

August 2018

**Phase 1 Environmental Site Assessment
Tract B-1 and Lots 1&2 Camino de Jacobo
Santa Fe, New Mexico**



**Prepared For:
Gil-Men Electric**

**Prepared by
R.T. Hicks Consultants, Ltd.
Albuquerque, New Mexico**

1.0 *Executive Summary*

R.T. Hicks Consultants, Ltd., (Hicks Consultants) performed a Phase I Environmental Site Assessment under contract to Gil-Men Electric and Santa Fe County for a property commonly known as Tract B-1, Lots 1 and 2 Camino de Jacobo, Santa Fe, New Mexico (the Property).

The Property consists of three parcels of approximately 6.7 acres in area. The Property is currently a vacant, undeveloped lot actually consisting of three parcels; Tract B1 (4.983 acres, a large rectangular parcel and Lot 1 (.783 acres) and Lot 2 (.939 acres) which are easements.

This report is for the sole use of Gil-Men Electric and Santa Fe County. Gil-Men Electric and Santa Fe County who may release this report to others who may use and rely upon the information contained herein at their own risk.

The data developed during the course of this investigation permits us to conclude:

1. In 1892, the Property was undeveloped and may have been used as grazing land by the nearby community of Agua Fria. Roads that will become Highway 14 (Cerrillos Road) and Highway 284 (Airport Road) are shown on the map.
2. In 1948, aerial photos show the Property was undeveloped.
3. The 1954 aerial photos still show no sign of a road to the Property or any development on the property.
4. By 1976, in aerial photos, an unpaved road is in place which will eventually be Camino de Jacobo and borders the western edge of the Property.
5. In 1981, aerial photos show the aforementioned unpaved road is visible as are trails at the Property.
6. A 1987 map shows Camino de Jacobo by name with development to the north and west of the Property.
7. In 1993, topographic maps show Camino de Jacobo as well.
8. In 1996, all the current development is in place to the north, south and west of the property. The property is vacant in this aerial photograph.
9. Google Earth images from 1996-2018 show the Property as undeveloped.
10. The site inspection in August 7, 2018 verified that the property is undeveloped and no signs of previous development, such as structure foundations, were observed.
11. The site inspection, a search of environmental databases and interviews of persons familiar with the area did not identify any nearby properties that could cause a trespass of constituents of concern onto the Property or in underlying groundwater.

1.1 Findings and Conclusions

We identified no Recognized Environmental Condition (RECs) at the Property.

2.0 Introduction

2.1 Purpose

Under contract to Gil-Men Electric and Santa Fe County, Hicks Consultants performed a Phase I Environmental Site Assessment for three parcels located at Camino de Jacobo in Santa Fe, New Mexico. This report is for the sole use of Gil-Men Electric and Santa Fe County. Gil-Men Electric and Santa Fe County may release this report to others who may use and rely upon the information contained herein at their own risk.

We prepared this Phase I ESA following Standard Practice Designation E 1527-13 of the American Society for Testing and Materials (the ASTM Standard).

As outlined in the ASTM Standard, the purpose of a Phase I ESA is intended to “permit a user to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability (hereinafter, the “landowner liability protections” or “LLPs”).

The ASTM Standard states: “...the goal of the processes established by this practice is to identify recognized environmental conditions.” The term “recognized environmental condition” (REC) is defined in the ASTM Standard as follows:

...the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property.

The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimis conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not recognized environmental conditions.”

In addition to identifying RECs, the ASTM Standard 1527-13 provides for the evaluation of a “business environmental risk” as an additional non-scope issue. The ASTM Standard states that a business environmental risk is “a risk which can have a material environmental or environmentally driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues required to be investigated in this practice.”

2.2 Detailed Scope-of-Services

The Phase I contains four components:

- Review of records, see Section 5
- Site Reconnaissance, a visit to the Property, see Section 6
- Interviews, see Section 7
- Report – evaluation and report as noted herein

2.3 Significant Assumptions

We base the findings and opinions conveyed in this report on information obtained from a variety of sources enumerated herein. Hicks Consultants believes these sources are reliable. Nonetheless, Hicks Consultants cannot and does not guarantee the authenticity of the information.

2.4 Limitations and Exceptions

Conducting a Phase I can reduce but not eliminate uncertainty regarding the potential of Recognized Environmental Conditions at the Property known as Tract B-1 and Lots 1 and 2 Camino de Jacobo, Santa Fe, New Mexico. This report is not a comprehensive site characterization and the reader should not consider it as such. This practice does not include any testing or sampling of materials (e.g., soil, water, air, building materials). This investigation does not include assessment of issues out of the scope of a Phase I, such as: asbestos containing building materials, radon, lead-based paint, lead in drinking water, wetlands, regulatory compliance, cultural and historic resources, industrial hygiene, health and safety, ecological resources, endangered species, indoor air quality (such as soil vapor intrusion), biological agents, and mold. We have based the opinions presented in this report on findings derived from the Phase I ESA.

By their very nature, environmental due diligence programs are limited in their scope and conclusions. We urge the reader to become familiar with pertinent portions of Standard Practice E1527-13. We have included pertinent portions of this document in Appendix A of this report. Hicks Consultants has endeavored to meet what it believes is the applicable standard of care, including appropriate inquiry. We are obliged to advise the reader of the liabilities associated with the acquisition of any parcel of commercial real estate. We can mitigate these risks but not eliminate them through additional research and/or intrusive sampling in additional investigations.

2.5 Special Terms and Conditions

Terms and conditions for this report are given in our proposal for the work.

2.6 User Reliance

This report is for the sole use of Gil-Men Electric and Santa Fe County. Gil-Men Electric and Santa Fe County may release this report to others who may use and rely upon the information contained herein at their own risk.

3.0 *Site Description*

3.1 Location and Legal Description

The Property is rectangular with a two long narrow easement parcels on the eastern edge. Access is via Camino de Jacobo and is located in Santa Fe, New Mexico, (Latitude 35.6419 N Longitude 106.0188 W). The Property is approximately ± 6.7 acres in area. The legal description for the Property from Santa Fe County's Plat Book 218 and 698 on Pages 023 and 045 is:

T16N R 9E S 6 5.018 AC TR B-1 and S5 T16N R9E 1 Lot1 and Lot 2
Santa Fe, Santa Fe, County, New Mexico

Plate 1 shows the approximate boundary of the three parcels relative to a 2016 aerial photograph.

3.2 Access to the Property

The property is located approximately 3.1 miles northeast of the intersection of I-25 and Cerrillos Road. To access the Property from the intersection of I-25 and Cerrillos Road:

- Travel northeast on Cerrillos Road (Hwy 14) from I-25 for 3.1 miles to its intersection with Airport Road (Hwy 284).
- Turn left (west) onto Airport Road.
- Take an immediate right (north) onto Camino de Jacobo.
- An entrance to the Property is 0.14 miles on the right, immediately past Extra Space Storage.

3.3 Site Vicinity General Characteristics

The area surrounding the Property is developed for commercial and residential use.

3.4 Current Use of the Property

The Property is currently vacant land with no development.

3.5 Description of Structures, Roads, Other Improvements on the Site

As the property is undeveloped, there are no structures, developed roads or improvements.

3.6 Current Uses of the Adjoining Properties

The Property is located in an area developed for commercial uses. As shown on Plate 1, the Property is bounded by:

- To the south, with an address on Camino de Jacobo is the self storage facility, Extra Storage Space.

- To the east, is also a vacant lot which is currently undeveloped.
- To the north, is a housing development and offices for Santa Fe Housing Authority and the Santa Fe Boys and Girls Club.
- To the west, there are several commercial properties and a Church which enter from Lopez Lane to the west.

3.7 Topography and Drainage

Plate 2 is the 2013 topographic map noting the Property boundary. The Property lies at an elevation of between 6,530 to 6545 feet above sea level (asl).

The Property is located between the Santa Fe River, approximately 1.1 miles to the northwest, and one of its tributaries, Arroyo de Los Chamisas, about 0.8 miles to the southeast. Both Channels drain from the northeast to the southwest. The Property is south of the divide between the two drainages, thus it lies within the Arroyo de Los Chamisas drainage. Topography slopes downwards to the west-southwest.

3.8 Geology and Groundwater Hydrology

Santa Fe is located on the west-southwest side of the Sangre de Cristo Mountains. Drainage from the mountains is southwest to the Rio Grande, almost 20 miles away. The city is built on both foothills of the mountains and the alluvial plain extending from the mountains west-southwest to the river. The underlying geology is "a westward dipping ramp with Cenozoic sediments lapping eastward onto the remnants of late Paleozoic strata and the main mass of Proterozoic rocks" (Kottowski, 1995).

The property location is mapped as being on Quaternary alluvial deposits of the Santa Fe Group according to the New Mexico Bureau of Geology and Mineral Resources, Geologic Map of New Mexico. Hence, the property is on the Cenozoic sediments lapping onto the Sangre de Cristo Mountains.

Regional groundwater flow approximates terrain, flowing from the Sangre de Cristo Mountains southwest towards the Rio Grande. The ground water gradient in the vicinity of the Property is consistent with regional flow, i.e. to the southwest, parallel with the Santa Fe River, and towards the Rio Grande. Using USGS data (Lewis and West, 1995), the Property is mapped with a ground water elevation of 6195. Hence, depth to ground water is $(6530-6195=)$ about 335 feet.

4.0 User Provided Information

4.1 Title Records access

No title records were provided by the user.

4.2 Environmental Liens or Activity and Use Limitations

No environmental liens or Activity and Use Limitations were identified by the user.

4.3 Specialized Knowledge

The user did not indicate any specialized knowledge regarding the Property.

4.4 Commonly Known or Reasonably Ascertainable Information

According to the Standard, "If the user is aware of any commonly known or reasonably ascertainable information within the local community about the Property that is material to recognized environmental conditions in connection with the Property; it is the user's responsibility to communicate such information to the environmental professional." The user gave information regarding known information about the Property via a completed questionnaire, presented in Appendix B.

4.5 Inquiry into Possible Valuation Reduction for Environmental Issues

There is no known value reduction for environmental issues.

4.6 Owner, Property Manager, and Occupant Information

Mr. James Wheeler is the owner's representative for the Property addressed as Camino de Jacobo.

4.7 Reason for Performing Phase

The Phase I has been requested for a transaction.

5.0 *Records Review*

5.1 **Standard Environmental Record Sources**

Standard Practice E 1527-13 requires that the following state and federal government records be reviewed for a Phase I ESA:

- US EPA National Priorities List (NPL) within 1.0 mile,
- Federal Delisted NPL site list within 0.5 miles,
- CERCLIS List within 0.5 miles,
- CERCLIS NFRAP site list, within 0.5 miles,
- RCRA CORRACTS Facilities within 1.0 mile,
- RCRA non-CORRACTS TSD Facilities within 0.5 mile,
- Federal RCRA generators – property and adjoining properties,
- Federal ERNS list, property only,
- State and tribal Equivalent of NPL within 1.0 mile,
- State and tribal Equivalent of CERCLIS within 0.5 mile,
- State and tribal landfill and/or solid waste disposal site lists within 0.5 mile,
- State and tribal Leaking Underground Storage Tank (LUST) list within 0.5 mile, and
- State and tribal registered storage tank lists – property and adjoining properties
- State and tribal institutional control/engineering control registries – property only
- State and tribal voluntary cleanup sites – 0.5 miles
- State and tribal Brownfield sites, 0.5 miles

Hicks Consultants relied on Environmental Data Resources Incorporated (EDR) to conduct a review of the federal and state environmental databases.

Documentation of the EDR report is included in Appendix C of this report. The EDR report identifies potential sources of environmental concern in the general area. The following provides a summary of the findings of the environmental database search.

5.1.1 *US EPA National Priorities List (NPL) within 1.0 mile, Federal Delisted NPL sites within 0.5 miles*

The database search identified no NPL site within 1.0 mile of the Property or a Federal Delisted NPL site within 0.5 miles.

5.1.2 *CERCLIS List within 0.5 miles, CERCLIS NFRAP List within 0.5 miles*

The database search identified no CERCLIS site or a CERCLIS-NFRAP site within 0.5 miles of the Property.

5.1.3 *RCRA CORRACTS Facilities within 1.0 mile, RCRA non-CORRACTS TSD Facilities within 0.5 miles*

The database search identified no RCRA CORRACTS site within 1.0 mile of the Property or RCRA non-CORRACTS TSD within 0.5 miles of the Property.

5.1.4 *RCRA Generator Facilities – property and adjoining properties*

The ASTM standard requires evaluation of such facilities only if they are located on the Property or adjacent to the Property. The database search identified no RCRA Large Quantity Generators or RCRA Small quantity Generators at the Property or on adjoining properties.

A review of the RCRA-CESQG list, as provided by EDR, and dated 03/01/2018 has revealed that there are 5 RCRA-CESQG sites within approximately 0.25 miles of the target property.

Three of these sites are at higher or equivalent elevation.

- The office of Dr. Keith Jameson of Santa Fe Family Dentistry is located at 4041 Cerrillos Road. There are no reported violations and there is a full history of compliance. This site approximately 790 feet higher and .015 miles to the east. It is not considered a threat to the property.
- Chihuahua Tires at 4033 Cerrillos Road is listed. The site is approximately 0.19 miles from the Property and is 998 feet higher in elevation to the east. Due to the compliance history and intervening properties, it is not considered a threat to the Property.
- Lowe's (Store # 2556) is listed at 3458 Zafarano Drive. The Store is 0.2 miles northeast of the and 1093 feet higher in elevation. Due to the compliance history and intervening properties, it is not considered a threat to the Property.
- Two sites are listed at lower elevation than the Property. These include:
 - An Allsup's/Fina store at 4200 Airport Road is listed. It has no reported violations. This site is topographically down-gradient, 0.12 miles south of the Property. Due to the compliance history of the site, and the location to the southwest, it is not considered a threat to the Property.
 - A PNM Santa Fe Electric Service Center, listed at 4565 State Road 14, had a number of written informal violations in 2007 and 2008. This site

is used for storage of transmission line materials. It is down-gradient with respect to ground water flow and topographically lower. As such, it presents no threat to the Property. This site is also approximately 0.2 miles south of the Property. We postulate that this site appears in the search results because State Road 14 changes to Cerrillos Road north of I-25. 4565 Cerrillos Road is within 0.25 miles of the Property. All of these sites are topographically lower and down or cross-gradient from the Property in relation to ground water flow. As such, we do not consider them a threat to the Property.

5.1.5 Federal Institutional control/engineering control registries- subject property

The database identified no engineering or institutional controls on the Property.

5.1.6 EPA ERNS List for the subject property

The database search did not identify the subject Property as being on the EPA ERNS List.

5.1.7 State and tribal Equivalent of NPL within 1.0 mile

New Mexico does not maintain this list but relies on the Federal NPL lists.

5.1.8 State and tribal Equivalent of CERCLIS (SCS) within 1 mile

The database search identified two SCS (state cleanup site) within one mile of the Property; Santa Fe Chevrolet, at 4450 Cerrillos Road and Quick Car Wash #8 at 995 Rodeo Drive.

