

OBJECTIVE

Environmental Site Assessments (ESAs) are risk assessments conducted to evaluate the probability that environmental conditions associated with a property might pose a significant financial liability to property owners or operators. ESA protocols have been developed jointly by the environmental and financial industries to meet part of the *due diligence* requirements and *landowner liability protections* of the Federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and M.G.L. 21E. **Clean Properties, Inc.**, uses a flexible assessment program to assure that parties relying on its ESAs are provided with services and reports that address the risk-benefit thresholds of their businesses and lending institutions and target environmental risks that accurately reflect property history and setting. In this manner, **Clean Properties** can provide risk-specific ESA reports in a timely and cost-effective manner.

ASSESSMENT TYPES

Clean Properties designs ESAs to meet client-specific needs, modifying ASTM protocols and report formats to include those out-of-scope services appropriate to the client's concerns. **Clean Properties** does not conduct ESAs in a "puppy mill" fashion.

ASTM Standard E1527 sets forth a protocol for the conduct of **Phase I Environmental Site Assessments** that meet U.S. Environmental Protection Agency (USEPA) *All Appropriate Inquiry (AAI)* requirements for CERCLA liability protections — using detailed site inspections, interviews, records and historic document reviews, and government database searches to identify current and historic chemical uses at the property and known releases at the near the property as a basis for evaluating the probability of Recognized Environmental Conditions (RECs) being present at a property.

ASTM Standard E-1528 sets forth a less intensive environmental due diligence protocol called a **Limited Due Diligence Environmental Transaction Screen (LDDETS)** that may be appropriate to evaluate environmental risks associated with small commercial and residential properties for which no chemical risks are apparent at the outset and for which compliance with *AAI* is not desired. Although initially less expensive to perform than a Phase I ESA, **Clean Properties** cautions potential users that a LDDETS may ultimately cost more if the limited protocol identifies but does not evaluate fully potential environmental risks — resulting in the need to conduct further assessment activities such as a Phase I ESA.

Out-of-Scope ESA Services may be requested by a Lender as part of an ESA to evaluate suspected liability conditions outside the ASTM ESA Standards. Clients may also request supplemental services in support of their planned alterations to a property. The ESA contract must specifically identify the Out-of-Scope protocols and additionally associated costs involved. Most commonly requested ESA Out-of-Scope Services include:

- Non-testing visual and literature reviews or limited field testing of potential asbestos, lead-based paint, and radon;
- Review of underground storage tank (UST) compliance documentation such as at filling stations;
- Detailed review of regulatory documentation by a State-certified professional such as a Massachusetts Licensed Site Professional (LSP) to evaluate the apparent compliance of historic cleanup actions at an on-site or adjoining contaminant release site as a basis for evaluating the likelihood and potential cost of supplemental response actions, often triggered by proposed land-use changes;
- Limited screening with a magnetometer to assess the presence or absence of an underground storage tank;
- Limited subsurface investigations or other specific testing when obvious potential contaminant sources are known and time constraints prohibit the normal sequence of a Phase I ESA identifying probable contaminant sources and a Phase II ESA conducting subsequent testing to evaluate whether an associated release has impacted the property; and

- **ASTM Standard E-2018 Property Condition Assessments** (PCAs) to evaluate physical deficiencies associated with on-site improvements (buildings, appliances, pavement, etc.) and opinions of possible costs for suggested remedies of those deficiencies over a loan period (commonly assumed to be 10 years).

Phase II Environmental Site Assessments are designed and performed to evaluate further those Recognized Environmental Conditions (RECs) identified by Phase I ESAs. This sequencing of assessment activities allows testing to be designed to evaluate comprehensively only those risks determined to have a reasonable probability of posing a significant liability to a property. Phase II ESAs most commonly encompass testing for one or more of the following conditions:

- Installation, sampling, and testing of borings and monitoring wells to determine if suspected contaminants in site soil and groundwater exceed Reportable Concentrations (**Clean Properties** has available hand-held push-probe and vacuum excavation equipment to allow assessment and remediation in otherwise inaccessible areas such as beneath buildings);
- Testing of indoor air and soil gas to evaluate potential vapor intrusion from on-site or off-site contamination, including conformance with **ASTM Standard E-2600** if desired;
- Geophysical Surveys to assess the possible presence of underground storage tanks and other subsurface structures;
- Building Materials Hazardous-Substance Surveys (including laboratory testing) and/or Screens (performed with field tests), including assessment of asbestos, lead, and PCBs.

Because **Clean Properties** routinely remediates contaminated properties, **Clean Properties** can design testing protocols to collect sufficient information necessary to support conclusions relative to the Reportability of contaminant conditions and sufficient to evaluate preliminarily remedial solutions and likely costs.

Let **Clean Properties help you select or design an appropriate environmental due diligence assessment.**

ASSESSMENT REPORTS

Clean Properties' ESA reports thoroughly document all methods employed, information sources and results, and the basis for interpretations made. Conclusions and recommendations are clearly set forth. If an ESA identifies an environmental risk or condition for which additional investigation or action is recommended, **Clean Properties** details the reason, objectives, protocol, and estimated cost of the recommended next step.

CLEAN PROPERTIES' ENVIRONMENTAL STAFF AND EXPERIENCE

AAI and ASTM Standards require that Phase I ESAs be performed by *Environmental Professionals* qualified to apply experiential judgment to observations and information. **Clean Properties'** staff having responsibilities for the performance of Phase I ESAs meet the USEPA definition of Environmental Professional, consisting principally of senior scientists and engineers having decades of broad environmental experience. **Clean Properties'** staff has conducted and managed well over a thousand ESAs and have been instrumental in the development of the ESA requirements through participation on ASTM Committees and development review guidelines of several prestigious financial institutions. **Clean Properties** has prepared ESAs for most major lenders, including the Federal Deposit Insurance Corporation (FDIC), SBA, FannieMae/FannieMac, and HUD. **Clean Properties'** staff also is experienced in providing expert witness testimony should legal issues arise from ESA results. In 2017, prestigious ESA company R.W. Crandlemere, LLC, merged with **Clean Properties**, further expanding its expertise and capacity. As an experienced remedial services firm, **Clean Properties** also has the expertise to assure that assessment activities support any required cleanup. **Clean Properties** often is selected by Lenders to evaluate their most complex properties. Whether you are familiar with **Clean Properties** or not, you likely have seen our reports, since **Clean Properties** prepares many of the ESAs of several other consulting firms.

COST AND DELIVERY

ESA prices vary depending on specific property size and facility complexity, assessment type, and delivery timeframe required. **Clean Properties** will be pleased to provide you with a price and timeframe quotation.