

REQUEST FOR QUALIFICATIONS Town of Springfield Brownfields Assessment Program

Contact: Cindy Ingersoll, Brownfields Coordinator
cingersoll@swcrpc.org; (802)-674-9201

Program Schedule

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| <i>Thursday, August 2, 2018</i> | <i>RFQ published and advertised</i> |
| <i>Thursday, August 16, 2018 at noon</i> | <i>Deadline for submission of questions <u>in writing</u> (email OK) Submit to Cindy Ingersoll at cingersoll@swcrpc.org</i> |
| <i>Monday, August 20, 2018</i> | <i>Response to questions posted to SWCRPC's Website at http://swcrpc.org/requests-for-proposals/</i> |
| <i>Thursday, August 30, 2018 at 3:00p.m..</i> | <i>Statements of Qualifications deadline Submit to Cindy Ingersoll at cingersoll@swcrpc.org</i> |
| <i>Tuesday, September 4, 2018</i> | <i>Selection Committee reviews qualifications and develops a list of firms to interview (if necessary); firms notified of interviews (only those to be interviewed will be contacted)</i> |
| <i>Wednesday, September 5, 2018</i> | <i>Consultant interviews (if necessary)</i> |
| <i>Friday, September 7, 2018</i> | <i>Notification of selection of short-listed firms (all firms will be contacted regarding the committee's selection)</i> |

Questions in writing may be sent via email or regular mail. Qualifications must be clearly marked, and be mailed to: Cindy Ingersoll, Brownfields Coordinator, SWCRPC, Ascutey Professional Building, Route 5 South, P.O. Box 320, Ascutey, VT 05030. The deadline for submission of Statements of Qualifications is Thursday, August 30th at 3:00 p.m.

Statements of Qualifications sent via fax or email will NOT be accepted. Qualified disadvantaged (DBE), minority (MBE) and women-owned (WBE) businesses are encouraged to submit proposals, and consultants are required to document whether the consultant or firm is a DBE or WBE.

Background

The Town of Springfield is soliciting Statements of Qualifications from consultants with proven expertise in environmental site and risk assessment, cleanup planning and remediation activities.

In June of 2018, the Town of Springfield received a Brownfields Assessment Grant from the Environmental Protection Agency (EPA) for projects located in the town. The Southern Windsor County Regional Planning Commission (SWCRPC) will administer the grant and coordinate activities with the town. The SWCRPC will be working with property owners, development corporations and environmental consulting firms to inventory, categorize,

prioritize, and complete environmental assessments on several of the Town's brownfield sites. ***The Town's goal is to return vacant or underutilized properties to productive re-use.***

The tasks under the recent assessment grant include the prioritization of brownfield sites, completion of environmental Phase I and Phase II site assessments, including quality assurance project plan development, groundwater and soil sampling, evaluation of building contaminants including asbestos, lead paint and PCBs. Additional tasks include developing remediation strategies and cost estimates, Corrective Action Plans, and providing public outreach and education about health or environmental hazards associated with brownfields and/or the redevelopment potential associated with specific sites. Consultants will participate in all these tasks except for the prioritization of sites, which will be conducted by the Town together with the SWCRPC Brownfields Steering Committee. *All environmental Phase I site assessments must comply with new requirements for All Appropriate Inquiry, including the supervision and management by a Qualified Environmental Professional (see EPA definition, Attachment E).*

The tasks requested under this assessment funding and possibly future RLF funding include development of Community Relation Plans, Analysis of Brownfield Cleanup Alternative (ABCA) documents, and presentations at public meetings. Other activities include the preparation of quality assurance project plans (QAPP), Corrective Action Plans, post cleanup monitoring and maintenance plans, and cleanup closeout documents. In addition, project tasks may include implementation of Corrective Action Plans and the periodic inspection of cleanup activities at the site.

The primary work to be completed under this RFQ will fall under the Town of Springfield's Brownfields Assessment Project. Firms responding to this request should be aware that this contract is not limited to the aforementioned funding sources and could possibly include work under future EPA grants and RLF funding. A Scope of Work for the project is included in Attachment A.

The Town of Springfield Brownfields Assessment Project is being conducted under agreement with the EPA, and the proposed contract under this RFQ will run for five (5) years. Consultants will work under the direction of the Town of Springfield, and the project will be administered by the RPC. In addition, consultants will work in collaboration with Town staff, the SWCRPC Brownfields Steering Committee and Brownfields Coordinator, the VT DEC, and property owners and developers to complete the work.