Santa Fe Chevrolet is about 0.67 miles south of the Property. The incident resulting in this listing was a motor oil release. The status of the action is closed as of 1998.

Quick Car Wash is 0.9 miles east and higher than the Property. There was a dumping of petroleum contaminated soil in 1999. After the soil was excavated, the action was closed in 2000.

Because of topography and direction of ground water flow, neither of these sites can present a threat to the Property.

5.1.9 State and tribal Solid Waste/ Landfill Facilities within 0.5 miles

The database search identified one Solid Waste/Landfill Facility within 0.5 miles of the Property; the Caja Del Rio Landfill at 149 Wildlife Way. It is located 0.105 mi. to the southwest of the Property and is 552 ft. lower than the Property. Given the topography and drainage of the Property, this site is not a threat to the Property.

5.1.10 State and tribal Leaking Underground Storage Tank (LUST) List within 0.5 miles

The database search identified three LUST sites within 0.5 miles of the Property. Two sites are listed at higher elevation and are actually the same site with

different ownership. This is currently the Allsup's/Fina at 4150 Airport Road east, southeast of the Property. The status is No Further Action Required as of 1999 with removal of three tanks. The site is up-gradient of the Property with respect to ground water flow. Because of the compliance status, we consider the site no threat to the Property.

The lower site, also an Allsup's (#254) at 4200 Airport Rd. is 619 ft. lower in elevation and 0.12 miles to the south of the Property. With respect to ground water flow, this site is down-gradient and cross-gradient of the Property. This site has a status of No Further Action Required. Because of this status and its location relative to ground water flow and the Property, we consider it no threat to the Property.

A review of the L-TANKS list returned the same Allsup's sites at higher elevation than the Property. For the same reasons as listed above, we consider this site no threat to the Property.

Two sites are listed at lower elevation than the Property. The Allsup's on Airport Road is listed and considered as no threat to the Property for the same reasons listed above.

The Giant 864 gas station is 0.48 miles south of the Property and more than 2000 feet lower in elevation. With respect to ground water flow, it is down and cross-gradient from the Property. The site has a status of No Further Action since 2003. For all of these reasons, we consider this site no threat to the Property.

5.1.11 State and tribal registered storage tank lists – adjoining properties and subject property

The database search identified eight sites from the TANKS list. Two of the sites are listed at higher elevation. The Allsup's/Fina site on Airport Road is on the LUST and the L-TANKS lists. We consider it no risk to the Property for the reasons explained above. There is also a Jiffy Lube on 4230 Cerrillos Road listed. There is currently a tank in use as part of this business, but it has been found in compliance, therefore not considered a risk to the Property for the reasons listed in other parts of this report.

There are six sites lower in elevation from the Property. As these sites are all either down-gradient or cross-gradient from the Property with respect to ground water flow. We believe they represent no threat to the Property.

The database search returned six sites from the State's UST list. All are listed on TANKS list and are not considered threat to the Property for reasons given above.

The AST list identified two sites; one above, the Jiffy Lube site, with a tank currently in use and one below, Thompson Drilling, where the tank had been removed. For the reasons listed above, we do not believe these to be a threat to the Property.

The review of the Indian UST list showed no sites within 0.25 miles of the Property.

5.1.12 State and tribal institutional control/engineering control registries-subject property

The database did not identify state or tribal institutional or engineering controls in within 0.5 miles of the Property.

5.1.13 State and tribal voluntary cleanup sites within 0.5 miles

The database search identified no State or tribal voluntary cleanup sites within 0.5 miles of the Property.

5.1.14 State and tribal Brownfield sites within 0.5 miles

The database search identified no brownfield site within 0.5 miles of the Property.

5.1.15 Local Brownfield Lists within 0.5 miles

The database identified no local brownfield site within 0.5 miles of the Property.

5.1.16 Local Lists of Landfill/Solid Waste Disposal sites

The database identified no site within 0.5 miles of the Property.

5.1.17 Local Lists of Hazardous Waste/contaminated Sites

The database search did not identify the Property on the US CDL, CDL, and US Historical CDL lists.

5.1.18 Local Land Records

The database search did not identify the Property on the LIENS 2 list or any site within 0.5 miles of the Property on the LUCIS database.

5.1.19 Records of Emergency Release Reports

The database search identified no reports at the Property.

5.1.20 Other Ascertainable Records

The database search identified two sites on the RCRA-NonGen within 0.25 miles of the Property. Both of the sites are at lower elevation. Thus, these sites are not considered a threat for the same reasons listed above. No site on either the DOD or FUDS lists exists within 1.0 miles of the Property. The Property was not identified on the DOT OPS list.

5.2 Additional Environmental Record Sources

According to the ASTM 1527-13 standard, "Local records and/or additional state or tribal records shall be checked when, in the judgment of the environmental professional, such additional records (1) are reasonably ascertainable, (2) are sufficiently useful, accurate, and complete in light of the objective of the records review, and (3) are generally obtained, pursuant to local good commercial or

customary practice, in initial environmental site assessments in the type of commercial real estate transaction involved.”

A review of EDR’s Drycleaners list returned no drycleaners within 0.50 miles of the site.

A review of historical auto sites revealed two sites within 0.25 miles of the Property. One of these sites is listed at the same elevation or higher but lies in a separate drainage and is not considered a threat to the Property. The other is lower than the Property and is not considered a threat to the Property.

A review of US Historical Cleaners List no sites within 0.5 miles of the property.

A review of the RGA LUST list yielded no sites within 0.5 miles of the Property. Similarly, no sites were identified on the RGA LF list.

5.3 Physical Setting Source(s)

The EDR report provides a Physical Setting Source Map and other related data. A USGS topographic map with the site noted is presented in Plate 2.

5.4 Historical Use Information on the Property

We reviewed the Property’s historical land use by investigating, historical topographic maps, aerial photographs and city directories. Historic research was conducted in varying time increments depending on availability of the source material. Given the information available from the sources consulted and information collected in interviews, we believe the historical information presented here is reasonably accurate and reliable.

We reviewed six historic topographic maps spanning the time interval from 1892 to 2013. We reviewed City Directories for the years 1963-2014 in 4-6 year increments. The first listing we encountered for Camino de Jacobo was in 1988. Sanborn maps do not exist for the Property. We reviewed eight aerial photographs from 1948-1996 provided by the EDR and Google Maps aerial photographs from 1996 to 2013 (See Plates 1 and 3 through 7).

Below is a summary of our findings:

1892 Topographic maps show the Property as undeveloped.

1948, 1951-1954 Aerial photographs show the Property as undeveloped with no development nearby.

1976, 1981 Aerial photographs show that while the property is still undeveloped, there is a small dirt road in the area and a trailer park to the west and commercial development to the east, south and west of the Property.

1987 There is now a paved road and Camino de Jacobo appears on maps as a named street. The Santa Fe Housing Authority development is in place to the north of the Property.

1996 While the Property is still undeveloped (as it is today), development along Camino de Jacobo continues with the Extra Storage Space facility is now in place.

2011, 2016 Aerial photographs and topographic maps show that the Property and surroundings look as they do today; development immediately to the south, west and north and nearby to the east.

5.5 Historical Use Information on Adjoining Properties

We reviewed historic aerial photographs, historic city directories, and the EDR environmental database to identify prior land uses of the immediate surrounding properties. The adjoining property to the east, like the Property, has never been developed. A summary of our findings for the properties to the north and west are as follows:

1948 Cerrillos road is a paved 2 lane highway. Airport Road exists as a dirt road. A number of agricultural fields are north of Airport Road. There are several structures at the intersection of Cerrillos Road and Airport Road. (Plate 3).

1954 Airport Road is paved.

1976 Cerrillos Road is a divided 4-lane road. Additional structures exist at the intersection of Airport Road and Cerrillos Road (Plate 4). The trailer park to the west is in place.

1987 The Santa Fe Housing Authority development is in place to the north of the Property and Camino de Jacobo is paved and appears on maps.

1996 The Extra Storage Space facility is now in place to the south of the Property on Camino de Jacobo.

2002, 2011, 2016 Additional commercial development has occurred to the south and west of Camino de Jacobo(Plate 7).

6.0 Site Reconnaissance

6.1 Methodology and Limiting Conditions

The purpose of the reconnaissance is to obtain information regarding the possible existence of recognized environmental conditions at the Property. Additionally, a reconnaissance helps determine if activities in the area may have affected the Property.

On August 7, 2018, David Hamilton and Lisa Croft of R.T. Hicks Consultants conducted a reconnaissance of the Property. The perimeter and the interior of the Property were examined from every angle.

6.2 General Site Setting

The center of the Property is located approximately 0.23 miles northwest of the intersection of Airport Road and Cerrillos Road; and about 6.0 miles southwest of downtown Santa Fe. The Property is surrounded on the north, south and west sides by commercial and residential properties. The property to the immediate east of the site is also an undeveloped lot.

6.3 Exterior Observations

The Property is currently an undeveloped, vacant lot. There has been illegal dumping of construction materials, paving materials, tires and general household trash (see Figures).

6.4 Interior Observations

As there is no development on the Property, this is not applicable.

6.5 Utilities

As the Property is not developed, there are currently no utilities to the Property.

6.6 Aboveground Storage Tanks

Aboveground storage tank (AST) registration is generally not required unless the tank contains hazardous materials or requires a flammable or combustible content permit from the local fire department.

We observed no evidence of aboveground storage tanks at the Property.

6.7 Underground Storage Tanks

Underground Storage Tanks (USTs) store regulated substances and have at least 10 percent of their volume, including contents of associated pipes, underground. Surface indications of existing or former USTs include pump islands, cut-off pipes, fill ports, vent pipes, and asphalt patches.

We observed no evidence of underground storage tanks at the Property.

6.8 Hazardous Substance Storage

“Hazardous Substance Storage” includes, but is not limited to, hazardous substances as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), hazardous wastes as defined by the Resource Conservation and Recovery Act (RCRA), and petroleum products.

We did not encounter evidence of hazardous substance storage at the Property.

6.9 Waste Disposal

Solid waste disposal is indicated by physical observation or identified from the interviews or records review. Solid waste disposal activities may be indicated by areas filled or graded by non-natural causes or with fill of unknown origin, mounds, or depressions suggesting trash or other solid waste disposal.

We encountered no evidence of buried solid waste disposal at the Property.

6.10 Wastewater Disposal

Storm water runoff flows overland to the southwest side of the Property. The property to the south, Extra Space Storage, has installed a hardened culvert on the northern edge of their property with the water moving under Camino de Jacobo to the west of the Property into a City of Santa Fe storm water collection system.

We encountered no evidence of septic tank leach fields or other onsite waste disposal systems at the Property.

7.0 Interviews

7.1 Interview with Owner

We talked with Mr. James Wheeler of Santa Fe, as the owner's representative. He was able to provide us with history of the site. He was also able to provide the title records and survey for the Property. He was not aware of any environmental liens against the property or of any deed or land use restrictions.

7.2 Interview with Site Manager

Mr. Wheeler as the owner's representative acts as the Property manager.

7.3 Interviews with Occupants

As the site is undeveloped, this is not applicable.

7.4 Interviews with Local Government Officials

No government official has responded to our inquiries at the time of this writing.

7.5 Interviews with Others

We did not conduct other interviews.

8.0 Findings, Opinion, Conclusions

We identified no Recognized Environmental Conditions (REC) at the Property.

9.0 Deviations and Additional Services

We encountered no deviations from the standard scope of services for a Phase I Environmental Site Assessment.

10.0 Environmental Professional Signature

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-13 of the Property known as Tract B-1, Lots 1 and 2 and Camino de Jacobo, Santa Fe, NM. The Property is about 6.7 acres in size. The legal description for the Property from Santa Fe County's Plat Book 218 and 698 on Pages 023 and 045 is:

T16N R 9E S 6 5.018 AC TR B-1 and S5 T16N R9E 1 Lot 1 and Lot 2
Santa Fe, Santa Fe, County, New Mexico

Any exceptions to, or deletions from, this practice are described in Section 2.0 of this report. This assessment has revealed evidence of a Recognized Environmental Condition in connection with the Property as noted herein.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental professional as defined in 312.10 of 40 CFR 312 and we have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the subject Property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Randall Hicks
Principal

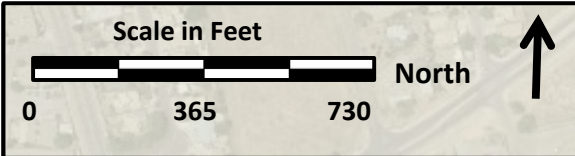
11.0 References

- ASTM. 2013. Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. Designation: E 1527-13. American Society for Testing and Materials (ASTM), West Conshohocken, Pennsylvania. 10 p.
- Earth Data Analysis Center (EDAC). University of New Mexico. Aerial Photographs of Santa Fe, New Mexico.
- EDR Incorporated. 2018. The EDR-Radius Map with GeoCheck. Camino Jacobo, Santa Fe, New Mexico.
- Kottlowksi, F.E., *Geologic Synopsis of La Villa Real de La Santa Fe de San Francisco de Assisi* in *Geology of the Santa Fe Region*, P.W. Bauer, B.S. Kues, N.W. Dunbar, K.E. Karlstrom, B. Harrison (Eds.), New Mexico Geological Society, 1995, p. 2
- Lewis, A.C. , West, F., *Conceptual Hydrologic Systems for Santa Fe County* in *Geology of the Santa Fe Region*, P.W. Bauer, B.S. Kues, N.W. Dunbar, K.E. Karlstrom, B. Harrison (Eds.), New Mexico Geological Society, 1995, p. 303
- Scholle, P.A., *Geologic Map of New Mexico*, New Mexico Bureau of Geology and Mineral Resources, 2003

