

## Avoid red tape: Hire an environmental consultant

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Nearly any building or development project of any size -- even the retrofitting of an older building -- triggers environmental concerns. From asbestos pipe coverings and lead paint to groundwater contamination and oil-stained soils, there are few properties targeted for development that don't involve some environmental issues.

Choosing the right environmental consultant and doing so at the right time can often mean the difference between a project that bogs down in regulatory red tape or cost overruns and one that moves smoothly along.

Huge headaches can be avoided by engaging a consultant early in the design of a new project, according to **James Murphy**, a principal with **Wheatstone Engineering & Consulting** in Braintree.

"It's definitely the case of the earlier, the better," Murphy said. "If you get ahead of yourself without including environmental professionals, you can be caught off guard and hit with extras and the whole schedule of a project could be damaged. Just about the worst thing that can happen is to find issues during construction."

That was the case on the recent Quincy High School project, where contaminated soil was discovered in the midst of the excavation work. Because of cost concerns, a decision was made to treat the oil-soaked soil on-site, a process complicated by the fact that work was already under way, giving environmental cleanup crews limited space in which to work.

In most environmental projects, hiring a licensed site professional (LSP) is a good basic step, because any project that ends up before state regulators will require an LSP-endorsed report. "If you don't hire an LSP

from the outset, you're going to have to go out and hire one the moment you discover something," said Murphy.

The good news on the regulatory front is that the Massachusetts Department of Environmental Protection is more open than ever to creative solutions to environmental problems, said Adam Kahn, coordinator of the environmental law practice at Foley Hoag in Boston. "The senior leadership is inherently creative," Kahn said. "There is a notion of focusing more on protection and less on process and trying to work at the speed of business."

Developers and project owners only get access to that creative and open approach, however, by treating regulators with respect. "Having a good consultant can help in that," he added. "A good consultant can help a client decide what is a reasonable request to make of the regulators and what is unreasonable."

John McCarthy, president and co-founder of Environmental Health & Engineering in Needham, said regulators are not adverse to using creative solutions.

"They are most likely to embrace a solution if it is accompanied by a method of showing that it will work,"

McCarthy said. "If you give them a novel solution and ask them to trust that it will work, that's not going to be as effective as offering them a way to measure the progress and the effectiveness of what you're trying to do."

Foley Hoag's Kahn said a key consideration is how well a consultant will work with other members of the development team. Consultants often work closely with attorneys, for instance, and need to be able to fit into the larger team well.

Kahn said he advises clients to engage in an interview process to select firms, with a focus on ensuring that the individuals who

### KEEPING IT CLEAN

- Hiring an environmental consultant early in the process of a development can help avoid involved and costly cleanups later.
- Hire a licensed site professional (LSP) in case your project ends up before state regulators who require LSP-endorsed reports.
- Make sure your consultant can work well with members of the development team, including attorneys.

are the specific subject matter experts at a firm needed on a project will be assigned to the project team.

"A project owner should make it clear to a consultant up front how they expect a matter to be staffed," Kahn said. "You don't need a senior principal to be doing ground water sampling, but you want to make sure you are getting the expertise you are paying for."

Often, projects involve multiple specialties within environmental consulting, and a project owner should be able to receive a comprehensive report that ties the various threads together.

"This used to be a field where everyone had their specialty and, in the end, another professional would be brought in to tie it all together in one massive report," said McCarthy, whose firm was founded to focus on identification and remediation of problems within sick buildings and has since expanded to include most areas of environmental work.

"Now, developers and clients want a more integrated approach," he said. "A firm should be able to offer coordination between those experts and get a report that boils down all that work into something concise and understandable."