I. QUALIFICATIONS PROPOSAL REQUIREMENTS

Qualifications Process

The selection committee, consisting of Town Staff, local officials and RPC staff, will review written proposals and, if deemed necessary, select consultants for an interview. The SWCRPC's Board will make the final determination of short-listed firms based on the selection committee's recommendations. Consultants pre-qualified through this RFQ process are not guaranteed of receiving work.

Written Proposal Content and Organization

Consultants must follow the instructions contained in this RFQ in preparing and submitting their proposals. *Failure to follow instructions may automatically lead to the proposal not being reviewed.* If the consultant desires to propose alternatives to the Scope of Work (Attachment A), they must do this *in addition* to responding to the proposal and include an explanation of its proposed variance.

All qualification proposals submitted must be double-sided and use recycled paper where possible, and should include the following information in two separate, sealed envelopes:

A. Technical Proposal:

- 1) Identification of the primary contact person at the firm regarding the proposal.
- 2) List of people expected to work on the contract, including names, education, professional licenses, registrations or certifications, relevant experience (see below), and role in the contract (resumes are acceptable). Subcontractors should be included in this list and identified as such. The Project Manager should be clearly identified and should meet the requirements of EPA's definition of a Qualified Environmental Professional (see Attachment E). Consultants must have on staff a Vermont Registered Engineer who, if applicable, can certify that the investigation was conducted in accordance with generally accepted engineering practices, and this person must be clearly identified in the proposal. All site investigations and corrective action plans must be conducted according to ASTM standards. Phase I site assessments must follow the EPA rules for All Appropriate Inquiry (AAI).
- 3) Proof of insurance, including proof of coverage for a minimum of: General Liability coverage of \$1 million per occurrence and \$2 million in aggregate; motor vehicle liability coverage of \$1 million combined single limit; proof of Workers Compensation coverage per State of Vermont; and Professional Errors and Omissions coverage of \$1 million.
- 4) List of at least three similar projects that the consultant has worked on with client contact information, including contact names, addresses, and phone numbers. **Staff who worked on these projects should be the same staff as proposed for the Town of Springfield contract.**
- 5) Description of your approach to the scope of work, including a detailed description of tasks expected to be performed by the consultant and its subcontractors, anticipated time to complete each task, milestones, deliverables, costs (see Cost Proposal below), and other information as necessary to demonstrate the consultant's thorough understanding and ability to complete this type of work. A matrix should be included which identifies the hours generally expected to be provided by task for each key individual.
- 6) List of resources, personnel, data, or other assistance that the consultant expects or requires from the Town in order to complete each task.
- 7) Signed Certificates of Non-Collusion and Tax Compliance, and Declaration of MBE/WBE participation (see Attachments B, C and D).

- 8) List of any actions taken by any regulatory agency or litigation involving the firm or its agents or employees with respect to work performed. Consultants should explain if/why they are/are not at fault in these cases or how they have taken steps to avoid repetition of these actions/litigations.
- 9) Experience in conducting Environmental Site Assessments in accordance with ASTM Standards and All Appropriate Inquiry requirements.
- 10) Experience with EPA's Brownfields programs and the VT Department of Environmental Conservation's (DEC) Brownfields Reuse and Environmental Liability Limitation Act (BRELLA). If the consultant has no experience with these programs, state this in the qualifications.
- 11) Experience in preparing a Quality Assurance Project Plan (QAPP).
- 12) Experience in preparing risk assessments and Corrective Action Plans according to the State's requirements under BRELLA.
- 13) Experience and certification for asbestos remediation and analysis according to VT Dept. of Health standards.
- 14) Experience in working with PCB analysis, remediation, and working directly with Region 1 TSCA Enforcement Program.
- 15) Experience with petroleum-related assessments (including USTs) and the State's UST Program as well as working knowledge of the State's Petroleum Cleanup Fund.
- 16) Experience with remediation planning and the implementation of remedial activities.
- 17) Experience with public involvement, participation, and education related to site assessments, cleanup and other tasks identified in Attachment A of this RFQ.

