

Arkansas Brownfields program



Sustainable development for the future of Arkansas

The Brownfields Program

Encourages the clean up and reuse of abandoned or underutilized properties.



What is a Brownfield?

Real Property where Expansion or Redevelopment may be complicated by the presence or potential presence of a Hazardous Substance, Pollutant, or Contaminant...

Brownfields Sites

- **Definition Also Specifically Includes:**
 - **“Mine-scarred” Land (e.g. Abandoned Waste Rock/ Spent Ore Piles)**
 - **Controlled Substances (e.g. Illegal Drug Labs)**
 - **Petroleum (e.g. pre-law, Abandoned Gas Stations)**
 - **Relatively Low-Risk**
 - **Owner Is Not the Polluter**
 - **No Viable Responsible Party**
 - **Not Subject to a Cleanup Order**



Authorities

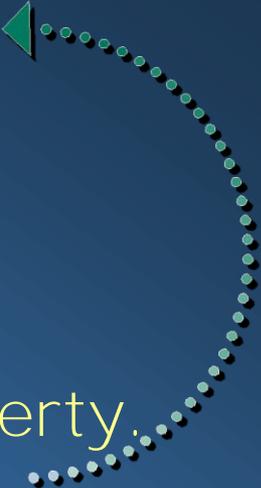
- **Remedial Action Trust Fund Act** (Act 479 of 1985, as amended, A.C.A. §§ 8-7-501 *et seq.*)
- **Voluntary Cleanup Act** (Act 1042 of 1997, as amended, A.C.A. §§ 8-7-1101 *et seq.*)
 - **Brownfields**



Brownfields Project Stages



Site Enrollment



- ❑ Prospective participant sends **Brownfields application** to ADEQ **prior** to acquiring property.
 - ❑ ADEQ makes Eligibility determination
 - ❑ Application intended to assess eligibility of property & prospective purchaser.
 - ❑ Application includes information such as site description & history, past regulatory involvement and ownership, qualifications of prospective purchaser.
 - ❑ If market conditions require, submitting a **Letter of Intent** allows applicant to take title to the property, and retain eligibility for the Brownfields Program.
- 

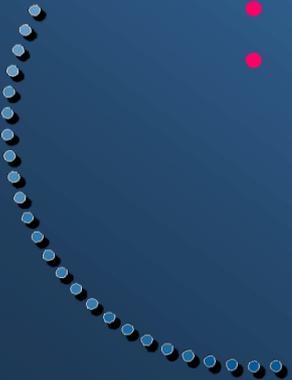
Brownfields Eligibility - Threshold Criteria

- **Participant:**

- No affiliation with liable party for the site.
- Prospective Purchaser

- **Property:**

- Abandoned or underutilized;
- Contaminated, or perceived to be contaminated; and
- Not an excluded category:
 - **Proposed or Listed on the Superfund National Priorities List (NPL)**
 - **Subject to CERCLA orders or decree**
 - **Subject to RCRA permit or corrective action, and/or**
 - **Federally-owned lands**



Environmental Site Assessments

A decorative graphic in the top right corner consisting of a curved line of small dots, transitioning from light blue to dark blue, ending in a solid green arrowhead pointing left.

- Phase I Assessment in compliance with EPA All Appropriate Inquiry (AAI) Guidelines
- Phase II/Comprehensive Site Assessment

AAI and CERCLA Liability Relief

- Must conduct Phase I assessment in **compliance with EPA's AAI rule.**
- EPA considers the ASTM E1527-05 guidelines for conducting Phase I Environmental Site Assessments to be in compliance and meet the requirements of AAI.

AAI and CERCLA Liability Relief

- Criteria:
 - Purchaser is not a responsible party and not affiliated with a responsible party.
 - All Appropriate Inquiry must be conducted prior to purchase.
 - Phase I Assessment completed > 1 year before date of purchase must be redone.
 - Phase I Assessment completed > 180 days before date of purchase must be updated.

Environmental Site Assessments

A decorative graphic in the top right corner consisting of a curved arrow pointing left, formed by a series of small dots in a gradient from light blue to dark blue.

