

ENVIRONMENTAL SITE ASSESSMENT BASICS

Presented by:

David Olson P.G., L.R.S.
Civil & Environmental Consultants, Inc.



Environmental Site Assessments

- Why are They Performed?
- How are They Performed and What do the Results Mean?
- How are They Used and by Whom?



Why Are Assessments Performed?

- To identify environmental conditions associated with a property prior to a transaction
 - ✓ Protect innocent parties from liability (buyer, lender, lessee)
 - ✓ Quantify and assign liability during a property transaction



How is Liability Protected?

- Federal Superfund Law – Liability protection afforded to prospective purchasers who perform “All Appropriate Inquiry” prior to the property transaction
- State Voluntary Remediation Programs (WV VRRP, PA Act 2, Ohio VAP) provide framework for addressing environmental liabilities identified during the assessment process



How Are Assessments Performed?

- Performed in Three Phases
 - ✓ Phase I - Non-intrusive Study (Does not Include Sampling)
 - ✓ Phase II – Intrusive Study (Includes Sampling)
 - ✓ Phase III – Development of Cleanup Plans and Cost Estimates



Phase I Assessments

- Purpose is to identify Recognized Environmental Conditions (RECs). RECs are the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, or a material threat of a release into structures or into the ground, groundwater or surface water on the property
- Must follow requirements in All Appropriate Inquiry Rule (2004 Amendment to Superfund Law) as defined by ASTM Standard 1527-05 to qualify for Superfund liability protection



Phase I Assessments (Cont.)

- Scope includes:
 - ✓ Site Reconnaissance
 - ✓ Interviews with owners, occupants, government officials
 - ✓ Review of historical documents (aerial photos, topographic maps, fire insurance maps, facility documents/reports, etc.)
 - ✓ Government database review
- Phase I ESA Report identifies RECs (or lack thereof) and provides recommendations for further assessment (Phase II), if necessary
- Sets the stage for the Phase II ESA



Phase II Assessments

- Includes sampling and analysis of soil, groundwater and/or surface water
- Results compared with state voluntary program standards
 - ✓ Below standards – no cleanup necessary
 - ✓ Above standards – further risk assessment or cleanup may be necessary
- May also include asbestos survey and/or waste inventory/characterization
- Serves as the basis for cleanup plan and cost estimate



Phase III Assessments

- Scope may include:
 - ✓ Risk assessment to determine if cleanup is necessary
 - ✓ Development of cleanup alternatives and related cost estimates



How Are Assessments Used?

- Buyers
 - ✓ Go/no go decisions
 - ✓ Negotiate sale price
 - ✓ Liability protection
- Property Owners/Sellers
 - ✓ Enhance marketability of property
 - ✓ Ability to control cleanup costs (rather than buyer controlling)
- Lessees
 - ✓ Liability protection - establish environmental “baseline conditions” before lessee occupies property
 - ✓ Evaluate potential risks to workers



How Are Assessments Used (Cont.)

- Lenders
 - ✓ Loan decisions
 - ✓ Liability protection
- Development Agencies/Grant Recipients
 - ✓ If property owner – same as above
 - ✓ If not property owner – incentivize the redevelopment of properties with real and/or perceived environmental liabilities