Plates

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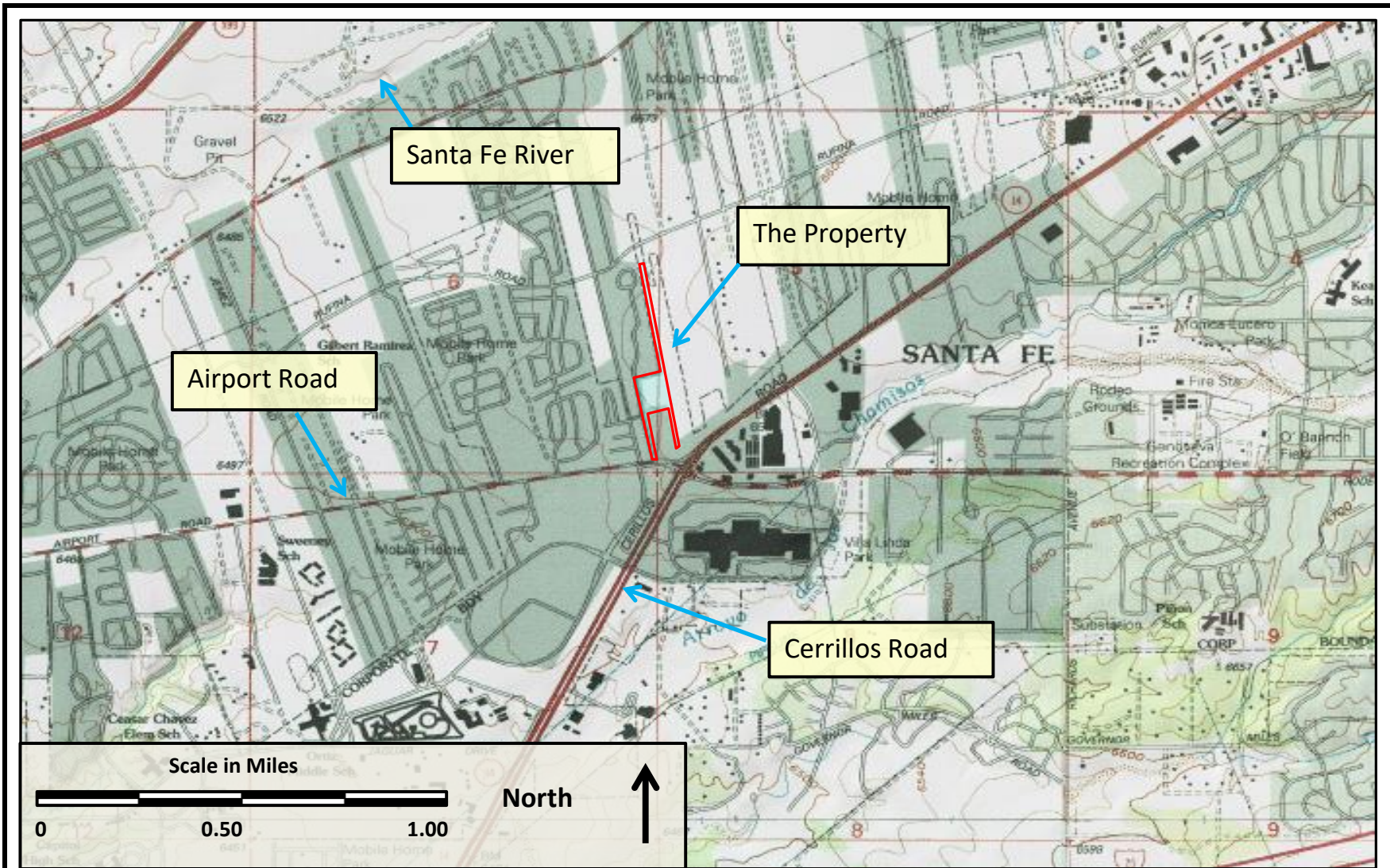
R.T. Hicks Consultants, Ltd
901 Rio Grande Blvd NW
Suite F-142
Albuquerque, NM 87104
505-266-5004

June 2017 Aerial Photograph of Area Surrounding
the Property on Camino de Jacobo

Plate 1

Gil-Men Electric

November, 2018



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Topographic Map of Area Surrounding the Property
 Camino de Jacobo, Santa Fe, NM

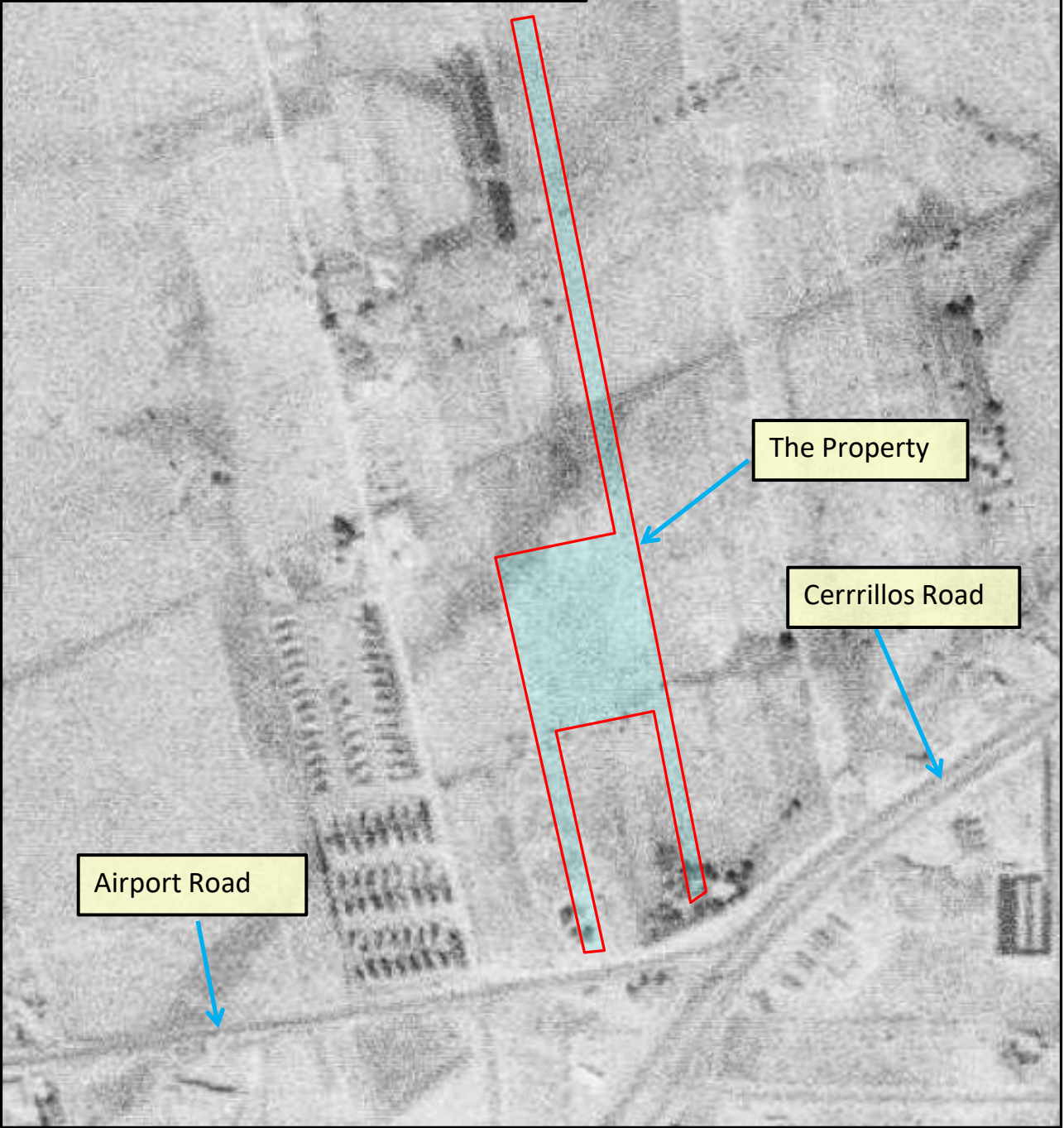
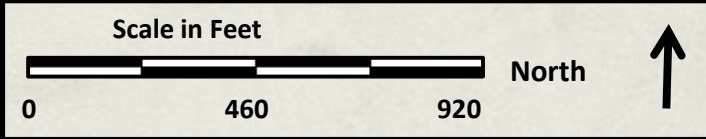
Plate 2

Gil-Men Electric

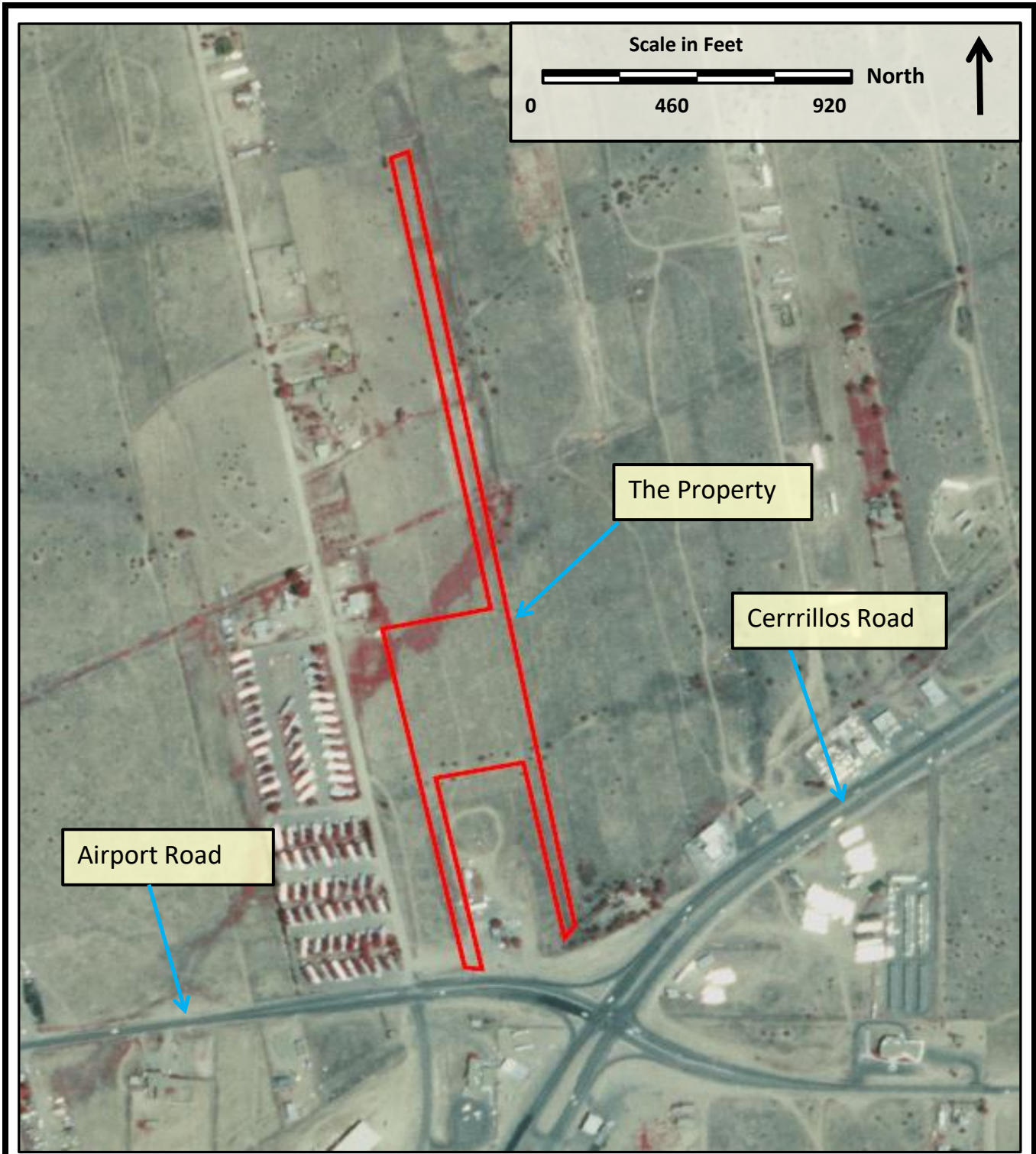
November, 2018



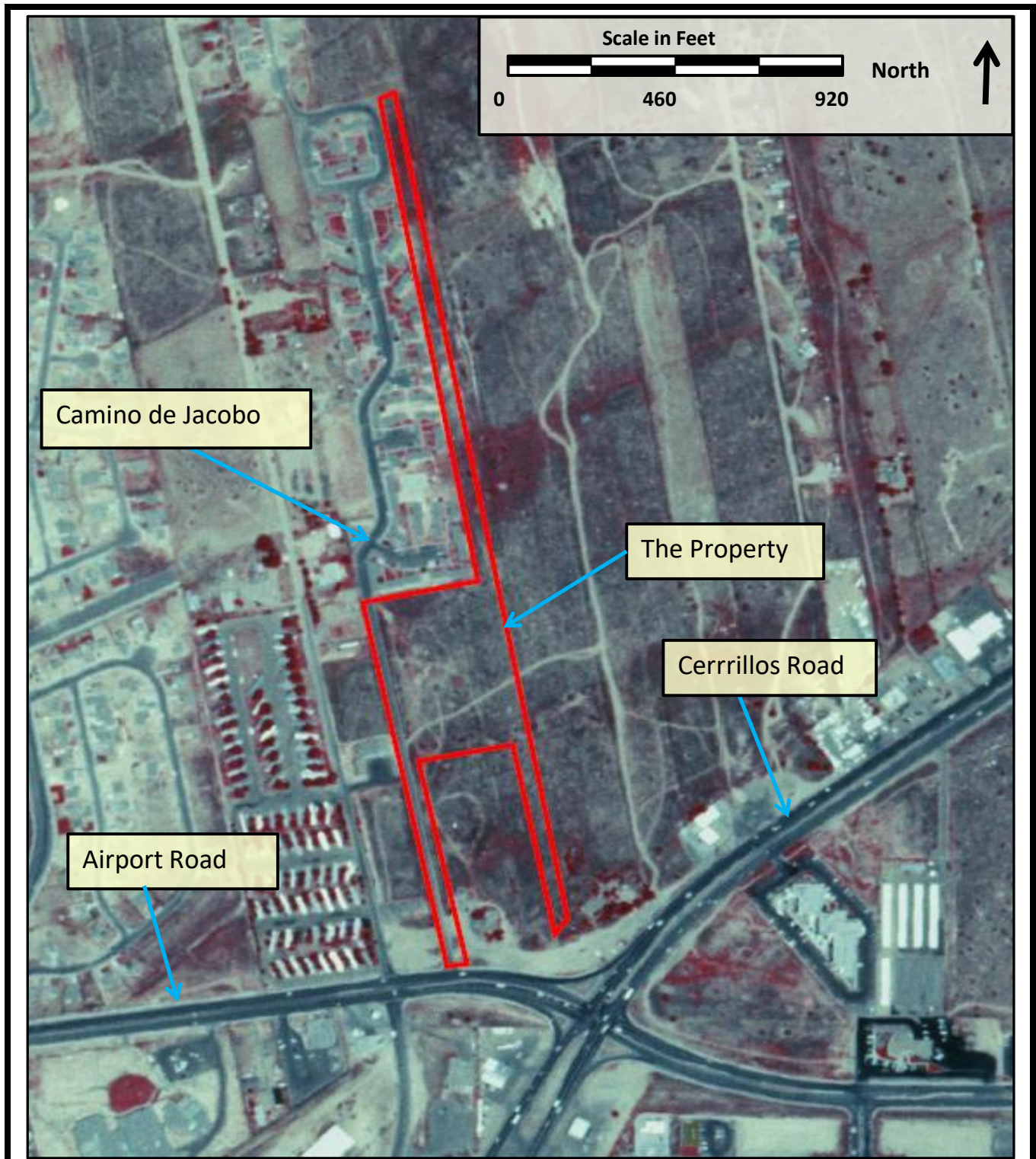
<p>R.T. Hicks Consultants, Ltd 901 Rio Grande Blvd NW Suite F-142 Albuquerque, NM 87104 505-266-5004</p>	<p>1948 Aerial Photograph of Area Surrounding Camino de Jacobo, Santa Fe, NM</p>	<p>Plate 3</p>
	<p>Gil-Men Electric</p>	<p>November, 2018</p>



