WHAT IS A BROWNFIELD AND DO I HAVE ONE?

Introduction to Brownfields & Economic Revitalization

Prepared for TAB Brownfields Workshop Series

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Presented by
Beth A. Grigsby, LPG
KSU: KANSAS STATE UNIVERSITY

TAB: Technical Assistance to Brownfields Communities

ESA: Environmental Site Assessment

AAI: All Appropriate Inquiry

CERCLA: Federal Superfund Law

RECS: Recognized Environmental Conditions

RISC: Risk Integrated System Closure

PRP: Potentially Responsible Party
What is a Brownfield?

“…..*real property*, the expansion, redevelopment, or *reuse* of which may be *complicated* by the presence or *potential presence* of a *hazardous substance, pollutant or contamination.*” (EPA)

**In laymen’s terms:**

- A brownfield is a property that is difficult to develop because it is contaminated or *believed* to be contaminated
- Not a superfund site
- Hazardous, petroleum, asbestos, lead paint, mold, meth-lab contaminants and mine-scarred lands
BROWNFIELD PROGRAM DOES NOT...

BENEFIT POTENTIALLY RESPONSIBLE PARTIES

BROWNFIELD RESOURCES CANNOT BE USED TO BENEFIT THE POLLUTER!!
THE DOMINO EFFECT OF BROWNFIELDS

- Properties are abandoned or underutilized
- Local tax base is significantly eroded
- Vagrants, vandalism and crime
- Property values decline
- Environmental Justice issues
- Communities appear neglected
- Greenfield Development
- Tax drain of new infrastructure
- Continued disinvestment of inner core
Brownfields Assessment Process

- Identify Brownfields & Redevelopment Goals

- Investigate – Phase I/II site assessments (environmental due diligence – performed by contractors)

- Clean-up or Institutional Controls, if necessary

- Redevelopment
IDENTIFY: Why Inventory?

- Quality of life and/or Community appearances may be damaged by presence of Brownfields
Why Inventory Brownfields?

- You can’t manage what you can’t measure—how big is the problem?
- Allows for prioritization of investment in infrastructure
Information Resources On-Line

- Where you live...Search your environment by community or zip code
  - [http://www.epa.gov/myenvironment/](http://www.epa.gov/myenvironment/)

- Other program information and support
  - [http://www.epa.gov/brownfields](http://www.epa.gov/brownfields)
  - [http://www.epa.gov/compliance/environmentaljustice/index.html](http://www.epa.gov/compliance/environmentaljustice/index.html)
  - [http://www.epa.gov/smartgrowth](http://www.epa.gov/smartgrowth)
  - [http://www.smarte.org](http://www.smarte.org)
THE COMMUNITY DEFINES ITS BROWNFIELDS

EPA provides the guidance, but it is the community that identifies a property as a Brownfield
What Are You Looking For?

- Abandoned property
- *Active* but Underutilized…Salvage yard next to the Greenway
- Real estate turnover complicated by real or perceived contamination
- Blighted property that significantly conflicts with a Master Plan or Revitalization Plan
- Property blighted and located at the gateways to your community
Make Your List….

- IDENTIFY SUSPECTED AREAS (FORMER INDUSTRIAL, FORMER DRY CLEANERS, OLD GAS STATIONS)

- CONSIDER PROPERTIES TIED TO OTHER PROJECTS (TRANSPORTATION, DISASTER RECOVERY, NEIGHBORHOOD STABILIZATION)

- CONSIDER TAX DELINQUENT PROPERTIES

- CONSIDER FORMER SCHOOL PROPERTIES, HOSPITALS, PROPERTIES THAT ARE GATEWAYS TO THE COMMUNITY
Identify Brownfields (Continued)

- Use excel spreadsheet list your potential brownfields
Identify Brownfields (Continued)

www.tab-bit.org

Ice Skating Park Development: Site Information

Site Name: Ice Skating Park Development

Site Status: In Cleanup Phase

Site Type: Petroleum Site

Address:
- Street Address/P.O. Box: Lower Metro Place
- City: Dublin
- State: Ohio
- Zip Code: 
- County: Green

Legal Description (Optional)
- Range:
- Township:
- Name/Number of Principal Meridian:
- Part of Section:
- Section:

Current Use/History/Past Ownership:
Gas and Maintenance station from 1960. Vacant from then to present. History of uncontrolled fill and C&D waste dumping.

