

APPENDIX F
PHASE I ENVIRONMENTAL SITE ASSESSMENT

PHASE I ESA - OMNI RANGE



**1.25 miles north of Interstate Highway (IH) 40 along Harris Road
City of North Little Rock, Pulaski County, Arkansas
Latitude: 34.807856 °N Longitude: -92.150052°W**



**Prepared for:
Federal Aviation Administration**

June 2019



07 June 2019

Federal Aviation Administration
Mr. William Brewer
10101 Hillwood Parkway
AJW-2C15H
Fort Worth, Texas 76177

Re: Phase I Environmental Site Assessment
Approximately 200 acres located 1.25 miles north of Interstate Highway (IH) 40 along Harris Road, North Little Rock, Pulaski County, Arkansas

Dear Mr. Brewer,

Integrated Environmental Solutions, LLC (IES) performed a Phase I Environmental Site Assessment (ESA) on approximately 200 acres located 1.25 miles north of Interstate Highway (IH) 40 along Harris Road, North Little Rock, Pulaski County, Arkansas (**Attachment A, Figure 1**).

INTRODUCTION

The primary purpose of this Phase I ESA is to constitute *all appropriate inquiry* in the assessment of *recognized environmental conditions* for purposes of the Landowner Liability Protections (LLPs) under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

All appropriate inquiry: that inquiry constituting “*all appropriate inquiry* into the previous ownership and uses of the subject property consistent with good commercial or customary practice” as defined in CERCLA, 42 United States Code (USC) §9601(35)(B) that will qualify a party to a commercial real estate transaction for one of threshold criteria for satisfying LLPs to CERCLA liability.

Recognized environmental conditions: 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*.

CERCLA establishes the potential liabilities for owners of commercial properties contaminated by the release of *hazardous substances or petroleum products*. This liability may exist even if a prior owner of the property caused the contamination and the current owner had no responsibility for causing the contamination. LLPs include the bona fide prospective purchaser liability protection, contiguous property owner liability protection, and innocent landowner defense from CERCLA liability (see definitions below).

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Bona fide prospective purchaser liability protection: a person may qualify as a bona fide prospective purchaser if, among other requirements, such person made “all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices.” Knowledge of contamination resulting from *all appropriate inquiry* would not generally preclude this liability protection. A person must make *all appropriate inquiry* on or before the date of purchase. The facility must have been purchased after January 11, 2002.

Contiguous property owner liability protection: a person may qualify for the *contiguous property owner liability protection* if, among other requirements, such person owns real property that is contiguous to, and that is or may be contaminated by *hazardous substances* from other real property that is not owned by that person. Furthermore, such person conducted *all appropriate inquiry* at the time of acquisition of the property and did not know or have reason to know that the property was or could be contaminated by a release or threatened release from the contiguous property. The *all appropriate inquiry* must not result in knowledge of contamination. If it does, then such person did “know” or “had reason to know” of contamination and would not be eligible for *contiguous property owner liability protection*.

Innocent landowner defense: a person may qualify as one of three types of innocent landowners: (i) a person who “did not know and had no reason to know” that contamination existed on the property at the time the purchaser acquired the property; (ii) a government entity which acquired the property by escheat, or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation; and (iii) a person who “acquired the facility by inheritance or bequest.” To qualify for the first type of innocent landowner LLP, such person must have made *all appropriate inquiry* on or before the date of purchase. Furthermore, the *all appropriate inquiry* must not have resulted in knowledge of contamination. If it does, then such person did “know” or “had reason to know” of contamination and would not be eligible for the *innocent landowner defense*.

The scope of work for this Phase I ESA included:

- Reviewing reasonably ascertainable, publicly available, and practically reviewable environmental and historical records;
- Conducting a site visit to observe the property, property boundary, and adjacent properties;
- Interviewing local regulatory personnel and persons familiar with the property history and operations; and
- Preparing a letter report describing the findings and conclusions of the ESA.

This ESA was conducted with all due care as is normally provided by professionals involved in environmental site assessments for a property of this size and type within the allocated time and project budget. Qualifications of the professionals associated with this report are included in **Attachment M**. This ESA is limited in scope to visually accessible property conditions and to readily available and reasonably obtainable documents in the time permitted by the project schedule. This ESA follows the standard principles of Phase I ESA, fully detailed in Section 4.5 of the ASTM International Standard 1527-13.

