

# What is a Brownfield and do I have one?

## Grants Programs

Redeveloping Blighted Properties through the Brownfields Initiative

Celebration Centre  
Lyons, Kansas  
March 6, 2012

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A TAB/CHSR/KSU Contractor

## Brownfields Defined

Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Small Business Liability Relief and Brownfields Revitalization Act  
Public Law 107-118- January 11, 2002

## What are Brownfields ?

- Brownfields are real estate deals with an environmental “twist” that complicates, but does not prevent, redevelopment of the property. Often, the property is not even contaminated
- Brownfields are properties caught between “clean” and “nasty” Superfund
  - “Clean enough” not to be public hazards
  - Perceived as too “dirty” for bankers’/investors’ comfort
- Typically, contaminants and risk improvement would never be addressed on these sites by regulatory agencies if the property were not redeveloped

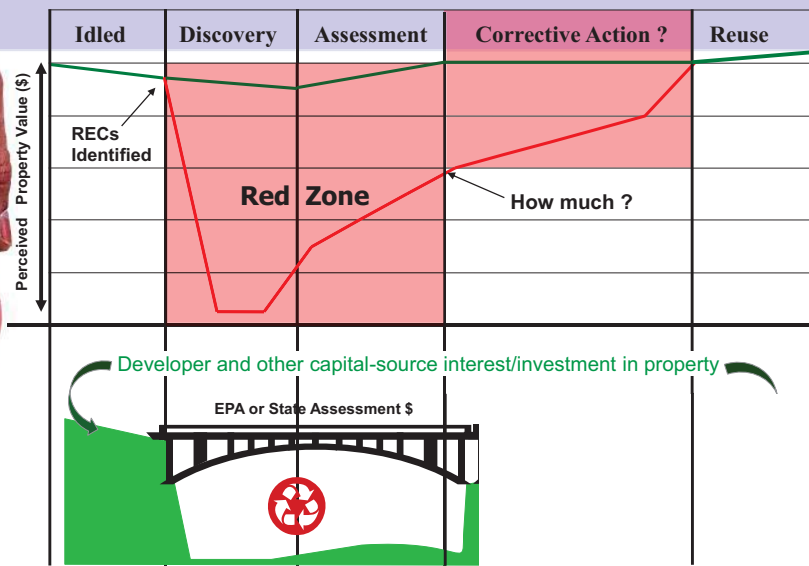
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## Practical Faces of Brownfields

- Yes, you do have them.
  - Every community and county has brownfields
  - Not all are eligible for state or federal financial help
- It isn’t visual
  - All ‘bad looking’ properties are not brownfields
  - ‘Good looking’ properties can be brownfields
- They may be public property or private real estate
- Not properties where those responsible for contaminant releases can ignore their obligations
  - Liable and viable responsible parties have obligations
  - Imminent health threats must be dealt with
  - Much friendlier arena in which to resolve problems

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## How Grants Apply To Brownfields



RECs: ASTM E1527-05 Recognized Environmental Conditions produce a stigma that affects property value whether impairment is real or not.

## Practical Faces of Brownfields

- You are going to see some specific Kansas Brownfields later as part of KDHE's presentation
- But to start off, let's check out a few generic, faces of typical Midwestern properties
  - 7 'everyday' property scenarios
  - Common types of property
  - Some similar, but different funding eligibilities

### 1. Active Rail Property



**Owner:** Shortline Railroad  
**Occupant:** Active & abandoned rail areas, coal storage, mixed use  
**For Sale:** Yes, a few preliminary failed deals by builders disinterested when they found it had been a rail area since late 1890s.  
**Assessed:** No  
**Contaminated:** Unknown, stigma of railroad use although no maintenance facilities, odd coloration from coal area.  
**Local Effect:** City and nearby residents feel the riverfront location could be better used to serve the community to support a hotel and riverfront parks.

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**Assessed:** No  
**Contaminated:** Unknown, **stigma of railroad** use although no maintenance facilities, odd coloration from coal area.  
**Local Effect:** City and nearby residents feel the riverfront location could be better used to serve the community to support a small hotel or parks property.

**EPA GRANT FUNDED**

## 2. Abandoned Property

**Owner:** Local Bank (Foreclosure)  
**Occupant:** Abandoned  
**For Sale:** Yes  
**Assessed:** No  
**Contaminated:** Probably, heavy historical industrial use.  
**Local Effect:** Community considers location viable for public works and recreation center.



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\* BTA: CERCLA 128(a) assessment known in Kansas as a Brownfields Targeted Assessment

**BTA\* FUNDED**

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## 3. Former Rail Property

**Owner:** Small Business  
**Occupant:** No rail use. A few small businesses rent remaining siding buildings for storage, rest are vacant.  
**For Sale:** Yes  
**Assessed:** No  
**Contaminated:** Unknown. No records of problems on file with state or EPA, but City told railroad properties can have environmental problems.  
**Local Effect:** City would like to acquire and clear the property to expand for redevelopment opportunity for rail-based businesses.



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Abandoned and under-used with a perception the old land use may have caused problems, but no known contaminants.

**GRANT FUNDED**

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## 4. Former Gas Station

**Owner:** Private

**Occupant:** Abandoned and building demolished, used for parking.

**For Sale:** Yes

**Assessed:** Yes

**Contaminated:** Yes, active 2002 state leaking underground storage tank file shows gasoline in soils and groundwater, high risk. Deep fills on property.

**Local Effect:** Good corner location near to the downtown, could be better used to support tax base than as a parking lot.



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**Alternate Funding:** City purchased with due diligence after owner obtained minimal No Further Action for soils and restricted groundwater use and transferred with LUST Fund insurance policy. City accessed \$450,000 to cleanup to higher and better use with voluntary cleanup program closure for protection of groundwater resources and resale to developers.

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## 5. Former Fertilizer Storage

**Owner:** Private

**Occupant:** Abandoned 2002

**Age:** Built 1968

**For Sale:** Yes, Contract pending with community recycling group.

**Assessed:** No

**Contaminated:** Unknown. However, prospective purchaser is concerned that fertilizer storage and old railroad operations may have impacted soils.

**Local Effect:** Perceived contamination has delayed sale and proposed redevelopment. Abandoned facility remains a nuisance and a hazard to area residents.



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## 5. Former Fertilizer Storage

**Owner:** Private

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**Local Effect:** Perceived contamination has delayed sale and proposed redevelopment. Abandoned facility remains a nuisance and a hazard to area residents.



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Through State 128a / BTA

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## 6. Former Drive-In Theater

**Owner:** Private

**Occupant:** Abandoned 1998

**Age:** Built 1952

**For Sale:** Yes, contract pending with school district.

**Assessed:** Yes, limited assessment under RCRA Permit for adjacent property.

**Contaminated:** Unknown, previous assessment did not account for potential residential development.

**Local Effect:** Perceived contamination diminished adjacent property values and prevented reuse. Demolition debris and abandoned buildings present hazards to children.



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Eligible to assess unknowns, but not eligible to address known impacts from the RCRA facility for the responsible party.

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## 7. Metals Scrapyard

**Owner:** Private Business

**Occupant:** Owner

**For Sale:** Potentially

**Assessed:** No

**Contaminated:** Unknown, but commercial metal salvage operations known to have environmental problems.

**Local Effect:** City needs to purchase property for street and utility realignments and to improve gateway aesthetics. Not sufficient project value or demonstrated need for condemnation.



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**BTA &  
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## Brownfields are Opportunity

**“Opportunity is not recognized by most people when they meet, because it is usually dressed in overalls and looks like work.”**

Thomas Alva Edison



# *THANK YOU*



## **Terracon**

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