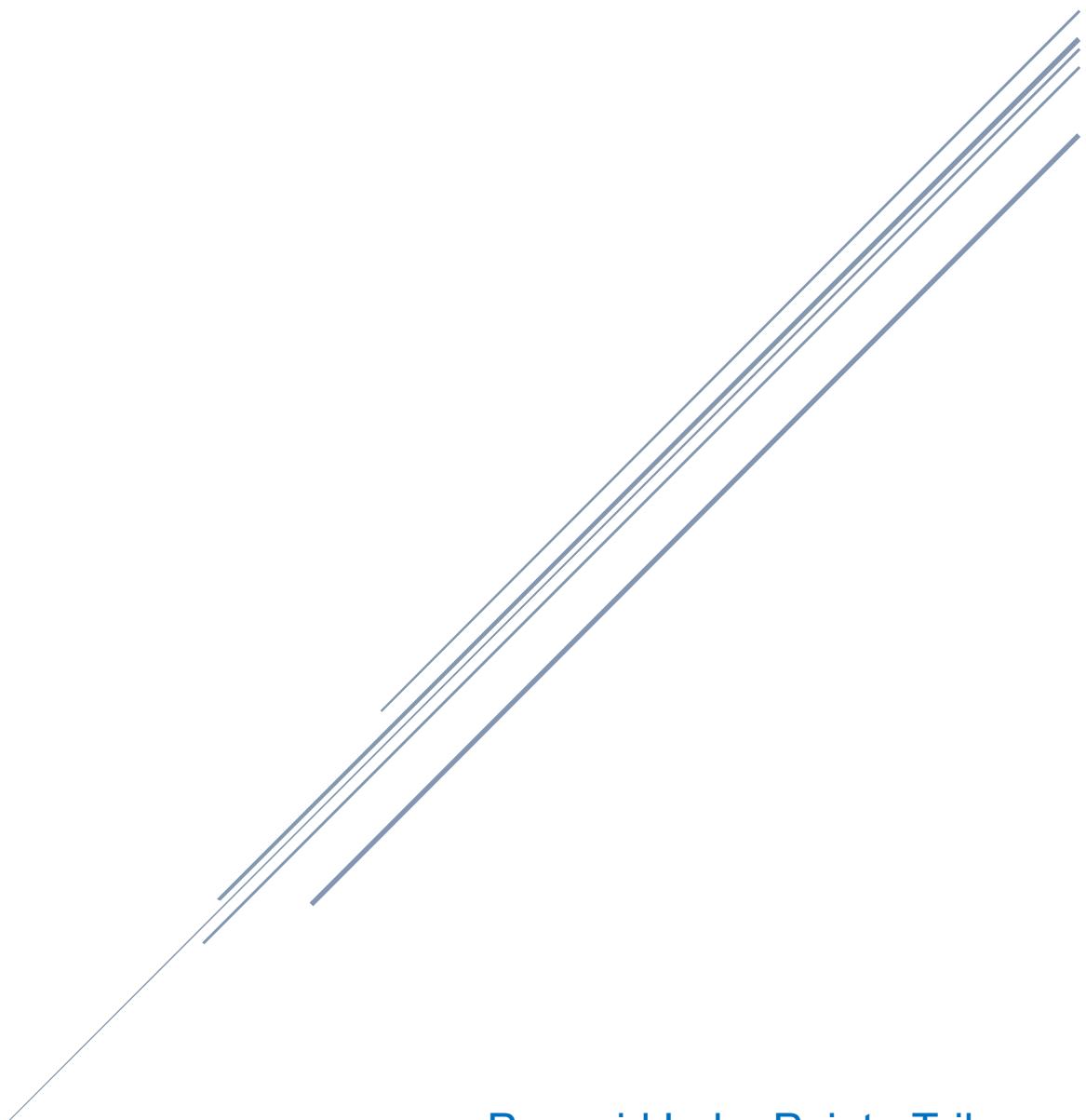


# Request for Proposals

## For Brownfield Projects



Pyramid Lake Paiute Tribe  
Tribal Response Program

This RFP may be found online at [www.plptbrownfields.org/rfp](http://www.plptbrownfields.org/rfp). The individual responsible for coordinating this bid is Ruben Ramos-Avina, PLPT Tribal Response Program Coordinator. He may be contacted at [ravina@plpt.nsn.us](mailto:ravina@plpt.nsn.us) or 775-574-0101, extension 10.