<p>R.T. Hicks Consultants, Ltd 901 Rio Grande Blvd NW Suite F-142 Albuquerque, NM 87104 505-266-5004</p>	<p>1976 Aerial Photograph of Area Surrounding the Property on Camino de Jacobo</p>	<p>Plate 4</p>
	<p>Gil-Men Electric</p>	<p>November, 2018</p>



R.T. Hicks Consultants, Ltd 901 Rio Grande Blvd NW Suite F-142 Albuquerque, NM 87104 505-266-5004	1981 Aerial Photograph of Area Surrounding the Property on Camino de Jacobo	Plate 5
	Gil-Men Electric	November, 2018



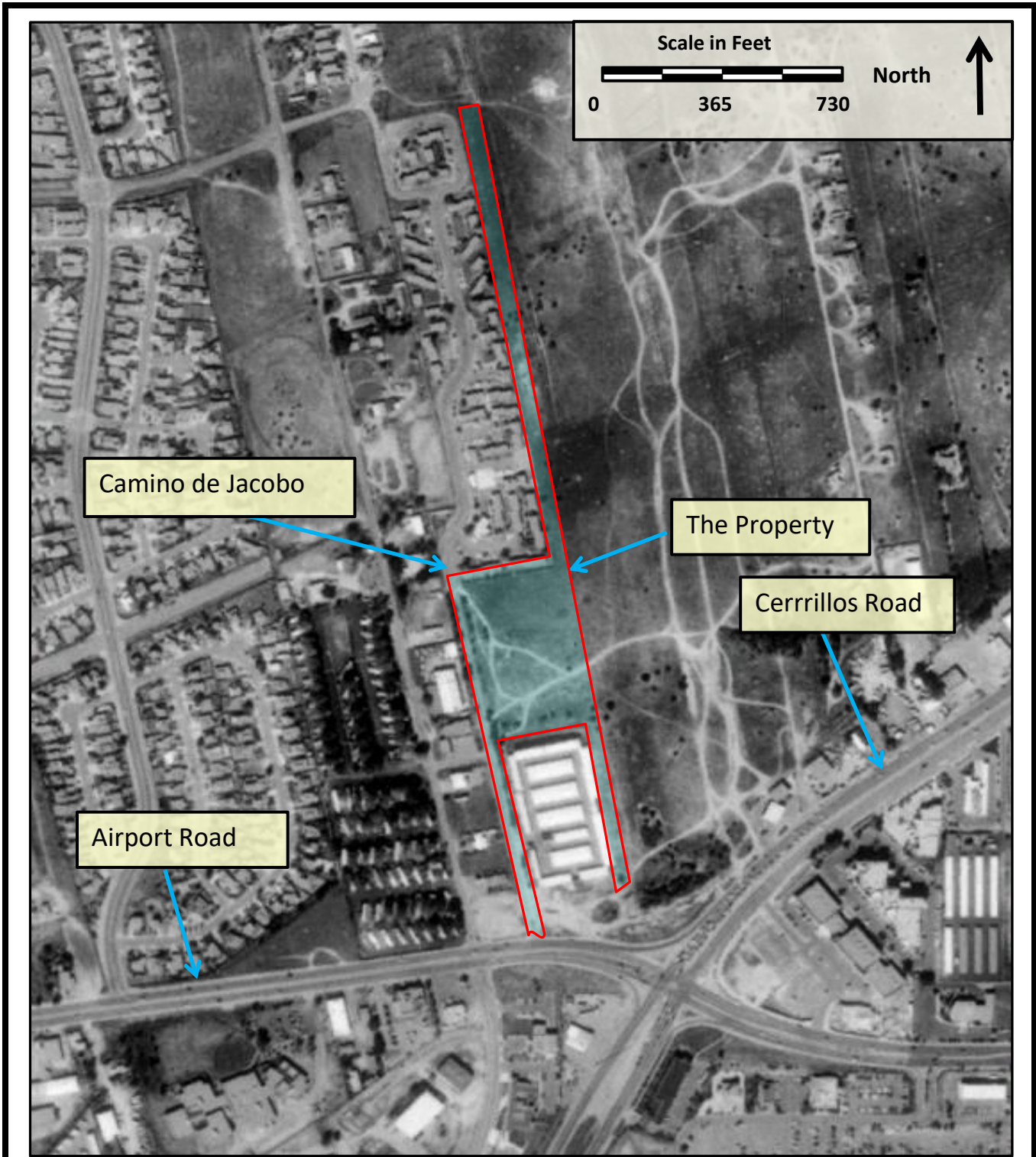
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 Suite F-142
 Albuquerque, NM 87104
 505-266-5004

**1987 Aerial Photograph of Area Surrounding the
 Property on Camino de Jacobo**

Plate 6

Gil-Men Electric

November, 2018



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	<p>Gil-Men Electric</p>	<p>November, 2018</p>

Figures

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Albuquerque, NM 87104

Figures

The figures below are from Hicks Consultants site visit on August 7, 2018.

Figure 1: *View to the south from the southern portion of Tract B1. The southern boundary is parallel to the Extra Space Storage facility pictured.*



Figure 2: *View to the north of the Property. The northern boundary of the Property is parallel to the Santa Fe Housing Authority boundary and this wall is along their southern boundary. There is some illegal dumping of construction materials on the Property.*



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Figure 3: *View to the northwest from Lot 1. This wall is along the western boundary.*



Figure 4: *View to the northeast of the Property taken from corner of Tract B1 and Lot 1.*



Figure 5: *View to the southeast of the Property taken from the center of tract B-1.*



Figure 6: *View to the south side of Tract B-1. There are several large piles of household debris in Tract B-1 and Lot 2.*



Figure 7: *View to the southeast from the corner of Tract B-1 of debris.*



Figure 8: *Views to the northwest of the Property from Tract B-1.*



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Figure 9: *View to the west along Camino de Jacobo. There are several businesses and a Church.*



Appendix A

Selected Pages from ASTM Standard

R.T. Hicks Consultants, Ltd.

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Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process¹

This standard is issued under the fixed designation E1527; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 *Purpose*—The purpose of this practice is to define good commercial and customary practice in the United States of America for conducting an *environmental site assessment*² of a parcel of *commercial real estate* with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) and *petroleum products*. As such, this practice is intended to permit a *user* to satisfy one of the requirements to qualify for the *innocent landowner*, *contiguous property owner*, or *bona fide prospective purchaser* limitations on CERCLA liability (hereinafter, the “*landowner liability protections*,” or “*LLPs*”): that is, the practice that constitutes *all appropriate inquiries* into the previous ownership and uses of the *property* consistent with good commercial and customary practice as defined at 42 U.S.C. §9601(35)(B). (See [Appendix X1](#) for an outline of CERCLA’s liability and defense provisions.) Controlled substances are not included within the scope of this standard. Persons conducting an *environmental site assessment* as part of an EPA Brownfields Assessment and Characterization Grant awarded under CERCLA 42 U.S.C. §9604(k)(2)(B) must include controlled substances as defined in the Controlled Substances Act (21 U.S.C. §802) within the scope of the assessment investigations to the extent directed in the terms and conditions of the specific grant or cooperative agreement. Additionally, an evaluation of *business environmental risk* associated with a parcel of *commercial real estate* may necessitate investigation beyond that identified in this practice (see Sections [1.3](#) and [13](#)).

1.1.1 *Recognized Environmental Conditions*—In defining a standard of good commercial and customary practice for conducting an *environmental site assessment* of a parcel of

property, the goal of the processes established by this practice is to identify *recognized environmental conditions*. The term *recognized environmental conditions* means the presence or likely presence of any *hazardous substances* or *petroleum products* in, on, or at a *property*: (1) due to any *release* to the *environment*; (2) under conditions indicative of a *release* to the *environment*; or (3) under conditions that pose a *material threat* of a future *release* to the *environment*. *De minimis* conditions are not *recognized environmental conditions*.

1.1.2 *Petroleum Products*—*Petroleum products* are included within the scope of this practice because they are of concern with respect to many parcels of *commercial real estate* and current custom and usage is to include an inquiry into the presence of *petroleum products* when doing an *environmental site assessment* of *commercial real estate*. Inclusion of *petroleum products* within the scope of this practice is not based upon the applicability, if any, of CERCLA to *petroleum products*. (See [X1.1.2.1](#) for discussion of *petroleum exclusion* to CERCLA liability.)

1.1.3 *CERCLA Requirements Other Than Appropriate Inquiries*—This practice does not address whether requirements in addition to *all appropriate inquiries* have been met in order to qualify for the *LLPs* (for example, the duties specified in 42 U.S.C. §9607(b)(3)(a) and (b) and cited in [Appendix X1](#), including the continuing obligation not to impede the integrity and effectiveness of *activity and use limitations* (AULs), or the duty to take reasonable steps to prevent releases, or the duty to comply with legally required release reporting obligations).

1.1.4 *Other Federal, State, and Local Environmental Laws*—This practice does not address requirements of any state or local laws or of any federal laws other than the *all appropriate inquiries* provisions of the *LLPs*. *Users* are cautioned that federal, state, and local laws may impose environmental assessment obligations that are beyond the scope of this practice. *Users* should also be aware that there are likely to be other legal obligations with regard to *hazardous substances* or *petroleum products* discovered on the *property* that are not addressed in this practice and that may pose risks of civil and/or criminal sanctions for non-compliance.

¹ This practice is under the jurisdiction of ASTM Committee E50 on Environmental Assessment, Risk Management and Corrective Action and is the direct responsibility of Subcommittee E50.02 on Real Estate Assessment and Management.

Current edition approved Nov. 1, 2013. Published November 2013. Originally approved in 1993. Last previous edition approved in 2005 as E1527–05. DOI: 10.1520/E1527-13.

² All definitions, descriptions of terms, and acronyms are defined in Section [3](#). Whenever terms defined in [3.2](#) are used in this practice, they are in *italics*.

1.1.5 *Documentation*—The scope of this practice includes research and reporting requirements that support the *user's* ability to qualify for the *LLPs*. As such, sufficient documentation of all sources, records, and resources utilized in conducting the inquiry required by this practice must be provided in the written *report* (refer to 8.1.9 and 12.2).

1.2 *Objectives*—Objectives guiding the development of this practice are (1) to synthesize and put in writing good commercial and customary practice for *environmental site assessments* for *commercial real estate*, (2) to facilitate high quality, standardized *environmental site assessments*, (3) to provide a practical and reasonable standard practice for conducting *all appropriate inquiries*, and (4) to clarify an industry standard for *all appropriate inquiries* in an effort to guide legal interpretation of the *LLPs*.

1.3 *Considerations Beyond Scope*—The use of this practice is strictly limited to the scope set forth in this section. Section 13 of this practice identifies, for informational purposes, certain environmental conditions (not an all-inclusive list) that may exist on a *property* that are beyond the scope of this practice, but may warrant consideration by parties to a *commercial real estate transaction*. The need to include an investigation of any such conditions in the *environmental professional's* scope of services should be evaluated based upon, among other factors, the nature of the *property* and the reasons for performing the assessment (for example, a more comprehensive evaluation of *business environmental risk*) and should be agreed upon between the *user* and *environmental professional* as additional services beyond the scope of this practice prior to initiation of the *environmental site assessment* process.

1.4 *Organization of This Practice*—This practice has thirteen sections and five appendixes. Section 1 is the Scope. Section 2 is Referenced Documents. Section 3, Terminology, has definitions of terms not unique to this practice, descriptions of terms unique to this practice, and acronyms. Section 4 is Significance and Use of this practice. Section 5 provides discussion regarding *activity and use limitations*. Section 6 describes *User's Responsibilities*. Sections 7 – 12 are the main body of the *Phase I Environmental Site Assessment*, including evaluation and *report* preparation. Section 13 provides additional information regarding non-scope considerations (see 1.3). The appendixes are included for information and are not part of the procedures prescribed in this practice. Appendix X1 explains the liability and defense provisions of CERCLA that will assist the *user* in understanding the *user's* responsibilities under CERCLA; it also contains other important information regarding CERCLA, the *Brownfields Amendments*, and this practice. Appendix X2 provides the definition of the *environmental professional* responsible for the *Phase I Environmental Site Assessment*, as required in the “*All Appropriate Inquiries*” Final Rule (40 C.F.R. Part 312). Appendix X3 provides an optional User Questionnaire to assist the *user* and the *environmental professional* in gathering information from the *user* that may be material to identifying *recognized environmental conditions*. Appendix X4 provides a recommended table of contents and *report* format for a *Phase I Environmental Site Assessment*. Appendix X5 summarizes non-scope considerations that persons may want to assess.

1.5 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

1.6 *This practice offers a set of instructions for performing one or more specific operations. This document cannot replace education or experience and should be used in conjunction with professional judgment. Not all aspects of this practice may be applicable in all circumstances. This ASTM standard is not intended to represent or replace the standard of care by which the adequacy of a given professional service must be judged, nor should this document be applied without consideration of a project's many unique aspects. The word “Standard” in the title means only that the document has been approved through the ASTM consensus process.*

2. Referenced Documents

2.1 ASTM Standards:³

E2091 Guide for Use of Activity and Use Limitations, Including Institutional and Engineering Controls

E2600 Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions

2.2 Federal Statutes:

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA” or “Superfund”), as amended by Superfund Amendments and Reauthorization Act of 1986 (“SARA”) and Small Business Liability Relief and Brownfields Revitalization Act of 2002 (“Brownfields Amendments”), 42 U.S.C. §§9601 *et seq.*

Emergency Planning and Community Right-To-Know Act of 1986 (“EPCRA”), 42 U.S.C. §§11001 *et seq.*

Freedom of Information Act, 5 U.S.C. §552, as amended by Public Law No. 104-231, 110 Stat. 3048

Resource Conservation and Recovery Act (also referred to as the Solid Waste Disposal Act), as amended (“RCRA”), 42 U.S.C §6901 *et seq.*

2.3 USEPA Documents:

“All Appropriate Inquiries” Final Rule, 40 C.F.R. Part 312 Chapter 1 EPA, Subchapter J-Superfund, Emergency Planning, and Community Right-To-Know Programs, 40 C.F.R Parts 300-399

National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300

2.4 Other Federal Agency Document:

OSHA Hazard Communication Regulation, 29 C.F.R. §1910.1200

3. Terminology

3.1 This section provides definitions, descriptions of terms, and a list of acronyms for many of the words used in this practice. The terms are an integral part of this practice and are critical to an understanding of the practice and its use.

³ For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard's Document Summary page on the ASTM website.

smell, particularly observations of noxious or foul odors. The term “walking through” is not meant to imply that disabled persons who cannot physically walk may not conduct a *site visit*; they may do so by the means at their disposal for moving through the *property* and the structures located on it.

3.2.101 *wastewater*—water that (1) is or has been used in an industrial or manufacturing process, (2) conveys or has conveyed sewage, or (3) is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. *Wastewater* does not include water originating on or passing through or adjacent to a site, such as stormwater flows, that has not been used in industrial or manufacturing processes, has not been combined with sewage, or is not directly related to manufacturing, processing, or raw materials storage areas at an industrial plant.

