNTY POLICY ON PROPERTY ACQUISITIONS

This Policy is intended to protect the County from liability associated with acquiring property with pre-existing environmental problems. The Policy establishes procedures and guidance to aid departments in determining the existence of contamination prior to the transaction, and prescribes a process for decision-making in the event contamination is discovered.

It is the policy of the County of Onondaga to perform an environmental assessment of every property prior to acquisition. A report, documenting the findings of the Environmental Assessment, will be retained in the County Office of Environment. It is also the policy of the County to attempt to acquire "easement" to a right-of-way, as opposed to fee ownership, in instances where a site assessment reveals evidence of possible contamination within or adjacent to the right-of-way.

III. APPLICABILITY

The procedure prescribed in the following pages applies to all property transactions by the County. This includes: 1) purchases of parcels of land and associated facilities; 2) purchases of rights-of-way; 3) the acquisition of permanent easements for utilities; 4) taking title of tax delinquent properties; 5) condemnations; and 6) acceptance of property and associated facilities as a gift to the County.

IV. BACKGROUND

In the past two decades a number of Federal and State laws and regulations have been enacted that address the concerns associated with hazardous waste. At the federal level they include the Resource Conservation and Recover Act (RCRA); the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), also know as Superfund; the Toxic Substances Control Act (TSCA); and the Superfund Amendments and Reauthorization Act (SARA).

Hazardous substances are defined in CERCLA, and include any wastes having the characteristics of ignitability, corrosivity, reactivity or toxicity. The regulatory standards for determining a hazardous substance have been developed for numerous substances. New York State's counterpart to CERCLA, the Inactive Hazardous Waste Disposal Sites Act (Chapter 282, Laws of 1979) was actually enacted one year prior to CERCLA. This law also defines hazardous characteristics of hazardous wastes. It also places liability for the development and implementation of remediation on the owner/operator of a site or any other person responsible for the hazardous waste disposal. Similar requirements in New York State are found in the Environmental Conservation Law, Sections 27-0901 through 0903 and Section 27-1301. New York's counterpart to RCRA is the Industrial Hazardous Waste Management Act (Chapter 639, Laws of 1978).

CERCLA hazardous substances do not include, and CERCLA regulations generally do not apply to, petroleum products, including gasoline, diesel fuel, heating oils, etc. This exclusion is an important one, since it removes the estimated hundreds of thousands of potential leaking underground storage tanks (USTs) across the nation from the purview of the Superfund. The investigation and remediation of leaking USTs is addressed under Subtitle I of the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA), and the owners of property contaminated by petroleum products do face potentially significant liability.

V. DEFINITION OF TERMS

Environmental Assessment: An environmental assessment is a process for identifying, quantifying and qualifying environmental risks. It can be a single or multi-phased investigative process where the facts and information obtained in one phase determine the need and direction for the next phase of the assessment.

For the County's purposes, the environmental site assessment process may be made up of as many as four phases: 1) Transaction Screening Process; 2) Phase 1 Environmental Assessment; 3) Phase 2 Environmental Assessment; and 4) Phase 3 Environmental Assessment.

Transaction Screening Process: The Transaction Screening Process is to be carried out by County personnel. A Transaction Screening Process for property acquisitions is most appropriate where the possibility of encountering contaminated materials within or adjacent to the property is low. The purpose of a Transaction Screening Process is to identify, to the extent feasible, recognized environmental conditions in connection with a given parcel of property and associated facilities. It focuses on identifying previous site owners and historical uses of the site to identify possible environmental risks. Specific areas of interest include: a records review, a site reconnaissance, a review of adjacent land use, a review of current and former operations and practices and an environmental incidence records search (e.g., chemical or petroleum spills). If upon completion of the Transaction Screening Process environmental contamination or other problems are suspected, a Phase 2 Assessment will be necessary before the property is purchased (It is possible that a Phase 1 Environmental Assessment will also have to be completed; although it is expected that in most cases a Transaction Screening Process will substitute for, or will substantially satisfy the requirements of, a Phase 1 Assessment).

Phase 1 Environmental Assessment: A Phase 1 Assessment for property acquisitions is most appropriate where the likelihood of encountering contamination within or adjacent to the property appears probable. It must be performed by an environmental professional (see Definition of Terms for the definition of an environmental professional) and will be performed in conformance with the American Society for Testing and Materials (ASTM) Standard E1527-94, Phase 1 Environmental Site Assessment Process. A Phase 1 Assessment, as with the Transaction Screening Process, is intended to identify, to the extent feasible, recognized environmental conditions in connection with a given parcel of property or facility. Again, it is expected that in most cases a Transaction Screening Process will substitute for, or will substantially satisfy the requirements of, a Phase 1 assessment.

Phase 2 Environmental Site Assessment: A Phase 2 Assessment is a detailed survey, usually involving on-site sampling, conducted by an environmental professional to confirm or dispel suspicion of contamination identified through the Transaction Screening Process and/or Phase 1 Assessment. Phase 2 Assessments are intended to determine the type and extent of contamination. Specific activities may involve: soil sampling, groundwater sampling, surface water monitoring, wetlands investigation, asbestos sampling, an air emissions survey or an underground storage tank assessment. Upon completion of the Phase 2 Assessment, if contamination is identified, additional investigation may be necessary before the property is acquired.

Phase 3 Environmental Site Assessment: In a Phase 3 Environmental Site Assessment, based upon the type and extent of contamination identified in the Phase 2 Assessment, remediation options are identified, and the cost of the most feasible and economical option is assessed. The Phase 3 Assessment is intended to determine whether and to what extent the contaminated property can be cost-effectively remediated prior to acquisition by the County.

Due Diligence - A term used in reference to the "innocent landowner" defense established by the Superfund Amendments and Reauthorization Act, which provides a measure of liability defense to those purchasing sites on which hazardous substances have been previously released; providing (among other things) that the purchaser undertook all "appropriate inquiry" at the time of acquisition. The Transaction Screening Process, Phase 1 and Phase 2 Environmental Site Assessments are often performed as part of "due diligence."

Environmental Professional - A person possessing sufficient education, training and experience necessary to conduct a site reconnaissance, interview and other activities in accordance with ASTM standard practice E1527 - Phase 1 and/or Phase 2 Environmental Site Assessment Process, and from the information generated by such activities, having the ability to develop conclusions regarding recognized environmental conditions in connection with the property in question.

Hazardous Substance - A very broad class of contaminants regulated under CERCLA, which includes chemical contaminants specifically listed in the National Contingency Plan (NCP), as well as virtually all other contaminants identified under one or more of the numerous other Federal and State environmental laws.

