

Environmental Due Diligence for Major Developer



EKI provides on-going support to a large developer on numerous acquisitions for purposes of ultimate redevelopment into residential, office, and retail uses. EKI has prepared numerous Phase I Environmental Site Assessments in compliance with ASTM E1527 and the standards issued by the U.S. Environmental Protection Agency in 40 CFR Part 312 (AAI Final Rule).

EKI has completed Phase I/II assessments for groupings of properties that are being assembled for long-term, larger redevelopment projects. For one such project, EKI worked with the client and outside counsel to develop a remediation program under the California Land Recycling and Reuse Act (CLRRRA) with oversight by the Department of Toxic Substances Control (DTSC). Consistent with CLRRRA, EKI prepared a Response Plan to remediate pesticides in shallow soil from historical orchard use. The Response Plan also included provisions to address unknown contamination that could have been discovered during demolition and remediation given the prior use of the property for semiconductor manufacturing. EKI provided construction observation services during the remediation and prepared a completion report documenting the remediation activities. The process from the initial kick-off meeting with DTSC to finalization of the Completion Report took slightly more than one year.

EKI has also provided technical support to client counsel for the preparation of the Hazardous Materials sections of the Environmental Impact Reports for these developments so that contamination issues are appropriately addressed as part of the redevelopment project. In one case, mitigation measures included the appropriate monitoring and management of dewatering water contaminated by a nearby gas station.