



Overview

- Founded in 1974
- Represents 50 States, 5 Territories, and the District of Columbia
- Focuses on waste management, remediation, restoration, and sustainability



Mission

To enhance and promote effective State and Territorial programs and to affect relevant national policies for waste and materials management, environmentally sustainable practices, and environmental restoration.



Primary Functions

- Enhance State and Federal partnerships
- Promote effective State programs
- Provide member States technical assistance, training, and forums for information exchange



Subcommittees

- Promote national policies and technical guidance
- Comprised of technical/policy staff from member State programs
- Include: CERCLA and Brownfields
Federal Facilities
Hazardous Waste
Materials Management
Tanks



Brownfields Focus Group

- Promotes the use and effectiveness, and recognizes the diversity of, State Response and Brownfields programs, while providing research tools and training for State program development and enhancement.
- Comprised of representatives from each EPA Region

EPA Region 3 Representative

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Events

- ASTSWMO Mid-Year Meeting (April)
- ASTSWMO Annual Meeting (October)
- Special Events:
 - Brownfields and Superfund Symposium
August 20-22, 2018
Jacksonville, FL



Publications and Resources

- ASTSWMO Publications
 - Newsletters
 - Position Papers
 - Comment Letters
- Subcommittee/Focus Group Publications
 - Tools
 - Fact Sheets
 - Position Papers



Publications and Resources

- Recent Brownfields Publications and Resources
 - Fact Sheets:
 - All Appropriate Inquiries
 - Abandoned Structures
 - Community Involvement
 - Phase II ESAs
 - Risk-Based Cleanups
 - Vapor Intrusion
 - Toolbox for Community Redevelopment

ENVIRONMENTAL SITE ASSESSMENTS

PHASE I ASSESSMENTS AND ALL APPROPRIATE INQUIRY

Phase I "AAI" Standards:

- Interviews with past and present owners
- Review of government records
- Review of historical sources of information
- Searches for recorded environmental cleanup liens
- Visual inspection of the facility and adjoining properties
- Specialized knowledge or experience of the user
- Relationship of the purchase price to the value of the property were it not contaminated
- Commonly known or reasonably ascertainable information
- The degree of obviousness regarding the presence or likely presence of contamination, and the ability to identify the contamination through appropriate investigation
- Results of an inquiry conducted by a Qualified Environmental Profession (QEP) in a written report



Recognized Environmental Conditions can include dumping areas and leaking drums.

ENVIRONMENTAL DUE DILIGENCE AND ALL APPROPRIATE INQUIRY

Environmental due diligence, also known as All Appropriate Inquiries (AAI), refers to the requirements for assessing the environmental conditions of a property prior to its acquisition. Due diligence includes deed and title research, a search of government records, a review of historical information regarding property ownership and uses, a visual inspection of the property, and other research necessary to properly assess potential environmental conditions, a property's value, and to understand liabilities associated with a property.

The standard method for performing environmental due diligence is through completion of an AAI-compliant Phase I Environmental Site Assessment (ESA). If the Phase I ESA identifies Recognized Environmental Conditions (RECs), a Phase II ESA may need to be completed.

The purpose of an ESA is to identify if the past and present uses of a specific property, as well as nearby properties, may have resulted in environmental contamination of the property in question. An ESA may also evaluate the risks associated with actual or potential contamination.

WHY IS ENVIRONMENTAL DUE DILIGENCE NECESSARY?

In 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the "Superfund Law." One of the primary emphases of CERCLA was that whenever possible, the party responsible for pollution should pay the cleanup costs. With that principle in mind, the Superfund law established a strict liability scheme that has been interpreted by courts such that it could require buyers, lessors, or lenders to be responsible for the cleanup of hazardous substances, even if a prior owner caused the contamination. Subsequent amendments to the "Superfund Law" required purchasers of property to conduct an AAI as part of the requirements for asserting liability protections. In 2002, Congress passed additional amendments to clarify defenses, including the Bona Fide Prospective Purchaser defense against "Superfund liability," and required the EPA to establish standards for AAI.



More Information



<http://astswmo.org/>