

# CVP/SRAG Panel: Multiple LSRPs on a Site

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## Scenario 1: Multiple LSRPs, Same PRCR

- Property owner of an industrial property retains LSRP 1 to excavate and dispose of a leaking gasoline tank (AOC-1) only
  - Contaminated soils are excavated and disposed
  - LSRP 1 conducts required ground water sampling related to tank
  - Discovers benzene in ground water exceeding ground water remediation standards
  - LSRP 1 delineates benzene contamination to ground water remediation standard on-site
  - LSRP 1 concludes benzene plume is defined
- There is also a discharge of TCE on another portion of the property caused by a leak from a drum (AOC-2)
  - Property owner hires LSRP 2 to investigate and remediate TCE discharge only
  - During investigation, LSRP 2 discovers benzene
  - LSRP 2 determines that area of AOC-1 is source of benzene ground water contamination
- PRCR allows LSRPs to communicate

# Questions

- What are the advantages of communicating?
- What are the disadvantages of communicating, based on legal advice?
- What is the expected level of interaction between the LSRPs?
- Should LSRP 2 work with LSRP 1 and DEP?

## Scenario 2: Multiple LSRPs, Different PRCRs

- The Seller of an ISRA-subject property sells the property to Buyer
- Under Contract of Sale, Seller is required to remediate chlorinated and PAH contaminated soils, and obtain RAO for soils as condition of closing
  - Seller hires LSRP 1 for site-wide soil investigation
  - Seller remediates soil contamination by soil vapor extraction and hot spot excavation
  - LSRP 1 issues limited restricted RAO for soils
- Prior to taking title, Buyer hires LSRP 2 to perform due diligence
  - LSRP 2 discovers chlorinated contamination in soil in a new location, and concludes that LSRP 1's remediation of contaminated soils at site was incomplete, and that LSRP 1's RAO is incorrect
- The LSRPs are contractually prohibited from discussing their findings with each other.
- LSRP 1 disagrees with LSRP 2 that the RAO is incorrect.

# Questions

- What should the two LSRPs do to resolve their disagreement?
- What are the advantages of communicating?
- What are the disadvantages of communicating, based on legal advice?
- What is the expected level of interaction between the LSRPs?
- Should LSRP 2 work with LSRP 1 and DEP?