3.2.102 *zoning/land use records*—those records of the local government in which the *property* is located indicating the uses permitted by the local government in particular zones within its jurisdiction. The records may consist of maps and/or written records. They are often located in the planning department of a municipality or county. See 8.3.4.8.

3.3 Acronyms:

3.3.1 *AULs*—*Activity and Use Limitations*.

3.3.2 *CERCLA*—Comprehensive Environmental Response, Compensation and Liability Act of 1980 (as amended, 42 U.S.C. §§9601 *et seq.*).

3.3.3 *CERCLIS*—Comprehensive Environmental Response, Compensation and Liability Information System (maintained by EPA).

3.3.4 *CFR*—Code of Federal Regulations.

3.3.5 *CORRACTS*—facilities subject to Corrective Action under RCRA.

3.3.6 *EPA*—United States Environmental Protection Agency.

3.3.7 *EPCRA*—Emergency Planning and Community Right to Know Act ((also known as SARA Title III), 42 U.S.C. §§11001-11050 *et seq.*).

3.3.8 *ERNS*—emergency response notification system.

3.3.9 *ESA*—Environmental Site Assessment (different than an *environmental compliance audit*, 3.2.30).

3.3.10 *FOIA*—U.S. Freedom of Information Act (5 U.S.C. §552 as amended by Public Law No. 104-231, 110 Stat.).

3.3.11 *FR*—Federal Register.

3.3.12 *ICs*—*Institutional Controls*.

3.3.13 *LLP*—Landowner Liability Protections under the *Brownfields Amendments*

3.3.14 *LUST*—Leaking Underground Storage Tank.

3.3.15 *MSDS*—Material Safety Data Sheet.

3.3.16 *NCP*—National Contingency Plan.

3.3.17 *NFRAP*—former CERCLIS sites where no further remedial action is planned under CERCLA.

3.3.18 *NPDES*—National Pollutant Discharge Elimination System.

3.3.19 *NPL*—National Priorities List.

3.3.20 *PCBs*—polychlorinated biphenyls.

3.3.21 *PRP*—Potentially Responsible Party (pursuant to CERCLA 42 U.S.C. §9607(a)).

3.3.22 *RCRA*—Resource Conservation and Recovery Act (as amended, 42 U.S.C. §§6901 *et seq.*).

3.3.23 *SARA*—Superfund Amendments and Reauthorization Act of 1986 (amendment to CERCLA).

3.3.24 *TSDf*—*hazardous waste* treatment, storage or disposal facility.

3.3.25 *USC*—United States Code.

3.3.26 *USGS*—United States Geological Survey.

3.3.27 *UST*—Underground Storage Tank.

4. Significance and Use

4.1 *Uses*—This practice is intended for use on a voluntary basis by parties who wish to assess the environmental condition of *commercial real estate* taking into account commonly known and *reasonably ascertainable* information. While use of this practice is intended to constitute *all appropriate inquiries* for purposes of the *LLPs*, it is not intended that its use be limited to that purpose. This practice is intended primarily as an approach to conducting an inquiry designed to identify *recognized environmental conditions* in connection with a *property*. No implication is intended that a person must use this practice in order to be deemed to have conducted inquiry in a commercially prudent or reasonable manner in any particular transaction. Nevertheless, this practice is intended to reflect a commercially prudent and reasonable inquiry. (See Section 1.6.)

4.2 Clarifications on Use:

4.2.1 *Use Not Limited to CERCLA*—This practice is designed to assist the *user* in developing information about the environmental condition of a *property* and as such has utility for a wide range of persons, including those who may have no actual or potential CERCLA liability and/or may not be seeking the *LLPs*.

4.2.2 *Residential Tenants/Purchasers and Others*—No implication is intended that it is currently customary practice for residential tenants of multifamily residential buildings, tenants of single-family homes or other residential real estate, or purchasers of *dwellings* for one’s own residential use, to conduct an *environmental site assessment* in connection with these transactions. Thus, these transactions are not included in the term *commercial real estate* transactions, and it is not intended to imply that such persons are obligated to conduct an *environmental site assessment* in connection with these transactions for purposes of *all appropriate inquiries* or for any other purpose. In addition, no implication is intended that it is currently customary practice for *environmental site assessments* to be conducted in other unenumerated instances (including but not limited to many commercial leasing transactions, many acquisitions of easements, and many loan transactions in which the lender has multiple remedies). On the other hand, anyone who elects to do an *environmental site*

assessment of any *property* or portion of a *property* may, in such person's judgment, use this practice.

4.2.3 Site-Specific—This practice is site-specific in that it relates to assessment of environmental conditions on a specific parcel of *commercial real estate*. Consequently, this practice does not address many additional issues raised in transactions such as purchases of business entities, or interests therein, or of their assets, that may well involve environmental liabilities pertaining to properties previously owned or operated or other off-site environmental liabilities.

4.3 Who May Conduct—A *Phase I Environmental Site Assessment* must be performed by an *environmental professional* as specified in Section 7.5.1. No practical standard can be designed to eliminate the role of judgment and the value and need for experience in the party performing the inquiry. The professional judgment of an *environmental professional* is, consequently, vital to the performance of *all appropriate inquiries*.

4.4 Additional Services—As set forth in 12.9, additional services may be contracted for between the *user* and the *environmental professional*. Such additional services may include *business environmental risk* issues not included within the scope of this practice, examples of which are identified in Section 13 under Non-Scope Considerations.

4.5 Principles—The following principles are an integral part of this practice and are intended to be referred to in resolving any ambiguity or exercising such discretion as is accorded the *user* or *environmental professional* in performing an *environmental site assessment* or in judging whether a *user* or *environmental professional* has conducted appropriate inquiry or has otherwise conducted an adequate *environmental site assessment*.

4.5.1 Uncertainty Not Eliminated—No *environmental site assessment* can wholly eliminate uncertainty regarding the potential for *recognized environmental conditions* in connection with a *property*. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for *recognized environmental conditions* in connection with a *property*, and this practice recognizes reasonable limits of time and cost.

4.5.2 Not Exhaustive—*All appropriate inquiries* does not mean an exhaustive assessment of a *property*. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions. One of the purposes of this practice is to identify a balance between the competing goals of limiting the costs and time demands inherent in performing an *environmental site assessment* and the reduction of uncertainty about unknown conditions resulting from additional information.

4.5.3 Level of Inquiry is Variable—Not every *property* will warrant the same level of assessment. Consistent with good commercial and customary practice, the appropriate level of *environmental site assessment* will be guided by the type of *property* subject to assessment, the expertise and risk tolerance of the *user*, and the information developed in the course of the inquiry.

4.5.4 Comparison with Subsequent Inquiry—It should not be concluded or assumed that an inquiry was not *all appropriate inquiries* merely because the inquiry did not identify *recognized environmental conditions* in connection with a *property*. *Environmental site assessments* must be evaluated based on the reasonableness of judgments made at the time and under the circumstances in which they were made. Subsequent *environmental site assessments* should not be considered valid standards to judge the appropriateness of any prior assessment based on hindsight, new information, use of developing technology or analytical techniques, or other factors.

4.6 Continued Viability of Environmental Site Assessment—Subject to Section 4.8, an *environmental site assessment* meeting or exceeding this practice and completed less than 180 days prior to the date of acquisition⁵ of the *property* or (for transactions not involving an acquisition) the date of the intended transaction is presumed to be valid.⁶ If within this period the assessment will be used by a *user* different than the *user* for whom the assessment was originally prepared, the subsequent *user* must also satisfy the User's Responsibilities in Section 6. Subject to Section 4.8 and the User's Responsibilities set forth in Section 6, an *environmental site assessment* meeting or exceeding this practice and for which the information was collected or updated within one year prior to the date of acquisition of the *property* or (for transactions not involving an acquisition) the date of the intended transaction may be used provided that the following components of the inquiries were conducted or updated within 180 days of the date of purchase or the date of the intended transaction:

- (i) interviews with owners, operators, and occupants;
- (ii) searches for recorded environmental cleanup liens;
- (iii) reviews of federal, tribal, state, and local government records;
- (iv) visual inspections of the *property* and of *adjoining properties*; and
- (v) the declaration by the *environmental professional* responsible for the assessment or update.

4.7 Prior Assessment Usage—This practice recognizes that *environmental site assessments* performed in accordance with this practice will include information that subsequent *users* may want to use to avoid undertaking duplicative assessment procedures. Therefore, this practice describes procedures to be followed to assist *users* in determining the appropriateness of using information in *environmental site assessments* performed more than one year prior to the date of acquisition of the *property* or (for transactions not involving an acquisition) the date of the intended transaction. The system of prior assessment usage is based on the following principles that should be adhered to in addition to the specific procedures set forth elsewhere in this practice:

⁵ Under "All Appropriate Inquiries" 40 C.F.R. Part 312, EPA defines date of acquisition as the date on which a person acquires title to the *property*.

⁶ Subject to meeting the other requirements set forth in this section, for purpose of the *LLPs*, information collected in an assessment conducted prior to the effective date of the federal regulations for *All Appropriate Inquiries* or this practice can be used if the information was generated as a result of procedures that meet or exceed the requirements of the E1527-97 or -00 standards.

4.7.1 *Use of Prior Information*—Subject to the requirements set forth in Section 4.6, *users* and *environmental professionals* may use information in prior *environmental site assessments* provided such information was generated as a result of procedures that meet or exceed the requirements of this practice. However, such information shall not be used without current investigation of conditions likely to affect *recognized environmental conditions* in connection with the *property*. Additional tasks may be necessary to document conditions that may have changed materially since the prior *environmental site assessment* was conducted.

4.7.2 *Contractual Issues Regarding Prior Assessment Usage*—The contractual and legal obligations between prior and subsequent *users* of *environmental site assessments* or between *environmental professionals* who conducted prior *environmental site assessments* and those who would like to use such prior *environmental site assessments* are beyond the scope of this practice.

4.8 *Actual Knowledge Exception*—If the *user* or *environmental professional(s)* conducting an *environmental site assessment* has *actual knowledge* that the information being used from a prior *environmental site assessment* is not accurate or if it is *obvious*, based on other information obtained by means of the *environmental site assessment* or known to the person conducting the *environmental site assessment*, that the information being used is not accurate, such information from a prior *environmental site assessment* may not be used.

4.9 *Rules of Engagement*—The contractual and legal obligations between an *environmental professional* and a *user* (and other parties, if any) are outside the scope of this practice. No specific legal relationship between the *environmental professional* and the *user* is necessary for the *user* to meet the requirements of this practice.

5. Significance of Activity and Use Limitations

5.1 *Activity and Use Limitations (AULs)*—AULs are one indication of a past or present *release* of a *hazardous substance* or *petroleum products*. AULs are an explicit recognition by a federal, tribal, state, or local regulatory agency that residual levels of *hazardous substances* or *petroleum products* may be present on a *property*, and that unrestricted use of the *property* may not be acceptable. AULs are important to both the *user* and the *environmental professional*. Specifically, the *environmental professional* can review agency records and *IC/EC registries* for the presence of AULs on the *property* to determine if a recognized environmental condition is present on the subject *property* (see Section 8.2.1, 8.2.3, and 11.5.1.4). The *user* must comply with AULs to maintain the LLP (see Appendix X1).

5.2 *Different Terms for AULs*—The term AUL is taken from Guide E2091 to include both legal (that is, institutional) and physical (that is, engineering) controls within its scope. Agencies, organizations, and jurisdictions may define or utilize these terms differently (for example, Department of Defense and International City/County Management Association use “Land Use Controls” and the term “land use restrictions” is used but not defined in the *Brownfields Amendments*).

5.3 *Information Provided by the AUL*—The AUL should provide information on the chemical(s) of concern, the potential exposure pathway(s) that the AUL is intended to control, the environmental medium that is being controlled, and the expected performance objective(s) of the AUL. AULs may be used to provide access to monitoring wells, sampling locations, or remediation equipment.

5.4 *Where AULs Can Be Found*—AULs are often recorded at the land title office, that is, County Recorder/Registry of Deeds. Notice of an AUL is given to the public by recording the AUL instrumental at the appropriate land title agency. Preliminary Title Reports, Title Commitments, Condition of Title, or Title Abstracts are the types of title reports that will commonly disclose AULs. However, these reports will only disclose AULs filed in the land title office. AUL information is not typically contained in a chain of title report. In some cases, an AUL may not have been filed at the land title office but may be found in a separate environmental agency database. While some states maintain reasonably ascertainable *IC/EC registries*, other states do not. The *environmental professional* should determine whether AULs are considered readily available records in the state in which the *property* is located. Some AULs may only exist in project documentation, which may not be readily available to the *environmental professional*. This may be the case in states where project files are archived after a period of years and access to the archives is restricted. AULs imposed upon some properties by local agencies with limited environmental oversight may not be recorded in the land title records, particularly where a local agency has been delegated regulatory authority over environmental programs.

6. User’s Responsibilities

6.1 *Scope*—The purpose of this section is to describe tasks to be performed by the *user*. The “All Appropriate Inquiries” Final Rule (40 CFR Part 312) requires that these tasks be performed by or on behalf of a party seeking to qualify for an LLP to CERCLA liability. These tasks must also be completed by or on behalf of EPA Brownfield Assessment and Characterization grantees. While such information is not required to be provided to the *environmental professional*, the *environmental professional* shall request that the *user* provide the results of these tasks as such information can assist the *environmental professional* in identifying *recognized environmental conditions*. Appendix X3 provides an optional *User Questionnaire* to assist the *user* and the *environmental professional* in gathering information from the *user* that may be material to identifying *recognized environmental conditions*. If the *user* does not communicate the information to the *environmental professional* in connection with 6.1 through 6.6, the *environmental professional* should consider the significance of the absence of such information pursuant to 12.7.

NOTE 5—Nothing in this section relieves the environmental professional of satisfying the environmental professional responsibilities set forth in the All Appropriate Inquiries Final Rule (40 CFR Part 312).

6.2 *Review Title and Judicial Records for Environmental Liens and Activity and Use Limitations (AULs)*—To meet the requirements of 40 CFR 312.20 and 312.25, a search for the existence of *environmental liens* and AULs that are filed or

recorded against the *property* must be conducted. *Environmental liens* and AULs are legally distinct instruments and have very different purposes and both can commonly be found within *recorded land title records* (e.g., County Recorder/Registry of Deeds). The types of title reports that may disclose *environmental liens* and AULs include Preliminary Title Reports, Title Commitments, Condition of Title, and Title Abstracts. Chain of title reports will not normally disclose *environmental liens* or AULs. *Environmental liens* and AULs that are imposed by judicial authorities may be recorded or filed in judicial records only. In jurisdictions where *environmental liens* or AULs are only recorded or filed in judicial records, the judicial records must be searched for *environmental liens* and AULs. Any *environmental liens* and AULs known to the user should be reported to the *environmental professional* conducting a *Phase I Environmental Site Assessment*. Unless added by a change in the scope of work to be performed by the *environmental professional*, this practice does not impose on the *environmental professional* the responsibility to undertake a review of *recorded land title records* and judicial records for *environmental liens* and AULs. The *user* should either (1) engage a title company, real estate attorney, or title professional to undertake a review of *reasonably ascertainable recorded land title records* and lien records for *environmental liens* and AULs currently recorded against or relating to the *property*, or (2) negotiate such an engagement of a title company, real estate attorney, or title professional as an addition to the scope of work of the *environmental professional*. The search for *environmental liens* and AULs in this section is in addition to the *environmental professional's* search of *institutional control* and *engineering control* registries in 8.2.