This ESA report was prepared by IES for the exclusive use and benefit of an IES client as named on this letter report. In accordance with the ASTM standard, this ESA report is considered valid for a period of 6 months (180 days) from the date of issuance. The ESA was conducted in accordance with ASTM International Standard E 1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM International 2013).

RECORDS REVIEW

Information from standard federal and state environmental databases was obtained from Environmental Data Resources, Inc. (EDR) and reviewed to identify conditions that might be indicative of recognized environmental conditions. The EDR, Inc. report is included as **Attachment B**. EDR identified no current hazardous materials or environmentally sensitive areas on or adjacent to the subject property. A review of aerial photographs (**Attachment C**) of the site vicinity taken during 1937, 1940, 1949, 1960, 1970, 1974, 1983, 1989, 1994, 2001, 2006,

2010, 2013, and 2017 indicate that the subject property has been used for agriculture since 1940 with agricultural and residential buildings on the southeastern portion of the property. These buildings were constructed between 1960 and 1970. In addition to the buildings, the Ready cemetery is located at the southeast corner of the survey area. Additionally, U.S. Geological Survey (USGS) historic topographic maps from 1891, 1893, 1935, 1954, 1961, 1970, 1975, 1985, 1986-1987, 1994 and 2014 are included as **Attachment D**. A pipeline is present within the southeastern portion of the property within the following topographic maps: 1954, 1975, 1985, 1986-1987, and 1994. Review of the Environmental Lien Search did not identify any current or previously identified environmental liens. The search returned one warranty deed. The lien document is included in **Attachment E**.

The Vapor Encroachment Screen of the project site is included in **Attachment G**. No environmental records are in the area and subject property. The City Directory Report indicated that the subject property was identified in the EDR Digital Archive (**Attachment I**).

IES reviewed the Arkansas Oil and Gas Commission (AOGC) online database to identify any oil/gas wells and pipelines on or within the vicinity of the subject property. Two gas pipelines were identified on the property in the north and center running from east-to-west and northeast-to-southwest, respectively. The two gas pipelines connect roughly 1 mile northeast of the property. One pipeline containing product was identified on the southern section of the property running under the cemetery. The pipeline is owned by Texas Eastern. While on site, evidence of a petroleum pipeline was discovered from signs indicating that one was running through Inks Bayou onto the property.

The U.S. Environmental Protection Agency (EPA) Facility Registry Service (FRS) provides information regarding facilities that may be of environmental interest based on a general set of parameters, which categorizes facilities based on their use. Environmental interest types include, but are not limited to, waste facilities, recycling and water treatment plants, generator sites, air monitoring sites, hazardous materials storage facilities, and surface water sites. A search of the EPA Enviromapper revealed no facilities on the subject property that are listed by the EPA FRS. Additionally, 10 EPA FRS locations were observed within 1 mile of the project site (**Attachment A, Figure 2**).

On June 1, 2006 the Arkansas Department of Environmental Quality (ADEQ) opened a case on the property concerning illegal dumping (see **Attachment N**). Materials that were noted to have been dumped include: “oil containers, scrap paper, scrap cloth, several 5-gallon containers of live ammunition, furniture, cardboard, a dryer drum, empty 5-gallon containers of hydraulic fluid, scrap metal, fishing rods and fishing rod parts, automobile fuel tanks and automobile engines, household waste, porcelain fixtures, clothing, scrap lumber, 5-gallon paint buckets, sheetrock, shingles, bricks, and approximately 200 to 300 tires.” On June 1, 2007 the site was revisited and some of the waste appeared to have been removed due to burning. IES contacted ADEQ and talked to Ryan Hayden to try and determine the location of the dumping. ADEQ was unable to provide us with any known location (see **Attachment K**). Based on Google Earth recent aerial photographs and the initial ADEQ report, IES determined the presumed approximate location of this dumping area to be south of the project site (see **Attachment A, Figure 3**).