B. Cost Proposal:

- 1) The cost proposal must be submitted separately in a sealed envelope.
- 2) A list of items for which costs should be provided is included in Attachment A. Costs should be broken down to show hourly rates for staff, expected expenses (materials, travel, etc.), and overhead. Where possible, please provide fixed-rate costs for certain activities, e.g. Phase I site assessments, community relations activities for individual site assessments, development of QAPPs, etc. This cost proposal will help reviewers to get a general idea of cost comparisons between different firms. Once a short list of firms has been selected, a request for more detailed cost proposals on specific sites will be sent to the firms selected.
- 3) An itemized breakdown of any predicted subcontractor costs and expenses.

Excluding appended materials, each page of the proposal should be numbered consecutively to facilitate proposal review discussion (hand numbering is acceptable). Five copies of each proposal must be submitted. Each submission must include one flash drive containing a separate file for each the technical proposal and cost proposal.

Submission Requirements

Five (5) copies of the Statement of Qualification and the accompanying cost estimate ***together with one flash drive containing a separate file for each the technical proposal and cost proposal*** should be submitted by 3:00 p.m. on Thursday, August 30th to:

Cindy Ingersoll, Brownfields Coordinator
Southern Windsor County Regional Planning Commission
Ascutney Professional Building, Route 5 South
P.O. Box 320
Ascutney, VT 05030

Proposals received after August 30th at 3:00 p.m. will not be considered. No facsimile-machine or email produced proposals will be accepted.

All questions pertaining to the RFQ should be submitted to Cindy Ingersoll, Southern Windsor County Regional Planning Commission, by mail, fax (802-674-5711) or email cingersoll@swcrpc.org no later than Thursday, August 16th, 2018 at noon. Consultants wishing to receive responses to questions should indicate so in writing. We will make our best effort to post responses to all questions on the SWCRPC's website by the end of the day on Friday, August 20th 2018.

Upon submission, all proposals become the property of Town of Springfield. The expense of preparing, submitting, and presenting a proposal is the sole responsibility of the consultant. The Town *retains the right to reject any and all proposals received, to negotiate with any qualified source, or to cancel in part or in its entirety this RFQ as in the best interest of the Town of Springfield. This solicitation in no way obligates the Town of Springfield to award a contract.*

Proposal Evaluation

Evaluation of the proposals will consider, but may not be limited to, the following:

- 1) Qualifications and experience of staff expected to work on the contract (35 pts.);
- 2) Adequate resources and staffing to do the work, including availability of pertinent technical disciplines. For smaller firms without in-house resources, your statements indicating how you would handle a larger project requiring additional resources and any subcontractors will be used to determine your score (25 pts.);
- 3) Knowledge of the area (5 pts.);
- 4) Knowledge of project requirements (15 pts.);
- 5) Written presentation, including ability of the average citizen to understand information conveyed in the qualifications proposal (10 pts.); and
- 6) Past performance with other Regional Planning Commissions (where applicable) and/or references (10 pts.);

Additional criteria, such as the ability to relay complex information to citizens in a publicly friendly manner and costs, may be used to evaluate consultants during the interview process.

Failure to include any of the information specified in this RFQ may automatically lead to the qualifications proposal not being reviewed. Attachments other than requested above will not be considered as part of the evaluation process.

II. STANDARDS AND DELIVERABLES

- 1) Related spatial and/or geographic information must be developed in accordance with Vermont Geographic Information System (VGIS) standards as adopted by the Vermont Center for Geographic Information (VCGI).
- 2) Except for appendices, all reports are to:
 - be presented for ease of readability by the average citizen;
 - include charts, graphs and other graphics as appropriate;
 - include executive summaries or abstracts suitable for broad distribution; and
 - include a glossary of technical terms, and a list of references or citations for all sources of data and information.
- 3) All documents must be provided in digital form (Microsoft Word format, PDFs) with the option to receive document in hard copy if requested.
- 4) All written reports must be provided double-sided. The use of recycled paper is strongly encouraged.
- 5) Copies of all reports and documents, including drafts, should be provided to the Town *no less than one week prior* to any scheduled review or public discussion.
- 6) All data, databases, reports, programs and materials, in digital and hard copy formats, created under this project shall become the joint property of the Town of Springfield, property owners, the State of Vermont, and the U.S. Environmental Protection Agency.

III. CONTRACTING PROVISIONS

Contract Completion

Performance under the scope of work must be completed by September 30, 2023.