## A. Introduction:

The Pyramid Lake Paiute Tribe (PLPT) is seeking proposals from bidders that are qualified to conduct environmental investigations and design remediation plans of brownfields. Under Section 128(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the PLPT receives non-competitive funding from the U.S. Environmental Protection Agency (EPA) to establish and enhance a program that addresses the assessment, cleanup, and redevelopment of brownfields, which are properties whose redevelopment, reuse, or expansion is inhibited by real or perceived contamination. The PLPT may spend a limited amount of federal grant funding on site-specific activities, such as assessments and cleanups, involving such properties.

## B. Project Description:

Generally, the brownfields located on the Pyramid Lake Paiute Reservation (PLPR) are institutional and commercial properties that are characterized by an actual or suspected presence of lead and petroleum-contaminated soils and asbestos, lead, and mold-containing buildings (to see a list of potential brownfields located on the PLPR, please visit [www.plptbrownfields.org/brownfield-inventory](http://www.plptbrownfields.org/brownfield-inventory)). These brownfields predominantly exist in areas of the PLPR with significant redevelopment potential. Therefore, contractual work may include activities to characterize the hazardousness of such sites using American Society for Testing and Materials (ASTM) environmental site assessment methodologies. The successful bidder may be also tasked with designing site remediation plans based on site assessment results.

The successful bidder will provide professional services on a task order basis. The following list includes tasks that may be required to be conducted under an ensuing contract:

1. Phase I Environmental Site Assessments (ESAs) that are compliant with ASTM Method E1527-13 to determine the existence of Recognized Environmental Conditions (RECs) at brownfields.
  - a. Prior to conducting any brownfield assessment(s), the successful bidder will be required to develop a Health and Safety Plan (HASP) to comply with Federal and State Occupational Health and Safety Administration (OSHA) standards. A HASP is used to identify site and task-specific hazards, hazard controls, and monitoring and safety requirements.
2. Phase II ESAs that are compliant with ASTM Method E1903-11 to characterize contamination and to further evaluate RECs identified at brownfields.
  - a. In conducting each Phase II ESA, the successful bidder will need to develop a Sampling and Analysis Plan (SAP) that is compliant with EPA Region 9 standards for conducting brownfield assessments. A SAP (to

access a generic SAP template, visit [https://www.epa.gov/sites/production/files/2018-10/sampling\\_and\\_analysis\\_plan\\_sap\\_guidance\\_and\\_template-2018-08.docx](https://www.epa.gov/sites/production/files/2018-10/sampling_and_analysis_plan_sap_guidance_and_template-2018-08.docx)) is intended to document the procedural, analytical, and quality assurance/quality control (QA/QC) requirements for sampling events.

- b. If site conditions differ from those that were observed at the time the Phase I ESA was conducted, the successful bidder will be required to modify the HASP as part of a Phase II ESA. The provisions included in the modified HASP would need to be representative of the new site and/or task conditions.
3. Combined Phase I and Phase II ESAs, if both the successful bidder and PLPT Tribal Response Program staff agree that due to, for example, obvious contamination, limited-scope assessments will be sufficient to characterize the hazardousness of brownfields.
  - a. Combined Phase I and Phase II ESAs will also need to be conducted in compliance with ASTM Methods E1527-13 and E1903-11, respectively, and accompanied by SAPs and HASPs.
4. Analyses of Brownfield Cleanup Alternatives (ABCAs) (see page 11 for a generic ABCA template) to aid the PLPT in determining the most appropriate brownfield cleanup alternatives. ABCAs primarily detail the effectiveness, implementability, and cost estimates of possible brownfield cleanup scenarios.
5. Remedial Action Plans (RAPs) to facilitate brownfield cleanups. Generally, RAPs reference remediation and/or cleanup standards and include a detailed description of the remedial action and any remedial technology to be administered; tables listing post-remediation verification samples to be collected; any dust control procedures to be implemented; a HASP; plans for maintenance, evaluation and reporting of any engineering and institutional controls required (as determined by the PLPT based on the successful bidder's recommendations); a cost estimate of the remedial action; and a schedule of the remedial action.
6. Combined ABCAs/RAPs when small-scale brownfields are involved. An example of a combined ABCA/RAP may be located at [https://developspringfield.com/projects/Gunn%20Block%20ABCA-RAP\\_FINAL%20DRAFT\\_COMPLETE%20\(2\).pdf](https://developspringfield.com/projects/Gunn%20Block%20ABCA-RAP_FINAL%20DRAFT_COMPLETE%20(2).pdf).
7. Assistance in community outreach events. Community outreach events are to be conducted during various phases of the brownfield redevelopment process to provide information to community members on activities that may affect them and to address any ensuing concerns. For instance, the successful bidder may be asked to assist PLPT Tribal Response Program staff explain the technical components of a project and related safety measures to concerned community

members during a public meeting whose purpose is to provide information on a proposed brownfield assessment and/or cleanup.

