DEC Brownfields Assessment & Cleanup (DBAC) Services

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DEC CONTAMINATED SITES PROGRAM

2015 ALASKA TRIBAL CONFERENCE ON ENVIRONMENTAL MANAGEMENT
ROADMAP

• DEC Contaminated Sites Program & Brownfields
• Brownfields Definition & Why Identify/Reuse
• DBAC Definition, Eligible Applicants
• Example DBAC Services
• DBAC Project Process
• Successful & Unsuccessful Application Elements
• DBAC Success Story
ROADMAP

- Successful Brownfield Elements
- Site Eligibility
- Alaska’s Mini-CERCLA Statute
- Liability: Who, Defenses & Why Discuss
- Successful SFY16 DBAC Applicants
  Funding & Assistance Resources
Who We Are

DEC’s Contaminated Sites Program
- State & Tribal Response Program (STRP) grantee
- Brownfields: Program-wide element

Our Roles:
- Provide technical assistance
- Public database and GIS map
- Conduct outreach
- Offer yearly assessment & cleanup services
What is a Brownfield Site?

1. Property (land, building, or both)
2. Actual or suspected contamination
3. Reuse or redevelopment plan
Why Identify & Reuse?!

1. Environmental Benefits
2. Economic Benefits
3. Community Benefits
DEC’s Brownfield Assessment & Cleanup (DBAC) Services

- Successful applicants awarded: Services, not money
- Services: assessment or cleanup-related
- Competitive, state-wide
Eligible DBAC Applicants

- Public, quasi-public, and non-profit entities
- Alaska Native Tribes
- City government and Tribal councils
- State agencies
- Community & economic development organizations
Example DBAC Services

- Phase I, Phase II Assessments
- Hazardous Building Materials Surveys
- UST removal
- Excavation of soil -> landfarmed
- Cleanup & removal of contaminated soil
- Engineered barrier over contaminated soil
DBAC Project Process

1. Pre-application meeting with DEC brownfield staff
2. Apply!
3. Ranking of applications → “YES” or “NO” to applicant
4. Successful → assigned DEC project manager
5. Request for proposal → proposal & contractor selected
6. Service conducted July 1 → June 30
Successful Application Elements

- Complete application
- Strong project team
- Documented community support
- Defined reuse/redevelopment plan
- Other leveraged funding or services
Unsuccessful Application Elements

- Incomplete application
- Poorly-defined reuse/redevelopment plan
- Weak project team
- No supporting documentation
- Applicant is liable for contamination
Former Pelican Seafood Processing Facility
Elements of a Successful Brownfield

- Eligibility/liability
- Community
- Reuse
- Partnerships
Site Eligibility

- Sites that are publicly owned
- Sites that have no viable responsible party
- Sites that are not federally owned

- Privately owned sites are not usually eligible
  - Exception – owner is not a viable responsible party and the project will significantly benefit the community
Alaska’s Mini-CERCLA Statute

• Strict Liability
  • Liable without regard to fault or negligence

• Joint and Several Liability
  • One party may be held liable for the entire amount
  • May be able to apportion liability between parties

• Retroactive
  • Liability extends back to before law was adopted
Who is Liable?

- Owner and persons with control over a hazardous substance at the time of release
- Owner and operator at the time of release
- Current owner and operator
Liability Defenses

• Innocent Landowner (.822(c) and .822(i))

• Native Corporation receiving property under the Alaska Native Claims Settlement Act

• State government entity receiving property under Alaska Statehood Act

• Property acquired by a unit of local or state government through bankruptcy, foreclosure, tax delinquency, abandonment or eminent domain
Why talk about liability?

- Informed decisions
- To get you to ask questions!
Community Support

• Documented community support
• Diverse project team

IGAP coordinator
TRP Brownfield Coordinator
City government
School district
Community members
Tribal council
Village corporation
State agency
Reuse

Culture

Safety

Health

Housing
Pitka’s Point, Alaska – Pitka’s Point School

- 2.28 acres
- 6 buildings
- 10% of developable land
Traditional Use Areas
Partnerships

- Federally recognized Tribes & Tribal Governments
- Native Regional & Village Corporations
- Economic Development Organizations
- Housing Corporations
- Non-profit organizations
- City government & state governments
- Grant programs (IGAP, TRP, NALEMP)
- Federal (EPA, ATSDR, & DoD)
McGrath, Alaska – Community Center

- City of McGrath - Community Development Block
- McGrath Native Village Corporation - Indian Community Development Block Grant
- State of Alaska Capital Improvement Project Funding
- DEC Brownfield Funding
- Raised over $2 million
Kake, Alaska – Former Keku Cannery
Kake, Alaska

- Organized Village of Kake
- Kake Tribal Corporation
- State of Alaska Department of Commerce, Community and Economic Development
- Bureau of Indian Affairs - Transportation Funds
- EPA/DEC
- Dept. of Transportation
SFY 16 DBAC PROJECTS

Arctic Village Former Power Plant
Native Village of Venetie Tribal Government Phase II
Community gathering area

Kake Former Elementary School
City of Kake
Asbestos Monofill Permit
Community Center

ADNR Former Headstart Building
ADNR/Ruby Tribal Council
Property assessment/cleanup plan
Community use
Success

Every step forward is a success!
Funding and Assistance

HUD CDBG - Division of Commerce, Community, and Economic Development
$850,000 per community

https://www.commerce.alaska.gov/web/dcra/grantssection/communitydevelopmentblockgrant.aspx

USDA – Rural Development


CCLR

http://www.cclr.org/technical-assistance

DEC

http://dec.alaska.gov/spar/csp/brownfields.htm
Thank you!

Questions?

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