Roadmap

- Yes/No Brownfield eligibility Criteria
- Federal resources available to find site information
- State and local resources available to find site information
- What a State Petroleum Determination letter is, why you may need one, and how DEC does one
- DEC’s DBAC
- EPA’s TBA
General Brownfields Site Eligibility and Federal Resources

Madison Sanders-Curry, EPA
Does the site meet the definition of a Brownfields site?

“Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”
“the expansion, redevelopment, or reuse”
These are also Eligible Sites:

- Contaminated by a controlled substance (meth)
- Contaminated by petroleum
- Mine-scarred land
- Asbestos & Lead Paint
Sites Not Eligible for Funding by Statute

- Listed on the National Priorities List or identified as part of a larger Superfund site under a different name
- Subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA
- Under the jurisdiction, custody, or control of the US government*

* Land held in trust by the US government for an Indian tribe is eligible
Sites only Eligible for Funding with a Property Specific Determination

- Is the site/facility subject to a planned or ongoing CERCLA removal action?

- Has the site/facility been subject to an order or consent decree, or issued a permit by the U.S. or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA)), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SWDA)?

- Is the site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))?
Sites only Eligible for Funding with a Property Specific Determination Continued

Is the site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle of RCRA and is subject to closure requirements specified in a closure plan or permit?

Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?

Is the site currently receiving funding for remediation from the leaking Underground Storage Tank (LUST) Trust fund?
Property-Specific Determination

- EPA may determine on a case-by-case basis a site/facility eligible to receive brownfields funding if:
  - The funds will protect human health and the environment, AND
    - Promote economic development, OR
    - Enable the creation, preservation or addition to parks, greenways, undeveloped property or other property used for nonprofit purposes.

Note - Applicants whose site requires a property-specific determination must provide additional info set forth in the guidelines.
Federal Resources for Site Research

**Cleanups in my Community**
https://ofmpub.epa.gov/apex/cimc/f?p=cimc:map:::::71

**Enforcement and Compliance History Online**
https://echo.epa.gov/

**EnviroFacts**
https://enviro.epa.gov/index.html

**BLM National Data**
https://blm-egis.maps.arcgis.com/apps/webappviewer/index.html?id=6f0da4c7931440a8a80bfe20eddd7550

**UST Finder**
https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=c220c67462e14763a8e0c4df7550278

**National Priorities List**
https://www.epa.gov/superfund/search-superfund-sites-where-you-live#advanced
State and local resources available
State Petroleum Determination letters
DEC’s DBAC

Lisa Griswold, ADEC
Finding Site Information

Potentially boring but necessary....
Locating information

• Step One: Determining Legal address of the property
• Step Two: Locating(potential) releases on the property
• Step Three: Finding the Current landowner
• Step Four: Finding the Past landowners
• Step Five: Finding the Current and Past site operator and/or site lessee and/or Transporters
Step One: Locating a legal description of property

- DCRA Community Profile Maps
  http://dcced.maps.arcgis.com/apps/webappviewer/index.html?id=18fdb060875740fdad22099ca779d637
  
  *did the property boundaries change?*
  *did the property description change?*

ADNR Alaska Mapper http://dnr.alaska.gov/mapper/controller
Step One: Locating a legal description of property

Local Maps

- City of Cordova Property Tax Roll [http://www.cityofcordova.net/residents/services/property-taxes](http://www.cityofcordova.net/residents/services/property-taxes)
- City of Dillingham GIS [http://dillingham.maps.arcgis.com/apps/Viewer/index.html?appid=f3a82ba94f0b4fe0bd34a3ee407322b1](http://dillingham.maps.arcgis.com/apps/Viewer/index.html?appid=f3a82ba94f0b4fe0bd34a3ee407322b1)
- Fairbanks North Star Borough GIS [http://fnsb.us/gis/Pages/GIS-Viewers.aspx](http://fnsb.us/gis/Pages/GIS-Viewers.aspx)
- City and Borough of Juneau GIS [http://epv.juneau.org/](http://epv.juneau.org/)
- Kenai Peninsula Parcel Viewer [http://mapserver.borough.kenai.ak.us/kpbmapviewer/](http://mapserver.borough.kenai.ak.us/kpbmapviewer/)
- Kodiak Island Borough Map Center [https://www.kodiakak.us/339/Map-Center](https://www.kodiakak.us/339/Map-Center)
- City and Borough of Yakutat Map Gallery [https://cby.maps.arcgis.com/home/index.html](https://cby.maps.arcgis.com/home/index.html)

