

Brownfields Redevelopment

By: Kait Salley



Our Mission: To protect and improve the health and environment of all Kansans.



Brownfields Funding

- Kansas Brownfields Program is federally funded by EPA
- 2013 Brownfields Coalition Grant
 - October 1, 2013 to September 30, 2016
 - \$600,000
 - Targeted communities: Chanute, Ottawa, Fort Scott
 - Flexible to offer assistance statewide



Brownfields Property

- There is a property you want to redevelop
 - First Step is to submit an application to the Brownfields Program
 - Application Package:
<http://www.kdheks.gov/brownfields/index.html>



Fort Scott



Kinsley



Coffeyville

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Brownfields Application Form

- Section 1- Applicant Information
 - City, County, Tribe, Non-Profit, Private
 - Private applicant must have support from one of other entities
- Section 2- Site Information
 - What is the current use of the property?
- Section 3- Current Site Ownership
 - If owner differs from applicant, must obtain an access agreement from the owner



KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BROWNFIELDS TARGETED ASSESSMENT
APPLICATION FORM
Use only for Sites within Kansas



SECTION 1: Applicant Information			
Applicant Name: _____			
Organization: _____			
Address: _____			
Contact Person: _____			
Phone: _____		Fax: _____	Email: _____
Type of Eligible Applicant: City <input type="radio"/> County <input type="radio"/> Tribe <input type="radio"/> Non-for-Profit <input type="radio"/> Private <input type="radio"/> (must have a letter of support)			
Other (please describe): _____			
IS APPLICANT OR ANY OTHER PARTY UNDER ORDER FROM EPA OR KDHE TO CONDUCT SITE ASSESSMENT AND/OR CLEANUP? YES <input type="radio"/> (Describe Below) NO <input type="radio"/> UNKNOWN <input type="radio"/>			
Briefly describe involvement/role of KDHE in enforcement and/or oversight of assessment/cleanup of candidate site: _____ _____			
SECTION 2: Proposed Site Information			
Name/Title of Site/Facility: _____		Street Address: _____	
City: _____		State: KS	Zip: _____
Current Use of Site/Facility (if any): _____			
Number of Parcels: _____		Size of Site In Acres: _____	
SECTION 3: Current Site Ownership:			
Name: _____			
Address: _____			
City: _____		State: _____	Zip: _____
Phone: _____			
If property is not owned by applicant, the applicant must secure access to the property by having the appropriate property access form signed by the property owner. The property access form is included in the Brownfields Targeted Assessment Package.			
SECTION 4: Site History			
PAST SITE USES (Residential, Commercial, Industrial, Greenspace)			APPROXIMATE DATES:
_____			_____
BUILDINGS ON SITE (List office, store, guard house, etc):		SQUARE FOOTAGE	MULTI-STORY <small>(check if yes)</small>
_____		_____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
CONDITION (usable, gutted, razed, etc.)			_____

Page 1 of 2

Brownfields Application Form

- Section 4- Site History
 - Includes general site history, are there usable buildings, green space, etc.
 - Have any prior assessments been completed?
- Section 5- Future Site Activities
 - What are the plans for redevelopment
 - Recreational, commercial, industrial, residential

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SECTION 4: Site History (cont.)
PRIOR SITE ASSESSMENT ACTIVITIES: NONE UNKNOWN
Describe Conclusions of prior site assessment activities (or attach relevant portions of report(s)).
If reports are unavailable, identify consultant, client, and approximate date of study.

SECTION 5: Future Site Activities
SITE ASSESSMENT NEEDS:
Describe difficulties related to perceived contamination that have hindered reuse of the property.

ANTICIPATED FUTURE USE:
RESIDENTIAL RECREATIONAL COMMERCIAL/RETAIL INDUSTRIAL
OTHER:
Describe applicant's proposed reuse, redevelopment or expansion plan:

DESCRIBE ANY FINANCIAL OR PUBLIC INTEREST INCENTIVES PLANNED TO SPUR DEVELOPMENT
AND/OR CLEANUP AND PROPOSED FUNDING SOURCES: (Tax incentives, etc.)
This program is for site assessment only; cleanup money is not being offered as part of this program.

