

SALT LAKE COUNTY  
COUNTY-WIDE POLICY  
ON  
**ENVIRONMENTAL ASSESSMENT**

**Purpose-**

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

**1.0 Definitions**

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

## **2.0 Phase I Environmental Assessment**

- 2.1 The real estate section shall order a phase I environmental assessment to be performed by an independent contractor whenever the County is contemplating real property acquisition except for the following circumstances:
- A. The real estate section may elect not to order a phase I environmental assessment performed by an independent contractor when the property to be acquired is relatively small and is all or a portion of a larger parcel or lot that will be acquired as part of a public improvement project such as a roadway, sidewalk, trail, or canal project, or if the property is unimproved and has historically been used only for residential or agricultural purposes. In those circumstances, the real estate section shall provide a written explanation for the file and perform a due diligence inquiry consisting of the following:
    - 1. An on-site reconnaissance to inspect for the presence or evidence of spills, leaks or improper disposal of hazardous materials, documenting these findings and site conditions with photographs, if possible.
    - 2. Conduct a title examination for easements of record including railroad easements, utility and pipeline easements, and rights-of-way across the property for roads, canals, utilities, etc.
    - 3. Whenever possible, obtain a seller property condition disclosure.
  - B. The real estate section's records shall contain complete documentation on all of the preceding due diligence items to establish that all appropriate inquiry was made regarding the environmental condition of the property prior to acquisition.
  - C. If, after completing the due diligence inquiry, the real estate section Director, Attorney, and primary agency representative have any concerns that they would like evaluated by an independent source, they may elect to retain an environmental consultant to perform a phase I or a phase II assessment.
- 2.2 Copies of the phase I report shall be submitted to the Attorney and the primary agency's representative. The report shall be reviewed and considered prior to making any recommendations to the Mayor.
- 2.3 The real estate section Director shall be responsible for establishing contracts with environmental consultants who can be used as required in conducting any of the three phases of assessments.

## **3.0 Phase II Environmental Assessment**

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

The report shall be reviewed and considered prior to making any recommendations to the Mayor.

#### 4.0 Phase III Remediation Planning

- 4.1 If the phase II assessment indicates conditions requiring remediation and if the Council/Mayor elects to proceed with the acquisition of the property, a phase III assessment will be performed by an environmental consultant. This assessment involves the level of analysis necessary to develop a cost effective plan to clean-up the site.
- 4.2 The scope and contract management of the remediation plan shall be jointly determined by the real estate section Director, the Attorney, and the primary agency representative.
- 4.3 The environmental consultant shall be responsible for the development of a mitigation plan, construction and bid documents and cost estimates.
- 4.4 The environmental assessment contract manager(s) shall provide copies of the remediation plan to the real estate section Director, the Attorney, and the primary agency representative. The remediation plan shall be reviewed and considered prior to making any recommendations to the Mayor.
- 4.5 The real estate section Director, Attorney, and primary agency representative shall develop recommendations on acquisition of the property and mitigation plan for presentation to the Mayor.
- 4.6 The Mayor shall decide whether or not to proceed with the acquisition of the property after consideration of the remediation plan and staff recommendations.

APPROVED AND PASSED THIS 28<sup>th</sup> day of January, 2025.

SALT LAKE COUNTY COUNCIL:

ATTEST:

*Lannie Chapman*

County Clerk

Reviewed and Advised as to Form and  
Legality:

John E. Diaz

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John E. Diaz  
Senior Deputy District Attorney  
Salt Lake County