*did the property boundaries change? *Have the property boundaries changed?
Step Two: Locating if there is a Known Release on the Property

- ADEC Spills Database
  http://dec.alaska.gov/Applications/SPAR/PublicMVC/PERP/SpillSearch

- ADEC Contaminated Sites Database
  http://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/Search/
Step Three: Locating the Current Landowner

- Local knowledge

- ADNR Recorders office
  http://dnr.alaska.gov/ssd/recoff/searchRO.cfm

- Local Maps/Info
Step Four: Locating Previous Landowners

- Local knowledge
- ADNR Recorders office
  http://dnr.alaska.gov/ssd/recoff/searchRO.cfm
- DCCED Corporate licenses
  https://www.commerce.alaska.gov/cbp/main/
- Historical Societies
- ANSCA Contaminated Lands Map
  http://blm-egis.maps.arcgis.com/home/webmap/viewer.html?webmap=404797968578439faf4cece4bf529643
Step Five: Locating the Current and Past Operator, Site Lessee or Transporter

- Local knowledge
  ![Location Icon]

- ADNR Recorders office
  [Link to ADNR Recorders office]

- DCRA Community Database
  [Link to DCRA Community Database]

- DCCED Corporate licenses
  [Link to DCCED Corporate licenses]

- Google
  ![Google Logo]

**WHAT TYPE OF BUSINESS WAS CONDUCTED THERE?**
State Petroleum Determination Letters

Uh....what?
What is a State Petroleum Determination Letter?

- What it is: Letter written by DEC evaluating a site’s eligibility to receive Brownfields petroleum funding based on set criteria
- What it is **not**: a letter absolving any party from being considered a Responsible Party.
When do you need a State Petroleum Determination letter?

- Applying for an EPA Competitive Grant
- Evaluating spending your own 128 (a) funding conducting site specific work on a site

*DEC does one internally as part of a DBAC project
How a State Petroleum Determination Letter is done at DEC

“Information on Sites Eligible for Brownfields under CERCLA 104(k)” referenced in EPA’s “FY21 Guidelines for Brownfields Assessment Grants” EPA-OLEM-OBLR-20-06 as a guide.


What we determine:

1) There is no viable responsible party.

2) The site will not be assessed, investigated, or cleaned up by a person that is potentially liable for cleaning up the site.

3) The site must not be subject to a corrective action order under the Resource Conservation and Recovery Act (RCRA) §9003(h).
“A Site for Which There is No Viable Responsible Party”

Section 1.3.2 states “…A petroleum-contaminated site may be determined to have no responsible party if the site was last acquired (regardless of whether the site is owned by the applicant) through tax foreclosure, abandonment, or equivalent government proceedings, and the site meets the criteria in (1) below. Any petroleum-contaminated site not acquired by a method will be determined to have a responsible party if the site fails to meet the criteria in both (1) and (2) below.

1) No responsible party has been identified for the site through:
   - an unresolved judgment rendered in a court of law or an administrative order that would require any party (including the applicant/recipient) to conduct the activities (including assessment, investigation or cleanup) proposed in the grant proposal/submitted as part of a site eligibility determination;
   - an unresolved enforcement action by federal or state authorities that would require any party (including the applicant/recipient) to conduct the activities (including assessment, investigation, or cleanup) proposed in the grant proposal/submitted as part of a site eligibility determination; or
   - an unresolved citizen suit, contribution action, or other third party claim brought against the current or immediate past owner for the site that would, if successful, require the activities (including assessment, investigation, or cleanup) proposed in the grant proposal/submitted as part of a site eligibility determination.