Payment

Selected consultants will be invited to negotiate a contract for services. The pre-qualified consultants will be required to register with the United States Federal Government Central Contractor Registration Database and register with the Vermont Secretary of State as a Vermont or foreign firm.

Individual projects under the contract will be released on a Task Order basis when the Town elects to proceed with each project and will have a short (one to two week) response time in order to facilitate progress of the project.

The EPA Brownfields Assessment and RLF Grants are reimbursement programs. Consultants will submit invoices to the Town on a periodic basis (usually monthly) for costs incurred on this project. The Town shall pay consultants after review and approval of invoices. Notwithstanding the above, in no case will the consultant be paid for any costs that will not be reimbursed by the EPA.

As noted, the Town is working under an assessment grant agreement with the EPA for services and products related to the EPA's Brownfields Program. The Town therefore will not be considered liable or obligated to the selected consultant for all phases of this project in the event that the agreement between the Town and the EPA is terminated for any reason.

Ownership of Material

All rights, titles to and ownership of the data, material, and documentation resulting from this project and/or prepared for the Town of Springfield pursuant to this contract shall remain with the Town, property owners, the State of Vermont, and the U.S. Environmental Protection Agency.

Compliance with State and Federal Laws

All consultants, and any sub-consultants, must comply with any and all applicable laws, statutes, ordinances, rules, regulations, and/or requirements of federal, state, and local governments and agencies thereof, which relate to or in any manner affect the performance of this agreement. The consultant, in designing the work plan, must take into account compliance with all application regulations in CFR 40, part 31. *Consultants are advised to review all relevant federal regulations before submitting a qualifications proposal.* Those requirements imposed upon the State of Vermont and the Town of Springfield, respectively, as recipients of federal funds are thereby passed along to the consultant and any subconsultants, and those rights reserved by the EPA are likewise reserved by the State of Vermont and the Town.

All consultants and any subconsultants must carry adequate insurance coverage and must affirm being an equal opportunity employer with an affirmative action plan. Consultant(s) shall further certify that it will comply with the provisions of the Americans with Disabilities Act.

The EPA has a MBE/WBE "fair share" goal/objective of 1% construction, 1.2% supplies, 1.2% services, and 2% equipment for MBEs and 5% construction, 3.8% supplies, 1.7% services and 8% equipment for WBEs.

Consultants awarded contracts under this RFQ agree to ensure, to the fullest extent possible, that at least the applicable "fair share" objects of federal funds for prime contract or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and Historically Black Colleges and Universities. Consultants are required to include the applicable "fair share" objectives in bid documents and to require all prime contractors do the same for subcontracts. It is further stated that it is the policy of the State of Vermont that Disadvantaged Business Enterprises (DBE) have the opportunity to participate to the maximum extent feasible in procurement and contracting.

To ensure fair and competitive wages are being paid on federally funded projects the EPA requires work funded through the Town's EPA Brownfield's Grant program to comply with the Davis-Bacon Act. Subcontractors that are hired to complete construction, alteration, and repair activities that contribute to the remediation of the site are required to document and submit proof of compliance with the Davis-Bacon wage determinations for the region. For more information

please visit Department of Labor's Davis-Bacon and Related Acts [information page](#) or contact the Town.

The Town of Springfield is an Equal Opportunity Employer.

ATTACHMENT A

SCOPE OF WORK

PUBLIC OUTREACH AND INVOLVEMENT

Public education and involvement are critical to the success of Springfield's Brownfields Assessment Project. The Town of Springfield will reach out to site owners, and others to solicit sites for assessment. Town staff will write articles for newsletters and press releases about brownfield topics and the Town's program. Town staff will hold community meetings or attend regularly scheduled select board meetings to discuss specific sites.

Consultants will participate in this process by:

- a) being available for meetings in Springfield to meet with the Brownfields Steering Committee to go address concerns about specific sites and explain final outcomes;
- b) developing Community Relations Plans for sites where cleanup alternatives Corrective Action Plans are developed;
- c) providing technical information to Town staff on brownfield topics and issues; and
- d) participating in the community education meeting(s) to educate residents and officials about assessment issues, such as site-specific characteristics and history, necessity for testing and testing procedures, intended benefits of an environmental site assessment, and hazards and potential risks posed by contaminants at sites. Coordination with the Town, Vermont Department of Health, and Department of Environmental Conservation may be a part of this activity.

