

SALT LAKE COUNTY
COUNTY-WIDE POLICY
ON
ENVIRONMENTAL ASSESSMENT

Purpose-

To establish guidelines for the use of the various phases of environmental assessments when the County is considering the acquisition of real property. The goal of the assessment process is to identify the presence of any hazardous substances, hazardous materials, and hazardous waste or petroleum products on a property under conditions that indicate an existing release, past release or threat of a release.

1.0 Definitions

- 1.1 Phase I Assessment - This level of environmental assessment consists almost entirely of investigating available public property records, including the site's land use history and various state and federal public records to determine whether there is a reason to suspect contamination.
- 1.2 Phase II Assessment - This level of environmental assessment requires the actual sampling and analysis of soil, water and building materials and the identification and possible correction of minor land or building modifications.
- 1.3 Phase III Assessment - This level of environmental assessment requires analysis necessary to develop a cost effective plan to clean-up the site.
- 1.4 Primary Agency - The agency for whom the property is being acquired.
- 1.5 Release - A spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping or disposing of hazardous substances, hazardous materials, hazardous waste or petroleum products into the environment that is not authorized under state, federal or county law, rule or regulation.
- 1.6 Due Diligence - The process of inquiring into the environmental characteristics and conditions of a parcel of real property. The kind and degree of due diligence vary for different properties and differing purposes.
- 1.7 Appropriate Inquiry - That inquiry constituting "all appropriate inquiry into the previous ownership and uses of real property consistent with good commercial or customary practice" as defined in the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 USC Section 9601 (35)(B) sufficient to allow a party to a real estate transaction to raise the "innocent landowner" defense to CERCLA liability.
- 1.8 Reconnaissance - A visit to the property during which observations are made of existing physical conditions.

2.0 Phase I Environmental Assessment

2.1 The real estate section shall perform a phase I environmental assessment in most circumstances where the County is contemplating real property acquisition. In those circumstances, the real estate section shall perform a due diligence inquiry consisting of the following:

- A. Conduct an on-site reconnaissance
 1. Inspect for the presence of:
 - a. Fill pipes and vent pipes
 - b. Dispensers
 - c. Manhole covers
 - d. Loading docks
 - e. Unlabeled barrels, drums or containers filled with liquid
 - f. Containers labeled with hazard symbols
 - g. Transformers, capacitors or switch boxes which may contain polychlorinated biphenyls. If necessary, contact electric utilities to determine PCB content of utility owned electrical equipment.
 - h. Surface water - ditches and canals
 2. Examine for possible routes of entry into building:
 - a. Floor drains and sink drains
 - b. Cracked floors
 - c. Wells and sumps
 - d. Exterior areas not covered with impermeable material, such as concrete or asphalt
 - e. Concreted or asphalted exterior areas that are heavily cracked or broken up
 - f. Exterior drains or catch basin
 - g. Building materials containing asbestos or lead, including lead paint, solvents and degreasers.
 3. Examine for evidence of spills, leaks or improper disposal:
 - a. Stressed vegetation in patterns suggesting dumping
 - b. Stained soils
 - c. Corroded drains
 - d. Degraded pavements or floors
 - e. Discolored surface water
 - f. Absorbent materials on floors or pavements
 - g. Stained pavements, walls or floors
 - h. Chemical or irritant odors
 - i. Disturbed soil
 - j. Unmarked pipes
 - k. Depressions
 4. Document findings and site conditions with photographs, if possible
- B. Examine prior uses of property
 1. Conduct a title examination
 - a. Easements of record including railroad easements, utility and pipeline easements
 - b. Rights-of-way across the property for canals, etc.
 - c. Aerial photos