Innocent Landowner Defense - Established by the Superfund Amendments and Reauthorization Act (SARA), which provides a measure of liability defense to those purchasing sites on which hazardous substances have been released, providing, among other things, that the purchaser undertook all "appropriate inquiry" at the time of acquisition.

VI. PROCEDURES FOR CONDUCTING ENVIRONMENTAL SITE ASSESSMENTS

It is the responsibility of the department involved in a property acquisition to ensure that the County Property Acquisition Policy and Environmental Assessment Procedures are carried out. In all cases this will be done in coordination and cooperation with the County Office of the Environment, which will provide technical support to the department and act as a liaison with the County Executive's Office. The Office of Environment should be notified at the time a property acquisition is initially contemplated. Any costs associated with an environmental assessment for a given property will be borne by the department acquiring the property.

Not every property transaction will warrant the same degree of assessment. The County recognizes, and has developed procedures for, three types of property acquisitions: rights-of-way, tax delinquencies and all other property acquisitions, including condemnation and leasing arrangements. While the procedures for each category differ somewhat, they are each intended to satisfy the County's primary policy objective: **to make every effort to identify potential hazardous waste sites and/or other types of undesirable environmental conditions or risks as early as possible in the property acquisition process so that such conditions are factored into further consideration of the transaction.**

A. Acquisitions of Rights-of-Way

Easement and/or right-of-way acquisitions are commonly associated with County road, sewer and water supply line projects; although other types of projects could require the acquisition of an easement and/or right-of-way. It is the policy of the County of Onondaga to acquire "easement," as opposed to fee ownership of a right-of-way, in instances where a site assessment reveals evidence of possible contamination within or adjacent to the property. Regardless of whether a department will seek an easement or take title to a right-of-way, the following environmental assessment procedure must be carried out.

1. Planning Stage - Transaction Screening Process

The early planning stages provide the best opportunity to deal effectively with potential contamination or other environmental problems in connection with an easement or right-of-way acquisition. If identified early, site problems can be avoided, eliminated by changing the project's design, or scheduled for remediation as part of construction if necessary. This section describes steps that should be completed as early as possible in the project design and easement and/or right-of-way acquisition process.

The initial step for most easement and/or right-of-way acquisitions is to carry out an Easement and/or Right-of-Way Transaction Screening Process. Transaction screenings for easement and/or right-of-way acquisitions are most appropriate where the possibility of encountering contaminated materials within or adjacent to the property is low. Department staff typically performs this process. Unlike the site investigations for the other types of property acquisitions described later in this document, the Easement and/or Right-of-Way Transaction Screening Process is not site-

specific in that it does not relate strictly to the assessment of environmental conditions on a single parcel. Rather, the assessment is more focused along the entire length of easement and/or right-of-way area, and somewhat less focused on the entirety of individual parcels.

While the use of this practice is intended to constitute appropriate inquiry for purposes of CERCLA's "Innocent Landowner Defense," it is not intended that its use be limited to that purpose. It is a tool to detect the existence of adverse environmental conditions on or adjacent to a property connected with an easement and/or right-of-way, and to determine whether additional study or testing of the property is desirable.

2. Using the Easement and/or Right-of-Way Transaction Screening Questionnaire

The Transaction Screening Process for easements and/or right-of-way acquisitions consists of answering questions contained within the Easement and/or Right-of-Way Transaction Screen Questionnaire (Appendix 1). Completing the questionnaire will require conducting research of various government and historical records, observing site conditions at the property, and possibly interviews with current and/or former owners and/or occupants of the property; depending upon the likelihood of contamination on the property. It is not necessary to conduct interviews with current owners if there is no indication or evidence of potential contamination, nor is it intended that a "Current Property Owner Questionnaire" (Appendix 4) be completed as part of the Right-of-Way environmental assessment. Specific sources for this information are provided in the questionnaire.

In performing the site visit portion of the Easement and/or Right-of-Way Transaction Screening Process, the preparer should visually observe the property and any structure located on the property from all adjacent public thoroughfares. If practical, it is desirable to create a visual record of the site at the time of the visit, either with still photos or by making a video recording of the site. To the extent the preparer is able, the periphery of the entire property should be visually observed and recorded, as well as the periphery of all structures on the property. If helpful, aerial photographs of the entire county at various scales and time periods are available in a number of County departments (Planning, Finance, Transportation, Division of Environmental Health).

Performance of the Transaction Screening Process does not involve collecting or analyzing samples of soil or water. It is intended to enable the County to determine whether further inquiry is needed to assess the potential for undesirable environmental conditions within or adjacent to the property. Completion of the Transaction Screening Process, if done correctly and completely, and assuming the process uncovers no evidence of contamination of the area by hazardous waste or other environmental problems, is intended to constitute "appropriate inquiry," even without undertaking a Phase 1 or Phase 2 Assessment.

Upon completion of a Easement and/or Right-of-Way Transaction Screening Process, the County should be able to conclude that either: 1) no further inquiry into environmental conditions within or adjacent to the easement and/or right-of-way are needed; or 2) further inquiry is needed to assess recognized or suspected contamination conditions. If the department and Office of Environment determine that no further inquiry is needed, the department shall file a report (the Easement and/or Right-of-Way Transaction Screening Questionnaire and supporting materials)

documenting its findings with the Office of Environment, then proceed with the property acquisition. If conditions at the site suggest the need for further inquiry beyond the Transaction Screening Process, the department and Office of Environment must determine whether to limit such investigation to the specific issues identified as concerns, or whether they should proceed to a full Phase 1 or Phase 2 Assessment (refer to sections on Phase 1 and Phase 2 Assessments).

B. Tax Delinquent Property Acquisitions

Tax delinquent property acquisitions represent a unique situation for the County regarding avoidance of potential liability associated with the temporary ownership of contaminated property. Despite the fact that the County typically holds title to such properties for a very short time - often less than one day -the transactions are recorded, and the County does become part of the "Chain of Title" for the property.

Federal legislation does specifically exempt local governments who become temporary owners of contaminated tax delinquent property from CERCLA liability, **but New York State law does not.** The County has developed the following procedure for the acquisition of tax delinquent property for purposes of identifying undesirable environmental conditions in order to determine the risk of transitory acquisition of such property for purposes of resale.

1. Resale of Tax Delinquent Properties - Transaction Screening Process

The County Department of Finance is involved in the collection of information that is necessary for the resale of tax delinquent properties. This includes a search of various records and a visual examination of the property, which is carried out by a contractor on the County's behalf.