Consultants should describe their approach to public outreach and any experience. Cost proposals should address which staff members are expected to conduct this work and associated costs.

AGENCY COORDINATION

Work completed under this contract must be completed in coordination with the Environmental Protection Agency (EPA) and the Vermont Department of Environmental Conservation (DEC), and their approval of documents or processes is required during various steps in the brownfields program.

Consultants should demonstrate a working knowledge of protocols required by the EPA and DEC. Consultants will be required to participate in an initial meeting with DEC staff to review agency procedures.

PHASE I SITE ASSESSMENTS

Phase I environmental site assessments must be completed in accordance with current standards and procedures required under EPA provisions for All Appropriate Inquiry. Draft Phase I reports will be submitted for review to the Town, site owner, DEC, EPA, and others individuals or agencies as identified for a particular site before final reports are prepared. Final reports must be mailed to the parties noted above.

Consultants should identify the types and sources of information expected to be collected for a Phase I assessment and staff expected to be involved in the work. Phase I site assessments will be completed for hazardous materials sites.

PHASE II and Phase III SITE ASSESSMENTS

Upon site selection by the Steering Committee, the consultant will conduct Phase II and III sampling work. The Town understands that Phase II and III work is contingent upon previous (Phase I or II) findings, projected costs, and approval by DEC and EPA.

To address the Phase II/III component of the Scope of Work, consultants should describe their approach to the following tasks:

- a) Preparing a work plan and cost estimate for review by the Town, SWCRPC staff, VT DEC, and EPA as necessary before field sampling activities can begin.
- b) Preparing a Quality Assurance Project Plan (QAPP) by review and approval by DEC and EPA. The QAPP will include proposed sampling and analysis strategy, sampling procedures, analytical procedures, data management, and other procedures that will ensure quality control.
- c) Conducting all environmental assessment procedures appropriate for a site, including geophysical surveys and soil and groundwater testing. Sampling and analysis activities may include, but are not limited to: sampling floors, trenches, walls, or other building components, sampling soil surrounding buildings to determine if any hazardous materials discovered are present in concentrations that pose a risk to human health, sampling groundwater, and sampling debris. Investigations and reports will for American Society for Testing and Materials (ASTM) guidance. The consultant will be responsible for obtaining all required permits for the work at a site.
- d) Determining the need to undertake additional site assessment and identify and recommend remediation strategies based on adopted risk management/assessment strategies particular to each proposed site (as applicable to each site and with prior approval by the Town).
- e) Submitting draft Phase II reports for review to the Town, site owner, VT DEC, EPA, and others individuals or agencies as identified for a particular site before final reports are prepared.
- f) Mailing final reports to the parties noted above.

CORRECTIVE ACTION PLANS

Upon site selection by the Steering Committee, the consultant will develop a Corrective Action Plan (CAP) that will meet the requirements set by the Vermont Department of Environmental Conservation's Waste Management Division and requirements of the EPA Revolving Loan Fund program. The Town understands that CAP development is contingent upon Phase II or III findings, projected costs, and Town approval.

To address the CAP component of the Scope of Work, consultants should demonstrate experience with development of Corrective Action Plans, familiarity with the Vermont BRELLA and with the EPA Cleanup Revolving Loan Fund program.

QUALITY ASSURANCE PROJECT PLANS

For sites enrolled in Springfield's Brownfields Assessment Program that require environmental samples to be collected as part of the cleanup the EPA and Town of Springfield will require the development and implementation of a QAPP. The consultant must ensure the QAPP development and implementation comply with 40 CFR part 31.45. The QAPP shall be submitted to the VT DEC and EPA for approval no later than 30 days prior to the scheduled initiation of data collection.

ANALYSIS OF BROWNFIELD CLEANUP ALTERNATIVES (ABCA)

The consultant will also be responsible for the development of ABCA or CAFI documents. Specifically, these documents will contain an analysis of cleanup alternatives for the site. The minimal requirements include: a site description and relevant information, contamination issues, contamination sources, cleanup standards, applicable laws, alternative cleanup methods, an analysis of those methods, the proposed cleanup method and the reasoning for why that method was chosen. Furthermore, the analysis of the cleanup alternatives shall include: cost estimates, effectiveness, ease of implementation and can include the effects of chosen cleanup method on the community through several different lenses (GHG emissions, energy consumption, wastewater considerations and material efficiency).

