

KANSAS BROWNFIELDS PROGRAM

Kansas Department of Health & Environment
State Response and Property Redevelopment Unit
Remedial Section

Maggie Weiser
Brownfields Coordinator

Doug Doubek, P.G.
Program Manager



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



KANSAS BROWNFIELDS PROGRAM

- ✘ Federally Funded State-Lead Program
- ✘ KDHE conducts Environmental Assessments at properties being considered for reuse, redevelopment, rehabilitation, or expansion
 - + Benefits community need or creates jobs
- ✘ Assessments are conducted at “no cost” to eligible applicants.
 - + Grant Funds

BTA'S

Brownfields Targeted Assessments



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ELIGIBILITY

- ✘ City, County, State, Non-for-Profit, any Quasi-Governmental Agency
 - + Local Economic Development, Planning and Zoning, Chamber of Commerce
- ✘ Private Applicants welcome
 - + Developers, Property Owners, Real Estate, Bankers
 - + Require a Letter of Support from one of the above-referenced

Exception is PRP's



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SITE ELIGIBILITY

- ✘ Cannot be under enforcement Action
- ✘ Tools for determining Site Eligibility
 - + KDHE Identified Sites List
 - ✘ http://www.kdheks.gov/remedial/isl_disclaimer.htm
 - + EPA Superfund Search
 - ✘ <http://cfpub.epa.gov/supercpad/cursites/>
 - ✘ <http://www.epa.gov/emefdata/em4ef.home>



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WHY BTA?



- ✘ Help address the environmental issues for property transactions & expansions
- ✘ Due Diligence/Liability
 - + Comfort Letters
 - + Redevelopment approval
- ✘ Kick Start a stalled redevelopment project
- ✘ Leveraged funding to bridge a gap



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WHY BTA CONT.

- ✘ Desirable Locations
- ✘ Increases local tax base
- ✘ Improves community image
- ✘ Mitigates public health and safety concerns
- ✘ Uses existing infrastructure (cost savings) and preserves “greenspace”



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FROM DONUT SHOP TO SUBWAY®



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BTA APPLICATION

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**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 County Tribe Not-for-Profit Private (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 (Describe Below) NO UNKNOWN
 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 (Check if any)	CONDITION (usable, gutted, razed, etc.)
		<input type="checkbox"/>	
		<input type="checkbox"/>	
		<input type="checkbox"/>	

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

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 6: 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 (Please describe): _____
 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:
 RYAN WEISER, Brownfields Coordinator
 Kansas Department of Health and Environment
 Bureau of Environmental Remediation
 1000 SW Jackson, Suite 410
 Topeka, Kansas 66612
 785-296-5519
 rweiser@kdhhs.gov

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or save using the button below and e-mail to rweiser@kdhhs.gov

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

Print

SAVE

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

Current Use of Site/Facility (if any):

Number of Parcels: _____ Size of Site In Acres: _____



BTA APPLICATION

✘ Section 3: Current Site Ownership

✘ Access Agreement + Streamlined

SECTION 3: Current Site Ownership:

Name:			
Address:			
City:		State:	
Phone:			

If property is not owned by applicant, the applicant must secure access to the property from the property owner. The property access form is included in the Brownfields Toolkit.



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PART C

CONSENT FOR ACCESS TO PROPERTY

The person signing below gives permission to the Kansas Department of Health and Environment (KDHE) to enter onto the property described below for the purpose of conducting Phase I Site Reconnaissance and/or Phase II soil/water sample collection on the day(s) of _____.

Permission is granted to KDHE, and to its employees, agents, assigns, or contractors to enter this property in order to carry out the above activities pursuant to K.S.A. 65-3453 *et seq.*

This permission is being granted by or on behalf of the (circle one):

owner tenant

of this property. KDHE has assured the person signing below that upon completion of the work specified above, KDHE materials and equipment will be removed from the property and the property restored as nearly as reasonably possible to the condition it was in at the time KDHE began work at the Site.

ACCESS IS GRANTED FOR PROPERTY AT:

SITE NAME _____

ADDRESS OR LEGAL LOCATION: _____

CITY: _____

Signature _____ Date _____

Print name of person signing _____

(Company name, if applicable) _____

(Title, if signing for a business) _____

BTA APPLICATION

✘ Section 4: History

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.

