

Montana's Brownfields Program

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Summary

- Overview of the Montana Brownfields Programs
- State/DEQ resources available to assist grant applicants.



What is a Brownfield?

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



What is not a Brownfields

- Sites listed or proposed for listing on the National Priorities List (Federal Superfund)
- Sites subject to unilateral administrative orders, court orders, administrative orders on consent or judicial consent decrees issued to or entered into by parties under CERCLA
- Sites that are subject to the jurisdiction, custody or control of the United States Government



Petro Brownfields Additional Eligibility Criteria

- Low Relative Risk
- No Viable Responsible Party
- No Corrective Action Orders
- Applicant not Liable for Contamination



Grass Roots Brownfields

- Brownfields projects are only successful with local initiative and desire for success.
- DEQ = assistant/catalyst:
 - Information resource
 - Assistance
 - Site specific work



“Ideal Scenario”

- Identify a Brownfields property
- Assess site using either a TBA (EPA or DEQ) and/or an assessment grant
- Cleanup site using RLF or cleanup grant, Petro Fund, or DNRC RDG
- Site delisted/closed and ready for redevelopment



State/DEQ Resources

- **Targeted Brownfields Assessments**

- ❖ DEQ receives grant funds each year to conduct targeted brownfield assessments
- Sites must meet certain qualifications:
 - Must be a clear benefit to the community
 - Applicant must not have contributed to the contamination
 - Assistance is crucial to the redevelopment or reuse of the site
 - DEQ has limited resources and may not be able to conduct a targeted brownfield assessment if the site is not already being addressed by a section within DEQ. However, the EPA TBA budget is currently stable.



State/DEQ Resources

- **Montana Petroleum Guidance Document**

- ❖ Guidance for “Petroleum Only” Brownfields sites

- Information on Grant Types:

- Assessment Grants
 - Cleanup Grants
 - Revolving Loan Funds
 - Targeted Brownfields Assessments

<http://deq.mt.gov/Brownfields/MTBrownfieldsPrograms.mcp>



State/DEQ Resources

- **Voluntary Cleanup and Redevelopment Act Guidance**
 - ❖ Process for voluntary cleanup of hazardous substance sites
 - ❖ Less active management of cleanup by state regulators

Information on VCRA process:

- Environmental Assessment
- Remediation Proposal
- Implementation of cleanup and closure

<http://deq.mt.gov/StateSuperfund/vcraguide.mcp>



State/DEQ Resources

- **Controlled Allocation Liability Act (CALA)**
 - ❖ Method for dividing liability and costs amongst parties without going to court.
 - ❖ Funding for the cleanup of an “orphan’s share”
 (“Orphan”=bankrupt, defunct, unknown, etc.)

<http://deq.mt.gov/StateSuperfund/cala.mcp>



State/DEQ Resources

- **Letters of Support**
 - ❖ DEQ Brownfields Coordinators can provide these.
 - ❖ DEQ supports brownfields efforts in Montana, and wishes to promote assessment and cleanup activities that allow contaminated properties to be put into productive and beneficial use.
 - ❖ Signed by Department Director

State/DEQ Resources

- **Status Letters**
- **NFA**
 - Site Meets Cleanup Standards
- **NFA with Petroleum Mixing Zone**
 - Can exceed groundwater standards under certain circumstances
 - http://deq.mt.gov/LUST/downloadables/techguide9/TGD_9A_Final_4_16_12.pdf
- **Groundwater Management Status**
- **Comfort (Status) Letters**



State/DEQ Resources

- **Outreach / Education / Assistance**

- ❖ Online Query/web mapping

<http://deq.mt.gov/onlineservices.mcpix>

- ❖ Federal Registry System (FRS)

-In progress during summer of 2013

- ❖ LUST List

<http://deq.mt.gov/LUST/LUSTSites.mcpix>

- ❖ Soil Inorganic Background Study

<http://deq.mt.gov/statesuperfund/resources.mcpix>



State/DEQ Resources

- **Outreach / Education / Assistance**
- ❖ Background Indoor Air Study and Guidance
<http://deq.mt.gov/statesuperfund/viguide.mcpix>
- ❖ Montana Dioxin Background Study and Report
<http://deq.mt.gov/statesuperfund/dioxinguide.mcpix>
- ❖ Soil Inorganic Background Study
<http://deq.mt.gov/statesuperfund/resources.mcpix>



State/DEQ Resources

- **Outreach/Education/Assistance**

- ❖ Meetings
- ❖ Workshops
- ❖ Information Requests
- ❖ Listserve

<http://svc.mt.gov/deq/ListServe/BrownfieldsStep1.asp>



State/DEQ Resources

- **Grant Application Assistance**
 - Review draft grant applications
 - Provide regulatory information regarding sites
 - Provide letters of acknowledgement and support for grant applicants



Questions?

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