



**Phase II ESA, RECAP Investigation,
Voluntary Remedial Investigation**

Choose Your Adventure!

Phase II ESA

- Typically conducted after Phase I ESA
- No federal or state (Louisiana) regulatory definition or standard
- ASTM E1903-19: Standard Practice for Environmental Site Assessments: Phase II ESA Process
- Defines assessment process that may be used to generate sound, objective, and defensible information sufficient to satisfy user objectives

Phase II ESA

Common Objectives

- Assess whether there has been a release of hazardous substances to the environment
- Provide information relevant to determining a landowner's "continuing obligations" or "reasonable steps" that must be taken to maintain CERCLA Landowner Liability protections (BFPP)
- Evaluate business environmental risks (ex. asbestos or lead based paint in building materials), costs, and feasibility of project or future development

RECAP

Risk Evaluation/Corrective Action Program


- State regulatory document
- Developed to address risks to human health and the environment posed by the release of chemical constituents to the environment (e.g. soil, groundwater, surface water)
- Does not address business environmental risks such as asbestos in building materials, lead based paint, or mold

RECAP

- LDEQ's primary statutory mandate for assessment and remediation activities
 - Establishes clear and consistent guidelines on how to conduct investigations to assess and evaluate releases to the environment
 - Provides framework for development of remediation/cleanup standards (aka RECAP Standards)

RECAP Standards

- Screening Option
 - Most conservative, applies to majority of sites
- Management Options
 - Management Option 1
 - Management Option 2
 - Management Option 3



As the management option level increases, additional site-specific information can be used; however, level of effort (\$\$\$) required to gather this information increases

Voluntary Remediation Program

Voluntary LDEQ-regulated program aimed at returning contaminated sites back to productive use.

Two Phases

- Voluntary Remedial Investigation Phase
- Voluntary Remedial Action Phase

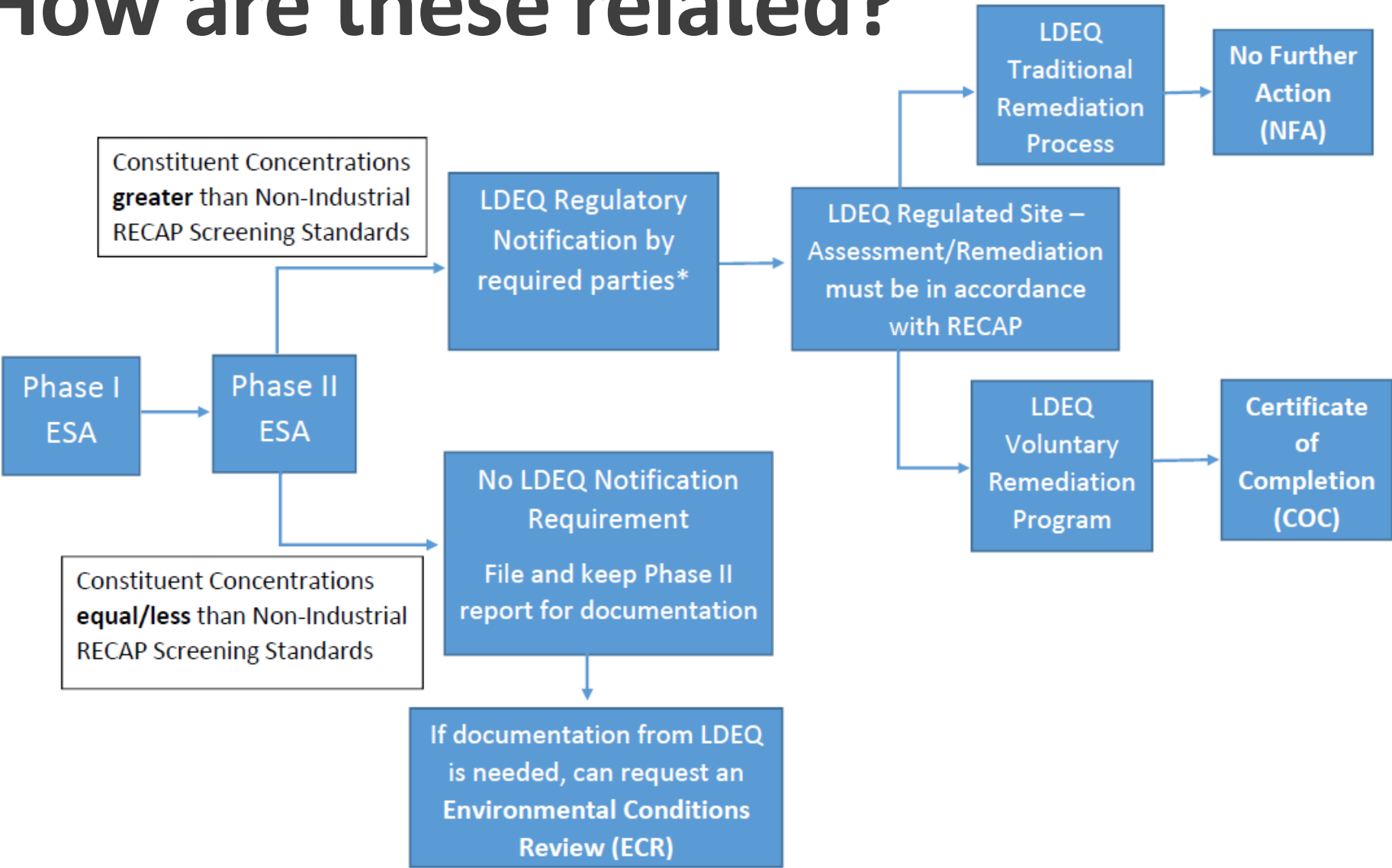
Voluntary remedial investigations shall be consistent with the methods and processes provided by RECAP

