



WHAT IS A BASELINE ENVIRONMENTAL SITE ASSESSMENT?

When a property is determined to have contaminants present in excess of the Department of Environment, Great Lakes and Energy (EGLE) Residential cleanup criteria, the property meets the definition of either a "Facility" or "Site" as defined by Part 201 or Part 213 of NREPA. The preparation and disclosure of a Baseline Environmental Assessment (BEA) provides liability protection to the new owner and/or operator for cleanup of contamination caused by others and is a valuable tool in managing environmental risk.

TIME FRAME

There are critical time frames that must be met when conducting and disclosing the BEA.

- A BEA must be conducted within 45 days of the purchase, occupancy or foreclosure of a contaminated property (i.e., becoming an "owner" or "operator").
- The BEA must be submitted to the state within six months from the date of purchase, occupancy or foreclosure.
- The BEA must be made available to future purchasers or transferees.

WHAT THE REPORT INCLUDES

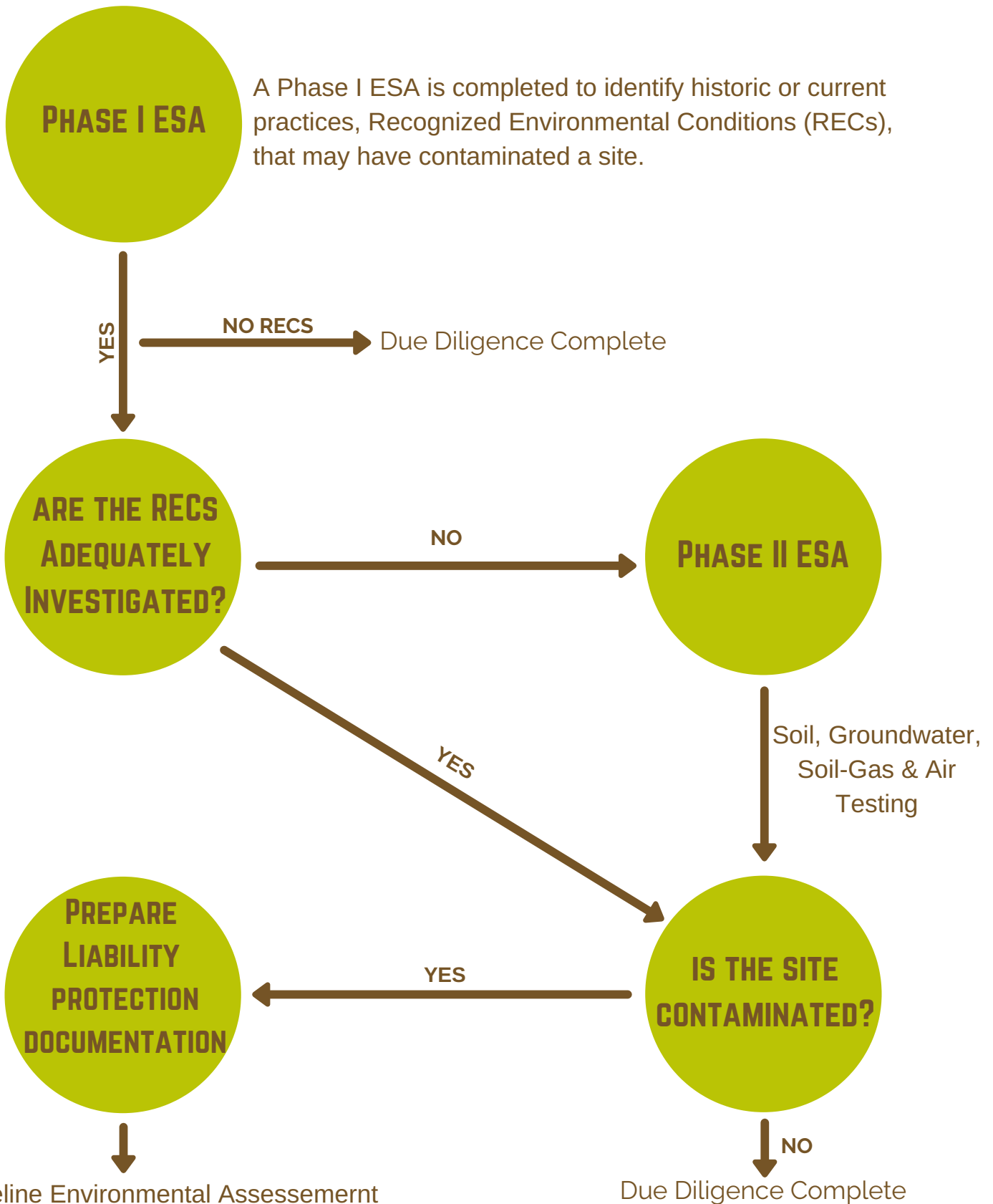
A BEA includes the findings of a Phase I Environmental Site Assessment (ESA) or All Appropriate Inquiry (AAI), describes future operations to be conducted at the site and describes the sampling and analysis completed that demonstrates the property is contaminated above unrestricted Residential criteria (often determined by completing a Phase II ESA).

WHAT HAPPENS NEXT?

All owners and operators of a "Facility" or "Site" must be able to demonstrate compliance with their ongoing due care obligations associated with contaminant conditions even if they are not liable for the contamination.



Due Diligence Flowchart



- Baseline Environmental Assessemernt
- Disclosure to State
- Due Care Evaluations
- Notifications, if Required