2. Interview knowledgeable individuals
 - a. Owners and operators
 - b. Persons familiar with past uses
 3. Review business directories to determine if the property was used for:
 - a. gas station
 - b. Auto repair
 - c. Dry cleaners
 - d. Print shop
 - e. Photo finishing
 - f. Manufacturing or fabrication
 - g. Metal plating
 - h. Wood treatment or furniture refinishing
 - i. Steam cleaning facility
- C. Review available public government records
1. Review available public State records for:
 - a. Notification, registration or certification of underground storage tanks.
 - b. Resource Conservation and Recovery Act (RCRA) hazardous materials treatment, storage or disposal permits, records of inspection and notices of violation or non-compliance
 - c. RCRA small quantity generator applications or exceptions
 - d. Hazardous and non-hazardous solid waste management permits
 - e. Notice or records of spills or leaks of petroleum, hazardous substances or materials. Check for Leaking Underground Storage Tank (LUST) designation or listing.
 - f. Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III Community Right to Know filings
 - g. Industrial wastewater discharge permits
 - h. Utah Pollution Discharge Elimination System (UPDES) permits
 - i. Air emissions permits
 - j. Well abandonment permits and well appropriation permits
 2. Review available public federal records for:
 - a. EPA National Priorities List (NPL)
 - b. EPA Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS)
 - c. Federal Permits
 - d. Notices of non-compliance or violation
 3. Review available public City and County records for:
 - a. Fire department records
 - b. Above ground storage tank permits
 - c. Planning and zoning applications and records
 - d. Building permits and inspection records
 - e. permit to discharge to a publicly owned treatment works (POTW)
 - f. City/County health Department records
- D. Evaluate adjoining land uses
1. Underground storage tanks up-gradient from site
 2. Nearby landfills, dump sites, pits, lagoons, etc.

3. Hazardous waste or materials storage areas

- 2.2 The real estate section's records shall contain complete documentation on all of the preceding due diligence items to establish that all appropriate inquiry was made regarding the environmental condition of the property prior to acquisition.
- 2.3 Copies of the phase I report shall be submitted to the Attorney, the primary agency's representative and the facilities management division director. The report shall be reviewed and considered prior to making any recommendations to the Mayor.
- 2.4 If, after completing the due diligence inquiry, the real estate section manager, Attorney, primary agency representative and facilities management division director have any concerns that they would like evaluated by an independent source, they may elect to retain an environmental consultant to perform a phase I or a phase II assessment.
- 2.5 The real estate section manager shall be responsible for establishing contracts with environmental consultants who can be used as required in conducting any of the three phases of assessments.

3.0 Phase II Environmental Assessment

- 3.1 If the phase I assessment identifies any real or potential environmental problems and raises concerns among the real estate section manager, the Attorney, the primary agency representative and the facilities management division director and if they recommend to proceed with the acquisition, a phase II assessment will be performed by an environmental consultant who is under contract to the County upon the approval of the Mayor.
- 3.2 The scope and contract management of the phase II assessment shall be jointly determined by the real estate section manager, the Attorney, the primary agency representative and the facilities management division director.
- 3.3 The environmental assessment contract manager(s) shall provide copies of the phase II assessment to the real estate section, Attorney, the primary agency representative and the facilities management division director. The report shall be reviewed and considered prior to making any recommendations to the Mayor.

4.0 Phase III Environmental Assessment

- 4.1 If the phase II assessment indicates conditions requiring remediation and if the Council/Mayor elects to proceed with the acquisition of the property, a phase III assessment will be performed by an environmental consultant. This assessment involves the level of analysis necessary to develop a cost effective plan to cleanup the site.
- 4.2 The scope and contract management of the phase III assessment shall be jointly determined by the real estate section manager, the Attorney, the primary agency representative and the facilities management division director.

- 4.3 The environmental consultant shall be responsible for the development of a mitigation plan, construction and bid documents and cost estimates.
- 4.4 The environmental assessment contract manager(s) shall provide copies of the phase III report to the real estate section manager, the Attorney, the primary agency representative and the facilities management division director. The report shall be reviewed and considered prior to making any recommendations to the Mayor.
- 4.5 The real estate section manager, Attorney, facilities management division director and primary agency representative shall develop recommendations on acquisition of the property and mitigation plan for presentation to the Mayor.
- 4.6 The Mayor shall decide whether or not to proceed with the acquisition of the property after consideration of the phase III assessment and staff recommendations.

APPROVED AND PASSED THIS 20th day of December, 2007.

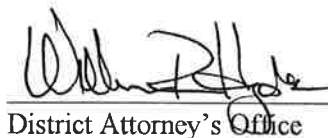
BOARD OF COUNTY COMMISSIONERS
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Mark Shurtleff, Chair

ATTEST:


Sherrie Swensen, County Clerk

APPROVED AS TO FORM:


District Attorney's Office 12/11/07
Date