Voluntary Remediation Program

Benefits:

- Upon completion, provides a release of liability for past contamination, which flows to future site owners, successors, and assigns
- Provides for flexibility in remediation alternatives for non-responsible parties (can use engineering/institutional controls)
- Limits assessment and remediation activities to the boundaries of the site (i.e., doesn't require chasing of the plume)

How are these related?



ECR vs. NFA vs. COC

Environmental Conditions Review (ECR)

- Replacing Limited Site Investigation Response
- Submit ECR Request, site assessment report, and ECR review fee*
- LDEQ will review information and issue response concurring that concentrations meet RECAP Screening Standards and does not intend to respond further based on the information presented.
- Memo and Example ECR Letter on LDEQ Remediation Website

<https://deq.louisiana.gov/page/remediation-division>

ECR vs. NFA vs. COC

No Further Action – At This Time (NFA-ATT)

- Issued for sites regulated under LDEQ
- Concentrations in environmental media are below applicable RECAP Standards and are considered to be protective of human health and the environment
- Applies to an Area of Concern (AOC) or Area of Investigation (AOI) that has been investigated/assessed/remediated under RECAP (not the entire site)
- If additional contamination is found in future or conditions change – can be reopened to assess whether human health and the environment are still being protected

ECR vs. NFA vs. COC

Certificate of Completion (COC)

- Issued to sites at completion of Voluntary Remediation Program
 - *Must conduct a remedial action in accordance with an LDEQ approved Voluntary Remedial Action Plan*
- Provides an exemption from liability for past contamination within the identified area of immovable property

Scenarios – Site #1

Prospective Purchaser conducts Phase I ESA which identifies RECs

Phase II ESA is conducted – soil and groundwater concentrations below LDEQ Non-Industrial Screening Standards

Funding source is requiring concurrence from LDEQ
- Submit Phase II ESA along with ECR Request

Allow 30 – 60 day for LDEQ review and processing

Scenarios – Site #2

Prospective purchaser conducts Phase II ESA to evaluate RECs identified in Phase I ESA

Phase II ESA identifies soil and groundwater contamination above RECAP Screening Standards

Prospective purchaser decides to go forward with purchase – as owner – notifies LDEQ of exceedances

LDEQ requests RECAP workplan to further evaluate/delineate exceedances – work is conducted/evaluated using site-specific information

Concentrations are below applicable MO-1 RECAP Standards – NFA-ATT

Scenarios – Site #3

Prospective purchaser conducts Phase I which identifies that the property has known contamination which will likely require remediation

Release has been previously reported to LDEQ (notification not required)

Prospective purchaser decides to go forward with purchase and address property under the Voluntary Remediation Program

- Liability protection at conclusion
- As non-responsible person, purchaser can manage contamination using engineering and institutional controls (save \$\$\$)

Phase II ESA- Things to Consider

Not Regulated by LDEQ – No requirement to conduct assessment in accordance with RECAP

- BUT YOU SHOULD!

Why?

- Results will be compared to RECAP Screening Standards
- If contamination is identified, the information collected from the Phase II ESA can be utilized by DEQ going forward to make decisions

Questions????

Contact:

Jennifer Schatzle

Brownfields & VRP Technical Liaison

(225) 219-3039

Jennifer.Schatzle@la.gov