In light of the local government exemption for ownership of tax delinquent properties in the Federal laws and regulations, and the absence of such an exemption in State laws and regulations, the procedure that follows is not intended to constitute "appropriate inquiry" for purposes of CERCLA's "Innocent Landowner Defense." It is a site specific approach to identify undesirable environmental conditions in connection with a tax delinquent parcel of property to determine if additional study or testing of the property is necessary before the County makes the decision to enter into the Chain of Title for purposes of resale.

2. Using the Tax Delinquent Property Transaction Screening Questionnaire

The Tax Delinquent Property Transaction Screening Process consists of answering questions contained within the Tax Delinquency Transaction Screening Questionnaire (Appendix 2). Although the Tax Delinquent Property Transaction Screen Questionnaire is not as extensive as the other types of screening questionnaires - because the risk of incurring liability is not as great; although the extent of contamination, therefore the magnitude of exposure, can be great - completing the questionnaire will require conducting research of limited government records and sources, and observing site conditions at the property. Specific sources for this information are provided in the questionnaire.

In performing the site visit portion of the Tax Delinquent Transaction Screening Process, the preparer should visually observe the property and any structure located on the property. To the extent the preparer is able, the entire property should be visually observed, as well as all structures (inside and outside, if possible) on the property. If helpful, aerial photographs of the entire county at various scales and time periods are available in a number of County departments (Planning, Finance, Transportation, Division of Environmental Health).

Performance of the Tax Delinquent Property Transaction Screening Process does not involve collecting or analyzing samples of soil or water. It is intended to enable the County to determine whether further inquiry is needed to assess the potential for undesirable environmental conditions within or adjacent to the parcel in question. Upon completion of the Transaction Screening Process, the County should be able to conclude that either: 1) no further inquiry into environmental conditions within or adjacent to the property is needed; or 2) further inquiry is needed to assess recognized or suspected contamination conditions. If the department determines that no further inquiry is needed, the department shall prepare and retain a report (Tax Delinquent Properties Transaction Screening Questionnaire and supporting materials) documenting its findings, then proceed with the acquisition and resale of the property. To further minimize the environmental risks associated with the resale of tax delinquent property, purchasers of tax delinquent property should be required to acknowledge, in writing, that the property is being sold "as is" and hold the County harmless.

If conditions at the site suggest that undesirable environmental conditions might exist on the property, the department and Office of Environment must determine whether to abandon further consideration of reselling the property, or to further investigate the environmental problems of concern.

At the time of this writing the County is investigating an approach to allow redevelopment of tax delinquent properties carrying potential environmental liabilities.

Proposed Approach

The proposed approach is intended to allow for the remediation and redevelopment of an environmentally contaminated tax delinquent property with minimal risk to the County. Under this approach, remediation of an agreed upon site should be carried out under a Voluntary Cleanup Agreement (VCA) with the State Department of Environmental Conservation, negotiated by a qualified hazardous waste site remediation firm, and co-signed by the County.

Under the proposed approach, the qualified hazardous waste site remediation firm will:

- Post a performance bond, letter of credit or insurance policy covering the cost of the site investigation and cleanup;

- Carry out the cleanup; and
- Redevelop the property.

For its part, the County will:

- Convey the property to the qualified engineering firm for the appraised value minus the estimated cost of cleanup and redevelopment; and
- Discharge all unpaid taxes.

The risk to the County will be minimized in the following ways:

1. Use of a Voluntary Cleanup Agreement, which comes with a qualified release of liability from the State DEC;
2. Use of an qualified hazardous waste site remediation firm that has a credible record of successful hazardous waste site remediation; and
3. Require posting of a bond or letter of credit to further ensure that sufficient resources are available to satisfactorily remediate the site in conformance with the VCA Work Plan.

Under the proposed approach it is anticipated the County will bear no costs beyond those routinely borne by the County in a property transfer (appraisal and other closing costs). All additional costs are expected to be borne by the qualified hazardous waste site remediation firm

The benefits to the County include: receipt of “as is” value for the property, return of the property to the tax rolls and redevelopment of a site that would otherwise remain tax delinquent and undeveloped indefinitely.

Based on the outcome of current investigations, the County may decide to address tax delinquent properties with pre-existing environmental conditions using this or a similar approach.

C. All Other Property Acquisitions

The early planning stages provide the best opportunities to deal effectively with potential contamination or other environmental problems in property acquisitions. The following section describes the steps that should be completed as early as possible in the acquisition process.

1. Planning Stage - Transaction Screening Process

The initial step for most property acquisitions is to carry out a Property Transaction Screening Process. Transaction screenings for property acquisitions are most appropriate where the possibility of encountering contaminated materials within or adjacent to the property is low. This process is typically performed by department staff and is intended primarily as an approach to identify undesirable environmental conditions in connection with a property. The Transaction Screening Process for most properties is site-specific in that it relates to the assessment of environmental conditions on the entirety of a specific parcel of real estate.

While the use of this practice is intended to constitute "appropriate inquiry" for purposes of CERCLA's "Innocent Landowner Defense," it is not intended that its use be limited to that purpose. It is a tool to assess whether additional study or testing of the property is necessary.

2. Using the Property Transaction Screening Questionnaire

The Transaction Screening Process for property acquisitions consists of County personnel answering questions contained within the "Property Transaction Screening Questionnaire" (Appendix 3) and, where practical, the current property owner answering similar questions contained within the "Current Property Owner Transaction Screening Questionnaire" (Appendix 4). Completing the County questionnaire (as opposed to the property owner questionnaire) will require research of various government records and standard historical sources, observing site conditions at the property and, if possible, interviews with current and/or former owners and/or occupants of the property. Specific sources for this information are provided in the questionnaire. If practical, it is desirable to have the current property owner complete the "Current Property Owner Questionnaire" prior to the field visit and owner interview (see Appendix 5 for sample letter requesting completion of owner questionnaire). An alternative approach is to complete the "Current Property Owner Questionnaire" as part of an interview.

In performing the site visit portion of the Property Transaction Screening Process, the preparer should visually observe the entire property, any structure located on the property, as well as adjacent properties to the extent not obstructed by bodies of water, cliffs, adjacent buildings or other obstacles. It is desirable to create a visual record of the property and adjacent properties at the time of the visit, either with still photos or a video recording of the site. To the extent possible, any overgrown areas on the property, including roads or paths with no apparent outlet, should be visually observed to their ends. Accessible areas in any interior of structures on the property should be visually observed. It is not necessary to look under floors, above ceilings or behind walls unless observations foster the suspicion that problems might exist in these areas.