2) The current and immediate past owner did not dispense or dispose of, or own the subject property during the dispensing or disposal of, any contamination at the site, and took reasonable steps with regard to the contamination at the site.
“Cleaned Up by a Person Not Potentially Liable”

Section 1.3.2 states ‘Brownfields funding may be awarded for the assessment and cleanup of petroleum-contaminated sites provided they meet the requests below.

- The applicant/recipient has not dispensed or disposed of or owned the property during the dispensing or disposal of petroleum of or owned the property during the dispensing or disposal of petroleum or petroleum product at the site, and

- The applicant/recipient did not exacerbate the contamination at the site and took reasonable steps with regard to the contamination at the site.”
“Is not subject to any order issued under §9003(h) of the Resources Conservation and Recovery Act (RCRA)”.  

- Potentially on DEC Database  
- EPA CORRACRTS database


http://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/Search/
DEC Brownfield Assessment and Cleanup (DBAC)

Yay money!
DEC Brownfield Assessment and Cleanup (DBAC) Services

- Is a service, not a grant
- Competitive Statewide
- Usually, 6-7 projects per year
- Projects typically range from $25,000 to $125,000
- Application period usually from November - February
Phases of Conducting Assessment & Cleanup with a DBAC

**Assessment**
- Phase I Environmental Site Assessment
- Phase II Environmental Site Assessment
- Hazardous Building Material Surveys

**Additional Assessment**
- Site Characterization work plans
- Site Characterization reports
- Property Assessment and Cleanup Plans

**Cleanup Planning**
- Corrective Action Plans
- Analysis of Brownfield Cleanup Alternatives
- Community Relations Plan

**Cleanup**
- Corrective Action Reports
- Hazardous Building Material Abatements
Recommendations

- Read the application announcement thoroughly
- Understand the criteria
- Define project needs, goals, and team
- Leave plenty of time to prepare
- Understand what we’re looking for
- Ask questions, ask early
Site eligibility information

- Threshold Criteria
- Who is applying
- Who the owner is
- Site History
  - How it was acquired
  - How it was (potentially) contaminated
Part II of a DBAC application

Ranking Criteria

- Project Requirements
- Project Costs
- Project Team
- Viability of reuse plan
- Community Support and Benefit
- Bonus Points
Part III of a DBAC application

General DBAC information

- Request for an application meeting
- Submittal checklist
- Generalized DBAC work timeline
Ranking Criteria (what are we looking for?)

- **Project Requirements**: Is it clear what the project requires from the information provided?
- **Project Team**: Is there a team in place to ensure continuity beyond this effort and coordination for success of the overall project?
- **Viability of Reuse Plan**: Are the plans for sustainable development well thought out? Is the applicant seeking other funding or resources?
- **Project Costs**: Is the scope of the project in our funding capacity?
- **Community Support & Benefit**: Has the community been included in the proposal and documents support? Does the project provide a measurable benefit to the community?
Tips for a Successful DBAC Application: Tell Your Story

Project Requirements

Project needs are clear from the information provided and easy to ascertain how DBAC services will move the project forward.

Project Team

3 or more team members identified, preferably from different organizations with documented support.

Viability of Reuse Plan

Providing documentation such as a business plan, a community plan, planned reuse drawings, proposals for other grant funding or resources, etc.
Tips for a Successful DBAC Application: Tell Your Story

Project Costs

Estimated project costs are not required, but helpful in assessing viability of overall plan and helps demonstrate a community’s understanding about a project.

Community Support and Benefits

The community has been included in the proposal and has provided its support in writing. They have resources and inclination to ensure that the project is successful.

