

# Environmental Site Assessments

Regulatory Framework as of April 2010

	Phase I Environmental Site Assessment (ESA)	Phase II Environmental Site Assessment (ESA)	Baseline Environmental Assessment (BEAs)
<b>When do you do it?</b>	To assess the potential for "recognized environmental conditions."	When there is reason to suspect that the property may have been impacted from a "recognized environmental condition."	When a property is known to be contaminated above State of Michigan clean up criteria. A BEA protects new owner/operator from liability for existing contamination before they acquired the property. BEAs can protect historic owner/operators from liability for contamination occurring after the property is sold.
<b>What's involved?</b>	<ol style="list-style-type: none"> <li>1. Records review</li> <li>2. Site visit</li> <li>3. Interviews</li> <li>4. Data evaluation and report preparation</li> </ol>	<ol style="list-style-type: none"> <li>1. Sampling of soil, groundwater, surface water, or other media suspected of being impacted</li> <li>2. Laboratory analysis</li> <li>3. Data evaluation and report preparation</li> </ol>	<p>Documenting the nature and possibly the extent of existing contamination.</p> <ol style="list-style-type: none"> <li>1. Sampling of soil, groundwater, surface water, or other potentially impacted media.</li> <li>2. Laboratory analysis</li> <li>3. Data evaluation and report preparation</li> <li>4. Completion of a BEA using State guidelines</li> </ol>
<b>How long does it take?</b>	One to two weeks	Two to four weeks	Two to six weeks
<b>What does it cost?</b>	\$1,500 to \$2,500	Usually exceeding \$2000. Costs vary with the number of samples required, sampling difficulty (how deep), laboratory analysis, and the required delineation.	Costs vary with the type of BEA being performed (N, D, or S), the number of samples required, sampling depths, laboratory analysis, and the amount of delineation required.
<b>What happens next?</b>	<ol style="list-style-type: none"> <li>A. If the Phase I does not provide evidence of a "recognized environmental condition," additional assessment is not required.</li> <li>B. If a "recognized environmental condition" is identified, additional assessment including sampling may be required.</li> </ol>	<ol style="list-style-type: none"> <li>A. If the results of the Phase II do not provide evidence of contaminated conditions that qualify the site as a "facility," additional assessment is typically not required.</li> <li>B. If assessment results confirm that the site is a "facility," a BEA is required to protect a new owner/operator from certain liabilities.</li> </ol>	<p>The results of the BEA must be submitted to the State. The party submitting the BEA can request that the State review the BEA to determine its adequacy.</p> <p>A BEA protects a new owner/operator from certain clean-up liabilities. However, the new owner/operator cannot exacerbate the known contamination and must insure that the contamination does not pose an unacceptable risk to employees or the public (Due Care</p>

# Definitions

Term	Definition
ASTM	American Society of Testing and Materials
BEA	Baseline Environmental Assessments are a means of evaluating the environmental conditions existing at a property at the time of purchase, occupancy, or foreclosure, in a way that reasonably defines the existing conditions and circumstances at the facility. In the event of a subsequent release, a BEA provides the means of distinguishing past releases from new releases. Provides liability protection that might otherwise exist under P.A. 451, Part 201.
Category N BEA	A facility where the new owner <u>will not use hazardous substances on the property.</u>
Category D BEA	A facility at which the new owner intends to use a hazardous substance that is <u>different from the substances</u> that were previously used at the site.
Category S BEA	A facility where the new owner intends to use the <u>same hazardous substances</u> as those previously used on the property, or where the type of hazardous substance to be used is unknown.
ESA	Environmental Site Assessment
Facility	Any area, place or property where a hazardous substance exceeds the residential cleanup criteria (P.A. 451, Part 201)
REC	Recognized Environmental Conditions means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.
Due Care	Requires owners/operators to take measures that ensure the existing contamination on a property does not cause unacceptable risks and is not exacerbated.



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