



City of Atlanta's Brownfields Assessment Program: 2013 - 2016

Frequently asked questions

Questions	Current Property Owner	Potential Property Owner or Potential Purchaser	Developers or Tenants NOT owning the property
Am I liable for contamination found on the property?	In Georgia, the property owner is responsible for any environmental contamination. However, there are resources to assist with cleaning up the site. Contact the Georgia Environmental Protection Division or an environmental attorney to learn more.	The Georgia Brownfields Program provides liability relief for developers, lease holders, or others assuming ownership. Contact the Georgia Environmental Protection Division or an environmental attorney to learn more.	The Georgia Brownfields Program provides liability relief for developers, lease holders, or others assuming ownership. Contact the Georgia Environmental Protection Division or an environmental attorney to learn more.
Do I need a Phase One (Phase I) ESA?	Most commercial real estate transactions will require the completion of a Phase I ESA. This program provides the required Phase I and Phase II ESAs at no cost to the property owner or potential purchaser.		
Who can nominate a site?	Anyone can nominate a property for assessment under this voluntary program. However, before the city and its consultant can move forward with a Phase I or Phase II ESA, the current property owner must submit a signed site access agreement. This program is a voluntary program requiring cooperation of all parties.		
What is the role of the current site owner?	The current property owner will need to sign a site access permission form prior to the scheduling of the Phase I ESA. ESAs will only be completed for selected properties whose owners have submitted this signed form.		
Is redevelopment of property necessary?	The intent of this program is to support redevelopment efforts in priority areas of the city by providing no-cost Phase I and Phase II ESAs. Properties that are not expected to be redeveloped are not as likely to be selected due to the time limitations of Phase I documents.		
What is a Phase I ESA?	This practice is the due diligence phase and is intended for use on a voluntary basis by parties who wish to assess the environmental condition of <i>commercial real estate</i> taking into account commonly known and <i>reasonably ascertainable</i> information through a site inspection, historical records search, interviews of owners, previous owners, adjacent property owners and government officials. While use of this practice is intended to constitute <i>all appropriate inquiries</i> for purposes of the <i>Limited Liability Protections</i> , 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 <i>recognized environmental conditions</i> in connection with a <i>property</i> .		
What is a Phase II ESA?	A Phase II ESA is completed if the Phase I ESA reveals potential or actual environmental contamination. During a Phase II ESA, actual physical environmental samples are collected and analyzed to characterize the type, distribution and extent of hazardous substances in the environment.		
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