

Environmental Law Confidential:
Useful Tips and Urban Myths in Real Estate
Transactions

Steve Morton, *Partner, K&L Gates Austin*
Janessa Glenn, *Counsel, K&L Gates Austin*

Steve.morton@klgates.com 512-482-6869

Blah Blah
Waa Waaa,
yeah, yeah,
who didn't know that.....



FINALLY, SOMETHING I CAN ACTUALLY USE!

Environmental Responsibilities for the Lawyer

Three General Responsibilities:

- Reviewing/finalizing the environmental consulting engagement contract
- Reviewing/improving the Phase I Environmental Site Assessment and Phase II Environmental Site Investigation drafted by the consultant
- Negotiating Environmental Liability Provisions in Deal Docs



The Importance of the Phase I

What is a Phase I ESA?

- Non-invasive environmental review of property
 - Review current and historical records
 - Past ownership/uses
 - Restrictions
 - Commonly known environmental conditions
 - Walk-through investigation to find obvious visible potential environmental issues
- Does not involve the collection of any samples
- Covers releases of hazardous materials only



Limited Scope! Does the Phase I ESA being offered need to be expanded to cover other environmental concerns?

- Wetlands
- Mold
- Asbestos
- Radon
- Lead paint

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Environmental Law Confidential: Useful Tips and Urban Myths in Real Estate Transactions

First appeared as part of the conference materials for the
50th Annual William W. Gibson, Jr. Mortgage Lending Institute session
"Environmental Law Confidential: Useful Tips and Urban Myths in Real Estate Transactions"