6.2.1 Reasonably Ascertainable Title and Judicial Records for Environmental Liens and Activity and Use Limitations—For this Section 6 (but not 8.2), *environmental liens* and AULs that are recorded or filed in any place other than *recorded land title records* are not considered to be *reasonably ascertainable* unless applicable federal, tribal, state, or local statutes, or regulations specify a place other than *recorded land title records* for recording or filing of *environmental liens* and AULs.

6.3 Specialized Knowledge or Experience of the User—*Users* must take into account their specialized knowledge to identify conditions indicative of *releases* or threatened *releases*. If the *user* has any specialized knowledge or experience that is material to *recognized environmental conditions* in connection with the *property*, the *user* should communicate any information based on such specialized knowledge or experience to the *environmental professional*. The *user* should do so before the *environmental professional* conducts the *site reconnaissance*.

6.4 Actual Knowledge of the User—If the *user* has *actual knowledge* of any *environmental lien* or AULs encumbering the *property* or in connection with the *property*, the *user* should communicate such information to the *environmental professional*. The *user* should do so before the *environmental professional* conducts the *site reconnaissance*.

6.5 Reason for Significantly Lower Purchase Price—In a transaction involving the purchase of a parcel of *commercial real estate*, the *user* shall consider the relationship of the purchase price of the *property* to the fair market value of the *property* if the *property* was not affected by *hazardous substances* or *petroleum products*. The *user* should try to identify an explanation for a lower price which does not reasonably reflect fair market value if the *property* was not contaminated, and make a written record of such explanation. Among the factors to consider will be the information that becomes known to the *user* pursuant to the *Phase I Environmental Site Assessment*. This practice does not require that a real estate appraisal be obtained in order to ascertain fair market value of the *property*. The *user* should inform the *environmental professional* if the *user* believes that the purchase price of the *property* is lower than the fair market value due to contamination. The *user* is not required to disclose the purchase price to the *environmental professional*.

6.6 Commonly Known or Reasonably Ascertainable Information—Commonly known or reasonably ascertainable information within the local community about the *property* must be taken into account by the *user*. If the *user* is aware of any commonly known or *reasonably ascertainable* information within the local community about the *property* that is material to *recognized environmental conditions* in connection with the *property*, the *user* should communicate such information to the *environmental professional*. The *user* should do so before the *environmental professional* conducts the *site reconnaissance*. The *user* must gather such information to the extent necessary to identify conditions indicative of *releases* or threatened *releases* of *hazardous substances* or *petroleum products*.

6.7 Degree of Obviousness—The *user* must consider the degree of obviousness of the presence or likely presence of *releases* or threatened *releases* at the *property* and the ability to detect *releases* or threatened *releases* by appropriate investigation including the information collected under 6.2, 6.3, 6.5, 6.6, 8.2, 8.3, Section 9, and Section 10.

6.8 Other—Either the *user* shall make known to the *environmental professional* the reason why the *user* wants to have the *Phase I Environmental Site Assessment* performed or, if the *user* does not identify the purpose of the *Phase I Environmental Site Assessment*, the *environmental professional* shall assume the purpose is to qualify for an LLP to CERCLA liability and state this in the *report*.

7. Phase I Environmental Site Assessment

7.1 Objective—The purpose of this *Phase I Environmental Site Assessment* is to identify, to the extent feasible pursuant to the processes prescribed herein, *recognized environmental conditions* in connection with the *property*. (See 1.1.1.)

7.2 Four Components—A *Phase I Environmental Site Assessment* shall have four components, as described as follows:

7.2.1 Records Review—Review of records; see Section 8,

7.2.2 Site Reconnaissance—A visit to the *property*; see Section 9,

7.2.3 Interviews:

7.2.3.1 *Interviews* with present and past owners, operators, and occupants of the property; see Section 10, and

7.2.3.2 *Interviews* with local government officials; see Section 11, and

7.2.4 *Report*—Evaluation and report; see Section 12.

7.3 *Coordination of Parts:*

7.3.1 *Parts Used in Concert*—The records review, site reconnaissance, and interviews are intended to be used in concert with each other. If information from one source indicates the need for more information, other sources may be available to provide information. For example, if a previous use of the property as a gasoline station is identified through the records review, but the present owner and occupants interviewed report no knowledge of an underground storage tank, the person conducting the site reconnaissance should be alert for signs of the presence of an underground storage tank. The environmental professional shall, based on professional judgment, evaluate the relevant lines of evidence obtained as a part of the Phase I process to identify recognized environmental conditions in connection with the property.

7.3.2 *User's Obligations*—The environmental professional shall note in the report whether or not the user has reported to the environmental professional information pursuant to Section 6.

7.4 *No Sampling*—This practice does not include any testing or sampling of materials (for example, soil, water, air, building materials).

7.5 *Who May Conduct a Phase I:*

7.5.1 *Environmental Professional's Duties*—The environmental site assessment must be performed by the environmental professional or conducted under the supervision or responsible charge of the environmental professional. The interviews and site reconnaissance shall be performed by a person possessing sufficient training and experience necessary to conduct the site reconnaissance and interviews in accordance with this practice, and having the ability to identify issues relevant to recognized environmental conditions in connection with the property. At a minimum, the environmental professional must be involved in planning the site reconnaissance and interviews. Review and interpretation of information upon which the report is based shall be performed by the environmental professional.

7.5.2 *Information Obtained From Others*—Information for the records review needed for completion of a Phase I Environmental Site Assessment may be provided by a number of parties including government agencies, third-party vendors, the user, and present and past owners and occupants of the property, provided that the information is obtained by or under the supervision of an environmental professional or is obtained by a third-party vendor specializing in retrieval of the information specified in Section 8. Prior assessments may also contain information that will be appropriate for usage in a current environmental site assessment provided the prior usage procedures set forth in Sections 8, 9, and 10 are followed. The environmental professional(s) responsible for the report shall review all of the information provided.

7.5.2.1 *Reliance*—An environmental professional is not required to verify independently the information provided but

may rely on information provided unless he or she has actual knowledge that certain information is incorrect or unless it is obvious that certain information is incorrect based on other information obtained in the Phase I Environmental Site Assessment or otherwise actually known to the environmental professional.

8. Records Review

8.1 *Introduction:*

8.1.1 *Objective*—The purpose of the records review is to obtain and review records that will help identify recognized environmental conditions in connection with the property.

8.1.2 *Approximate Minimum Search Distance*—Some records to be reviewed pertain not just to the property but also pertain to properties within an additional approximate minimum search distance in order to help assess the likelihood of an impact to the property from migrating hazardous substances or petroleum products. When the term approximate minimum search distance includes areas outside the property, it shall be measured from the nearest property boundary. The term approximate minimum search distance is used in lieu of radius in order to include irregularly shaped properties.

8.1.2.1 *Adjustment to Approximate Minimum Search Distance*—When allowed by 8.2.1, the approximate minimum search distance for a particular record may be adjusted in the discretion of the environmental professional. Factors to consider in adjusting the approximate minimum search distance include: (1) the density (for example, urban, rural, or suburban) of the setting in which the property is located; (2) the distance that the hazardous substances or petroleum products are likely to migrate based on local geologic or hydrogeologic conditions; (3) the property type, (4) existing or past uses of surrounding properties, and (5) other reasonable factors. The justification for each adjustment and the approximate minimum search distance actually used for any particular record shall be explained in the report. If the approximate minimum search distance is specified as “property only,” then the search shall be limited to the property and may not be reduced unless the particular record is not reasonably ascertainable.

8.1.3 *Accuracy and Completeness*—Accuracy and completeness of record information varies among information sources, including governmental sources. Record information is often inaccurate or incomplete. The user or environmental professional is not obligated to identify mistakes or insufficiencies in information provided. However, the environmental professional reviewing records shall make a reasonable effort to compensate for mistakes or insufficiencies in the information reviewed that are obvious in light of other information of which the environmental professional has actual knowledge.

8.1.4 *Reasonably Ascertainable/Standard Sources*—Availability of record information varies from information source to information source, including governmental jurisdictions. The user or environmental professional is not obligated to identify, obtain, or review every possible record that might exist with respect to a property. Instead, this practice identifies record information that shall be reviewed from standard sources, and the user or environmental professional is required to review only record information that is reasonably ascertainable from those standard sources. Record information that is

reasonably ascertainable means (1) information that is *publicly available*, (2) information that is obtainable from its source within reasonable time and cost constraints, and (3) information that is *practically reviewable*.

8.1.5 *Reasonable Time and Cost*—Information that is obtainable within reasonable time and cost constraints means that the information will be provided by the source within 20 calendar days of receiving a written, telephone, or in-person request at no more than a nominal cost intended to cover the source’s cost of retrieving and duplicating the information. Information that can only be reviewed by a visit to the source is *reasonably ascertainable* if the visit is permitted by the source within 20 days of request.

8.1.6 *Alternatives to Standard Sources*—Alternative sources may be used instead of *standard sources* if they are of similar or better reliability and detail, or if a standard source is not *reasonably ascertainable*.

8.1.7 *Coordination*—If records are not *reasonably ascertainable* from *standard sources* or alternative sources, the *environmental professional* shall attempt to obtain the requested information by other means specified in this practice, such as questions posed to the current *owner* or *occupant(s)* of the *property* or appropriate persons available at the source at the time of the request.

8.1.8 *Sources of Standard Source Information*—Standard source information or other record information from government agencies may be obtained directly from appropriate government agencies or from commercial services. Government information obtained from nongovernmental sources may be considered current if the source updates the information at least every 90 days or, for information that is updated less frequently than quarterly by the government agency, within 90 days of the date the government agency makes the information available to the public.

8.1.9 *Documentation of Sources Checked*—The *report* shall document each source that was used, even if a source revealed no findings. Sources shall be sufficiently documented, including name, date request for information was filled, date information provided was last updated by source, date information was last updated by original source (if provided other than by original source; see 8.1.8). Supporting documentation shall be included in the *report* or adequately referenced to facilitate reconstruction of the assessment by an *environmental professional* other than the *environmental professional* who conducted it.

8.1.10 *Significance*—If a standard environmental record source (or other sources in the course of conducting the *Phase I Environmental Site Assessment*) identifies the *property* or another site within the *approximate minimum search distance*, 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* (based on the data retrieved pursuant to 8.2, additional information from the government source, or other sources of information). In doing so, the *environmental professional* may make statements applicable to multiple sites (for example, a statement to the effect that none of the sites listed is likely to

have current or former *releases of hazardous substances and/or petroleum products* with the potential to *migrate* to the *property* except ...).

8.2 *Environmental Information:*

8.2.1 *Standard Federal, State, and Tribal Environmental Record Sources*—The following *standard environmental record sources* shall be reviewed, subject to the conditions of 8.1.1 through 8.1.8. The *approximate minimum search distance* may be reduced, pursuant to 8.1.2.1, for any of these *standard environmental record sources* except the Federal *NPL* site list and Federal RCRA TSD list.

Standard Environmental Record Sources (where available)	Approximate Minimum Search Distance miles (kilometres)
Federal <i>NPL</i> site list	1.0 (1.6)
Federal Delisted <i>NPL</i> site list	0.5 (0.8)
Federal CERCLIS list	0.5 (0.8)
Federal CERCLIS NFRAP site list	0.5 (0.8)
Federal RCRA CORRACTS facilities list	1.0 (1.6)
Federal RCRA non-CORRACTS TSD facilities list	0.5 (0.8)
Federal RCRA generators list	<i>property and adjoining properties</i>
Federal <i>institutional control/engineering control</i> registries	<i>property only</i>
Federal <i>ERNS</i> list	<i>property only</i>
State and tribal lists of hazardous waste sites identified for investigation or remediation:	
State- and tribal-equivalent <i>NPL</i>	1.0 (1.6)
State- and tribal-equivalent CERCLIS	0.5 (0.8)
State and tribal <i>landfill</i> and/or <i>solid waste disposal site</i> lists	0.5 (0.8)
State and tribal leaking storage tank lists	0.5 (0.8)
State and tribal registered storage tank lists	<i>property and adjoining properties</i>
State and tribal <i>institutional control/engineering control</i> registries	<i>property only</i>
State and tribal voluntary cleanup sites	0.5 (0.8)
State and tribal Brownfield sites	0.5 (0.8)

8.2.2 *Regulatory Agency File and Records Review:*

8.2.2.1 If the *property* or any of the *adjoining properties* is identified on one or more of the standard environmental record sources in 8.2.1, pertinent regulatory files and/or records associated with the listing should be reviewed in accordance with 8.1.1 through 8.1.8. The purpose of the regulatory file review is to obtain sufficient information to assist the *environmental professional* in determining if a *recognized environmental condition*, *historical recognized environmental condition*, *controlled recognized environmental condition*, or a *de minimis condition* exists at the *property* in connection with the listing. If, in the *environmental professional’s* opinion, such a review is not warranted, the *environmental professional* must explain within the *report* the justification for not conducting the regulatory file review.

8.2.2.2 As an alternative, the *environmental professional* may review files/records from an alternative source(s) (for example, on-site records, user provided records, records from local government agencies, interviews with regulatory officials or other individuals knowledgeable about the environmental conditions that resulted in the standard environmental record source listing, etc.). A summary of the information obtained from the file/record review shall be included in the *report* and

the *environmental professional* must include in the report his/her opinion on the sufficiency of the information obtained from the files/records review to evaluate the existence of a *recognized environmental condition, historical recognized environmental condition, controlled recognized environmental condition, or a de minimis condition.*

8.2.3 Additional Federal, State, Tribal, and Local Environmental Record Sources—To enhance and supplement the *standard environmental record sources* in 8.2.1, local records and/or additional federal, state, or tribal records shall be checked when, in the judgment of the *environmental professional*, such additional records (1) are *reasonably ascertainable*, (2) are sufficiently useful, accurate, and complete in light of the objective of the *records review* (see 8.1.1), and (3) are generally obtained, pursuant to local good commercial and customary practice, in initial *environmental site assessments* in the type of *commercial real estate transaction* involved. To the extent additional sources are used to supplement the same record types listed in 8.2.1, *approximate minimum search distances* should not be less than those specified above (adjusted as provided in 8.2.1 and 8.1.2.1). Examples of types of records and sources that may be useful include:

Types of Records

- Local Brownfield Lists
- Local Lists of *Landfill/Solid Waste Disposal Sites*
- Local Lists of *Hazardous Waste/Contaminated Sites*
- Local Lists of Registered Storage Tanks
- Local Land Records (for *activity and use limitations*)
- Records of Emergency Release Reports (42 U.S.C. 11004)
- Records of Contaminated Public Wells

Sources

- Department of Health/Environmental Division
- Fire Department
- Planning Department
- Building Permit/Inspection Department
- Local/Regional Pollution Control Agency
- Local/Regional Water Quality Agency
- Local Electric Utility Companies (for records relating to PCBs)

8.2.4 Physical Setting Sources—A current *USGS 7.5 Minute Topographic Map* (or equivalent) showing the area on which the *property* is located shall be reviewed. It is the only *standard physical setting source* and the only *physical setting source* that is required to be obtained (and only if it is *reasonably ascertainable*). One or more additional *physical setting sources* may be obtained in the discretion of the *environmental professional*. Because such sources provide information about the geologic, hydrogeologic, hydrologic, or topographic characteristics of a site, discretionary *physical setting sources* shall be sought when (1) conditions have been identified in which *hazardous substances* or *petroleum products* are likely to migrate to the *property* or from or within the *property* into the groundwater or soil and (2) more information than is provided in the current *USGS 7.5 Minute Topographic Map* (or equivalent) is generally obtained, pursuant to local good commercial and customary practice in initial *environmental site assessments* in the type of *commercial real estate transaction* involved, in order to assess the impact of such migration on *recognized environmental conditions* in connection with the *property*.