Performance of the Transaction Screening Process does not involve collecting or analyzing samples of soil, water or air. It is intended to enable the County to determine whether further inquiry is needed to assess the potential for undesirable environmental conditions within or adjacent to the property. Completion of the Transaction Screen Process, if done correctly and completely, and assuming it uncovers no evidence of contamination on or adjacent to the property, is intended to constitute "appropriate inquiry," even without undertaking a Phase 1 or Phase 2 Environmental Assessment.

Upon completion of a Transaction Screening Process, the County should be able to conclude that either: 1) no further inquiry into environmental conditions within or adjacent to the property are needed; or 2) further inquiry is needed to confirm and quantify suspected contamination. If the department and Office of Environment determine that no further inquiry is needed, the department shall file a report documenting its findings (the "Transaction Screening Questionnaire," "Current Property Owner Questionnaire" and supporting materials) with the Office of Environment, then proceed with the property acquisition.

If conditions at the site suggest the need for further inquiry beyond the Transaction Screening Process, the department and Office of Environment must determine whether to limit such investigation to the specific concerns identified, or whether they should proceed to a full Phase 1 or Phase 2 Assessment.

D. Phase 1 Environmental Site Assessments

All Phase 1 Environmental Site Assessments, when considered necessary, will be performed in conformance with the American Society for Testing Materials (ASTM) Standard E1527-94, Phase 1 Environmental Site Assessment Process. Whenever a Phase 1 Environmental Site Assessment is conducted, it must be performed by an "environmental professional."

The department involved in the property acquisition and the Director of the County Office of the Environment will determine whether to: 1) initiate a full Phase 1 Environmental Site Assessment in lieu of a Transaction Screening Process (this might occur in cases where the likelihood of encountering contamination within or adjacent to the property in question appears probable); 2) limit a Phase 1 Environmental Assessment to specific, technical concerns identified in a completed Transaction Screening Process; or 3) if sufficient information is acquired in a Transaction Screening Process, to proceed with a Phase 2 Environmental Site Assessment without a Phase 1 Environmental Assessment.

In the first situation (initiate a full Phase 1 Environmental Site Assessment in lieu of a Transaction Screening Process) there are tasks that do not require the technical expertise of an environmental professional, and that can be performed by a departmental representative (see "Duties of the Environmental Professional" in this section). Departments might wish to pursue such an arrangement with the environmental professional as a possible means of reducing costs.

If after completing a Transaction Screening Process it is evident that environmental conditions of

concern are of a limited but technical nature and require the judgment of an environmental professional, the department and the Office of Environment can determine to limit the Phase 1 Environmental Assessment to those specific areas of concern.

In the latter situation (proceed from the Transaction Screening Process to a Phase 2 Environmental Site Assessment) contamination is suspected, or evidence suggests that the potential for contamination of the site exists, and the decision is made to sample the site prior to acquisition. In this case it will likely be necessary to determine with the environmental professional whether a Phase 1 Environmental Assessment is necessary, or whether sufficient information was collected during the Transaction Screening Process to proceed with the Phase 2 Environmental Assessment. It might also be possible, with a minimal amount of supplemental work on the Transaction Screening Process report, to then proceed with the Phase 2 Environmental Assessment.

A Phase 1 Environmental Assessment shall have four components:

- a. Records Review - including any previous environmental audits that might have been performed)
- b. Site Reconnaissance - does not include sampling
- c. Interviews - with current and/or past owners and/or occupants of the property and with local government agencies
- d. Report - evaluation, findings and conclusions

1. Duties of the Environmental Professional

The interviews and site reconnaissance, as well as review and interpretation of information upon which the report is based, and the writing of the report are all elements of the Phase 1 Environmental Site Assessment that must be performed by the environmental professional.

2. Report Contents

The report should include documentation to support the analyses, opinions, and conclusions presented in the report. All sources, including those that reveal no findings, should be sufficiently documented to facilitate reconstruction of the research at a later date. All evidence of recognized environmental conditions shall be described in full. The report shall include the environmental professional's opinion of the impact of the recognized environmental conditions on the property.

The report shall also have a Findings and Conclusions section that states one of the following:

This Assessment has revealed no evidence of recognized environmental liability in connection with the property

OR

This Assessment has revealed no evidence of recognized environmental liability in connection with the property except for the following: [list]

The format and Table of Contents for a Phase 1 Environmental Assessment report are recommended in Appendix 6.

E. Phase 2 Environmental Site Assessments

A Phase 2 Environmental Site Assessment is a limited field investigation, conducted when the findings of a Transaction Screening Process or Phase 1 Environmental Site Assessment suggest the possibility of site contamination or other environmental problems with the site. A Phase 2 assessment is intended to confirm the presence of a problem, usually through sampling and analysis. A Phase 2 assessment must be performed by an environmental professional.

The department and County Office of the Environment will consider the findings and conclusions presented in the Phase 2 Environmental Assessment report to determine whether to abandon further consideration of the acquisition, or to proceed with a Phase 3 Environmental Assessment.

F. Phase 3 Environmental Site Assessments

In a Phase 3 Environmental Site Assessment, remediation options are identified and the cost of the most feasible and economical option is assessed. The Phase 3 Environmental Assessment is intended to determine whether and to what extent the contaminated property can be cost-effectively remediated prior to acquisition by the County.

VII. DISPOSAL OF COUNTY PROPERTY

If a prospective buyer intends to obtain County property, it is the buyer's option, at their own expense, to have a Phase 1 environmental assessment performed on the property. The County should always cooperate with a prospective buyer in the performance of their environmental assessment. However, the potential purchaser must receive and sign a letter of consent, issued by the Law Department to receive access to the site (see example in Appendix 7).

No verbal representations or warranties should be made by County personnel with respect to the environmental status of the property. Any written representations should be reviewed by the County Office of the Environment and Law Department prior to release to a prospective buyer. The letter of consent issued by the Law Department will condition the potential purchaser's access to the property on the following: 1) the environmental assessment will be performed in conformance with the American Society for Testing Materials (ASTM) Standard E1527-94, Phase 1 Environmental Site Assessment; 2) the environmental assessment must be performed by an environmental professional experienced in conducting environmental assessments in accordance with ASTM standards for conducting Standard E1527-94, Phase 1 Environmental Site Assessments; and 3) the County will receive a signed copy of the final environmental assessment report. It is the buyer's responsibility to certify to the County at the time the signed report is

delivered that it has been prepared by a duly qualified professional as required by this policy.