Accordingly, tangible deliverables may include Phase I ESA reports, Phase II ESA reports, SAPs, HASPs, ABCAs, and RAPs.

### **C. Proposal Format:**

PLPT Tribal Response Program staff will only accept written proposals. In addition, bidders must include the following components in their proposals to be considered for selection:

1. A cover letter referencing this RFP.
2. A section discussing the organization and contact information of the bidder. If relevant, the bidder may also provide the same type of information about any potential subcontractors in this section.
3. A section describing the qualifications of the bidder, including Indian preference eligibility (if applicable). **Only bidders that possess all the necessary certifications and licenses will be deemed to be qualified, and hence, will be considered for selection.**
4. A section summarizing any projects (limited to 5) that consisted of tasks similar to those requested herein that the bidder recently completed. This component must also include the name and contact information of the person(s) that requested the services.
5. A section outlining the intended scope of work and estimated time frames for conducting Phase I ESAs and Phase II ESAs and for developing ABCAs and RAPs (see page 8 for example tasks, task milestones, and time frames). Note: The attachment on page 8 is merely an example blueprint of project/task time frames; ANY task milestones that the bidder believes are necessary to complete each task requested should be listed with relative time frames.
6. A section itemizing estimated hourly charges or task charges and typical hours to be assigned to staff members and any subcontractors for completing and/or conducting the following tasks *only*:
  - a. a Phase I ESA,
  - b. a Phase II ESA,
  - c. an ABCA,
  - d. a RAP, and

- e. assistance in community outreach events.

Consultant fees, mileage, production costs, etc. should also be included in this component as part of completing and/or conducting the above tasks.

## **D. Contractual Terms and Conditions:**

As defined by local tribal laws and regulations, the successful bidder shall obtain the status of an “independent contractor.” Thus, the successful bidder shall not be entitled to any or all rights, privileges, benefits, and emoluments of an employee of the PLPT.

The successful bidder must possess and maintain (throughout the duration of an ensuing contract) a license to conduct business. In accordance to ASTM Methods E1527-13 and E1903-11, the successful bidder must also be an environmental professional (EP) to conduct Phase I and Phase II ESAs. The EPA defines an EP in document number 560-F-14-005 *All Appropriate Inquiries Rule: Definition of Environmental Professional* (see page 17). As stated in the document, an individual may also conduct work under the supervision of an EP to meet such requirements, if necessary. Moreover, the successful bidder must be a trained and accredited asbestos and lead-based paint (LBP) professional, due to the potential characteristics of certain brownfields located on the PLPR. The PLPT reserves the right to request any and all certifications and licenses necessary to deem the successful bidder an EP and asbestos and LBP professional.

The successful bidder must comply with the following “Six Good Faith Efforts” in accordance to [40 CFR Part 33, Subpart C](#) and the PLPT’s Cooperative Agreement (CA) with the EPA whenever subcontracting for construction, equipment, services, and supplies:

1. Ensure Disadvantaged Business Enterprises (DBEs) are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian, state, and local government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.
3. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian, state, and local government recipients,

this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
5. Use the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce.
6. If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

Additionally, the successful bidder shall agree to comply with the requirements of EPA's DBE Program for procurement activities under assistance agreements, contained in [40 CFR Part 33](#), and the contract administration provisions of [40 CFR, Section 33.302](#).

The successful bidder shall not discriminate on the basis of race, color, national origin, or sex in the performance of an ensuing contract. The successful bidder shall carry out the applicable requirements of [40 CFR Part 33](#) in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the successful bidder to carry out these requirements shall be considered a material breach of an ensuing contract, which may result in the termination of such an ensuing contract or other legally available remedies.

The PLPT shall reserve the right to request any and all documentation necessary to determine whether the successful bidder complies with the "Six Good Faith Efforts" contained in [40 CFR Part 33, Subpart C](#), the requirements of EPA's DBE Program for procurement activities contained in [40 CFR Part 33](#), and the contract administration provisions contained in [40 CFR, Section 33.302](#).