Mandatory *Standard Physical Setting Source*

USGS—Current 7.5 Minute Topographic Map (or equivalent)

Discretionary and Non-Standard *Physical Setting Sources*

- USGS and/or State Geological Survey—Groundwater Maps
- USGS and/or State Geological Survey—Bedrock Geology Maps
- USGS and/or State Geological Survey—Surficial Geology Maps
- Soil Conservation Service—Soil Maps
- Other *Physical Setting Sources* that are reasonably credible (as well as *reasonably ascertainable*)

8.3 Historical Use Information:

8.3.1 Objective—The objective of consulting historical sources is to develop a history of the previous uses of the *property* and surrounding area, in order to help identify the likelihood of past uses having led to *recognized environmental conditions* in connection with the *property*. The *environmental professional* shall exercise professional judgment and consider the possible *releases* that might have occurred at a *property* in light of the historical uses and, in concert with other relevant information gathered as part of the Phase I process, use this information to assist in identifying *recognized environmental conditions*.

8.3.2 Uses of the Property—All *obvious* uses of the *property* shall be identified from the present, back to the *property's* first developed use, or back to 1940, whichever is earlier. This task requires reviewing only as many of the *standard historical sources* in 8.3.4.1 through 8.3.4.8 as are necessary and both *reasonably ascertainable* and likely to be useful (as described under *Data Failure* in 8.3.2.3). For example, if the *property* was developed in the 1700s, it might be feasible to identify uses back to the early 1900s, using sources such as *fire insurance maps* or USGS topographic maps (or equivalent). Although other sources such as *recorded land title records* might go back to the 1700s, it would not be required to review them unless they were both *reasonably ascertainable* and likely to be useful. As another example, if the *property* was reportedly not developed until 1960, it would still be necessary to attempt to confirm that it was undeveloped back to 1940. Such confirmation may come from one or more of the *standard historical sources* specified in 8.3.4.1 through 8.3.4.8, or it may come from *other historical sources* (such as someone with personal knowledge of the *property*; see 8.3.4.9). However, checking *other historical sources* (see 8.3.4.9) is not required. For purposes of 8.3.2, the term “developed use” includes agricultural uses and placement of *fill dirt*. The *report* shall describe all identified uses, justify the earliest date identified (for example, records showed no development of the *property* prior to the specific date), and explain the reason for any gaps in the history of use (for example, *data failure*).

8.3.2.1 Intervals—Review of *standard historical sources* at less than approximately five year intervals is not required by this practice (for example, if the *property* had one use in 1950 and another use in 1955, it is not required to check for a third use in the intervening period). If the specific use of the *property* appears unchanged over a period longer than five years, then it is not required by this practice to research the use during that period (for example, if *fire insurance maps* show the same apartment building in 1940 and 1960, then the period in between need not be researched).

8.3.2.2 *General Type of Use*—In identifying previous uses, more specific information about uses is more helpful than less specific information, but it is sufficient, for purposes of 8.3.2, to identify the general type of use (for example: office, retail, and residential) unless it is *obvious* from the source(s) consulted that the use may be more specifically identified. However, if the general type of use is industrial or manufacturing (for example, *zoning/land use records* show industrial zoning), then additional *standard historical sources* shall be reviewed if they are likely to identify a more specific use and are *reasonably ascertainable*, subject to the constraints of *data failure* (see 8.3.2.3).

8.3.2.3 *Data Failure*—The historical research is complete when either: (1) the objectives in 8.3.1 through 8.3.2.2 are achieved; or (2) *data failure* is encountered. *Data failure* occurs when all of the *standard historical sources* that are *reasonably ascertainable* and likely to be useful have been reviewed and yet the objectives have not been met. *Data failure* is not uncommon in trying to identify the use of the *property* at five year intervals back to first use or 1940 (whichever is earlier). Notwithstanding a *data failure*, *standard historical sources* may be excluded if: (1) the sources are not *reasonably ascertainable*, or (2) if past experience indicates that the sources are not likely to be sufficiently useful, accurate, or complete in terms of satisfying the objectives. *Other historical sources* specified in 8.3.4.9 may be used to satisfy the objectives, but are not required to comply with this practice. If *data failure* is encountered, the *report* shall document the failure and, if any of the *standard historical sources* were excluded, give the reasons for their exclusion. If the *data failure* represents a significant *data gap*, the *report* shall comment on the impact of the *data gap* on the ability of the *environmental professional* to identify *recognized environmental conditions* (see 12.7).

8.3.3 *Uses of Properties in Surrounding Area*—Uses in the area surrounding the *property* shall be identified in the *report*, but this task is required only to the extent that this information is revealed in the course of researching the *property* itself (for example, an *aerial photograph* or *fire insurance map* of the *property* will usually show the surrounding area). If the *environmental professional* uses sources that include the surrounding area, surrounding uses should be identified to a distance determined at the discretion of the *environmental professional* (for example, if an aerial photo shows the area surrounding the *property*, then the *environmental professional* shall determine how far out from the *property* the photo should be analyzed). Factors to consider in making this determination include, but are not limited to: the extent to which information is *reasonably ascertainable*; the time and cost involved in reviewing surrounding uses (for example, analyzing *aerial photographs* is relatively quick, but reviewing *property tax files* for adjacent properties or reviewing *local street directories* for more than the few streets that surround the site is typically too time-consuming); the extent to which information is useful, accurate, and complete in light of the purpose of the *records review* (see 8.1.1); the likelihood of the information being significant to *recognized environmental conditions* in connection with the *property*; the extent to which potential concerns

are *obvious*; known hydrogeologic/geologic conditions that may indicate a high probability of *hazardous substances* or *petroleum products* migration to the *property*; how recently local development has taken place; information obtained from *interviews* and other sources; and local good commercial and customary practice.

8.3.4 *Standard Historical Sources:*

8.3.4.1 *Aerial Photographs*—The term “*aerial photographs*” means photographs taken from an aerial platform with sufficient resolution to allow identification of development and activities of areas encompassing the *property*. *Aerial photographs* are often available from government agencies or private collections unique to a local area.

8.3.4.2 *Fire Insurance Maps*—The term *fire insurance maps* means maps produced for private fire insurance map companies that indicate uses of properties at specified dates and that encompass the *property*. These maps are often available at local libraries, historical societies, private resellers, or from the map companies who produced them.

8.3.4.3 *Property Tax Files*—The term *property tax files* means the files kept for *property tax* purposes by the local jurisdiction where the *property* is located and includes records of past ownership, appraisals, maps, sketches, photos, or other information that is *reasonably ascertainable* and pertaining to the *property*.

8.3.4.4 *Recorded Land Title Records*—The term *recorded land title records* means records of historical fee ownership, which may include leases, land contracts and AULs on or of the *property* recorded in the place where land title records are, by law or custom, recorded for the local jurisdiction in which the *property* is located (often such records are kept by a municipal or county recorder or clerk). Such records may be obtained from title companies or directly from the local government agency. Information about the title to the *property* that is recorded in a U.S. district court or any place other than where land title records are, by law or custom, recorded for the local jurisdiction in which the *property* is located, are not considered part of *recorded land title records*, because often this source will provide only names of previous *owners*, *lessees*, *easement holders*, etc., and little or no information about uses or occupancies of the *property*, but when employed in combination with another source *recorded land title records* may provide helpful information about uses of the *property*. This source cannot be the sole historical source consulted. If this source is consulted, at least one additional standard historical source must also be consulted.

8.3.4.5 *USGS Topographic Maps*—The term USGS Topographic Maps means maps available from or produced by the United States Geological Survey (7.5 minute topographic maps are preferred).

8.3.4.6 *Local Street Directories*—The term *local street directories* means directories published by private (or sometimes government) sources and showing ownership and/or use of sites by reference to street addresses. Often *local street directories* are available at libraries of local governments, colleges or universities, or historical societies.

Appendix B

EDR Environmental Database

R.T. Hicks Consultants, Ltd.

901 Rio Grande Blvd. NW, Suite F-142
Albuquerque, NM 87104



Camino de Jacobo

Camino de Jacobo

Santa Fe, NM 87507

Inquiry Number: 5381380.8

August 03, 2018

The EDR Aerial Photo Decade Package



6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

Site Name:

Camino de Jacobo
 Camino de Jacobo
 Santa Fe, NM 87507
 EDR Inquiry # 5381380.8

Client Name:

R.T. Hicks Consultants Ltd.
 901 Rio Grande Boulevard
 Albuquerque, NM 87104
 Contact: Lisa Croft



Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

Search Results:

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
2016	1"=500'	Flight Year: 2016	USDA/NAIP
2011	1"=500'	Flight Year: 2011	USDA/NAIP
1996	1"=500'	Acquisition Date: October 06, 1996	USGS/DOQQ
1990	1"=750'	Flight Date: June 07, 1990	USGS
1987	1"=500'	Flight Date: June 19, 1987	USDA
1981	1"=500'	Flight Date: June 14, 1981	USDA
1979	1"=1000'	Flight Date: June 20, 1979	USGS
1976	1"=500'	Flight Date: October 10, 1976	USGS
1954	1"=500'	Flight Date: May 28, 1954	USGS
1951	1"=750'	Flight Date: May 01, 1951	USGS
1948	1"=1000'	Flight Date: November 01, 1948	USGS

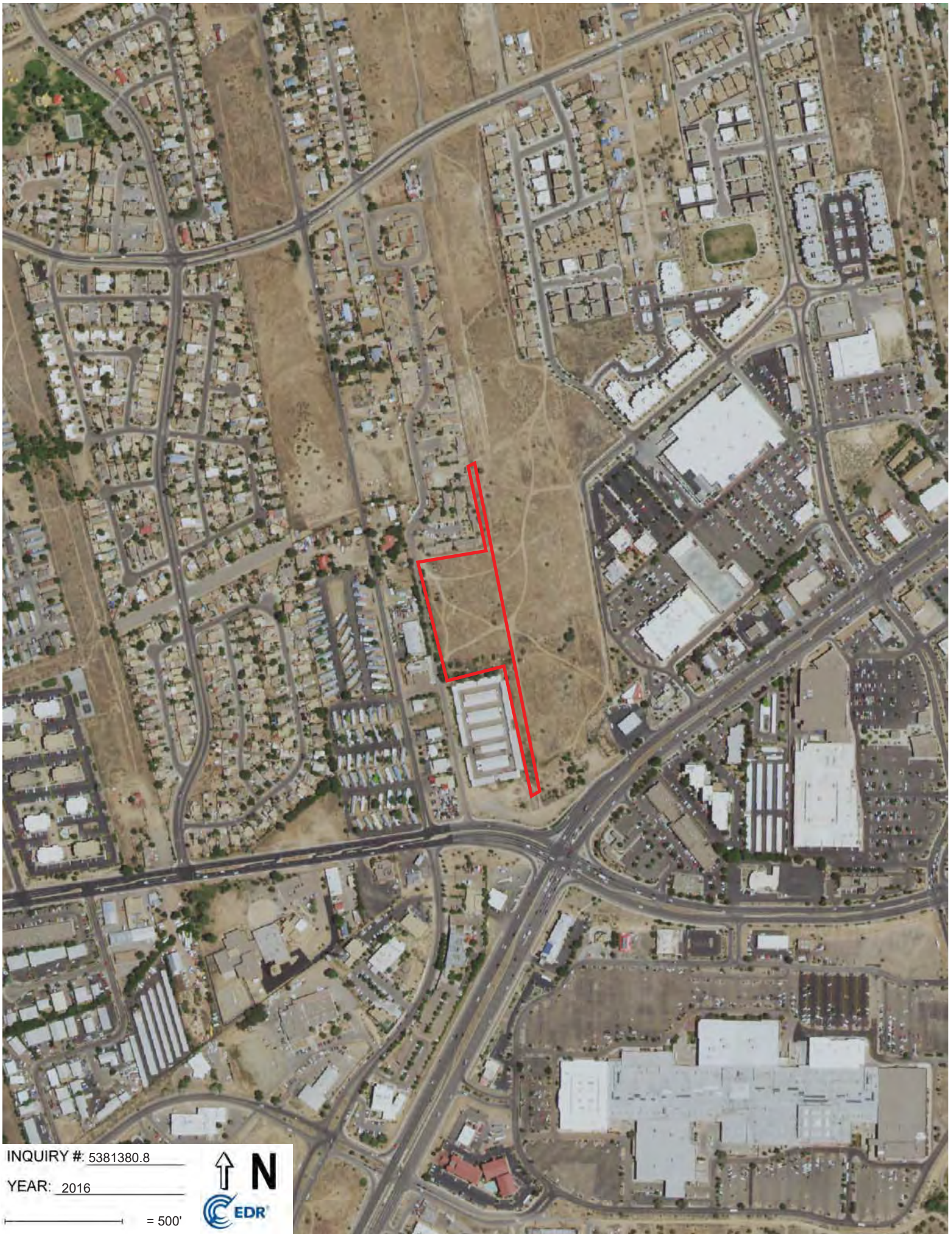
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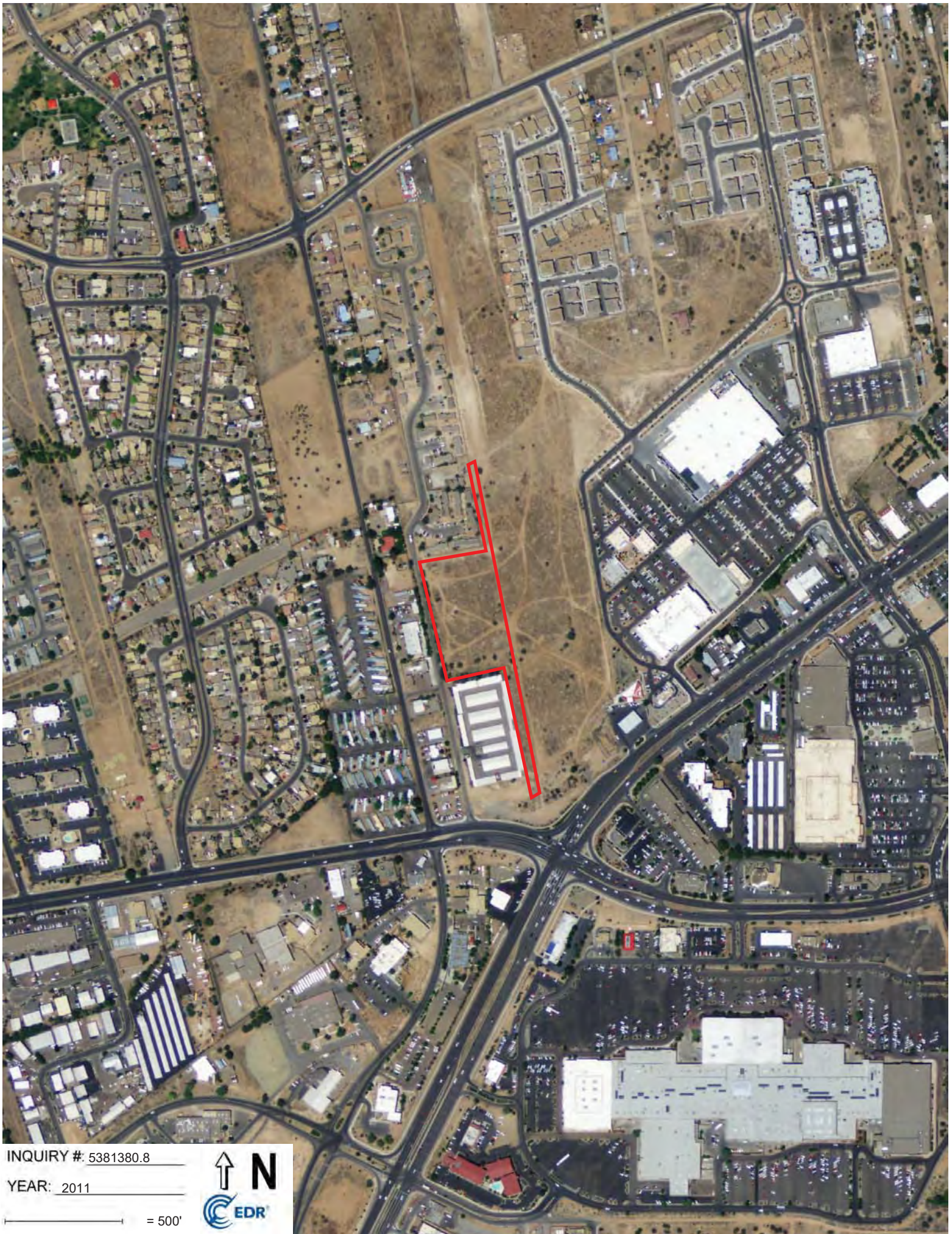


