



Transaction Due Diligence and PFAS

Managing per- and polyfluoroalkyl (PFAS) substances

News headlines from across the globe bring increased awareness of wide-spread PFAS contamination and its presence in an array of common consumer products. Increasing regulatory scrutiny includes establishment of part-per-trillion health advisory levels and the looming incorporation of PFAS into multiple federal regulatory programs. Further, several states have enacted use, management and cleanup requirements in advance of U.S. Environmental Protection Agency (EPA) rulemaking.

PFAS has created unprecedented financial and legal exposure that has yet to be fully defined by regulatory authorities and courts. WSP USA has the multi-disciplinary capabilities and experience to interpret the liability landscape; recognize and define current and likely future obligations; and minimize impacts on transactions, business operations and employees. WSP brings Future Ready™ clarity and vision to the complex challenges related to PFAS.

Our PFAS Services

Whether used in firefighting foam, consumer products, or in industrial processes such as metals plating and semiconductor manufacturing, PFAS are seemingly everywhere and were purposefully built to persist. With trace-level health advisory limits, outwardly benign property histories can harbor significant PFAS liability.

The scope of our globally-integrated, multidisciplinary services are ideally suited to match the scope of the problem. WSP can future-proof escalation of transactional liabilities through:

- All Appropriate Inquiries and American Society for Testing and Materials (ASTM)-compliant Phase 1 Environmental Site Assessments (ESA) performed by environmental professionals trained to identify current and historical PFAS sources
- Data room and desktop reviews to screen for a history of PFAS and other contaminant use
- Fire protection engineering, PFAS alternatives and non-discharge fire suppression system testing
- Environment, health and safety (EHS) permitting and compliance assurance
- Environmental liability cost estimating
- Transactional negotiations and post-transaction support
- Soil and groundwater investigations and remediation
- Property Condition Assessments
- Climate change risk, sustainability and corporate social responsibility
- Global footprint and in-house expertise on all aspects of the built and natural environment

WSP's environmental practice includes more than 14,000 globally integrated practitioners.

Our Experience

WSP transaction and due diligence experts have a proven track record of client advocacy, international delivery and meeting demanding schedules. Here are just a few examples of how we have addressed PFAS liabilities within the due diligence project scope:

PFAS IDENTIFIED AT FRAGRANCE FACTORY

Avenel, New Jersey, U.S.

While conducting due diligence for the purchase of a former fragrance manufacturing facility, WSP identified historical discharges from an Aqueous Film Forming Foam (AFFF) fire suppression system. Follow-up investigations identified PFAS contamination in soil and groundwater. To facilitate the property transaction, we managed dewatering, excavation and off-site disposal of over 10,000 tons of contaminated soil under the stringent requirements of the New Jersey Licensed Site Remediation Program (LSRP). Our team further supported the transactional negotiations with liability cost estimating that resulted in an indemnification for future costs related to PFAS cleanup (if necessary) and a significant reduction in the property sale price. WSP is providing post-transaction support for the property redevelopment.

PFAS FORENSICS

Trelleborg, Sweden

PFAS affected groundwater was identified downgradient of a landfill and adjacent firefighting training site. The two operations are run by different local government bodies. WSP was commissioned to identify the party responsible for the contamination.

BROWNFIELDS REDEVELOPMENT

Los Angeles, California, U.S.

WSP conducted 22 Phase I ESAs as part of a U.S. EPA Brownfields Grant for redevelopment near Los Angeles Union Station. Our trained ASTM environmental professionals identified several sites with potential PFAS contamination from historical use of AFFF at a fire department training center. We provided conclusions and recommendations to address these concerns within the Phase I ESA process. Our team is currently providing liability cost estimating services, which include performing Phase II investigations.

MANAGING PFAS AND OTHER CHEMICAL RELEASES

Westchester County Airport, New York, U.S.

WSP began working with Westchester County Airport nearly 20 years ago, initially providing groundwater monitoring services. Our long-term partnership with the airport has kept the facility in compliance with environmental obligations. We have addressed releases of fuel from a tank farm and chlorinated solvents from hangar operations, and have implemented practical remedial measures where necessary to achieve regulatory closure. With the emergence of PFAS as a contaminant of concern, WSP has worked closely with the airport to complete a preliminary investigation to determine the presence of PFAS-affected groundwater, surface water, soil and sediment at the facility.

REGIONAL PFAS PLUME

Sayreville, New Jersey, U.S.

An evaluation of past industrial operations identified the potential use of fire suppression materials, which may have contained PFAS. WSP's LSRP worked with its client, the client's consultant, and the New Jersey Department of Environmental Protection (NJDEP) to develop a cost-effective and regulatory-compliant monitoring program to evaluate potential site and regional PFAS in groundwater, which would suggest a larger regional issue. The findings were presented to NJDEP and an offsite potentially responsible party was identified. Based on these findings, our client was not required to conduct costly groundwater remediation.



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