Performing a Site Investigation

The best way to identify whether a property has been affected by chemical contamination is to hire a qualified environmental professional to conduct a “site investigation” of the property. Site investigations involve one or more visits to the property to collect samples of soil, groundwater, and other environmental media. Sample locations are selected based on the property’s use and history. Samples are then analyzed using laboratory equipment. The analytical results help determine which contaminants (if any) are present and their location, concentrations, and characteristics.

Bottom line: Inadequate investigation can add thousands of dollars and months or years of delays to a project. It’s just good business to hire a well-qualified LSP who will:
- thoroughly research the property’s historical use;
- conduct a site investigation that is well planned and properly executed;
- perform the data collection and analysis correctly; and
- submit technically sound and complete site investigation and cleanup reports that meet regulatory requirements the first time around.

After You Hire a Consultant

What You Don’t Know Can Hurt You – A Case Study

As part of a pending property sale, the owner of a commercial property removed a fuel oil underground storage tank (UST) from behind a building where a dry cleaner had operated. The soil removed was found to contain perchloroethylene (PCE). The first consultant the owner hired assumed the PCE source was eliminated when the UST soils were removed and did not further investigate the property’s contamination. But when monitoring wells were installed to verify cleanup, additional PCE was detected. The property owner then requested an aggressive short-term cleanup effort so he could sell the property. The consultant used in situ chemical oxidation in the assumed PCE source area, but when toxic levels of PCE continued to be monitored, a second consultant was hired to identify the correct source of the PCE contamination.

After You Hire a Consultant

Pay for a quality investigation and good report preparation upfront and avoid project delays, cost increases and regulatory non-compliance issues later.

Avoid Problems with Site Investigation and Cleanup Work

When information is missing or not presented and explained clearly, MA DEP may require further work or documentation, potentially resulting in project delays and additional expenses. Make sure each submittal required by the regulations:

1. addresses the applicable MCP requirements;
2. is submitted by the applicable MCP deadline;
3. includes a clear explanation of the area of contamination that was addressed, what investigation activities were performed and why;
4. presents the technical information clearly – the effective use of maps and tables can improve communication.

Finally, be sure to stipulate that no digging under- ground can occur without first contacting Dig Safe and checking with you about other utility lines on the property. Ask whether any permits might be necessary, such as from the municipality (particularly for cleanup work). Be very clear that no additional work outside the original scope of work and cost estimates/contracts can be performed without your written authorization.
Property with a commercial or industrial past can be a great investment, as long as you know what you are getting into beforehand. Both buyers and sellers need to know that state and federal laws hold property owners responsible for cleaning up chemical contamination—regardless of whether the owner created or contributed to the problem. If you are buying a property, you are conducting a site investigation (also known as completing due diligence), it is important to be thorough. If contamination is found later, after you take ownership of the property, you will be among the parties liable for the cleanup. If you own a property, providing potential buyers with the results of a thorough site investigation can actually make them more comfortable. The discovery of contamination problems after the sale can lead the new owners to make them more comfortable. The discovery of contamination problems after the sale can lead the new owners to make them more comfortable.

Playing It Smart

1. Clarify why a site investigation is necessary and what the regulations require.

2. Ask for referrals from your trade organization, other companies in your industry, your legal counsel, insurance firm, or monitoring lender. Once you have identified several recommended companies, request a written proposal from at least three.

3. Request proposals from several companies.

4. Determine who will work on your project. The skills and experience of the individuals assigned to your project directly affect its success. Before you hire an environmental consulting company, make sure that the key people assigned to your project are available to complete it in a timely manner. And before hiring a Massachusetts Licensed Site Professional, contact the Board of Registration of MA Hazardous Waste Site Cleanup Professionals (a.k.a. LSP Board) to find out whether any disciplinary actions or complaints have been filed against your particular LSP. Information and contacts at the LSP Board are available at http://www.mass.gov/dep/lsb.

You should also check out the training and experience of each non-LSP consultant to be assigned to your project. Ask for resumes and professional license information for everyone assigned to your project, including non-LSP staff. Make sure they have worked in similar sites and have a thorough knowledge of Massachusetts’s regulatory requirements.

MA DEP also offers some helpful information online:

- Answers to Frequently Asked Questions Regarding Cleanup Regulations (www.mass.gov/dep/bwsc/files/masterqa.pdf)
- Massachusetts Contingency Plan (MCP) and other regulations at (www.mass.gov/dep/bwsc/files/qaqcdocs.htm)
- Quality Control Guidelines for the Acquisition and Reporting of Analytical Data (www.state.ma.us/dep/bwsc/files/masterqa.pdf)
- Massachusetts Contingency Plan (MCP) and other regulations at (www.mass.gov/dep/bwsc/files/qaqcdocs.htm)

5. Always check references.

Contact at least two former clients and ask about the scope and nature of the services provided and their satisfaction with the work performed. Keep in mind, however, that even the best consultant cannot predict all of the site circumstances and project outcomes.

Good questions to ask the past client:
- Was the consultant timely in completing all elements of the work?
- Were the final project costs in line with the original agreement?
- Did the scope of work change significantly during the project? If so, why?
- Did the consultant work effectively with the client?
- Did the work comply with the regulatory requirements?
- Was additional work required by MA DEP (e.g., as a result of an audit)?
- Did the people who worked on the project change over time? If so, was the transition handled satisfactorily?

Innovative Technologies Can Save You Time and Money

Ask the consultants about their firm’s experience with innovative technologies. Can they explain the pros and cons of each in relation to use at your site? Innovative technologies previously accepted include:

- direct push technologies, such as GeoProbe
- low flow groundwater sample collection
- x-ray fluorescence
- field-portable gas chromatograph (GC)
- immunoassay and/or other portable field test kits
- soil gas surveys

When the company proposes to do and why
- What informed estimates include and how fees for additional work would be handled
- The project manager’s experience working on sites in Massachusetts, and on sites with similar issues to yours
- How the contact on the contract and written reports are well-organized, thorough, technically correct, and comply with state and federal regulatory requirements and guidelines
- If the firm can provide letters that demonstrate good working relationships with all their proposed subcontractors
- Whether the company actively participates in your professional association
- How the firm trains junior staff
- What services they offer that make them different or better than other consultants

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