It shall be the responsibility of the successful bidder and subcontractor to comply with all Federal and State Occupational Safety and Health Administration standards when conducting the proposed work. For instance, the successful bidder and subcontractor must possess the appropriate health and safety (e.g., 40-Hour HAZWOPER) training as specified in [29 CFR 1910.120](#) when conducting Phase I ESAs, Phase II ESAs, and/or remediation work.

Furthermore, the successful bidder shall provide proof of commercial general liability insurance, automobile liability insurance, professional liability insurance, and workers' compensation (if applicable) prior to initiation of any services.

The successful bidder must not be debarred from receiving federal grant funding. Thus, the PLPT will require a notarized form—affirming that the successful bidder has not

been debarred, suspended, or otherwise found ineligible to receive funds by any agency of the executive branch of the Federal Government—to be completed prior to initiation of any services.

Phase I ESAs, Phase II ESAs, ABCAs, RAPs, and assistance in community outreach events shall be treated as individual tasks and shall be billed as such.

PLPT Tribal Response Program staff may request a cost estimate of each task before the successful bidder initiates any work. Therefore, the successful bidder may only initiate any work after all the appropriate contractual documents have been completed and notice to proceed is provided by PLPT Tribal Response Program staff.

Before they are finalized, PLPT Tribal Response Program staff shall review and be allowed to comment on all tangible deliverables—namely Phase I ESA reports, Phase II ESA reports, SAPs, HASPs, ABCAs, and RAPs. All deliverables shall be in a format and program that is mutually agreed upon by PLPT Tribal Response Program staff and the successful bidder.

The PLPT shall exclusively own all reports, drawings, plans, specifications, and other documents as products of service the successful bidder prepares under an ensuing contract. The successful bidder shall remit all such materials to the PLPT in a timely manner upon completion, termination, or cancellation of an ensuing contract. The successful bidder shall not use, willingly allow, or cause to have such materials used for any purpose other than for performing obligations under an ensuing contract without prior written consent of the PLPT. Under certain federal and tribal laws, the PLPT may release any and all of the aforementioned materials to the public.

## **E. Evaluation Process and Criteria:**

A proposal evaluation committee, consisting of 3-4 PLPT employees, will review and grade all proposals (see pages 9-10 for grading rubrics). Each member of the proposal evaluation committee will grade each proposal based on the following criteria:

1. the bidder's experience with similar projects (30%),
2. the bidder's understanding of the overall project and estimated time frames for conducting and completing each task (35%),
3. the bidder's estimated cost of services (35%), and
4. the bidder's eligibility for Indian preference rights (a one-time, 5-point bonus will be added to the final score).

After all proposals are individually graded, a member of the proposal evaluation committee will average all scores for each criterion (with the exception of the bidder's scores for the estimated cost of services criterion) of each proposal. Each averaged

score for each criterion will then be divided by the number of possible points (i.e., 3). Next, the results of the aforementioned computation will be multiplied by 100, and subsequently, weighted by the above applicable percentages. Lastly, all weighted scores of each criterion (including the weighted score for the estimated cost of services criterion) and any bonus points will be combined. The bidder whose proposal receives the highest total weighted score will be selected to perform the tasks requested herein.

The PLPT reserves the right to reject any and all bids. The PLPT also reserves the right to select an entity that will serve the best interest of the Tribe.

#### **F. RFP Timeline:**

This RFP was first issued on May 3, 2019. Accordingly, PLPT Tribal Response Program staff will only consider proposals received no later than June 7, 2019 at 4:30 PM PT.

Four copies of the proposal may be mailed to:

Pyramid Lake Paiute Tribe  
Natural Resources Department  
Attention: Tribal Response Program  
P.O. Box 256  
Nixon, NV 89424

Proposals may be also emailed as an attachment (in PDF format) to [ravina@plpt.nsn.us](mailto:ravina@plpt.nsn.us). In either case, all proposal copies that are submitted must be signed and dated by the bidder or bidder's representative.

A bidder will be selected to perform the requested work on June 14, 2019.

Note: The above dates are tentative and subject to change.