A written report of the results of the environmental assessment will be maintained by the County Office of the Environment. The Office of Environment will review the results of the assessment with the department disposing of the property and identify any potential environmental risks associated with the property. The decision to continue with the sale of the property, or to conduct a Phase 2 Environmental Assessment - which might also be done at the expense of the prospective buyer - will be made by the department disposing of the property and the County Office of the Environment in consultation with the Law Department.

In cases involving the sale of County property for which an environmental assessment has previously been performed, the assessment report can be provided to the prospective buyer if requested. However, it is in the buyer's best interest to perform their own due-diligence inquiry in order to obtain exemption from liability under Federal and State Superfund laws. Departments disposing of property should understand that if the County provides a previously completed environmental assessment report to a prospective buyer, the County could be exposed to potential liability for claims such as misrepresentation and/or fraud if an unidentified environmental concern was later identified. As stated above, any written representations to prospective buyers should be reviewed by the County Office of the Environment and Law Department prior to release to the buyer.

Environmental Assessments of County Property Prior to Disposal

In some cases it might be desirable for the County to conduct an environmental assessment of County property prior to disposal. Examples of such situations include County property upon which environmental remediation has been performed (either prior to or during the County's ownership), or when it is known a prospective purchaser is likely to use the site for activities that commonly result in environmental site contamination.

In such cases the involved department can complete a Property Transaction Screening Questionnaire for the parcel to establish and document that the parcel is not contaminated at the time of the transaction. The County Office of Environment and the involved department, in consultation with the County Law Department, should concur on the performance of an environmental assessment of County property prior to disposal.

VIII. LEASE OF COUNTY PROPERTY AND/OR GRANTS OF LICENSES, EASEMENTS OR PERMITS ON COUNTY OWNED LAND

It is desirable to conduct an environmental assessment of County property prior to leasing or licensing the use of the property to others if anticipated uses have the potential to result in contamination of the property. This serves to document environmental conditions on the property prior to use by others. Additionally, a similar assessment should be conducted by the County at

the termination of such uses in order to identify any problems that might have been caused by or resulted from such uses, and which may be fairly attributed to the holder of such lease, license, easement or permit. The level of assessment performed should be based on the likelihood of contamination of the property.

APPENDIX 1

RIGHT-OF-WAY

TRANSACTION SCREENING

QUESTIONNAIRE

RIGHT-OF-WAY TRANSACTION SCREENING QUESTIONNAIRE

Description of property: (Address(es) or general location; include a map)

Date(s) of visual site inspection(s): _____

Your responses to the following questions are to be based on both a records search and a site visit. Indicate which of these (it could be both) provided the basis for your answers. Attach supporting documentation. If neither the records search nor the site visit yield an answer to a question, you should mark "Unknown."

1. Are any of the properties adjacent to the subject property currently used for industrial purposes?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

2. To the best of your knowledge, have any of the properties within or adjacent to the property been used for an industrial use in the past?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

3. Are any of the properties within or adjacent to the property currently used as a gasoline station,

motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing or recycling facility (These types of facilities involve hazardous substances or petroleum products, and therefore might require further inquiry concerning the possible release of such substances)?

- Yes
- No
- Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

4. To the best of your knowledge, were any of the properties within or adjacent to the property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing or recycling facility in the past (These types of facilities involve the use of hazardous substances or petroleum products, and therefore might require further inquiry concerning the possible release of such substances)?

- Yes
- No
- Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

5. Are there currently, or to the best of your knowledge have there been previously, any damaged or discarded automotive or industrial batteries, pesticides, paints or other chemicals in individual containers of greater than 5 gallons in volume or 50 gallons in aggregate stored on or used within or adjacent to the properties comprising the property (These types of containers can sometimes leak and contaminate soil and groundwater. Do not open or otherwise handle such containers discovered on the site to avoid exposure to its contents)?

- Yes
- No
- Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

6. Are there currently, or to the best of your knowledge have there been previously, any industrial drums (typically 55 gallon) or sacks of chemicals located on or adjacent to the properties comprising the property (These types of containers can sometimes leak and contaminate soil and groundwater)?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

7. Has fill dirt been brought onto any property within or adjacent to the property that originated from a contaminated site or that is of an unknown origin (This may appear as a mound or depression that does not appear to be naturally occurring. Examine historic aerial photos available in either the County Health Dept., County Dept. of Transportation or Finance Department)?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

8. Are there currently, or to the best of your knowledge have there been previously, any pits, ponds or lagoons located on any property within or adjacent to the property in connection with waste treatment or waste disposal (it might be helpful to examine historic aerial photos available in either the County Health Dept., County Dept. of Transportation or Finance Department)?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

9. Is there currently, or to the best of your knowledge has there been previously, any stained soil (soils that are stained show a marked discoloration as compared to other soils in the immediate vicinity), dead or stressed vegetation, or suspicious mounds or depressions (a possible indication of buried waste) on any property within or adjacent to the property?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

10. Are there currently, or to the best of your knowledge have there been previously, any registered or unregistered storage tanks (above or underground) located on any property within or adjacent to the property (County D.O.T has a computer disk copy of the NYSDEC Underground Tank Permit records. Note: DEC registered tank records have existed only since 1985)?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

11. Are there currently, or to the best of your knowledge have there been previously, any vent pipes, fill pipes or access ways indicating a fill pipe protruding from the ground on any property within or adjacent to the property (Vent or fill pipes often signal the existence of underground storage tanks)?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

12. Are there any environmental liens or governmental notifications relating to past or recurrent

violations of environmental laws with respect to any property or any facility located within or adjacent to the property?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

13. Does any property or any facility located on any property within or adjacent to the property discharge wastewater on or adjacent to the property other than into a sanitary sewer system?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

14. To the best of your knowledge, have any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries or any other waste materials been dumped above grade and/or buried or burned on any property within or adjacent to the property?

Yes
 No
 Unknown

Source(s): Site Visit
 Records/Other Sources

Comments/explanations: _____

15. Is there a transformer, capacitor or any hydraulic equipment indicating the presence of PCBs on any property within or adjacent to the property (If the answer is "yes," the preparer should attempt to determine whether there have been any instances of insulating oil leakage and, if so, whether these are suspected of being PCB-contaminated)?