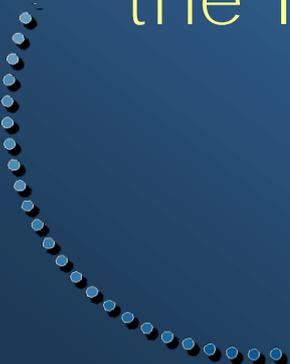
□ Phase II/Comprehensive Site Assessment

Defines the nature and extent of contamination present on the site.

Includes a Human Health Risk Assessment and an Ecological Risk Assessment.

Implementing Agreement



- ❑ Written agreement is between ADEQ and the Brownfields Participant.
 - ❑ The IA sets out the responsibilities of the Participant.
 - ❑ The IA establishes the intended future use of the property.
 - ❑ Participant may voluntarily withdraw from the IA at their own discretion.
- 

Property Development Plan

- ❑ Includes details of both remediation and redevelopment
- ❑ Clean up levels and rationale
- ❑ Summary of preferred cleanup method
- ❑ Implementation Schedule
- ❑ Continuing Obligations



How Clean is "Clean Enough"?



- Risk Based Cleanup Strategy**
 - Meet Regulatory & Policy Requirements**
 - Prevent Unacceptable Exposure to Human Health or Ecological hazards**
 - Site-Specific Risk Assessment
 - Ecological Risk Assessment or Checklist
- 

Property Development Decision Document



- Written by the Department
- Sets the remedial actions needed for Property Development.
- Becomes an attachment to the Implementing Agreement

Public Participation

- Community involvement sought.
- IA public noticed – 10 days
- PDDD is subject to 30 day public notice & comment period.
- Notices published in local circulation newspaper.
- Public comments considered before final clean up decision (PDDD) is issued.



Remedial Action & Redevelopment

- Participant carries out selected remedy in accordance with the PDDD.



Certificate of Completion



- All requirements of PDDD met.
- Preceded by a final completion report.
- ADEQ inspects property to ensure remedial activities are complete.

Sustainability/ Long Term Stewardship



- ❑ Liability release is conditional on continuing to meet IA conditions & continuing obligations.
 - ❑ CERCLA Continuing Obligations
 - ❑ Maintenance of engineering controls used in remedy
 - ❑ Maintenance/enforcement of ICs
 - ❑ Necessary O&M activities
 - ❑ Follow-up inspections/5-year reviews
- 

Is there Federal or State money available to help pay for assessments or cleanup?

- **Sometimes...**
 - EPA competitive grants for assessment or cleanups;
 - ADEQ direct assistance – Targeted Brownfields Assessments (TBA)



Targeted Brownfield Assessments

- ADEQ (or its contractor) conducts comprehensive environmental site assessments for local government, community planning organizations, or eligible non-profit agencies.
- ADEQ will not conduct TBA where the beneficiary is a responsible party or potentially responsible party.
- Enrollment in the Arkansas Brownfields Program and Application required.
- Availability dependent upon available ADEQ funding and resources.

EPA Cleanup Grants and Revolving Loan Funds

- EPA Grants: Up to \$200,000 available for Brownfields site assessment or cleanup.
- Cleanup grants require a 20% Recipient Match, unless Hardship Waiver granted.
- Federal & VCP Cleanup Requirements Apply to All Cleanup Activities.
- Cleanup Grant Recipients must hold fee simple title to the Property.

Plainview Conoco Site



Plainview Cononco Site During Demo



Plainview Conoco Site Asphalt Cap (Parking Lot) in Place



Martindale Clinic (before)



Martindale Clinic (before)



Martindale Clinic (after cleanup)



Martindale Clinic (after redevelopment)



Martindale Clinic (after redevelopment)



Ft Smith Jenny Lind Site Contaminated Soil Removal



Ft Smith Jenny Lind Site Contaminated Soil Removal



Ft Smith Jenny Lind Site Backfilled and Graded



Arkansas Brownfields Program

- For more information please contact:

Terry Sligh

Brownfields Coordinator

ADEQ Hazardous Waste Division

5301 Northshore Drive

North Little Rock, Arkansas 72118-5317

Phone: 501-682-0867

Fax: 501-682-0565

E-Mail: terry@adeq.state.ar.us

brownfields@adeq.state.ar.us

Website:

www.adeq.state.ar.us/hazwaste/bf/default.htm