## G. Attachments:

<b>Example Project Time Frames</b>		
<b>Task</b>	<b>Task Milestone</b>	<b>Estimated Time to Complete Task Milestone</b>
Phase IESA	HASP	3 weeks
Phase IESA	Site reconnaissance	1 week
Phase IESA	Records review	1 month
Phase IESA	Interviews	2 weeks
Phase IESA	Report/Document	1 month
ABCA	Regulation research, data review, etc.	2 weeks
ABCA	Report/Document	1 month
RAP	Cleanup standard research, data review, etc.	2 weeks
RAP	Report/Document	1.5 months
[LIST OTHER TASK]	[LIST TASK MILESTONE]	[LIST ESTIMATED TIME TO COMPLETE TASK MILESTONE]
[LIST OTHER TASK]	[LIST TASK MILESTONE]	[LIST ESTIMATED TIME TO COMPLETE TASK MILESTONE]
[LIST OTHER TASK]	[LIST TASK MILESTONE]	[LIST ESTIMATED TIME TO COMPLETE TASK MILESTONE]



<b>BIDDER:</b>					
<b>Criterion</b>		<b>Average score</b>	<b>Percentage (use whole numbers—and not percentages—when multiplying by weight)</b>	<b>Weight</b>	<b>Weighted score</b>
Project experience	Amount of experience	____/3	____%	0.15	____
	Previous performance	____/3	____%	0.15	____
Project approach	Project understanding	____/3	____%	0.20	____
	Time to completion	____/3	____%	0.15	____
Cost of services			____%	0.35	____
Indian preference eligibility (a one-time, 5-point bonus added to final score)					____
<b>Total</b>					____/100

## **EXAMPLE ABCA**

### **Analysis of Brownfields Cleanup Alternatives – Preliminary Evaluation Contaminated Soil Site, 100 Main Street, Smalltown, USA State Tracking Number: 123456**

**Prepared by the Town of Smalltown**

*\*Please refer to Frequently Asked Questions (FAQs) regarding submission of this document. Please note that the draft Analysis of Brownfields Cleanup Alternatives (ABCA) submitted as part of the proposal is intended as a brief preliminary document. The format of this document is suitable for the purpose of grant proposal submission, but not for compliance with the Terms and Conditions of an awarded grant. In addition, this document may not meet state requirements for the evaluation of cleanup alternatives.\**

#### **I. Introduction & Background**

##### **a. Site Location (*address*)**

The site is located at 100 Main Street in Smalltown, USA (herein referred to as “the Site”).

###### **a.1 Forecasted Climate Conditions**

According to the US Global Change Research Program (USGCRP), climate trends for the northeast region of the United States include increased temperatures, increased precipitation with greater variability, increased extreme precipitation events, and rises in sea level (see attached summary included in *Attachment A*). Some of these factors, most specifically increased precipitation that may affect flood waters and stormwater runoff, are most applicable to the cleanup of the site.

According to FEMA Flood Zone Map 23014500504A, the Site is located within a Zone C of the Cercla River (see *Attachment B*), where minimal flooding is expected. This is presumably due to the presence of the flood wall that extends along the eastern portion of the river. However, greater storm frequency and intensity in a changing climate may result in more frequent and more powerful flood waters within the Cercla River, which may result in changes to the flood zone and increased risk of flooding of the Site.

The Site receives stormwater discharge from the adjoining parking lot. Under current Site conditions, increased precipitation and extreme weather could result in additional stormwater runoff and potential erosion to the Site from the mostly impermeable parking lot area.

Based on the nature of the Site and its proposed reuse, changing temperature, rising sea levels, wildfires, changing dates of ground thaw/freezing, changing ecological zone, saltwater intrusion and changing groundwater table are not likely to significantly effect the Site.

**b. Previous Site Use(s) and any previous cleanup/remediation**

The Site was the former location of an automotive repair facility and scrap metal yard. The automotive repair facility was owned by Arnie's Auto Repair and operated between 1957 to 1989 from an onsite 600 square foot, one story concrete building. Following the closure of the repair facility, the new owner, Marty's Metals, used the northwest corner of the Site, an estimated ¼ acre area, as a scrap metal yard. Marty's Metals operated until 1997, when it went bankrupt. All scrap metal was removed by Marty's Metals at that time. In 2001, the Town of Smalltown ("the Town") took ownership of the parcel due to unpaid taxes. The Town demolished the onsite building and secured the perimeter of the Site with 6-foot chain link fence in early 2003. An underground hydraulic lift used by the automotive repair facility was left in place at that time.

One small underground storage tank (UST), which previously housed hydraulic oil used to operate a hydraulic automobile lift, and the hydraulic lift were removed in fall of 2003 by the Town under state cleanup funds. The underground storage tank and hydraulic lift were steam cleaned and sent offsite for recycling at that time. Soils immediately surrounding the tank and lift were also excavated and transported offsite for disposal. At this time, the Site was entered into the state's voluntary cleanup program and is tracked under State Tracking Number 123456.

