

An Eye-Opening Discussion About the Environment with Mike Penzo of Penzo Consulting

On April 14, 2021, Mr. Mike Penzo, PG, CPG, LSP of Penzo Consulting joined host Kim Calvi of Boston Edits, LLC for a segment on the podcast show, *Communication Commandments*, dedicated to discussing the expertise and capacity of services his environmental consulting firm offers, as well as who are his ideal clients.

Mike clarified that geology is more than the study of rocks. In fact, the study encompasses above and below the surface of the earth. His specialty is hydrogeology, focusing on assessing and cleaning up contaminated groundwater, contaminated sites, and soil contamination within the purview of a Massachusetts licensed site professional (LSP) designation. He is one of approximately 500 people in the state who is licensed to assess and clean up contaminated sites consisting of air, soil, and groundwater contamination. He is a certified professional geologist (CPG) through the American Institute of Professional Geologists, a national certification, and he is a licensed professional geologist (PG) in New Hampshire. In his forty plus years as an LSP, Mike has acquired broad experience regarding issues related to geomorphology, including both residential and commercial property interests.

The area that is New England has been greatly modified by glacial activity and, as a result, any piece of property is subject to those concerns, he begins. To illustrate how that impacts residential property, whether in the case of an oil spill or if someone plans to purchase a specific piece of land, in both practical matters, Penzo Consulting is well-positioned to provide detailed findings, allowing property buyers to make an informed decision.

In one instance, a private citizen called Mike in a panic. She was told that her fuel tank had leaked and emptied into the ground. This is a serious situation, costing hundreds of thousands of dollars and demands the attention of the fire department and the Massachusetts Department of Environmental Protection. Allegedly, two-hundred gallons of fuel oil had leaked. "This was during the summer, and most water heaters are heated with natural gas. However, this client's hot water heater was fueled by oil. They had no hot water. They called the oil company, the fire department, and the state," he relates. "I looked at it and the first thing you would think when there's a leak above ground, is that you notice a smell. There was absolutely no smell. This made me suspicious." Mike set up a drilling program and took samples. Not satisfied with only that evidentiary measure, he requested inventory records from the oil company to determine when the last fill occurred. While waiting for those records to be produced, he continued drilling a half a dozen holes, screening the soil using a photoionization detector, and of the thirty or so samples, sent five to the lab to confirm what he suspected: there was no contamination.

To further substantiate his findings, he looked again at the oil company's inventory records and noticed an important discrepancy. "They supposedly filled the tank and on the inventory records, it showed that it typically takes twenty-four minutes to fill an oil tank. Looking at the

truck's GPS records, it showed that this particular truck was only on the street for eight minutes. It would have been impossible for them to fill the tank. That was the clue," Mike spotlights. With the multiple lines of evidence that a spill never occurred, he prepared a report to the state. This client was an attorney, who managed to recover her costs for discovery from the oil company, as well as the cost of the oil she never received. It's instances like this, Mike shares, that he really likes helping people and making a difference.

Another domestic incident concerning residential property, involved a couple who were intent on purchasing a house located across from a closed landfill. "Old landfills will tend to leak, what's called 'leaching' into the groundwater and could potentially contaminate if there's drinking water. I told them not to buy it and they did," Mike laments. One of the problems from such a purchase, is the diminished resale value of the property.

When people consider buying property and they do their due diligence, a quick call to Mike is invaluable. He has access to several databases that reveal what is, literally, below the surface. This can include the discovery of flood plains, as well as contaminated groundwater or contaminated soil.

One very important point that Mike pauses to mention, is that there is a law requiring an insurer to provide an environmental liability rider called 'limited escape fuel remediation coverage.' "Insurance companies don't have to tell you, but if you ask them, they've got to give it to you. It costs less than a hundred dollars a year for \$50,000.00 worth of first party clean-up of soil at your home, and another \$200,000.00 for third party liability coverage if the contamination you have gets into the groundwater," he enumerates.

Regarding this law, Mike said that he, as a member of the LSP Association, is currently pushing through the legislature to force insurance companies to automatically provide this as an insurance rider in homeowner's policies. Such a law would save many from financial ruin.

Next, Mike shifted his comments towards industrial commercial sites. Working with an investor or someone buying a piece of commercial or industrial property, the first thing that happens is that the bank is going to require an environmental site assessment, or, as it's called an 'ASTM Phase One Environmental Assessment.' However, only when it's complicated, does Mike get involved and sometimes, this is even after the fact.

In one such example, he and a colleague were hired to facilitate an environmental site assessment for an auto dealer who had found petroleum contamination in the groundwater. This assessment led to Mike installing several borings/monitoring wells and taking soil and groundwater samples. He monitored the depth to groundwater in each well and from this he could determine the direction of the groundwater flow. The findings from these samples showed that the duplicity lay with the petroleum terminal up slope that had a major spill and cleanup twenty years prior.

Additionally, Mike has consulted on three different superfund cases. These are federally funded programs to assess and clean up federally-regulated contaminated sites, Mike explains. A superfund is also known as 'CERCLA,' which is an abbreviation for 'comprehensive environmental response compensation and liability act.' He is, and has been, involved in litigation support cases as an expert witness; one of which, he said, concerns a landfill with 'this really nasty, contaminated liquid in the ground water.'

Counter to what Mike has seen perpetrated against the environment, he is a staunch advocate that everyone can play an important and productive part in reducing problematic environmental issues, which will surely escalate in years to come, if we don't change our habits. As an adjunct faculty member at Northeastern University, he tells his students to 'reduce, reuse, and recycle.' The three R's, as he calls them.

"Anybody can do these by reducing the amount of stuff we buy. Buy something that's high quality and lasts. By reusing, we limit the amount of trash that gets thrown away. And don't just throw it away. Recycle or donate it. Think before you act," Mike admonishes.

These mandates speak to Mike's steadfast philosophy, which are printed on the back of his business cards. "There are three rules for being an effective LSP. Number one, protect human health and safety and the environment. The second is to follow the regulations, the Massachusetts contingency plan, and local, state, and federal laws and regulations. Number three, advocate for your client. These are the rules. These are the correct order," he asserts.

His ideal client is an educated client, a good listener. "I have the ability to take complex, technical issues and explain it in a way that a lay person can understand and make an informed decision."

As someone whose life's work involves assessing and cleaning up contaminated sites, for the overall benefit of the environment and the people living and working on it, adhering to his own standards of responsible care and sharing these tenets with clients, both private and commercial, as well as training students, Mike Penzo's expertise and capacity of services prove their immeasurable value.

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