Prominent Past Use(s)
- Acres:
- Greenspace:

Quick Links:
- BIT Tutorial
- Data Search / Export
- Generate Reports
- Import Data (Tables)
- Site Inventory Data
- View Sites on Map
Set & Implement Sustainable Redevelopment Goals

- Develop Community Vision for Sustainability
  - Engage and survey the community
  - Explore opportunities – what is possible?
  - Set goals and make plans to achieve them
- Integrate into Master Plan, City Functions, & Initiatives
  - Building & Development Codes
  - Infrastructure
  - Housing and social services
  - Other
- Seek funding and partnerships to implement plans
- Evaluation and Improvement
  - Ongoing Community Engagement and Input
ABANDONED GAS STATION - FUTURE RETAIL OPPORTUNITY
ABANDONED BUILDING NEXT TO COMMUNITY HOUSING - FUTURE PUBLIC STORAGE PROJECT
OLD SCHOOL - FUTURE FIRE STATION
MAIN STREET-FUTURE REVITALIZATION AND MIXED USE
ABANDONED BUILDING-FUTURE TAX CREDIT HOUSING PROJECT
HAUNTED JAIL: FUTURE MUSEUM
Brownfields...Part of the Bigger Picture
Communities Select Their Criteria for Prioritization

CRITERIA EXAMPLES:

- Eligible for EPA or State funding
- Development potential for immediate job creation
- Located in the TIF district or Revitalization Zone
- Quality of Life Issues—community health impacts
- Quality of Life Issues—eliminate unsafe or blighted properties
- Control of Property: can you get access?
- Visibility of the site to the community
- Physical site characteristics: acreage, visibility, etc.
Brownfields Assessment Process

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Generally, what are Environmental Site Assessments?

Systematic steps to identify/evaluate environmental concerns

- **Purpose** of Phase I ESA is to learn about a property’s **past use**, environmental conditions at the property and adjacent sites and **possible presence of hazardous substances**

- **Phase II ESAs** can be composed of various steps to define magnitude and extent of contamination, and identify appropriate site specific remediation options.
Site Assessment Protocols

- All Appropriate Inquiries final rule (40 CFR 312)
- American Society for Testing and Materials (ASTM) Standards
  - Phase I Environmental Assessment (ASTM 1527-05)
  - Phase II ESA (E1903-97, 2002)

- 2002 Brownfields Redevelopment Act & Superfund Liability
  - Clarified appropriate inquiry for Innocent Landowners and extended exemptions to:
    - Bonafide Prospective Purchasers
    - Contiguous landowners
    - Household, small business, and non-profit generators of municipal solid wastes at NPL sites
All Appropriate Inquiries

- AAI is a process of evaluating a property’s environmental conditions and assessing the likelihood of any contamination.

- Every Phase I assessment conducted with EPA Brownfields Assessment Grant funds **must** be conducted in compliance with the All Appropriate Inquiries Final Rule at 40 CFR Part 312.
Environmental Site Assessments:

Phase I ESA

- Review of federal, state, local records
- Visual Inspection of site
- Interviews with current/past owners
- Roadmap for Future Investigations:
  - Identifies Recognized Environmental Conditions
  - Non-Intrusive-no sampling or tests
Phase II Environmental Site Assessments:

**Phase II ESA**
- What Are Your RECs?
- Presence/Absence
- What Is There?
- If It’s There—Where?

**Phase II Characterization**
- If It’s There-How Much?
- Extent/Delineation/Quantification
- Feasibility Studies
- Cleanup Plan
UNDERGROUND STORAGE TANK-HAS IT LEAKED?
IDENTIFY CONTAMINANTS ASSOCIATED WITH DUMPING
INDUSTRIAL STORAGE - WHAT ARE CONTENTS, DID THE TANKS LEAK
ASBESTOS - IS IT FRIABLE - HOW MUCH IS THERE AND WHERE IS IT?
UNDERGROUND STORAGE TANKS - ARE THERE USTS ON-SITE, DID THE TANKS LEAK
Contaminants Are Rarely Distributed Evenly

- Neither horizontally, nor vertically
- Assessment estimates between available sample points
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Risk Integrated System Closure (RISC)

- RISC was created to establish cost-effective closure standards and closure options that result in negligible risk to human health and the environment.