Yes
 No
 Unknown

Source(s):

Site Visit
 Records/Other Sources

Comments/explanations: _____

16. Are any properties within or adjacent to the property listed by any federal, state or local governmental agency as a site of potential or confirmed environmental contamination or concern? *

Yes
 No
 Unknown

Source(s):

Site Visit
 Records/Other Sources

Comments/explanations: _____

* Request a statement from the County Dept. of Health regarding any hazardous waste sites or incidents involving the property:

Ms. Lisa A. Letteney, Public Health Engineer II
Onondaga Co. DOH
P.O. Box 190
Syracuse, NY. 13215
435-6600

* Request a statement from the Dept. of Fire Control, asking for any details regarding any hazardous waste sites or incidents involving the property:

Mr. Michael Waters, Fire Coordinator
Dept. of Mutual Aid and Training
4694 Central Ave.
Syracuse, NY. 13215
435-3162

APPENDIX 2

TAX DELINQUENT PROPERTY

TRANSACTION SCREENING

QUESTIONNAIRE

TAX DELINQUENT PROPERTY TRANSACTION SCREENING QUESTIONNAIRE

SWIS No. _____

Tax Map No. _____

Street address of real estate:

Property owner's name and address:

Your responses to questions 1 and 2 are to be based on a site visit.

1. Current and/or prior uses of the site - Please check () if the site is or was used for any of the following. Enter a question mark (?) if you suspect such a use, but visual observations are inconclusive:

- | | |
|--------------------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> chemical plant/refinery | <input type="checkbox"/> autobody/repair shop |
| <input type="checkbox"/> coal gasification plant | <input type="checkbox"/> dry cleaning plant |
| <input type="checkbox"/> electronics manufacturing | <input type="checkbox"/> foundries |
| <input type="checkbox"/> electro-plating operations | <input type="checkbox"/> gasoline service stations |
| <input type="checkbox"/> junk/scrap yards | <input type="checkbox"/> printing shops |
| <input type="checkbox"/> landfill (industrial/municipal) | <input type="checkbox"/> paint shops |
| <input type="checkbox"/> metal or machine fabrication | <input type="checkbox"/> machine shops |
| <input type="checkbox"/> sludge management areas | <input type="checkbox"/> oil or gas wells |
| <input type="checkbox"/> bulk storage of chemicals/petroleum | <input type="checkbox"/> gravel pits/excavations |

2. Site Observations - Please check () if any of the following conditions are present:

- Noxious or unusual odors _____
- Discolored soil, water or foundations _____
- Leaking pipes, transformers, tanks, barrels or drums _____
- Dead vegetation or lack of vegetation _____
- Signs of illegal dumping _____

3. Other site observations and/or comments of possible interest or concern to the County (e.g., potential problems with adjacent property, salt stockpile, etc.):

Responses to the above were based on a site visit on: Date: _____

Site visit by: _____
(Signature)

Questions 4, 5 and 6 are to be answered by the County Finance Department.

4. Is the site, or are adjacent sites, on the State list of Inactive Hazardous Waste Sites?

Yes

No

5. Is the County Health Department aware of any spills or hazardous waste or hazardous conditions on or adjacent to the site (Call the County Division of Environmental Health at 435-6600)?

Yes

No

6. A title search suggests or confirms that this site is or has been used for one or more of the uses listed in question one. List here: _____

7.

Yes

No

Research Completed by:

(Signature)

(Date)

APPENDIX 3

**PROPERTY
TRANSACTION SCREENING
QUESTIONNAIRE**

PROPERTY TRANSACTION SCREENING QUESTIONNAIRE

Street address of real estate: _____

Property owner's name and address: _____

Your responses to the following questions are to be based on discussions with the current owner, a records search and a site visit. Indicate which of these (it could be all three) provided the basis for your answers. Since the owner is asked to complete a similar questionnaire, it would be beneficial to use the answers to that questionnaire in completing the following questions. Attach supporting documentation. If neither discussions with the owner, a records search or the site visit do not yield an answer to a question, you should mark "Unknown" (?).

1. Is the subject property or any adjoining property currently used for an industrial use (The term "adjoining property" means any real property or properties the, the boarder of which is contiguous or partially contiguous with that of the subject property, or that would be contiguous but for a street, road, or other public thoroughfare separating them)?

- Yes
 No
 Unknown
- Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

2. To the best of your knowledge, has the subject property or any adjoining property been used for

an industrial purpose in the past?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

3. Is the subject property or any adjoining property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility (These types of facilities involve hazardous substances or petroleum products, and therefore might require further inquiry concerning the possible release of such substances)?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

4. To the best of your knowledge has the subject property or any adjoining property been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing or recycling facility in the past (These types of facilities involve the use of hazardous substances or petroleum products, and therefore might require further inquiry concerning the possible release of such substances)?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

5. Are there currently, or to the best of your knowledge have there been previously, any damaged or

discarded automotive or industrial batteries, or pesticides, paints or other chemicals in individual containers of greater than 5 gallons in volume or 50 gallons in aggregate stored on or used at the subject property or at the facility (These types of containers can sometimes leak and contaminate soil and groundwater. Do not open or otherwise handle such containers discovered on the site to avoid exposure to its contents)?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

6. Are there currently, or to the best of your knowledge have there been previously, any industrial drums (typically 55 gallon) or sacks of chemicals located on the subject property or at the facility (These types of containers can sometimes leak and contaminate soil and groundwater)?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

7. Has fill dirt been brought onto the subject property that originated from a contaminated site or that is of an unknown origin (This may appear as a mound or depression that does not appear to be naturally occurring. Examine historic aerial photos available in either the County Health Dept., County Dept. of Transportation or Finance Department)?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

8. Are there currently, or to the best of your knowledge have there been previously, any pits, ponds

or lagoons located on the subject property in connection with waste treatment or waste disposal (it might be helpful to examine historic aerial photos available in either the County Health Dept., County Dept. of Transportation or Finance Department)??

- Yes
 - No
 - Unknown
- Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

9. Is there currently, or to the best of your knowledge has there been previously, any stained soil on the subject property (soils that are stained show a marked discoloration as compared to other soils in the immediate vicinity) or dead or stressed vegetation (both of which can indicate the presence of a hazardous material leak or spill), or suspicious mounds or depressions (a possible indication of buried waste) on any property within or adjacent to the subject property?

- Yes
 - No
 - Unknown
- Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

10. Are there currently, or to the best of your knowledge have there been previously, any registered or unregistered above or below ground storage tanks (these sometimes leak) located on or adjacent to the subject property (County D.O.T has a computer disk copy of the NYSDEC Underground Tank Permit records. Note: DEC registered tank records have existed only since 1985)?