**c. Site Assessment Findings (*briefly summarize the environmental investigations that have occurred at the site, including what the Phase I and Phase II assessment reports revealed in terms of contamination present, if applicable*)**

Prior to taking ownership of the parcel, the Town hired Qualified Environmental Professionals Incorporated (QEPI) to prepare an ASTM Phase I Report for the Site, dated January 2001. The ASTM Phase I Report identified three Recognized Environmental Concerns (RECs) for the Site, being: 1) the hydraulic oil underground storage tank and surrounding soils, 2) the hydraulic lift and surrounding soils, and 3) soils within a ¼ acre area that was previously used as a scrap metal yard in the northwest corner of the property.

As stated above, the underground storage tank, hydraulic lift, and surrounding soils were excavated and transported offsite in 2003. Confirmation samples collected from the excavations revealed that no contamination remained in the area of the hydraulic lift, but soils with contaminant concentrations above state cleanup standards remained within the tank grave.

In summer 2004, QEPI conducted Phase II site assessment activities to evaluate the extent of contamination remaining at the Site. Six soil borings, all of which were converted to groundwater monitoring wells, were advanced in the area surrounding the underground storage tank grave (the "underground storage tank area"). Soil and groundwater samples were collected from this area and analyzed for Total Petroleum Hydrocarbons, in accordance with EPA and state-approved procedures. Analytical results showed an area downgradient from the underground storage tank grave with soils that exceed state cleanup standards. Total Petroleum Hydrocarbons were detected in groundwater at concentrations below the state cleanup standards within two monitoring wells.

Within the scrap metal area, ten additional borings were advanced during the Phase II investigations. Two of the ten scrap metal area borings were converted to groundwater monitoring wells. Soil and groundwater samples were collected and analyzed for priority pollutant metals, in accordance with EPA and state-approved procedures. Results showed widespread contamination of surface soils within this area. Metals detected in soil include arsenic, cadmium, and lead. No metals were detected in groundwater samples.

The risk assessment conducted as part of Phase II activities concluded that there is risk to the recreational user of the park (planned reuse) and a resident (not planned) due to direct contact with soils in the scrap metal area. Risk from direct contact with the soils in the underground storage tank area was also calculated for the residential scenario. In addition, a vapor intrusion risk was also determined for commercial workers in nearby properties due to indoor air exposures from contaminants emanating from petroleum contaminated soils in the underground storage tank area. Therefore, cleanup of soils within both the underground storage tank and scrap metals areas are required.

**d. Project Goal (*site reuse plan*)**

The planned reuse for the Site is a recreational park. The Town does not currently have a park in the immediate downtown area, and the Town's Master Plan includes the construction of a recreational park that can serve as an outside area for the community, including the employees of the downtown businesses, and visitors to enjoy.

The property is not zoned for single family dwellings and the Town does not foresee any future residential use of the property.

**II. Applicable Regulations and Cleanup Standards**

**a. Cleanup Oversight Responsibility (*identify the entity, if any, that will oversee the cleanup, e.g., the state, Licensed Site Professional, other required certified professional*)**

The cleanup will be overseen by the state environmental department. In addition, all documents prepared for this site are submitted to the state environmental department under State Tracking Number 123456.

**b. Cleanup Standards for major contaminants (*briefly summarize the standard for cleanup e.g., state standards for residential or industrial reuse*)**

The Town currently anticipates that the state standards for recreational use will be used as the cleanup standards. However, it is possible that risk-based cleanup standards will be generated for compounds of concern, in accordance with state regulations.

**c. Laws & Regulations Applicable to the Cleanup (*briefly summarize any federal, state, and local laws and regulations that apply to the cleanup*)**

Laws and regulations that are applicable to this cleanup include the Federal Small Business Liability Relief and Brownfields Revitalization Act, the Federal Davis-Bacon Act, state environmental law, and town by-laws. Federal, state, and local laws regarding procurement of contractors to conduct the cleanup will be followed.

In addition, all appropriate permits (*e.g.*, notify before you dig, soil transport/disposal manifests) will be obtained prior to the work commencing.

### **III. Cleanup Alternatives**

#### **a. Cleanup Alternatives Considered (*minimum two different alternatives plus No Action*)**

To address contamination at the Site, three different alternatives were considered, including Alternative #1: No Action, Alternative #2: Capping, and Alternative #3: Excavation with Offsite Disposal.

#### **b. Evaluation of Cleanup Alternatives (*brief discussion of the effectiveness, implementability and a preliminary cost estimate for each alternative*)**

To satisfy EPA requirements, the effectiveness, implementability, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative.