SECTION 4: Site History

PRIOR SITE ASSESSMENTS

Describe Conclusions

If reports are unavailable

BUILDINGS OR



BROWNFIELDS TARGETED ASSESSMENTS

× Phase I

- ✓ Environmental lien/title search
- ✓ Historical property evaluation
- ✓ Site Visit
- ✓ Identifies Environmental Concerns (RECs)
- ✓ Property owner/applicant provided a Report
- ✓ Example Report



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PHASE II BTA

- ✦ Conducted if potential concerns found in Phase I
- ✦ Actual Media Sampling
 - Soil & Groundwater
 - A



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BTA PROCESS AND TIMING

- × Timing is everything, Plan ahead if possible
 - + Application Review and approval—1 Week
 - + KDHE Consultant conducts Phase I—3 Weeks
 - + KDHE Consultant Prepares Report—2 Weeks
 - + KDHE approval and transmittal—2 Weeks
- × If needed KDHE Contractor conducts Phase II (Soil and/or Groundwater sampling)—1-2 months
- × Cleanup under KDHE oversight
- × Redevelopment



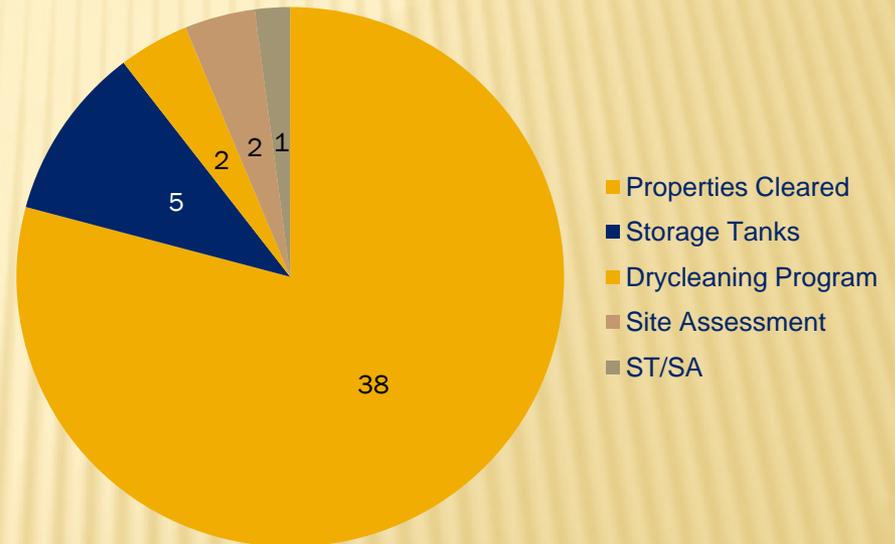
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PROPERTIES ASSESSED 2012

- ✘ BTAs in 2012
48 (216.7 acres)
- ✘ Properties Cleared
38 (193 acres)
- ✘ Remaining properties transferred to appropriate State Response Programs

Properties Assessed in 2012



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BREAK



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BROWNFIELDS TARGETED ASSESSMENT PHASE II



Contamination
Identified

What's the Next
Step?



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PHASE II RESULTS FINDS

CONTAMINATION

- ✘ Potentially Responsible Party (PRP) Search
 - Conducted by KDHE
- ✘ Determines who may be responsible for contamination
 - Who owned/operated at time of release
- ✘ If/When identified, PRP is notified and encouraged to address contamination thru the appropriate KDHE program

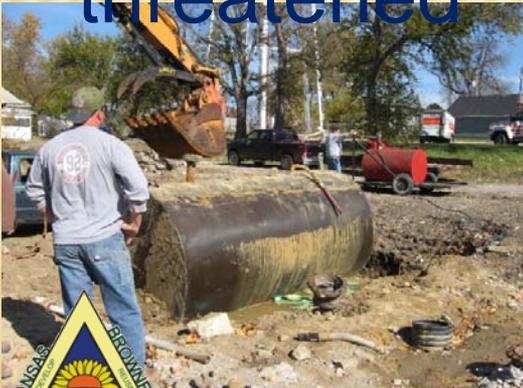


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CONTAMINATION FOUND

- ✘ What is the appropriate program?
- ✘ Depends on contaminant source (buried fuel tank, dry cleaning solvent, other)
- ✘ Depends on receptors (water wells, surface water, sensitive environments) that are threatened



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STATE TRUST FUND

- ✘ Provides Funding for Remedial Activities when viable owner or operator exists
- ✘ For AST and UST Facilities
- ✘ \$3,000 + \$500/tank deductible
- ✘ Reimburses 100% up to \$1,000,000 for cleanup
- ✘ Will not pay for tank removal
 - NEW UST Property Redevelopment Trust Fund