Signature: _____ Date: _____

PLEASE RETURN FORM TO:
MAGGIE WEISER, Brownfields Coordinator
Kansas Department of Health and Environment
Bureau of Environmental Remediation
1000 SW Jackson, Suite 410
Topeka, Kansas 66612
785-296-5519
or email: mweiser@kdhhs.gov

Check if you will be sending additional documentation to the Brownfields Coordinator.

Print SAVE

When "Extract Pages" appears, please choose pages 10-11 then click "OK" to proceed to save dialog.

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KDHE Application Review



- Applicant eligibility
 - City, County, Non-Profit, Private
 - If private, has a letter of support
- Property Eligibility
 - Cannot be a site within an alternate KDHE Program
 - Cannot be under consent with EPA (Superfund)

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Phase I ESA

- 3 Main Items:

1. Site Reconnaissance
2. Interviews
3. Records Review



1. Federal, State, Tribal Records
2. Historical Use Records

- Purpose is to identify Recognized Environmental Conditions (RECs)

- The presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment.

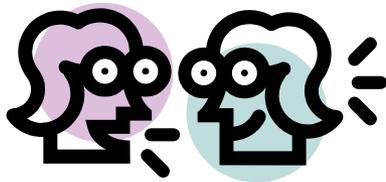
Phase I ESA



1. Site Reconnaissance

- Exterior and Interior (if applicable)
- Staining, spills, leaking drums, distressed vegetation, odor

Phase I ESA



2. Interviews- assist the EP

- Past/Present owners and occupants
- Specialized knowledge processes or chemicals
- Local government officials
 - Fire department
 - Health department

Phase I ESA

3. Records Review

1. Federal, State, and Tribal records

- Standard list of record sources that must be searched along with the minimum search distance from the site.
 - Example for Federal
 - National Priorities List (1 mile)
 - Example for State and Tribal
 - Leaking storage tanks (0.5 mile)
 - Brownfields and Voluntary Cleanup sites (0.5 mile)



Phase I ESA

3. Records review continued:

2. Historical Use Information-consult at least one back to when property was first developed, or back to 1940, whichever is earlier
 - Aerial Maps
 - Topographic Maps
 - Fire Insurance (sanborn) maps
 - Land title records (one additional source must be consulted)
 - Street directories
 - Building department records
 - Zoning/land use records
 - Other (internet sites, newspaper archives, etc.)

Add-Scope Considerations

- Additional issues outside of Phase I ESA
 - Asbestos Survey
 - Lead-based paint
 - Mold



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Phase I Standard Changes

- ASTM E 1527-05 was updated in 2013 to the new ASTM E 1527-13
 - Definition Changes
 - RECs- changed to align with All Appropriate Inquiry (AAI-appropriate inquiry into previous ownership and use of the facility)
 - Identifying: “conditions indicative of releases and threatened releases of hazardous substances in, on, or at the property”
 - HRECs- Historical means only past releases that have been addressed to **unrestricted** residential use
 - Ex: cleanup



Phase I Standard Changes

- ASTM E 1527-05 was updated in 2013 to the new ASTM E 1527-13
 - Definition Changes
 - CREC- added definition of “Controlled” REC, meaning past releases that have been allowed to remain in place with the implementation of required controls, evidenced by a no further action letter, or equivalent.
 - Ex: Engineering controls (capping), institutional controls (deed restriction)
 - De minimus condition- previous definition allowed the EP to dismiss or not report things that are not subject to enforcement action, new definition you must report
 - Ex: Household cleaning products



Phase I Standard Changes

- ASTM E 1527-05 was updated in 2013 to the new ASTM E 1527-13
 - Definition Changes
 - Migrate/ migration- old definition included only contaminant movement through liquid and solid, new definition includes vapor migration.
 - Release- changed to align with definition in CERCLA: spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, and disposing to the environment
 - Environment- changed to align with definition in CERCLA: navigable waters, surface water, groundwater, drinking water, land surface/subsurface and ambient air