- Yes
 - No
 - Unknown
- Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

11. Are there currently, or to the best of your knowledge have there been previously, any vent pipes, fill pipes or access ways indicating a fill pipe protruding from the ground on the subject property

or adjacent to any structure located on the subject property (vent or fill pipes often signal the existence of underground storage tanks)?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

12. Are there currently, or to the best of your knowledge have there been previously, any flooring, drains or walls located within any facilities on the subject property that are stained by substances other than water or that are emitting foul odors (these could indicate leaks of hazardous substances or contaminants)?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

13. If the subject property is served by a private well or non-public water system, have contaminants been identified in the well or system that exceed regulatory standards or health guidelines, or has the well been designated as contaminated by any government environmental/health agency (the owner should have records of any tests that might have been performed on them)?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

14. Does the owner or occupant of the subject property have any knowledge of environmental liens or governmental notification relating to past or recurrent violations of environmental laws with respect to the subject property or any facility located on the subject property?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

15. Has the owner or occupant of the subject property been informed of the past or current existence of hazardous substances or petroleum products or environmental violations with respect to the subject property or any facility located on the subject property?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

16. Does the owner or occupant of the subject property have any knowledge of any environmental site assessment of the subject property or facility on the subject property that indicated the presence of hazardous substances or petroleum products on, or contamination of the subject property, or which recommended further assessment of the subject property (Inquiries should be made as to the existence of prior environmental site assessments of the subject property and, if available, should be obtained)?

Yes
 No
 Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

17. Does the owner or occupant of the subject property know of any past, threatened or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum products involving the subject property?

- Yes
- No
- Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

18. Does the subject property discharge wastewater on or adjacent to the subject property other than into a sanitary sewer system (The preparer should ask the owner where drain pipes lead and the purpose of drainage pipes at any facilities on the subject property. All drain traps and pipes should be examined and their end points should be determined. Any ditches or streams on or adjacent to the site should be visually observed for wastewater - as opposed to stormwater - flow)?

- Yes
- No
- Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

19. To the best of your knowledge, have any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries or any other waste materials been dumped above grade, buried and/or burned on the subject property (Identify any mounds or depressions that suggest a disposal site)?

- Yes
- No
- Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

20. Is there a transformer, capacitor or any hydraulic equipment for which there are any records indicating the presence of PCBs on the site (If the answer is "yes," the preparer will need to determine whether there have been any instances of insulating oil leakage and, if so, whether

these are suspected of being PCB-contaminated)?

- Yes
- No
- Unknown

Source(s): Owner
 Site Visit
 Records/Other Sources

Comments/explanations: _____

21. Are any properties within or adjacent to the subject property listed by any federal, state or local governmental agency as a site of potential or confirmed environmental contamination or concern? *

- Yes
- No
- Unknown

Source(s): Records/Other Sources

If yes, identify sources and location(s): _____

* Request a statement from the County Dept. of Health regarding any hazardous waste sites or incidents involving the subject property:

Ms. Lisa A. Letteney
Public Health Engineer II
Onondaga Co. DOH
P.O. Box 190
Syracuse, NY. 13215
435-6600

* Request a statement from the Dept. of Fire Control, asking for any details regarding any hazardous waste sites or incidents involving the subject property:

Mr. Michael Waters
Fire Coordinator
Dept. of Mutual Aid and Training
4694 Central Ave.
Syracuse, NY. 13215
435-3162

* DEC maintains a file of spill records. To check these records, you might have to go to the Region 7 DEC Office at 615 Erie Blvd. West. Call Howard McLaughlin at 426-7519 to acquire this information (you may have to file a FOIL request).

22. Other site observations and/or comments of possible interest or concern to the County (e.g., potential problems with adjacent property, salt stockpile, etc.):

23. Summarize findings and conclusions on a separate sheet of paper and insert following this page. Include sources, references and other supporting documentation (e.g., aerial photos).

The preparer of this transaction screening questionnaire must complete and sign the following statement:

To the best of my knowledge the above statements and facts are true and correct, and no material facts have been suppressed or misstated.

Prepared by:

(signature)

(department)

(date of visit)

APPENDIX 4

CURRENT PROPERTY OWNER

TRANSACTION SCREENING

QUESTIONNAIRE

CURRENT PROPERTY OWNER TRANSACTION SCREENING QUESTIONNAIRE

Location of subject property: _____

Property owner's name and address: _____

It is the policy of Onondaga County to conduct environmental site assessments of all property prior to acquisition or leasing in order to determine potential liability from pre-existing environmental conditions. Your assistance in completing the following questions will enable the County proceed with the transaction under consideration. If you do not know the answer to a question, mark "Unknown."

1. Is the property or any adjoining property currently used for an industrial use (The term "adjoining property" means any real property or properties, the boarder of which is contiguous or partially contiguous with that of the property, or that would be contiguous but for a street, road, or other public thoroughfare separating them)?

Yes No Unknown

If yes, please explain:

2. To the best of your knowledge, has the property or any adjoining property been used for an industrial purpose in the past?

Yes No Unknown

If yes, please explain:

3. Is the property or any adjoining property now used, or in the past has it been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility?

Yes No Unknown

If yes, please explain:

4. Are there currently, or to the best of your knowledge have there been previously, any damaged or discarded automotive or industrial batteries, or pesticides, paints or other chemicals in individual containers of greater than 5 gallons in volume or 50 gallons in aggregate stored on or used at the property or at the facility?

Yes No Unknown

If yes, please explain:

5. Are there currently, or to the best of your knowledge have there been previously, any industrial drums or sacks of chemicals located on the property or at the facility?

Yes No Unknown

If yes, please explain:

6. Has fill dirt been brought onto the property that originated from a contaminated site or that is of an unknown origin?

Yes No Unknown

If yes, please explain:

7. Are there currently, or to the best of your knowledge have there been previously, any pits, ponds or lagoons located on the property in connection with waste treatment or waste disposal?

Yes No Unknown

If yes, please explain:

8. Is there currently, or to the best of your knowledge has there been previously, any stained soil on the property (soils that are stained show a marked discoloration as compared to other soils in the immediate vicinity) or dead or stressed vegetation (both of which can indicate the presence of a hazardous material leak or spill), or suspicious mounds or depressions (a possible indication of buried waste) on the property?

Yes No Unknown

If yes, please explain:

9. Are there currently, or to the best of your knowledge have there been previously, any registered or unregistered above or below ground storage tanks located on or adjacent to the property?

Yes No Unknown

If yes, please explain:

10. Are there currently, or to the best of your knowledge have there been previously, any vent pipes,

fill pipes or access ways indicating a fill pipe protruding from the ground on the property or adjacent to any structure located on the property (vent or fill pipes often signal the existence of underground storage tanks)?

Yes No Unknown

If yes, please explain:

11. If the property is served by a private well or non-public water system, have contaminants been identified in the well or system that exceed regulatory standards or health guidelines, or has the well been designated as contaminated by any government environmental/health agency?

