

DEC's Contaminated Sites Program

DEC Brownfield Assessment or Cleanup Request Form - 2016

Introduction

Thank you for your interest in applying for Alaska Department of Environmental Conservation Brownfield Assessment and Cleanup services. Using funds from the U.S. Environmental Protection Agency (EPA), the Alaska Department of Environmental Conservation will conduct a number of DEC Brownfield Assessment and Cleanups (DBAC) at eligible properties in Alaska. DEC continues to assist Alaskan communities across the state by conducting environmental site assessments, a limited cleanup effort, and characterization/cleanup planning. A DBAC is intended to help reduce the environmental uncertainties or conditions that hinder the reuse or redevelopment of a brownfield.

The objectives of a DBAC are to:

- Help clarify whether an environmental problem is limiting a site's use or intended reuse or redevelopment;
- Help identify the nature and extent of contamination;
- Provide recommendations and estimate costs for additional assessment, if needed; and
- When funding permits, conduct cleanup activities designed to enable reuse of a site.

In selecting projects, we look for solid reuse or redevelopment plans and strong community support and commitment. This year's DBAC request period will close at 5:00pm AST January 29, 2016. To apply for funding please complete the following application and send via email or fax to our office.

Reuse and Community Support

Brownfields are about beneficial reuse and redevelopment. Reuse goals can include: new construction, redevelopment using existing infrastructure, creation of recreation areas, preservation of green space, enhancement of sustainable subsistence habitat, and many others. Putting contaminated properties back into productive use can provide many environmental, social, and economic benefits to your community.

When considering the proposed benefit of your project, think about the priorities in your community. Some things to consider: the creation of jobs, preservation of historically or culturally significant property, location for community activities or educational purposes, preservation of subsistence habitat, reuse or recycling of materials or infrastructure, cost savings to the community, or increased property values.

Eligible Applicants

DEC Brownfield Assessment are available to public, quasi-public or non-profit entities such as municipalities, state agencies, tribal governments, and community development organizations interested in redeveloping abandoned or underutilized properties.

General Application Process

Applicants will be required to submit the enclosed Application Form for the Department of Environmental Conservation Brownfield Assessment and Cleanups in which they demonstrate eligibility, provide property information, and document community support of the project. A DBAC Review Team composed of individuals with expertise in environmental site investigation, remediation, and brownfield redevelopment issues will evaluate the applications.

The applicant must complete the entire application form and sign the certification page below. Unsigned or incomplete applications will not be accepted. DEC reserves the sole right to reject any applications that do not meet the eligibility requirements or if information provided in the application is found to be inaccurate.

The applicant is required to have a pre-application submittal discussion with ADEC brownfield staff to determine eligibility and discuss any potential issues. Please begin preparing your application well before the deadline to ensure appropriate time for the pre-application meeting and to gather any additional information that may be required. We are here to help so please call us with any questions about the application or the eligibility of your project.

Application Assistance

If you have questions regarding brownfields or the DBAC application process, please contact either of our DEC Brownfield staff. We are happy to talk with you – we want to help you submit a successful DBAC application!

Amy Rodman
amy.rodman@alaska.gov
(907) 465-5368

Christy Howard
christy.howard@alaska.gov
(907) 465-5206

SUBMISSION REQUIREMENTS:

A copy of the completed application must be received at the following address no later than

5pm AST on Friday, January 29, 2016

Alaska Department of Environmental Conservation

Contaminated Sites Program

410 Willoughby Avenue, Suite 311

Juneau, AK 99811

Attention: Amy Rodman or Christy Howard

Or via email at

amy.rodman@alaska.gov or christy.howard@alaska.gov

A. Threshold Criteria: The following must be TRUE:

- This site **IS NOT** federally owned.
- To our knowledge, this site or facility **HAS NOT** received funding for remediation from the Leaking Underground Storage Tank (LUST) Trust Fund.
- The Applicant/Organization requesting this service **IS NOT** directly responsible for causing the potential contamination.
- The Owner of the property is not directly responsible for causing the potential contamination, **OR** the Owner has no financial capacity to properly address the assessment or cleanup of the site.
- There is a documented reuse or redevelopment plan for the site that is described in this request. (Documented means that it is in a resolution, business plan, or economic development plan, or that funding for reuse is actively being sought and can be documented).

If any of the above statements is NOT TRUE, your site is probably not eligible for brownfield services. If you have questions or concerns, please call us to discuss them.

B. Liability

To be eligible for DEC Brownfield Assessment and Cleanup services eligible entities must demonstrate that they are not liable under CERCLA for the contamination at the site.

If the grantee owns the property being assessed/cleaned up, indicate which of the following bases for determining that the grantee is not potentially liable as an owner under Section 107(a) of CERCLA applies, and briefly describe the circumstances.

The owner is a recognized tribal government entity and is not a “person” under the definition of CERCLA.

The owner acquired the property “involuntarily”, such as by foreclosure or eminent domain or bequest.

The contamination migrated from an adjacent property such that the owner qualifies for and has satisfied the contiguous property owner exception to liability, including all appropriate inquiry, reasonable steps, notice and access/institutional controls cooperation.

[] The owner satisfies the elements of the Bona Fide Prospective Purchaser exception to liability, including all appropriate inquiry, reasonable steps, notice and access/institutional controls cooperation.

[] Other (please explain):

C. Background Information

1. To the best of your knowledge, is the Owner of the property in question:

Private City/Public Native Corp. Tribe State

2. Known or suspected contaminant(s) at the site (check one):

Hazardous Substances Petroleum Only Hazardous Substances and Petroleum

3. Is this site currently listed on DEC's *Contaminated Sites* database?

Yes No If Yes, please list the DEC file number here: _____

D. Ranking Criteria

The following ranking criteria will be used to prioritize and select projects for state fiscal year 2017 funding (SFY 17 begins July 1, 2016). The number of sites selected depends on our actual FY17 funding. Your site will be ranked by a review team based on the following criteria. Projects that rank high will meet the following criteria, please consider these carefully when constructing your application.

