

PUBLICATION

Vapor Intrusion Creates New Environmental Risk

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Most attorneys, especially real estate, corporate, and banking attorneys have become familiar with a Phase I Environmental Site Assessment. Phase Is identify recognized environmental conditions and advise whether soil and groundwater sampling is necessary so parties can properly assess the environmental risk related to a property in anticipation of its sale and development or redevelopment. Phase Is (and any sampling performed in the subsequent Phase IIs) help the buyer establish the innocent purchaser defense under superfund, as well as other defenses recently established in the Environmental Protection Agency's ("EPA's") recent All Appropriate Inquiries regulation.