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FEDERAL LUST FUND

- ✘ Provides Funding for UST Tank Removal or Remedial Activities when no viable responsible party
- ✘ No Deductible
- ✘ Underground tanks only
- ✘ Primarily Orphan Sites, cost recovery for others
- ✘ Sites Prioritized by Risk and Reuse



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DRY CLEANING TRUST FUND

✘ Eligibility

- Documented release associated with dry cleaner facility; specific site information must be obtained
 - Eligible parties include facility owners and operators, landowners, and municipalities
 - Not eligible for Trust Fund if release caused by wanton conduct
- ✘ \$5,000 Deductible paid by the Applicant
- ✘ Covers all costs for assessment and remediation up to 5 million



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VOLUNTARY CLEANUP PROGRAM

- ✘ Allows voluntary eligible entities to address site contamination
- ✘ Must be eligible site (i.e. low risk, no enforcement orders, cannot be Superfund site)
- ✘ Applicant must pay application and oversight fees
- ✘ When complete, property receives legally defensible “No Further Action” determination letter



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STATE COOPERATIVE PROGRAM

- ✘ High priority sites
- ✘ Sites not eligible for participation in KDHE's Voluntary Cleanup and Property Redevelopment Program (VCPRP)
- ✘ Sites with non-responsive or recalcitrant responsible parties such as enforcement-based sites



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NO RESPONSIBLE PARTY?

- ✘ KDHE State Water Plan
- ✘ Evaluates, monitors, and cleans up contaminated ground or surface water for “orphan sites.”
- ✘ Funded by the State Water Plan under the State Water Resources Planning Act.



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KDHE STATE WATER PLAN

- ✘ Orphan Sites
- ✘ Responsible party is no longer financially viable i.e. bankrupt, no longer in business
- ✘ Financially unable to address the contamination
- ✘ Unwilling to address the contamination
- ✘ Emergency actions – Treatment of PWS Well



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STATE PROGRAMS TO ADDRESS CONTAMINATED SITES

- ✘ Brownfields Cleanup Assistance Program
- ✘ Petroleum Storage Tank Trust Fund
- ✘ Dry Cleaning Trust Fund
- ✘ Voluntary Cleanup Program
- ✘ State Cooperative Program
- ✘ State Water Plan



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CASE STUDY

El Dorado American Legion BTA Property

- ✘ The City of El Dorado is partnered w/USD 490 & Butler Community College to construct a new stadium complex.
- ✘ Estimated cost \$9 to 12 million.
- ✘ Initially Applied to State Brownfields Program in December 2008.



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EL DORADO AMERICAN LEGION BTA PROPERTY

