



DEC Brownfields Assessment & Cleanup (DBAC) Services



CHRISTY HOWARD & AMY RODMAN
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
- Application period: October 2, 2015 → January 29, 2016



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

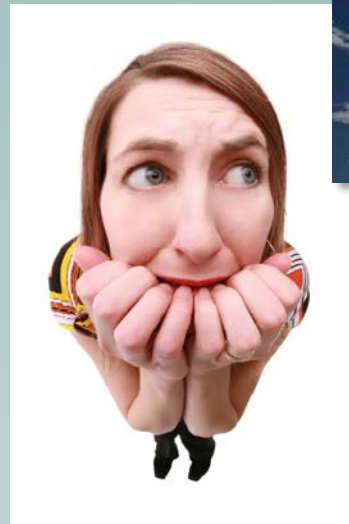


Liability Defenses

- 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

school district

village corporation

community members

TRP Brownfield Coordinator

city government

tribal council

State agency

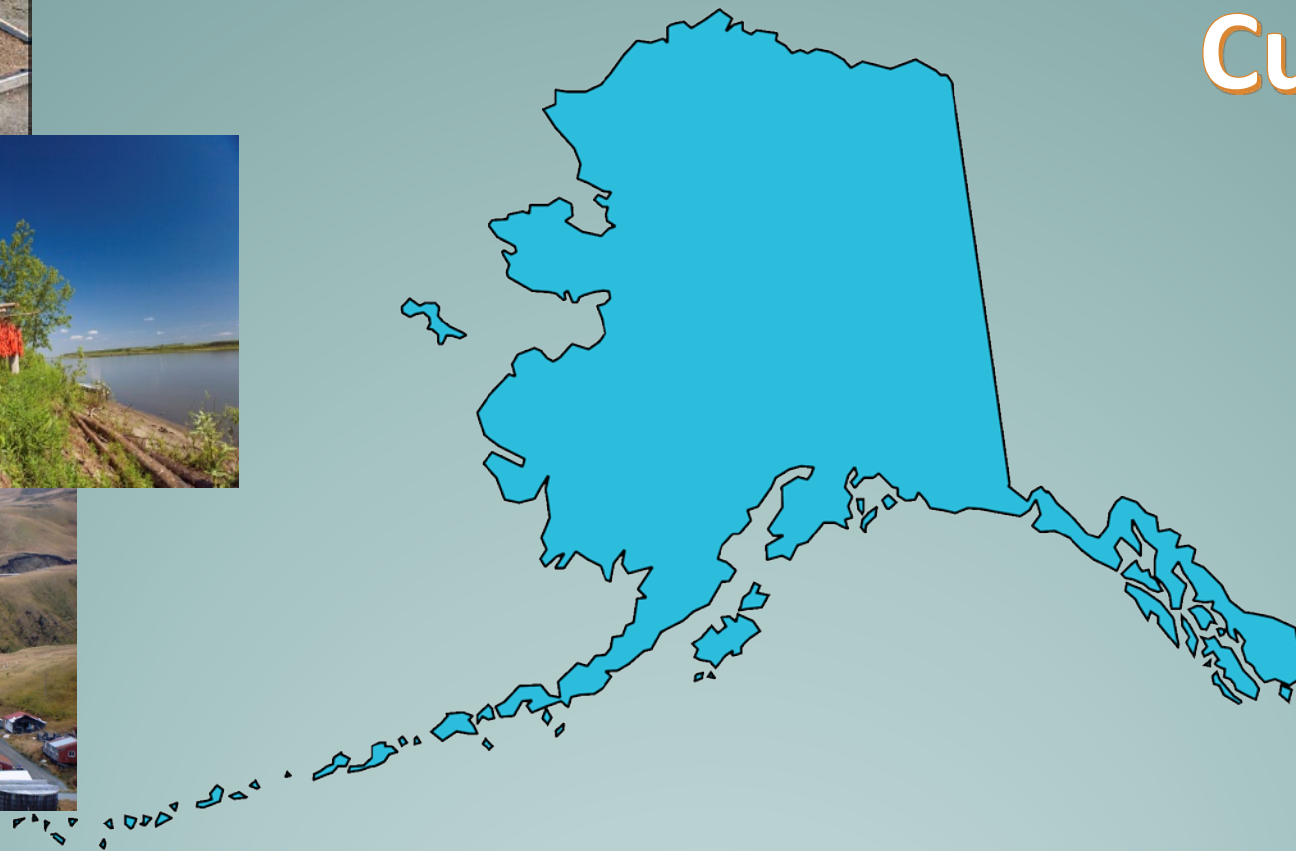
Reuse

Culture

Safety

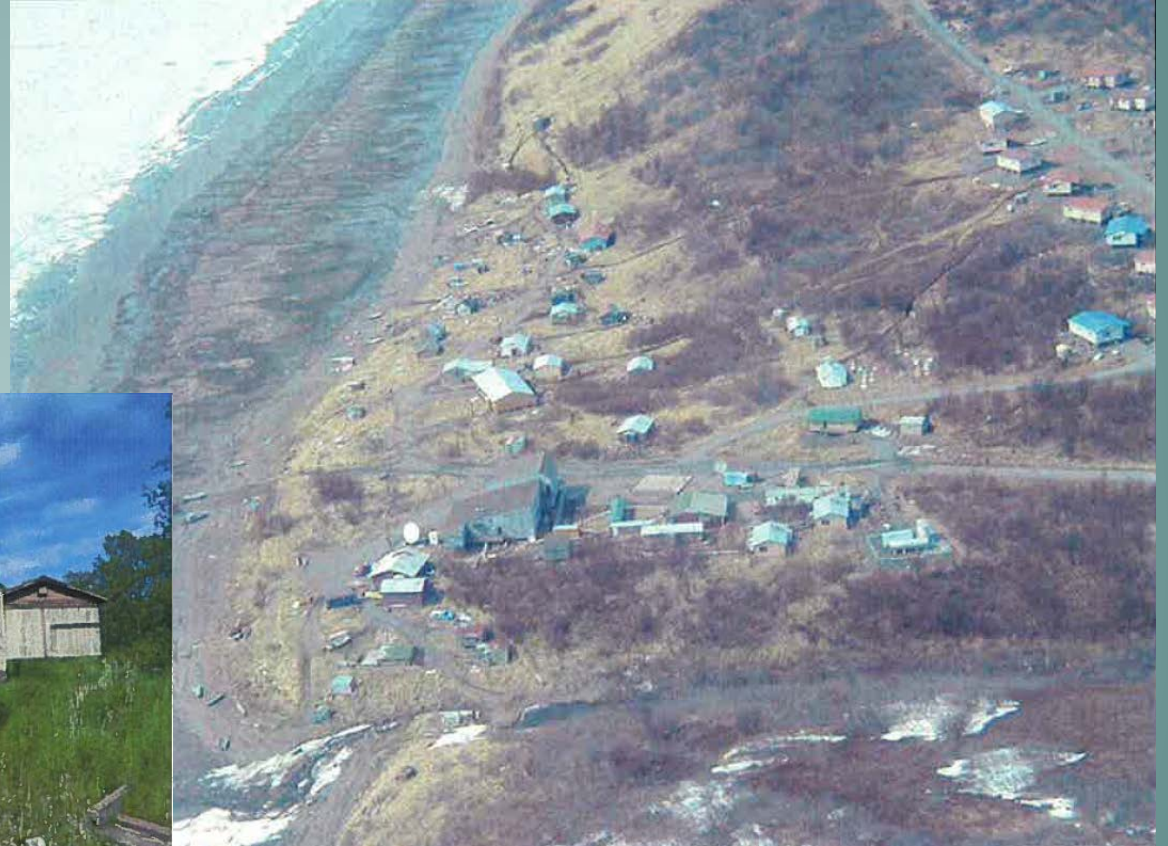
Health

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





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

SFY 16 DBAC PROJECTS



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



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

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/communitydevelopmentblockgrants.aspx>

USDA –Rural Development

http://www.rd.usda.gov/files/AK_ProgramMatrix.pdf

CCLR

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

DEC

<http://dec.alaska.gov/spar/csp/brownfields.htm>



Thank you!

Questions?

Christy Howard
(907) 465-5206

christy.howard@alaska.gov

Amy Rodman
(907) 465-5368

amy.rodman@alaska.gov