



Lancaster, Brooks & Welch LLP
BARRISTERS AND SOLICITORS

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Environmental Assessments - Part Two
by Bruce Smith

Last month's bulletin talked about the necessity of an Environmental Assessment (EA) when one purchases commercial or industrial land. The following describes the additional levels of EA required if the Phase was not satisfactory.

PHASE 2 EA

The purpose of the Phase 2 EA is to determine whether the use of the property or the effects of use of surrounding properties on the subject property have adversely impacted the soil and/or groundwater conditions due to hazardous conditions. The company doing the Phase 2 EA will obtain all necessary permits and clearances before obtaining soil and water samples using required drilling methods. These samples are tested and a report with recommendations regarding any additional investigation and/or remediation is made. If the tests are unsatisfactory or show hazardous conditions exist then a Phase 3 EA will be recommended.

PHASE 3 EA

This is the most costly aspect of the EA and will include the preparation of a cleanup or remediation plan and the implementation and monitoring of the carrying out of said plan.

CONCLUSION

It is obvious that there are advantages for having an EA done whether it is of your own choice or not. It can save you from getting into a bad situation in purchasing a property that may be environmentally hazardous. There are various companies that can carry out an EA. It is important to choose a good one that can work within your budget.

The foregoing is provided to you for information purposes only. We caution you to obtain legal advice specific to your situation in all circumstances.

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