The project would lead to a measurable community benefit through an increase in jobs, preservation of a resource, or construction/revitalization of a community facility.
Summary

• Understand the application

• Collaborate/form partnerships

• Tell your story

• Give yourself enough time

• Ask questions – there are resources available to help!

Former Fish Processing Plant, Golovin, AK
- EPA TBA (2017), site characterization
- DBAC (2018), additional assessment and Analysis of Brownfield Cleanup Alternatives
- DBAC (2019-2021), site cleanup activities
Resources for your DBAC application

DEC Brownfields
http://dec.alaska.gov/spar/csp/brownfields/

EPA Region 10 Brownfields
https://www.epa.gov/brownfields/brownfields-and-land-revitalization-region-10

Kansas State University Tribal TAB
https://www.ksutab.org/services/TribalTAB

Center for Creative Land Recycling
https://www.cclr.org/
EPA’s Targeted Brownfield Assessment

Brandon Perkins, EPA
Targeted Brownfields Assessments

• Program is designed to help eligible entities minimize the uncertainties of contamination associated with brownfields

• A study to determine whether contamination exists and if so, the nature & extent

• Available to public entities (city and county governments), Tribes and non-profits

• Typically, entities without EPA Brownfields Assessment grants request TBA assistance

• Not a grant but rather technical assistance

• Work is conducted by EPA contractor
Who Is Eligible to Apply for a Targeted Brownfields Assessment?

- State, local, and tribal governments
- General purpose units of local governments
- Land clearance authorities
- Quasi-governmental entities
- Regional development agencies
- Nonprofit organizations
- Alaska Native Corporations
Selection Criteria

- Site needs to meet the definition of a Brownfields
- Anticipated expansion, reuse, or redevelopment at property
- Should have thought out plans for potential redevelopment or reuse
- Public need and benefit
- Municipal support and commitment
- Mechanisms available for cleanup
- Complement Brownfield assessment grants
Selection Criteria

• Strong commitment from stakeholders, property owners and/or building owners
• Community champion
  • Promote TBA within community
  • Works with EPA to ensure TBA success
  • Works to bring reuse vision into reality after completion of TBA
• Publicly owned property
• Privately owned property:
  • Owner cause or contribute to the contamination?
  • Owner unwilling or unable to conduct the assessment?
  • Cost-sharing mechanisms are encouraged (provision of in-kind services, commitment to contribute towards site clean up)
TBA Restrictions

- Property can not be part of a proposed or listed NPL site
- Under a CERCLA administrative order
- Can not be a Federal Facility or on Federally owned property
  - FUDS are eligible
  - ANCSA contaminated lands are eligible
- Assessment activities only
- Does not provide resources to conduct cleanup or building demolition activities
Targeted Brownfields Assessments

- TBA projects are customized to meet the needs of the Stakeholders
- End goals and reuse need to be considered in planning process
- Stakeholders are involved throughout the process
  - Scoping
  - Review of sampling approach
  - Cleanup criteria selection
- Coordination with the state Brownfield Programs
TBAs can include:

- Brownfields site inventories
- Phase I Environmental Site Assessments
- Phase II Environmental Site Assessments
- UST Assessment and Closure
- Regulated Building Material Surveys
- Cleanup Options & Cost Estimates
- Vision to Action
- A TBA can include one or all of these
How to Request TBA Assistance

• Initial meeting to discuss project is recommended

• Complete a TBA request outline
  • Ensure to provide as much information as possible
  • Incomplete request will delay final determination and approval

• Requests are accepted throughout the year
  • As long as TBA funds are available

• Region TBA funding needs sent to HQ in Nov
  • If possible, consider this when submitting TBA requests
TBA Request Outline

General tips for completing TBA request outline
• Provide as much information as possible
• Write responses if the reviewer knows nothing about the site
• If unsure how to answer question, please reach out for assistance to EPA Project Officer or TBA Coordinator. DEC is a resource as well.
• Incomplete TBA request forms will delay approval and final determination.