INQUIRY # 5381380.8

YEAR: 2016

 = 500'





INQUIRY #: 5381380.8

YEAR: 2011

— = 500'



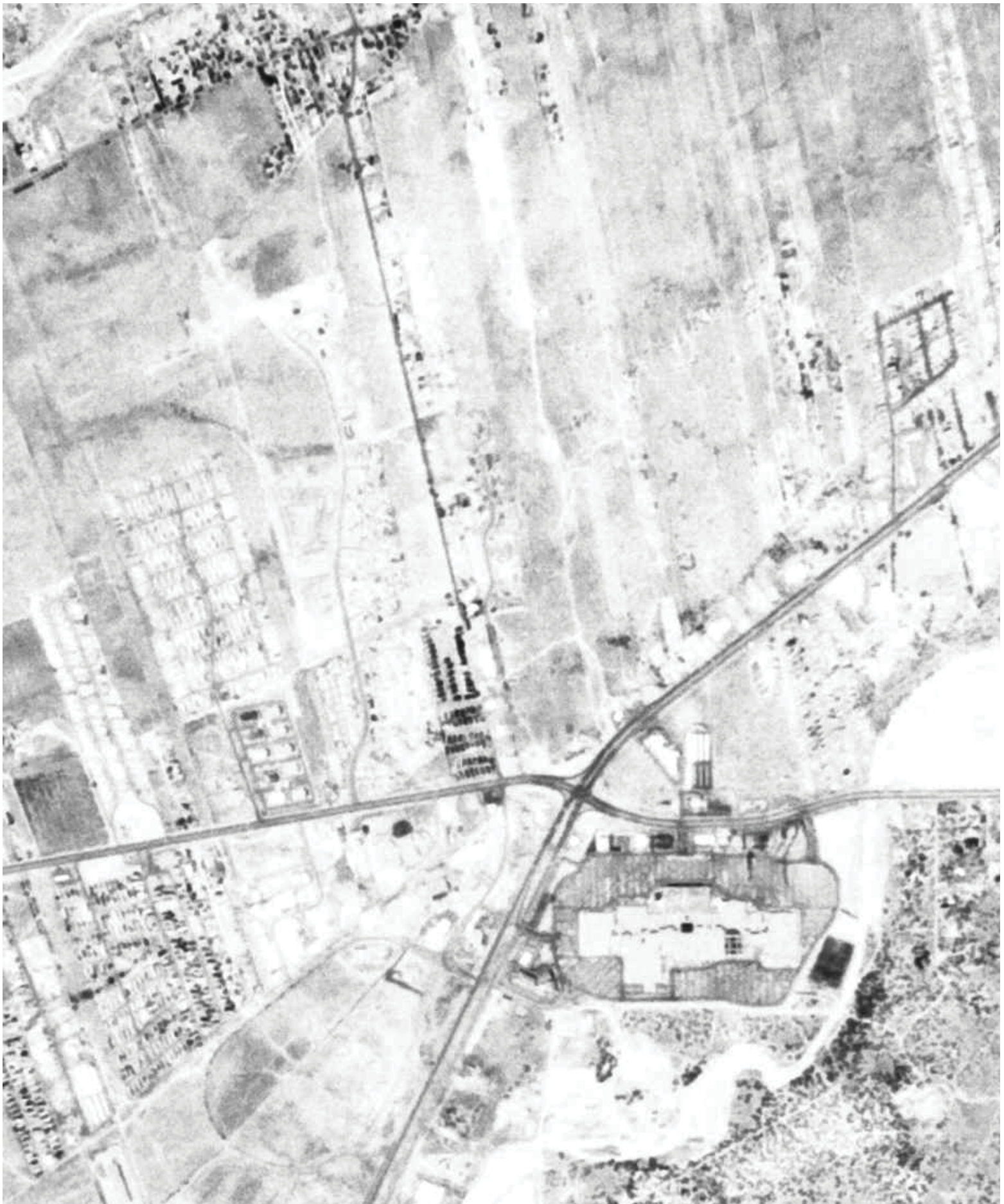


INQUIRY #: 5381380.8

YEAR: 1996

— = 500'





INQUIRY #: 5381380.8

YEAR: 1990

— = 750'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.



INQUIRY #: 5381380.8

YEAR: 1987

— = 500'



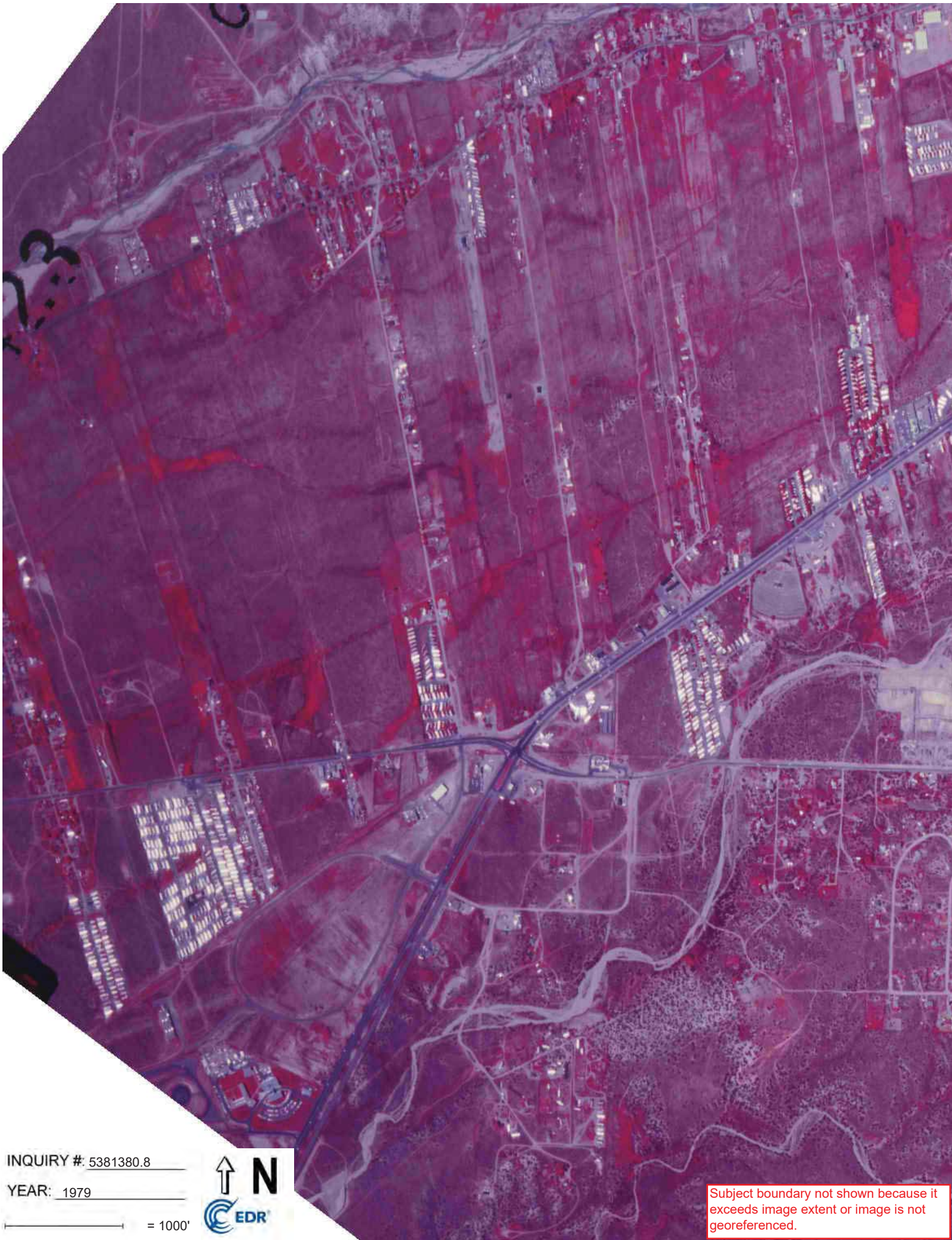


INQUIRY #: 5381380.8

YEAR: 1981

— = 500'





INQUIRY # 5381380.8

YEAR: 1979

1" = 1000'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.



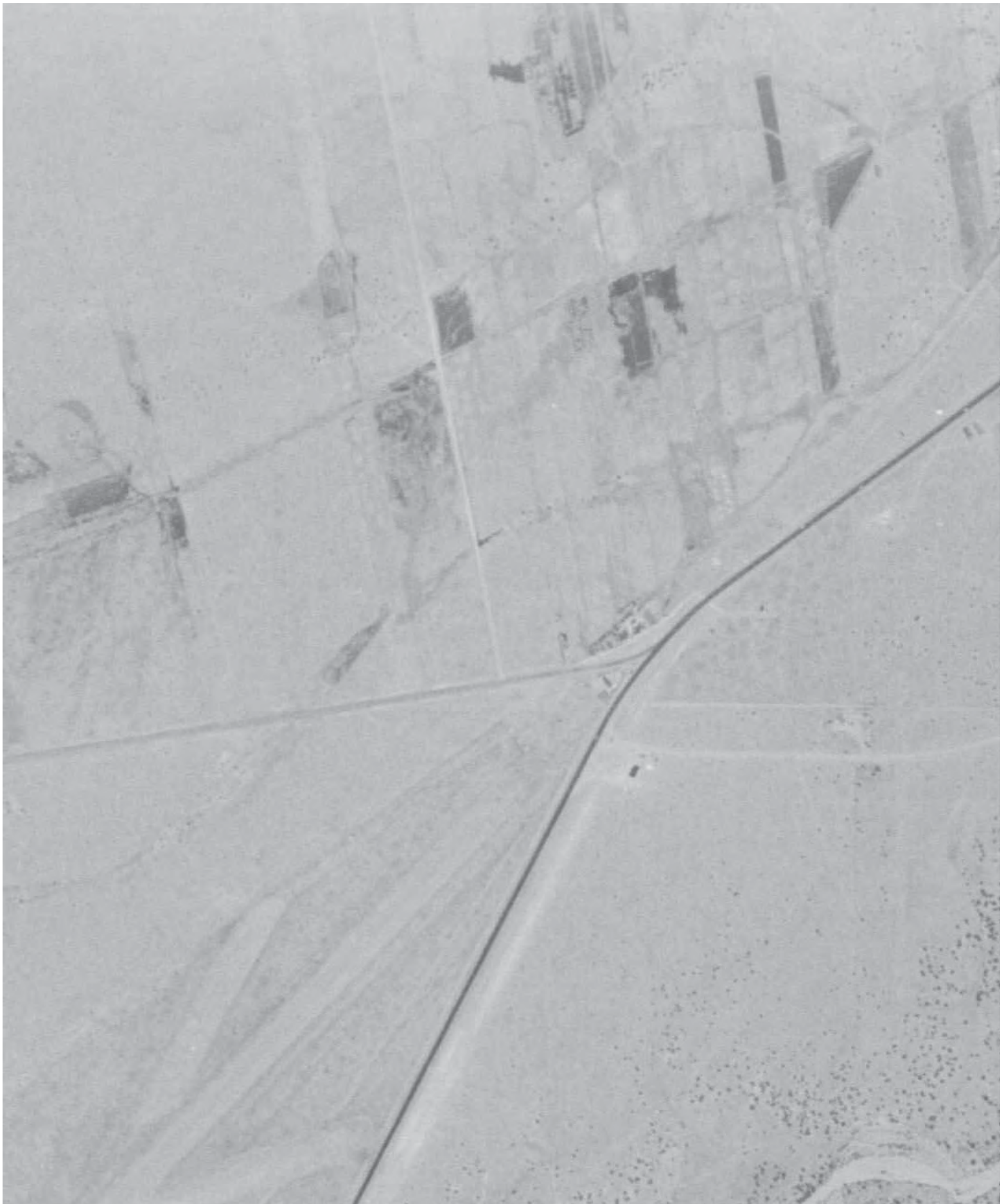
INQUIRY #: 5381380.8

YEAR: 1976

— = 500'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.



INQUIRY #: 5381380.8

YEAR: 1954

— = 500'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.



INQUIRY #: 5381380.8

YEAR: 1951

— = 750'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.



INQUIRY #: 5381380.8

YEAR: 1948

— = 1000'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.