##### Effectiveness – Including Climate Change Considerations

- Alternative #1: No Action is not effective in controlling or preventing the exposure of receptors to contamination at the Site.
- Alternative #2: Capping is an effective way to prevent recreational receptors from coming into direct contact with contaminated soils in the scrap metal area, if the cap is maintained. However, capping is not an effective way to control other exposures, such as the direct contact risks for residents for both areas and the vapor intrusion risk to the commercial worker from petroleum contamination from the underground storage tank area. To mitigate the vapor intrusion risk, the capping alternative must also include installation of a sub-slab depressurization system within the neighboring building. In addition, an institutional control (land use restriction) would need to be recorded on the deed to prevent residential use of the property (in order to meet the objective of eliminating the direct contact pathway for residents).

Based on the grade of the Site and presence of the river wall, floodwaters, should they reach the site in the future, would pool in the lower elevations of the Site and would require engineered drainage areas that maintain the integrity of the cap.

- Alternative #3: Excavation with Offsite Disposal is an effective way to eliminate risk at the Site, since contamination will be removed and the exposure pathways will no longer exist.

##### *General Climate Consideration Notes:*

Part of the design planning is to divert the stormwater drain through the Site to be discharged offsite to the southeast. Therefore, increased stormwater discharge due to greater storm intensity is not expected to impact the Site with proper engineering, which is planned despite the selected remedial alternative.

### Implementability

- Alternative #1: No Action is easy to implement since no actions will be conducted.
- Alternative #2: Capping is relatively easy to implement, although ongoing monitoring and maintenance of the cap will require periodic coordination and reporting. Because the Site is located within the 100-year floodplain of the Raging River, increased monitoring and additional maintenance would likely be required after flooding events. In addition, this alternative requires the installation and monitoring of a sub-slab depressurization system on the neighboring building and the implementation of a land use restriction on the property. Therefore, this alternative is considered the most difficult to implement.
- Alternative #3: Excavation with Offsite Disposal is moderately difficult to implement. Coordination (e.g., dust suppression and monitoring) during cleanup activities and short-term disturbance to the community (e.g., trucks transporting contaminated soils and backfill) are anticipated. However, ongoing monitoring and maintenance will not be required following excavation and offsite disposal. One consideration that may make excavation slightly more difficult to implement is the increased frequency of heavy rainfall events that has been experienced in recent years in Smalltown, USA. Although efforts will be made to schedule the work in the dry weather months, the amount of precipitation over a short period of time from one of these heavy rainfall events could raise the groundwater level and increase dewatering needs.

### Cost

- There will be no costs under Alternative #1: No Action.
- It is estimated that Alternative #2: Capping costs will be on the order of \$150,000. However, since the Site is located within the 100-year floodplain of the Raging River, a more robust cap would be required to increase the resilience of the cap to these flooding conditions in order to maintain effectiveness, which would likely increase cap design and construction costs.
- Alternative #3: Excavation with Offsite Disposal is estimated to cost roughly \$250,000. Costs for this alternative could increase if a heavy rainfall event occurs during remediation, increasing dewatering needs.

### **c. Recommended Cleanup Alternative**

The recommended cleanup alternative is Alternative #3: Excavation with Offsite Disposal. Alternative #1: No Action cannot be recommended since it does not address site risks. Alternative #2: Capping is less expensive than excavating soils and disposing them offsite. However, Alternative #2: Capping would require ongoing monitoring and maintenance of the cap, the installation and maintenance of a sub-slab depressurization system to mitigate vapor intrusion risks, and the implementation of land use restrictions and potential flood water drainage infrastructure, making it more difficult to implement than Alternative #3: Excavation and Offsite Disposal. In addition, soils in the underground storage tank area excavated under Alternative #3: Excavation and Offsite Disposal will be transported to an asphalt batch facility, to be reused as asphalt. For these reasons, Alternative #3: Excavation with Offsite Disposal is the recommended alternative.

Green and Sustainable Remediation Measures for Selected Alternative

To make the selected alternative greener, or more sustainable, several techniques are planned. The most recent Best Management Practices (BMPs) issued under ASTM Standard E-2893: Standard Guide for Greener Cleanups will be used as a reference in this effort. The Town will require the cleanup contractor to follow an idle-reduction policy and use heavy equipment with advanced emissions controls operated on ultra-low sulfur diesel. The excavation work would be conducted during the dry-weather months (summertime) in order to minimize groundwater infiltration into the excavation area, in turn reducing dewatering needs and the amount of dewatering liquids requiring disposal/treatment. The number of mobilizations to the Site would be minimized and erosion control measures would be used to minimize runoff into environmentally sensitive areas. In addition, the Town plans to ask bidding cleanup contractors to propose additional green remediation techniques in their response to the Request for Proposals for the cleanup contract.



