



STRP Workshop

April 2019

Contracting for Environmental Work

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- Types of Environmental Work
- How to Select a Consultant
- Contract contents
- When to coordinate with ADEC
- What to expect
- Things to look out for
- Things you can do for a site without hiring a consultant

Overview

What we are covering today



Types of Environmental Work

Assessments and Cleanups

Assessments

- What is an assessment?
- Why do we need an assessment?
- When do you need an assessment?
- What type of assessments are there?
- How do you select sites for an assessment?



What is an Assessment?

It is a study and planning and decision making tool designed to:

- Identify all the impacts, positive and negative, about a project or site.
- Evaluates technical, social, and economic concerns.
- Helps to Incorporate environmental factors into decision making.
- Proposes measures to minimize adverse environmental effects before they occur.

Why do an Assessment?

- Answer questions that you or others may have about a site.
- Provide answers, good and bad, about a property.
- Protection from future liability.
- Ensure workers, public, community members are safe.
- Regulations may require it.

When should you do an Assessment?

- In the planning stages of a project:
 - Helps ensure safety.
 - Help identify and predict problems.
 - Plan and manage unforeseen costs early.
- If there is a real or perceived environmental concern:
 - Historic uses of a site may have left contamination.
 - Construction materials may be unhealthy.
 - History of spills or chemical mismanagement.
 - Concerned about liability as part of a purchase.
 - Concern over the threat to workers at a site.
- Funding may require it.
- Check with Regulatory Agency to determine if an assessment is required.

What types of Assessments are there?

- Audits or desk top reviews
- Phase I Environmental Site Assessments (ESA)
- Property Assessment & Cleanup Plan (PACP)
 - (ADEC designed assessment to meet brownfield needs)
- Phase II ESA
 - ASTM defined Phase II
 - A release investigation or site characterization
- Interim or clarifying assessment

Cleanups

- What is a cleanup?
- Why do we need a cleanup?
- When do you need a cleanup?
- What type of cleanups are there?
- How do you select sites for cleanup?



What is a Cleanup?

- An effort to mitigate environmental damage or threat to human health, safety, or welfare from a hazardous substance
- Includes:
 - The removal of a hazardous substance from the environment
 - Restoration
 - May include other measures necessary to mitigate or avoid further threat to human health, safety or welfare of the environment

Why do an Cleanup?

- Protection from future liability.
- Ensure workers, public, community members are safe.
- Regulations may require it.

When should you do an Cleanup?

- When the nature and extent of the pollution is understood
- Reuse plan may require it
- Funding may require it.
- Check with Regulatory Agency about requirements

What types of Cleanups are there?

- Interim Cleanups
- Phase III
- Corrective Actions

How do I select a site?

- What is a priority to you and your community?
 - Development is often a driver.
 - Risk to public is often a primary concern.
- Develop a working list of sites
- Prioritize your sites using various factors:
 - Cost to complete meaningful work.
 - Available funding.
 - Access and feasibility.
 - Public input
 - Potential for success!



Selecting a Consultant

How do I select a consultant?

- First, put together a summary of what you know about your problem.
- Summarize a list of prospective consultants and talk to them.
- Inquire as to how much time they believe will be required.
- Review other work that they have completed
 - Any work submitted to DEC is available to public

<https://dec.alaska.gov/media/15571/selecting-consultant.pdf>

Questions to ask Consultants:



What projects have they managed similar to yours?

Are they qualified to do the full scope of work, or do they need to team?

What subcontractors will they use for each phase of work (i.e., excavation, monitoring, laboratory, etc.)

Who will manage the work and communicate with me?

What is their experience working with DEC or other regulating agencies?

How will your work impact neighbors, customers, or traffic?

Check References!

Consultants Should:

Provide strong references:

Reputation may be a good measure of their capacity.

Strong qualifications are a must – there may be regulatory requirements.

Ensure that they are insured!

Provide clear and understandable cost estimate.

Costs may be detailed or lump sum for small jobs.

Always get more than one estimate.

Be certain it is clear what will be provided as a product.

Costs may vary by more than 100%!



Contract Content

Contract Terms and Conditions

- Purpose (Scope of Work)
- Term and Termination
- Intellectual Property
- Intellectual Property Indemnification
- Indemnification
- Limitation of Liability
- Dispute and escalation procedures
- Confidential Information
- Payment
- Acceptance and Inspection
- Warranty



When should you coordinate with DEC?

- At the planning stage
 - If the site is already a known contaminated site.
 - Anytime you want an unbiased perspective.
 - When you are concerned that the project may develop into further assessment or cleanup.
 - When the information you are producing may be needed for regulatory decisions.
 - If there is potential that you may seek agreement with the findings from DEC.
- Upon completion:
 - If you find new contamination at a site.
 - If you would like a regulatory perspective on your findings.

What should I expect in a Report?

- Executive summary up front.
- A description of all the work completed and notes.
- Clear description of any deviations.
- Laboratory data quality that is useable.
- Pictures to document the work.
- Conclusions and recommendations.

You should:

- Ensure all deliverables are received.
- Ensure all questions are answered.
- Be aware DEC has technical guidance here: <https://dec.alaska.gov/spar/csp/guidance-forms/> that must be adhered to

A Report should:

- Provide necessary information for your project.
- Provide new information or confirm suspicions.
- Inform you as to what your next steps will be.
- Meet all regulatory requirements.
- Make you feel like you got your money's worth!

Things to be aware of:

- Not every site needs an assessment
- Not every site will need a cleanup
- Poor assessment techniques can provide meaningless or misleading information
- Assessments may lead to more questions than answers
- Good and bad assessments can be very expensive
- Plenty of important information can be obtained free!

Publicly Available Information

- Database inquiries
 - Collect DEC database information, if available.
- Interviews about the site
 - Nobody will be in a better position to do this
- The physical setting of a site
 - Include historical uses of the property and surrounding properties
- Photographs
 - Collect current, aerial, and historical photographs
- Any legal documentation
 - There may be some historical files associated with an old building, school or site in your community!

Publicly Available Information

- Address and land record information
 - Zoning? Land ownership issues? Can be complex...
- Environmental information
 - Potential issues that are suspect
 - Previous assessments – get copies of reports (talk to DEC)
 - Anything associated with the site history
- We can help with this!

Questions?

THANK YOU!

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