Phase I Standard Changes

- Standard changes continued:
 - Updated the Scope of the User's Responsibilities
 - Clarify that this section is not referring to the responsibilities of the Environmental Professional conducting the assessment, but rather the User for which the assessment is being conducted
 - Added guidance regarding Records Review
 - Clarify that if the property or any adjoining property is identified in the Federal, State, Tribal records, the Environmental professional must review regulatory files associated with the listing to make sure the information from the agency database is accurate
 - KDHE ISL:
http://www.kdheks.gov/remedial/isl_disclaimer.html

Phase I Standard Changes

- Standard changes continued:
 - Revised Conclusions
 - Revision provides some leeway in the wording of the conclusion statement
 - “We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527 of (insert address), the property. Any exceptions to or deletions from, this practice are described in section () of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property.” OR “... This assessment has revealed no evidence of recognized environmental conditions in connection with the property except for the following: (list)”

What's Next?

- No RECs identified in Phase I Property is cleared for redevelopment
- RECs were identified in Phase I
 - Phase II Environmental Assessment



Phase II ESA

- Soil and groundwater sampling-typically by borings

- Lab analysis based on particular REC

- Total petroleum hydrocarbons
- Volatile organic compounds
- Nitrate
- Metals

- Lab results, compare to KDHE Standards

- Residential level
- Nonresidential level

- Risk-based Standards for Kansas Manual:

http://www.kdheks.gov/remedial/rsk_manual_page.html



Phase II ESA

- No contaminants found OR contaminants were found but were below KDHE standards
 - Property is cleared for redevelopment
- Contaminants found above KDHE standards



Garnett

Contamination Found...

- Potentially Responsible Party (PRP) search
 - Conducted by KDHE
 - Determines who operated the facility at the time of release and who may be responsible for the contamination
 - Polluter pay outlook vs. current owner
 - If/when the PRP is identified, encouraged to address the contamination through the appropriate KDHE program



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Contamination Found...

- Which Program is appropriate?
 - Depends on the contaminant source
 - Buried fuel tank, dry cleaning operation...
 - Depends on the receptors that are threatened
 - Water wells, surface water, sensitive environments