SITE RECONNAISSANCE

Reconnaissance of the site was conducted by Mr. Nathan Connon and Ms. Anne Gibson of IES on 22 May 2019. The site is located 1.25 miles north of IH 40 along Harris Road, North Little Rock, Pulaski County, Arkansas within a rural agriculture area. Recent aerial photographs display the site containing agricultural and residential buildings. At the time of the evaluation, no other development activities were observed. During the field visit of the site, a few scattered piles of debris consisting of tractor tires, railroad ties, a metal fence gate, and assorted wood located on a concrete slab, south of the house. There was also an 18-wheeler and various agricultural implements located around the barns.

Site Description

The project site is located in a grassland and rural setting. Site photographs are included in **Attachment F**. The *Soil Survey of Pulaski County, Arkansas* identified the subject property as being comprised of five soil map units: Keo silt loam, 0 to 1 percent slopes, rarely flooded, Perry clay, 0 to 1 percent slopes, rarely flooded, Rilla silt loam, 0 to 1 percent slopes, Rilla silt loam, 0 to 5 percent slopes, Rilla-Perry complex, undulating.

The project site was characterized as having two plant communities – actively grazed grassland and riparian herbaceous corridor. The actively grazed grassland consisted of Bermudagrass (*Cynodon dactylon*), perennial ryegrass (*Lolium perenne*), and white Dutch clover (*Trifolium repens*). Part of the actively grazed grassland is a cemetery that is kept under a management regimen. The herbaceous riparian corridor was comprised of spikerush (*Eleocharis palustris*), curly dock (*Rumex crispus*), ryegrass, and water primrose (*Ludwigia peploides*).

Subject Property and Adjacent Land Use

The property's past land use appeared to have been undeveloped land with agriculture occurring from 1937 and agricultural buildings from 1970 to 2017. The subject property has been in continual agriculture use. The surrounding areas appeared to primarily have been additional grasslands and a bayou. The adjacent properties are currently agricultural land.

EXCEPTIONS/DELETIONS OF THE DATA RECORD

Records review indicated no coverage for the Sanborn Map Report (**Attachment H**), the Property Tax Report (**Attachment J**), and Building Permit Report (**Attachment L**).

INTERVIEWS

Interviews/communications with persons knowledgeable about the past and current use of the property indicate no recognized environmental conditions associated with the subject property. Scott Phillips, the land manager, indicated Denali Water Solutions dumps "sludge" onto the property from a Little Rock wastewater treatment plant (WWTP). It is unknown the exact location of the dumping, but we were advised that it was a liquid fertilizer. An interview with Billy Staton from Denali Water Solutions confirmed that the sludge that was dumped onto the property is treated wastewater from the Little Rock WWTP. Pulaski County required that an open records request be submitted to the County via an online request to obtain information regarding property history. IES submitted an open records request to Pulaski County regarding fires, hazardous material spills, hazardous material storage, and any general environmental concerns documented for the property on 13 May 2019. The result of the request was a web response (see **Attachment K**) stating that Pulaski County has no records of any environmental issues for the property. IES contacted ADEQ and talked to Ryan Hayden to try and determine the location of the dumping. ADEQ was unable to provide us with any known location (see **Attachment K**).

CONCLUSIONS

Phase I Environmental Site Assessment

Per ASTM International Standard E 1527-13, "We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM International Standard E 1527-13 of the property described as approximately 200 acres located 1.25 miles north of IH 40 along Harris Road, North Little Rock, Pulaski County, Arkansas. Any exceptions to, or deletions from, this practice are described in the above section of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property that would warrant recommended further detailed investigation or study of recognized environmental contaminants."

The assessment has revealed the following regarding the subject property:

- Results of the site reconnaissance and interviews/communications with persons knowledgeable about the past and current use of the property indicate no recognized environmental conditions associated with the subject property. No conditions exist that indicate the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate an existing significant 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, groundwater, or surface water of the property.

IES appreciates the opportunity to work with you on this project and hope we may be of assistance to you in the future. If you have any comments, questions, or concerns, please do not hesitate to contact me at 972-562-7672 (rschneider@intenvsol.com)

Sincerely,

Integrated Environmental Solutions, LLC.

A handwritten signature in black ink, appearing to read 'Rae Lynn Schneider', written in a cursive style.

Rae Lynn Schneider, PMP
President

file ref: 02.007.001