# All Appropriate Inquiries Rule: *Definition Of Environmental Professional*

## **WHAT IS “ALL APPROPRIATE INQUIRIES?”**

“All appropriate inquiries” is the process of evaluating a property’s environmental conditions and assessing potential liability for any contamination.

## **WHY DID EPA ESTABLISH STANDARDS FOR CONDUCTING ALL APPROPRIATE INQUIRIES?**

The 2002 Brownfields Amendments to CERCLA require EPA to develop regulations establishing standards and practices for conducting all appropriate inquiries.

## **WHEN WAS THE RULE GO INTO EFFECT?**

The final rule became effective on November 1, 2006—one year after its publication date in the Federal Register. Until November 1, 2006, both the standards and practices included in the final regulation and the interim standard established by Congress for all appropriate inquiries (ASTM E1527-00) could be used to satisfy the statutory requirements for the conduct of all appropriate inquiries.

## **WHO QUALIFIES AS AN ENVIRONMENTAL PROFESSIONAL?**

To ensure the quality of all appropriate inquiries, the final rule includes specific educational and experience requirements for an environmental professional. The definition applies only to persons conducting all appropriate inquiries for the specific purposes outlined in the final rule.

The final rule defines an environmental professional as someone who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to a property, sufficient to meet the objectives and performance factors of the rule. In addition, an environmental professional must have:

- A state or tribal issued certification or license and three years of relevant full-time work experience; or

- A Baccalaureate degree or higher in science or engineering and five years of relevant full-time work experience; or
- Ten years of relevant full-time work experience.

## **QUALIFYING AS AN ENVIRONMENTAL PROFESSIONAL THROUGH CERTIFICATION OR LICENSE REQUIREMENTS**

Individuals with a state- or tribal-issued license or certification also must have the equivalent of three years full-time relevant experience to qualify as an environmental professional for the purposes of the all appropriate inquiries rule.

The relevant certification and license requirements include and are limited to the following categories:

- A current Professional Engineer’s (P.E.) License;
- A current Professional Geologist’s (P.G.) License;
- Other current license or certification from a state, tribe, U.S. territory, or the Commonwealth of Puerto Rico to perform environmental site assessments or all appropriate inquiries as defined in the final rule.

Individuals who do not hold one of these licenses or certifications may still qualify as an environmental professional through educational and experience requirements, as explained below.

## **QUALIFYING AS AN ENVIRONMENTAL PROFESSIONAL THROUGH EDUCATIONAL REQUIREMENTS**

Individuals who hold a Baccalaureate or higher degree in engineering or science from an accredited institution of higher education and have equivalent of five years full-time relevant experience qualify as an environmental professional under the final rule.

Individuals not meeting the educational requirements may still qualify as an environmental professional through the relevant experience requirements outlined below.

## **QUALIFYING AS AN ENVIRONMENTAL PROFESSIONAL THROUGH EXPERIENCE REQUIREMENTS**

Individuals who do not otherwise meet the qualifications for an environmental professional outlined above may still meet the definition of environmental professional as stated in the final all appropriate inquiries rule if they have the equivalent of ten years of full-time relevant experience.

## **WHAT IS THE DEFINITION OF RELEVANT EXPERIENCE?**

For the purposes of qualifying as an environmental professional under the final rule for all appropriate inquiries, “relevant experience” means:

Participation in the performance of environmental site assessments that may include environmental analyses, investigations, and remediation which involve the understanding of surface and subsurface environmental conditions and the processes used to evaluate these conditions and for which professional judgment was used to develop opinions regarding conditions indicative of releases of hazardous substances.

## **MAY PERSONS WHO DO NOT QUALIFY AS ENVIRONMENTAL PROFESSIONALS PARTICIPATE IN THE CONDUCT OF ALL APPROPRIATE INQUIRIES?**

Individuals who do not meet any of the above requirements may still participate in the conduct of all appropriate inquiries. However, they must work under the supervision or responsible charge of an individual who does meet the requirements for an environmental professional.

For a more information on the all appropriate inquiries final rule see EPA's Fact Sheet on the All Appropriate Inquiries Final Rule (EPA 560-F-05-240).

## **CONTACT INFORMATION**

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Also see U.S. EPA's website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields) for additional information.