- Applying RISC allows the opportunity for an Indiana Brownfields Program site to achieve RISC closure or make a seamless transition to or from IDEM remediation programs, such as the IDEM Remediation Closure Guide, for closure.
INSTITUTIONAL CONTROLS

WASTE MAY BE LEFT ON-SITE OR IN PROCESS OF BEING REMEDIATED AND THERE IS LIMIT TO SAFE ACTIVITIES THAT CAN TAKE PLACE ON-SITE

- CAN BE AS SIMPLE AS CONSTRUCTING A FENCE…
- NO DRINKING WATER WELLS ON-SITE
- OR AS COMPLEX AS DEVELOPMENT OF LOCAL LAWS, RE-ZONING, DEED RESTRICTIONS
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Redevelopment

- Gather resources and partners needed to redevelop
- According to:
  - Master plans and community input
  - To address various needs and opportunities
    - Economic
    - Transportation and infrastructure
    - Quality of Life
    - Other
  - Smart growth & livable community principles for sustainable communities
- [http://www.epa.gov/smartgrowth/basic_info.htm](http://www.epa.gov/smartgrowth/basic_info.htm)
Importance of Redevelopment Planning Process

- Vision development
- Stakeholder coordination
- Eligibility for incentives
- Long-term Implementation

City of Springfield, MO

A Vision for Jordan Valley

April 2007

JORDAN VALLEY
CONCEPT MASTER PLAN
So How Does this Get Paid For?
Local, State, and Federal Funds

- Phase I / II Site Assessments
  - Free Targeted Brownfields Assessments by EPA
  - EPA Assessment Grants
  - Including for Coalitions
- Cleanup, if necessary
- State Trust Funds, EPA Cleanup Grants
- Redevelopment (Construction, etc.)
  - EDA, USDA, DOT, HUD, KS Dep't of Commerce, etc.
State Resources

IFA: Financial, Legal and Technical Assistance Resources

- Michele Oertel, Indiana Brownfields Program

OCRA: IFA-OCRA Clearance Program and other Resources

USDA: Community Programs and Rural Development Resources

DNR: Recreational and Other End-Use Resources
EPA Assessment Applicant Options

An applicant applying for an assessment grant can do the following combinations:

- **Up to 3 grant proposals (2 community-wide not to exceed $400k and 1 site-specific not to exceed $350k).**

  OR

- **1 grant as part of a coalition not to exceed $1 M if not applying for individual assessment funds.**

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<tr>
<th>Community Wide</th>
<th>Site Specific</th>
<th>Coalitions</th>
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<tr>
<td>Up to $200,000 for hazardous substances and $200,000 for petroleum addressing the same community.</td>
<td>Up to $200,000 for petroleum or hazardous substances (commingled)</td>
<td>Up to $1 million per coalition. <em>Coalition Members can NOT apply for individual assessment funding.</em></td>
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<td>May request a waiver for up to $350,000</td>
<td>Maximum Amount $350,000</td>
<td>Requires 3 or more eligible entities; must assess at least 5 sites; members not eligible for other EPA assessment grants</td>
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<td>Maximum Combined Amount $400,000</td>
<td>Maximum Amount $350,000</td>
<td>Maximum Amount $1 million</td>
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Three year grant period
HOW TO GET STARTED…

- ATTEND THIS WORKSHOP!

- ASK QUESTIONS TODAY-YOUR QUESTION MAY APPLY TO SOMEONE ELSE

- CONTACT ELLIOT ENGLERT: INDIANA 15 REGIONAL PLANNING COMMISSION
For more information, contact:
Beth Grigsby, LPG
ATC Brownfields Program Manager
Subcontractor to Kansas State University
TAB Program
317-579-4069
beth.grigsby@atcassociates.com