Yes No Unknown

If yes, please explain:

12. Do you have any knowledge of environmental liens or governmental notification relating to past or recurrent violations of environmental laws with respect to the property or any facility located on the property?

Yes No Unknown

If yes, please explain:

13. Have you been informed of the past or current existence of hazardous substances or petroleum products or environmental violations with respect to the property or any facility located on the property?

Yes No Unknown

If yes, please explain:

14. Do you have any knowledge of any environmental site assessment of the property or facility on

the property that indicated the presence of hazardous substances or petroleum products, contamination of the property, or recommended further assessment of the property?

Yes No Unknown

If yes, please explain:

15. Do you know of any past, threatened or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum products involving the property?

Yes No Unknown

If yes, please explain:

16. Does the property discharge wastewater on or adjacent to the property other than into a sanitary sewer system?

Yes No Unknown

If yes, please explain:

17. To the best of your knowledge, have any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries or any other waste materials been dumped above grade, buried and/or burned on the property?

Yes No Unknown

If yes, please explain:

18. Is there a transformer, capacitor or any hydraulic equipment for which there are any records

indicating the presence of PCBs on the site?

Yes No Unknown

If yes, please explain:

19. Are any properties within or adjacent to the property listed by any federal, state or local governmental agency as a site of potential or confirmed environmental contamination or concern?

Yes No Unknown

If yes, please explain:

To the best of my knowledge the information I have provided in this "Current Property Owner Transaction Screening Questionnaire" is true and correct.

Current Owner:

[signature]

[date]

APPENDIX 5

**SAMPLE LETTER
REQUESTING COMPLETION OF
OWNER QUESTIONNAIRE**

SAMPLE LETTER

Dear (current owner):

The County of Onondaga is giving consideration to acquiring property presently owned by you (identify). It is the policy of the County, as it is with many private lending institutions, to conduct what is known as an "Environmental Site Assessment" on all properties prior to acquisition. The purpose of this procedure is to protect the County from potential future liability by unknowingly acquiring property with unfavorable environmental conditions or contamination.

To complete the "Environmental Site Assessment" the County must answer a number of questions about past and present use(s), and the current status of the property. Answers to a number of these questions can best be answered by the current owner.

To this end I have enclosed a "Current Property Owner Transaction Screening Questionnaire," which I ask you to complete, sign and return to me. With your permission, this will be followed by a site visit by a representative of the County to complete the "on-site" portion of the Environmental Site Assessment. At that time a County representative will survey the site and record answers to survey questions that are based on visual observations.

Thank you for your help and cooperation. If you have any questions or would like more information about the County's policy and procedures for conducting environmental site assessments for property acquisitions, please do not hesitate to contact me at (telephone number).

Sincerely,

Department

cc: David Coburn, Director
Onondaga County Office of Environment

APPENDIX 6

PHASE 1

ENVIRONMENTAL ASSESSMENT

RECOMMENDED TABLE OF CONTENTS

AND REPORT FORMAT

RECOMMENDED TABLE OF CONTENTS AND REPORT FORMAT
(from ASTM Standard E1527-93)

- I. Summary
- II. Introduction
 - A. Purpose
 - B. Special Terms and Conditions
 - C. Limitations and Exceptions of Assessment
 - D. Limiting Conditions and Methodology Used
- III. Site Description
 - A. Location and Legal Description
 - B. Site and Vicinity Characteristics
 - C. Description of Structures, Roads, Other Improvements on the Site (including heating/cooling system, sewage disposal, source of potable water)
 - D. Information (if any) Reported by User Regarding Environmental Liens or Specialized Knowledge or Experience
 - E. Current Uses of the Property
 - F. Past Uses of the Property (to the extent identified)
 - G. Current and Past Uses of Adjoining Properties (to the extent identified)
 - H. Site Rendering, Map, or Site Plan
- IV. Records Review
 - A. Standard Environmental Record Sources, Federal and State
 - B. Physical Setting Sources
 - C. Historical Use Information
 - D. Additional Record Sources (if any)
- V. Information from Site Reconnaissance and Interviews
 - A. Hazardous Substances in Connection with Identified Uses (including storage, handling and disposal)
 - B. Hazardous Substance Containers and Unidentified Substance Containers (including storage, handling, disposal)
 - C. Storage Tanks (including contents and assessment of leakage or potential for leakage)
 - D. Indications of PCBs (including how contained and assessment of leakage or potential for leakage)
 - E. Indications of Solid Waste Disposal
 - F. Physical Setting Analysis, if migrating Hazardous Substances are an issue
 - G. Any Other Conditions of Concern
 - H. Site Plan (if available)
- VI. Findings and Conclusions
- VII. Signatures of Environmental Professional(s)

VIII. Qualifications of Environmental Professional(s) Participating in Phase I Environmental Site Assessment

IX. Optional Appendices

APPENDIX 7

**SAMPLE "LETTER OF CONSENT"
FOR ACCESS TO COUNTY PROPERTY**

SAMPLE LETTER

Dear (Purchaser):

It is our understanding that you may have an interest in purchasing County owned property located (location). On all such transactions it is the policy of the County to require the purchaser to undertake a Phase 1 Environmental Assessment on the property, the cost of which will be borne by the purchaser.

The County consents to allow both you and your agents or contractors entry on the property for the sole purpose of performing a Phase 1 environmental assessment under the following conditions:

- 1) The environmental assessment will be performed in conformance with the American Society for Testing Materials (ASTM) Standard E1527-94, Phase 1 Environmental Site Assessment;
- 2) The environmental assessment must be performed by an environmental professional familiar with ASTM standards for conducting Standard E1527-94, Phase 1 Environmental Site Assessments;
- 3) The County will receive a signed copy of the final environmental assessment report. The report shall have a Findings and Conclusions section that states one of the following:

This Assessment has revealed no evidence of recognized environmental liability in connection with the property

or

This Assessment has revealed no evidence of recognized environmental liability in connection with the property except for the following: (list)

- 4) You agree to defend, indemnify and hold harmless the County of Onondaga from any claims, suits, costs, or judgments for personal injury or property damage either caused by or resulting from the entry on the property by yourself, your agents or contractors.

Please be advised that the County reserves the right to retain the property or dispose of it without regard to the Phase 1 environmental assessment.

If you are in agreement with the above mentioned terms, please sign at the place provided and return prior to entry.

Sincerely,

Martin J. Murphy
Deputy County Attorney

cc: (Department)

NAME : _____

SIGNATURE: _____

TITLE: _____