REMEDIAL DESIGN AND ENGINEERING DOCUMENTS

For sites where cleanup activities are funded the consultant will be responsible for the development of the documents outlining the activities chosen for cleanup.

MONITORING AND MAINTENANCE PLANS

These plans outline the short and long-term activities required to monitor the effectiveness of the cleanup activity chosen. The consultant will be responsible for the development of these plans and ensure their design is in compliance with all applicable laws.

CLEANUP CLOSEOUT DOCUMENTS

The Town and the EPA require that the successful cleanup of sites enrolled in Springfield's Brownfields Assessment Program is properly documented. The consultant is responsible for submitting a final letter the VT DEC and EPA detailing the completion of the cleanup activities.

ITEMS FOR COST PROPOSAL

(Cost Proposals Must Be Submitted Separately in a Sealed Envelope)

Please provide either fixed or not-to-exceed costs for the following:

- 1) Meetings in Springfield
- 2) Community Relations Plan
- 3) Work Plan development

- 4) QAPP development
- 5) Phase I site assessments
- 6) Mobilization for Phase II soil and groundwater testing
- 7) Costs for a drill rig for one day and approximate number of wells that can be drilled in one day
- 8) Sampling costs for:
 - EPA Method 8270 (Full Scan) for soils and groundwater (please provide separate costs)
 - Priority metals for soils and groundwater
 - EPA Method 8100 (TPH-DRO) for soils and groundwater
 - PCB analysis
- 9) Hourly rates for staff and subcontractors (if known)
- 10) Overhead costs (if not included in hourly rates)
- 11) Other fixed costs

ATTACHMENT B
CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature

_____/_____/_____
Date

Printed Name of Person Signing Proposal

Name of Business

ATTACHMENT C
CERTIFICATE OF TAX COMPLIANCE

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all tax returns and paid all state taxes required under law.

Signature of Individual* or
Printed Corporate Name

_____/_____/_____
Date

Corporate Officer Signature*

Federal ID Number

Printed Name of Person Signing Proposal

*Approval of a contract or other agreement will not be granted unless the applicant signs this certification clause.

ATTACHMENT D
MBE/WBE PARTICIPATION

Under the terms of its grant agreement with the Environmental Protection Agency, the Town of Springfield is required to report all activity by Minority Business Enterprises (MBE) and Women Business Enterprises (WBE). The MBE/WBE “fair share” goals/objectives for this contract are 1% construction, 1.2% supplies, 1.2% services, and 2% equipment for MBEs and 5% construction, 3.8% supplies, 1.7% services and 8% equipment for WBEs.

Consultants awarded contracts under this RFQ agree to ensure, to the fullest extent possible, that at least the applicable “fair share” objects of Federal funds for prime contract or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and Historically Black Colleges and Universities. Consultants are required to include the applicable “fair share” objectives in bid documents and to require all prime contractors do the same for subcontracts.

Please indicate whether you or a specified subcontractor are a MBE or WBE by checking one of the following:

- Yes, I am a certified MBE or WBE
- Yes, a subcontractor is a certified MBE or WBE.
The subcontract’s name is _____
- No, I am not an MBE or WBE.

Company Name: _____
(Print your company name here)

By: _____
(Name of person certifying MBE/WBE status)

Date: ____ / ____ / ____

ATTACHMENT E

EPA DEFINITION OF QUALIFIED ENVIRONMENTAL PROFESSIONAL

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. HOW DOES THE DEFINITION OF ENVIRONMENTAL PROFESSIONAL IN THE FINAL RULE DIFFER FROM THE ASTM E1527-00 STANDARD?

Unlike the ASTM E1527-00 standard, the final rule for all appropriate inquiries contains specific certification or licensing, educational, and experience requirements. In addition, the final rule's definition of an environmental professional differs in that it only concerns the qualifications of the individual supervising the conduct of all appropriate inquiries. Individuals without the proper qualifications to meet the definition of an environmental professional may still take part in all appropriate inquiries as long as they are under the supervision or responsible charge of a person

who meets those requirements. For example, a person lacking the required certification or license, education, or relevant experience qualifications may perform any of the required activities provided that the environmental professional oversees his or her work.

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).