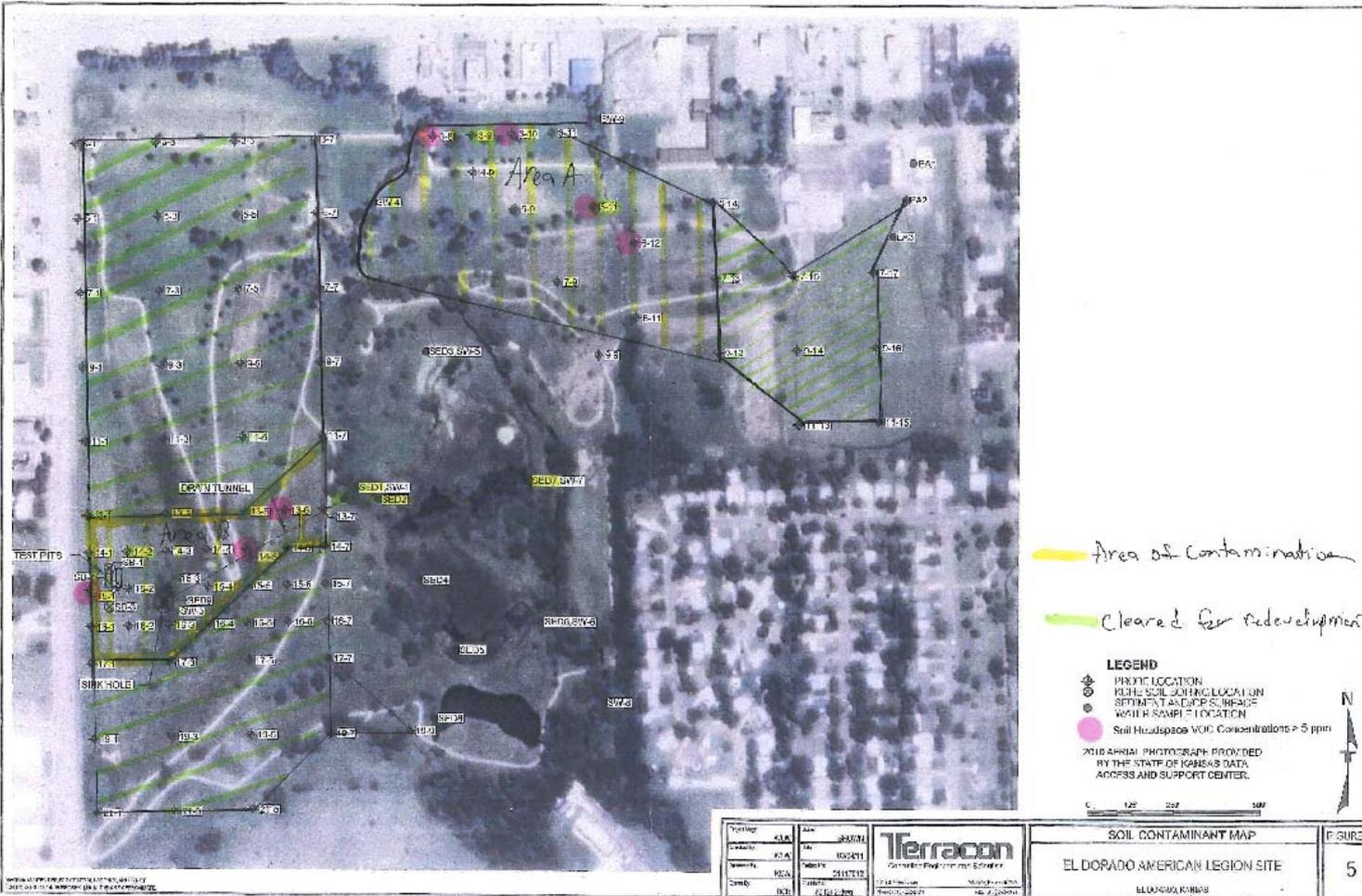
- ✘ Phase I BTA – February 2009
- ✘ Phase II – May 2009
- ✘ Phase III – February 2011



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EL DORADO AMERICAN LEGION BTA PROPERTY



Project: ELA	Date: 8/20/24	 Construction Management Solutions	SOIL CONTAMINANT MAP	FIGURE
Location: P.A.	File: 052411		EL DORADO AMERICAN LEGION SITE	5
Owner: REA	Project: 2117712	2218 Locust	EL DORADO, KANSAS	
Drawn: RCB	Scale: 1/4" = 100'	2218 Locust		

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KANSAS

Program

EL DORADO AMERICAN LEGION BTA PROPERTY

✘ Redevelopment

- EUC placed on portions of the property with engineering controls.
- Various KDHE Programs worked w/City to design a trench collection system w/an o



After: State of the Art Stadium – Butler County Community College



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BROWNFIELDS ASSISTANCE

✘ **Web Site:** <http://www.kdheks.gov/brownfields/>

✘ **Contact Information:**

- **Doug Doubek, Program Coordinator**

785-291-3246

Email: ddoubek@kdheks.gov

- **Maggie Weiser, Brownfields Coordinator**

785-296-5519

Email: mweiser@kdheks.gov

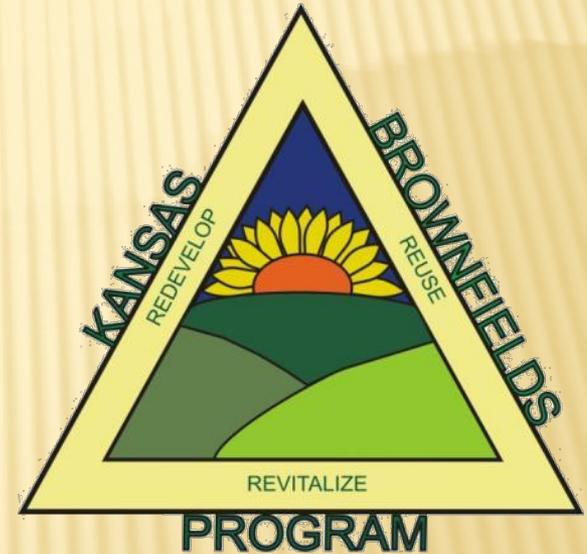


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www.kdheks.gov



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