

14 March 1997

Re: NEPA Call-In Technical Inquiry 0036 - Phase 1 ESA Review

Dear NEPA Call-In User:

This letter is in response to your March 4, 1997, request for NEPA Call-In to review the Phase I Environmental Site Assessment for the Rockford Building, 211 South Court Street, Rockford, Illinois, prepared by Louis Berger & Associates and submitted to the General Services Administration (GSA) in January, 1997. You asked for NEPA Call-In to review the document and comment on the technical accuracy of the report. In addition, you specifically questioned the report's recommendation that GSA should test a transformer for PCBs.

NEPA Call-In reviewed the above report and compared it to the guidance in American Society for Testing and Materials (ASTM) Standard E-1527, Standard Practice for Environmental Assessments. In general, the report meets the minimum requirements for a Phase I Environmental Site Assessment. The conclusions reached are generally valid except as noted in our comments below. Although it appears proper sources were consulted, the report could be revised to be more specific about what those sources were. The report contains many typographical errors and some grammatical errors; however, since this is a preliminary report, we assume this will be corrected when the report is finalized. Our specific comments are as follows:

1. Page i, Executive Summary, Paragraph 2, states ". . . to determine if any contamination has occurred due to higher elevation leaking underground storage tanks (LUST) sites." The phrasing of this sentence is confusing and led the reviewer to believe a LUST had been identified on the property. However, reading the same phrase later in the report (Page 9) suggested the report is really referring to LUST sites which are hydrologically upgradient of the property. It is recommended that the report use the technical terms "upgradient" and "downgradient", since these terms more specifically imply potential groundwater transport of contaminants from LUSTs.
2. Page 1, Section 2.1, Site Description does not address sewage disposal. ASTM Standard E-1527 requires that the sewage disposal method for the property be described, and should be included in this paragraph.
3. Page 1, Section 2.2, Site Land Use History states "According to property ownership information . . .". The text should be more specific about records reviewed to obtain this information.
4. Page 3, Figure 2, Site Map appears to be a copy of the United States Geological Survey (USGS) map, but this is not referenced. The ASTM Standard E-1527 requires a USGS topographical map of the site be reviewed. The figure should state it is a USGS topographic map, and should state the quadrangle which has been consulted.
5. Page 7, Section 3.1.3, RCRA List states there are six small quantity generators within one eighth of a mile of the property but does not state whether these sites are on adjacent properties. Further, the report has made no attempt to determine whether these generators may actually have an impact on the subject property. Section 7.1.9 of the ASTM Standard E-1527 states if one of the standard environmental sources

identifies the property, or another property within the search distance, then "the report shall include the environmental professional's judgment about the significance of the listing to the analysis of recognized environmental conditions in connection with the property." This is typically done, at a minimum, by showing the locations of the identified RCRA sites on a topographic map along with the property. This allows the reader to determine the proximity of the RCRA sites to subject the property and identify those more likely to have impact. This also allows the reader to make a general determination whether the site is upgradient or downgradient of the property.

6. Page 7, Section 3.2.1, LUST/UST List, states there are eight USTs within one eighth of a mile of the property and 21 LUSTs within one half mile of the property. Adjacent properties are not addressed. Further, the report has made no attempt to determine whether the LUSTs/USTs may actually have an impact on the subject property. Again, ASTM Standard E-1527 states "the report shall include the environmental professional's judgment about the significance of the listing to the analysis of recognized environmental conditions in connection with the property." This is typically done by showing the locations of the identified LUST/UST sites on a topographic map along with the property. This allows the reader to determine the proximity of the LUST/UST sites to the subject property and identify those more likely to have impact. This also allows the reader to make a general determination whether the site is upgradient or downgradient of the property.
7. Page 8, Section 4.0, Site Inspection states "There is a transformer in a second floor closet that is not on a concrete pad. This transformer should not contain PCBs." It is not clear why the report conclude this transformer does not contain PCBs. Supporting information regarding this conclusion should be included. NEPA Call-In recommends assuming PCB transformers contain PCB's unless documentation supporting this conclusion is available for this specific property.
8. Page 8, Section 4.0, Site Inspection also states "A transformer owned by Commonwealth Edison was found outside on the.... Therefore, it is likely that PCB's are present on the site." No logic to support this conclusion is given. Do the transformers have markings or dates clearly indicating they contain PCBs? Is information available from the servicing electrical utility? If there is no clear information from markings, dates, or documentation regarding the PCB status of the transformer, it should be assumed to contain PCBs and so stated in the report.
9. Page 9, Section 5.0, Interviews, does not indicate whether the owner/occupant was interviewed. The ASTM Standard E-1527 requires the property owner or occupant be interviewed, if readily available. The list of sources on page 10 includes the building manager, suggesting that he was interviewed, but the text does not include any information from this source. In the interviews section on page 9, the text should state the building manager was interviewed, and should state what information he provided.
10. Page 9, Section 6.0, Findings and Recommendations, mentions higher elevation LUST sites but does not indicate whether these sites are actually upgradient of the subject property. NEPA Call-In recommends a more complete discussion of the physical setting be conducted which includes analysis of geologic, hydrogeologic hydrologic and topographic conditions as described in ASTM E-1527.

11. Page 9.0, Section 6.0, NEPA Call-In has difficulty concurring with the broad comments in this section as potential signs of environmental contamination on the exterior of the property were concealed by 2" to 3" of freshly fallen snow. A follow-up site visit may be needed to obtain a satisfactory ESA.

Other environmental concerns suggested for inclusion in the above report are information on water table depth and direction of flow, presence of lead-based paint, presence of asbestos-containing materials, Recorded Land Title Records, and potential for flooding. The water table and flood plain information may be more significant as a result of the potential leaking USTs.

Regarding the labeling requirements for PCBs, NEPA Call-In reviewed regulations on labeling requirements for PCB transformers [addressed in a previous Technical Inquiry (TI) for a different customer in November 1996, PRO-ACT TI 10714, enclosed]. According to the U.S. Environmental Protection Agency's Toxic Substances Control Act (TSCA) Hotline, (202) 554-1404, labeling requirements are found in Title 40 Code of Federal Regulations (CFR), Subpart C, Marking of PCB's and PCB Items, Part 761.40, "Marking Requirements" (enclosed). A summary of the marking requirements follows:

1. Transformers manufactured after 1 July 1978 are prohibited from containing PCBs and do not require labeling;
2. Transformers manufactured prior to 1 July 1978 and containing PCB concentrations of 500 parts per million (PPM) or greater must be labeled; and
3. Transformers manufactured prior to 1 July 1978 which have been converted to PCB-Contaminated Electrical Equipment (50 PPM to less than 500 PPM PCB), or a Non-PCB Transformer (less than 50 PPM PCB), do not require labeling.

Therefore, a label on the transformer may be the evidence used to support the PCB determination reached in the ESA, and such evidence should be addressed in the report.

The materials in this TI have been prepared for use by GSA employees and contractors and are made available at this site only to permit the general public to learn more about NEPA. The information is not intended to constitute legal advice or substitute for obtaining legal advice from an attorney licensed in your state and may or may not reflect the most current legal developments. Readers should also be aware that this response is based upon laws, regulations, and policies in place at the time it was prepared and that this response will not be updated to reflect changes to those laws, regulations and policies.

Sincerely,

(Original Signed)

NEPA Call-In Researcher