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KDHE Programs

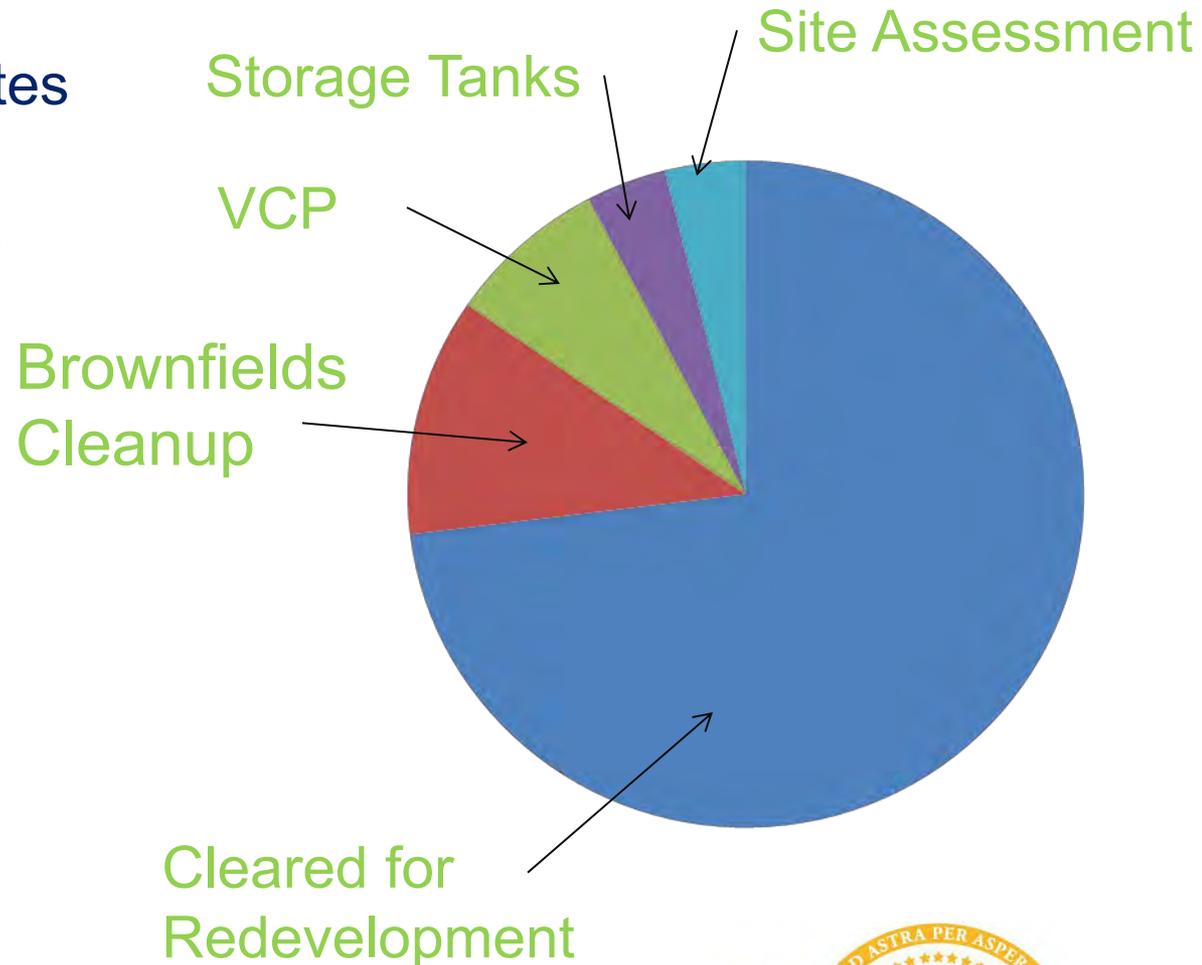
- Federal LUST Fund
 - Funding for UST tank removal
- State Trust Fund
 - Funding for remedial activities for AST and UST (no tank removal)
- Dry Cleaning Trust Fund
 - Funding for remedial activities caused by release associated with dry cleaner facility
- Voluntary Cleanup Program
 - Allows eligible RP to address contamination at their own pace with KDHE oversight

KDHE Programs

- State Cooperative Program
 - Sites with non-responsive/recalcitrant responsible parties, not eligible for VCP
- State Water Plan (Orphan Site Unit)
 - No responsible party found
 - Evaluates, monitors, cleans up contaminated groundwater and surface water
- Brownfields Cleanup Program (\$15,000-\$20,000)
 - Small soil removals
 - Conducted through KDHE VCP Program
 - Asbestos abatement
 - Conducted through KDHE Asbestos Control Section

2013 Brownfields Statistics

- 26 total Brownfields Sites in 2013
- 19 cleared after Phase I/Phase II (~70%)
- 3 were cleaned up through Brownfields Cleanup Assistance
- 2 transferred to VCP
- 1 transferred to Tanks Section
- 1 transferred to Site Assessment Unit



Other Assistance

- Kansas Agricultural Remediation Board (KARB)
- EPA Assessment, Revolving Loan Fund and Cleanup Grants (ARC)
 - MoKan Regional Council- \$1 Million for Cleanup activities
 - Kansas counties: Atchison, Brown, Doniphan, Jackson, Jefferson, Nemaha
 - Missouri counties: Andrew, Atchison, Buchanan, Clinton, DeKalb, Gentry, Holt, Nodaway, Worth
- EPA Targeted Brownfields Assessment (TBA) Program
 - Brownfields assessments through EPA
- Network Kansas
 - Non-profit that provides small businesses and entrepreneurial support

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Contact Information

- Doug Doubek- Unit Manager
 - ddoubek@kdheks.gov or (785)291-3246
- Maggie Weiser- Brownfields Coordinator
 - mweiser@kdheks.gov or (785)296-5519
- Kait Salley- Brownfields Project Manager
 - ksalley@kdheks.gov or (785)296-1681



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