Basic Info Section
• Contact info for requesting entity
• Site Info
  • Name
  • Location (address, lat/long)
  • Areas of known or suspected contamination on adjacent properties
Complete current and immediate past ownership information is critical to determine eligibility

- When did applicant or owner acquire the property?
- What was the method of acquisition? (purchase, quit claim, foreclosure, ANCSA conveyed, etc.)

**CURRENT SITE OWNERSHIP:** Is the property is owned by the applicant, and if so: a) when did the applicant acquire the property, and b) how was it acquired (by foreclosure or other means, etc.)?

**If the property is not owned by the applicant: who is the current owner (name, address and telephone number, if known)? When did the current owner acquire the property? Does the applicant have legal permission to enter the property to conduct site assessment activities or a plan to get such permission? Please explain.**

**PREVIOUS OWNER: Who owned the property before the current owner?**
TBA Request Outline – History Summary

- Info on past and current site uses, owners, operations, known or potential contamination.
- Information that will help inform type of contamination that may be present.
- Sources and types of contaminants that are known or believed to be present.
- Information on regulatory history.
  - Any party required to perform assessment by EPA or State agency?
  - Provide information on any current or past involvement of state environmental agency
TBA Request Outline – Redevelopment /Reuse

- Plans for reuse need to be provided for site to meet the definition of a Brownfields.
- Provide as much information as possible regarding reuse plans or vision for site.
- Describe the benefit to the public or community from property reuse.
- Describe why assessment is needed to get to reuse.

REDEVELOPMENT POTENTIAL: Provide a brief discussion of the redevelopment potential of the property and the importance of the property to the community. How will the public benefit from this assessment?
TBA Request Outline – Municipal Commitment

• Is there support from local government for the project. If so, describe any financial, resources, or in-kind support that will be put towards project.
• Describe any support from Tribal Council.
TBA Request Outline – Assessment

- Provide conclusions on any previous reports or summary of prior assessments.
- Indicate the needs of the TBA. (i.e. Phase I, Phase II, or cleanup planning, or all)
- Provide details on any special requests or needs.
- Describe the timeframe of the project. When does the TBA need to be completed?
TBA Request Outline – Site Cleanup

• If contamination is found, what are the plans to cleanup site?
• Describe the mechanisms and/or resources that will be sought or utilized.
• The TBA Program can not conduct any cleanup activities.
TBA Request Outline – Privately Owned Sites

- Information on privately owned sites is critical.
- Provide as much information as possible.
- If owner caused contamination, what are the details around activities that may have resulted in contamination.
- Can owner conduct assessment on own? If not, provide reasons why.
- Can owner provide resources towards overall project? In-kind services, conduct cleanup, etc.? Provide the details.

FOR PRIVATELY OWNED SITES: Did the current owner conduct or allow activities that may have resulted in its contamination?

Is the current owner unwilling or unable to conduct an assessment?

What cost-sharing reimbursement mechanisms may be feasible for this site? For example, provision of in-kind services; reduction in the purchase price of the property; commitment to pay for, or conduct, or contribute to cleanup activities.
TBA Request Outline – Access

• Site access is critical in order to complete TBA.
• Requester or site owner will need to allow EPA and EPA contractors onto property.
• A signed consent for access form will need to be signed by owner prior to initiation of TBA.

ACCESS: For properties that are not owned by the TBA requester, will the site owner provide access to EPA and their contractor to come on to that property to conduct the assessment, including collecting samples? Note, a signed access agreement from the property owner will be requested prior to EPA moving forward with the TBA.
TBA Request Outline

SUBMIT COMPLETED FORMS TO:
BROWNFIELDS TARGETED SITE ASSESSMENTS
c/o Brandon Perkins (ECL-13)
U.S. Environmental Protection Agency - Region 10
1200 Sixth Ave., Suite 155
Seattle, WA 98101
By e-mail: Perkins.Brandon@epa.gov
Questions?
Thank you!

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