1. **Applicant/Owner** – Applicant is a unit government, non-profit, tribe, or other community centered entity who is seeking a benefit for many.
2. **Project Requirements** – It is clear what the project requires from the information provided. Our efforts will be able to provide a product that will significantly move revitalization forward.
3. **Project Team** – Applicant has a project team of three or more that are representative of the needs of the community and support from these representatives is documented.
4. **Site Condition and Use** – Application includes information about current and former site use to the extent that is known, acreage, and address information that enables us to easily identify the area in maps. A thoughtful and researched understanding of current and past use must be provided. Site is abandoned, blighted, or significantly under-utilized.
5. **Viability of Reuse Plan** - Plans for sustainable development is well thought out and documented. Continuation funding has been procured or is being sought.

6. **Community Support and Benefit** – The community has been included in the proposal and support is documented through letters. The project would lead to a measurable community benefit through increase in jobs, preservation of a resource, or construction/revitalization of a community facility or structure. The applicant has the resources and inclination to insure the project is successful.

7. **Bonus points will be provided for the following:**

- a. Green building or habitat preservation
- b. Historical or cultural significance
- c. Alternative energies

The project must provide a definite benefit to the community, and we must be able to cover the needed scope of work with our available funding. Each of these questions must have a response in order for your request to be considered.

1. Applicant/Owner

a. **Applicant** - Provide the name and address of the organization applying for the DBAC service, the name of the contact person, email, telephone, and fax numbers. If Applicant is Village IGAP staff OR Tribal Response Program staff, please provide the name of your EPA Project Officer.

b. **Property Owner** - The owner of the property must allow DEC access to the site. If the applicant is different from the owner, attach written consent for access from the owner. (Note: the applicant must be able to secure access for DEC and its contractors to conduct the assessment or cleanup.)

2. Project Summary

a. **Project Summary** – Summarize your project and describe how this effort will help you accomplish your goals for the site.

b. Findings from Past Environmental Assessments - Has the site had previous assessment activities?

No DBA Targeted Brownfield Assessment (TBA) Other_____

If other, please explain:

Please attach copies of executive summaries or summary and conclusions sections from any past reports. If a DBAC service is approved for your project, complete copies of previous reports must be made available if not already in DEC files.

c. Project Team – Please form a project team of three or more individuals or organizations to ensure continuity beyond this effort and coordination for success of the overall project. Attach a letter of support from each team member and list the names and contact information of each individual or organization below:

3. Site Information and History

a. Current Site Condition and Use – Provide the common name of the site, address, approximate acreage, zoning, and types of buildings. Please attach a site map or aerial photograph showing the site's location in the community, adjacent land use and identify property boundaries. Identify on the map or aerial photo any areas of known or suspected contamination

b. Historical Site Use

1. Describe the previous known uses of the site and when the different activities occurred.
2. Summarize any historic or cultural significance of the property.
3. Identify **when** and **how** the site became or may have become contaminated, with what substance(s), and where any contamination is likely to be found.

4. Community Planning and Reuse

a. Reason for Concern - Please discuss concerns with the site and identify any specific problems.

b. Reuse or Redevelopment Plans and Documentation- Please describe the reuse or redevelopment plan that the proposed work will help accomplish. Please attach any documentation referencing resolutions, business planning, community planning, a proposal for grant funding, or loan applications, that helps support the vision for the reuse or redevelopment of the property in question.

c. Public Benefit – Briefly describe how your proposed reuse or redevelopment plans for the property will provide a benefit to the public. Explain why this is important to your community.

d. Other Community Plans or Projects – Please let us know if other work is being planned or underway in your community that may help assist in this effort, such as available heavy equipment or other resources.

Disclaimer (fine print)

Under no circumstances does an award of DBAC services imply that DEC accepts liability for any contamination that may exist at the site, nor is DEC responsible for any necessary cleanup of hazardous substances that may be found at the site. Liability for contamination on a property is specifically addressed in Alaska Statute (AS) 46.03.822, which outlines those who are liable for the release of a hazardous substance. The general liability categories include: (1) those with an ownership interest in the property; (2) those in control of the substance at the time of the release; or (3) those who arrange for disposal or transport of the substance.

Brownfield work focuses on clarifying environmental concerns associated with property for which there is no known viable responsible party. By applying for a DEC Brownfield Assessment or Cleanup, it should be clear to all parties associated with a request that the work requested of DEC is designed to identify, clarify, and in some cases, remediate environmental hindrances that currently impede the continued use, proposed use, redevelopment, or sale of a property. Work conducted by DEC may result in identifying a property as a contaminated site, and require the site be listed on DEC's *Contaminated Sites Database*. With listing comes the requirement of potentially responsible and liable parties to address cleanup of contamination in accordance with regulatory requirements.

DBAC Request Submittal Checklist

Before submitting your DBAC request form, please check the following items are complete:

- Did you answer each question?
- Did you attach a letter from the property owner granting access to the site, if the owner is different from the applicant, as described in Question 2(b)?
- Did you attach a letter of support from each team member for Question 3?
- Did you attach a site map or aerial photograph of the site with the information requested in Question 4(a) shown?
- Did you attach executive summaries or summary and conclusions sections from any past environmental reports about the site, as described in Question 5?
- Did you attach documentation of the reuse or redevelopment plans the community has for the site, as described in Question 6(a)?