

Brownfields and Certified Sites: Risks and Rewards for Developing Properties

Kansas Brownfields Program

Seth Mettling, Brownfields Coordinator

KDHE Brownfields Program and Long-term Stewardship Unit



KDHE Division of Environment
Brownfields Economic Revialization

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Brownfields Redevelopment Program

What are Brownfields?

► Real property where the expansion, redevelopment or reuse may be complicated by the presence or potential presence of hazardous substances, pollutants, or contamination.

► EPA estimates 450,000 to 1,000,000 properties exist throughout the U.S. which can be classified as brownfields.

Brownfields Redevelopment Program

What Does the Kansas Brownfields Program Offer to Kansas Communities?



- The program offers environmental services to identify and assess abandoned and underutilized properties for reuse and redevelopment
- **No Cost** to Eligible Applicants
- Phase I, II, and sometimes Phase III Assessments

Brownfields Redevelopment Program

Applicant and Property Eligibility Determinations

Annual Brownfields Program funding through EPA

- Includes Environmental Assessments at no cost to eligible applicants.
- Eligible applicants are any city, town, county, not-for-profit.
- Private entities may be considered eligible so long as the entity can demonstrate the project has local community/government support.



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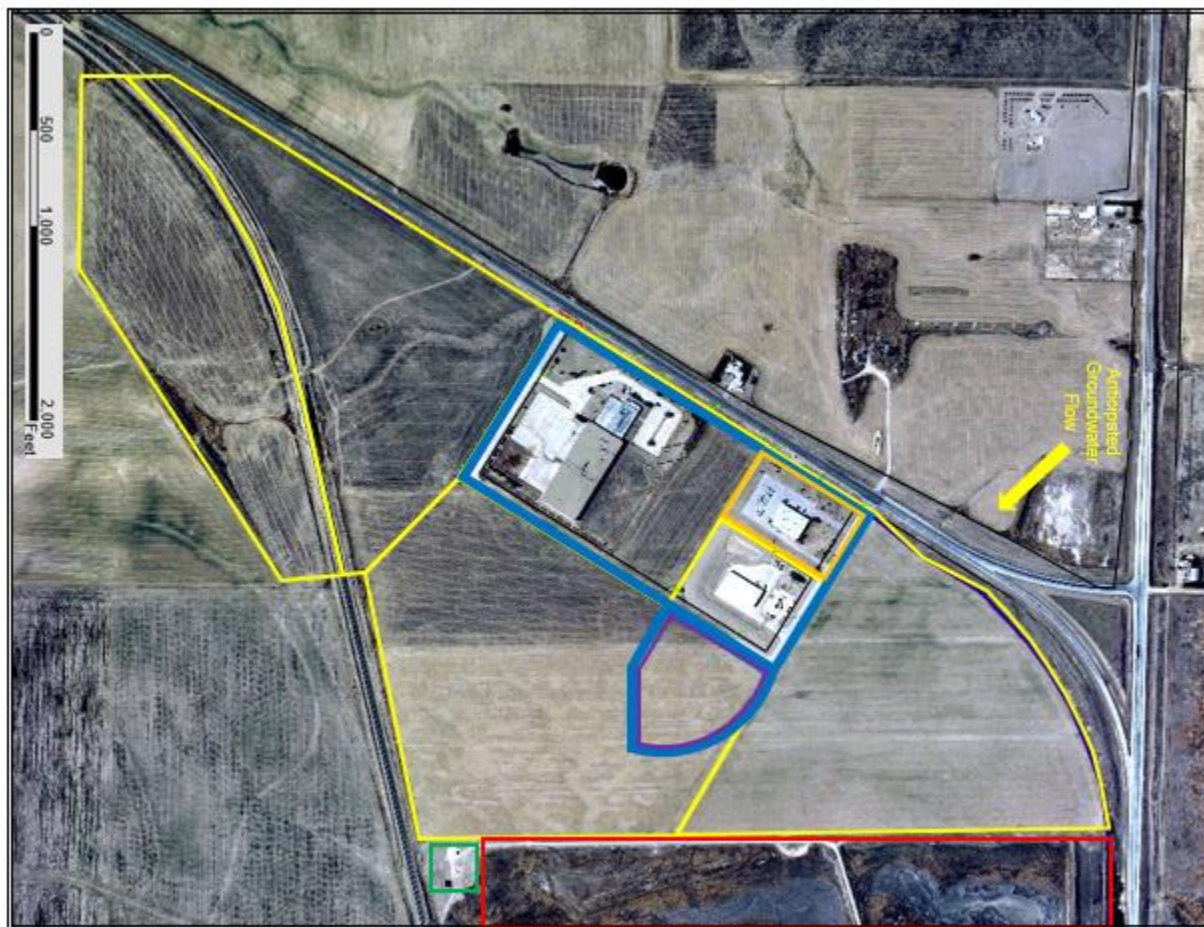
Phase I Environmental Site Assessment

Objective is to identify Recognized Environmental Conditions (RECs)

Accomplished through focusing on three main tasks

- 1) Site Reconnaissance
- 2) Interviews
- 3) Records Review

What RECs may be present at this site?



What RECs may be present at this site?



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Phase II ESA

Include soil and groundwater sampling and analyses – typically via the use of direct push technology and laboratory analysis based on specific RECs



Total Petroleum Hydrocarbons
Volatile Organic Compounds
Nitrate, Ammonia, Pesticides
Metals



What RECs may be present at this site?



The Application

 KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT BROWNFIELDS TARGETED ASSESSMENT APPLICATION FORM <small>Use only for Sites within Kansas</small>		
SECTION 1: Applicant Information		
Applicant Name: _____		
Organization: _____		
Address: _____		
Contact Person: _____		
Phone: _____	Fax: _____	Email: _____
Type of Eligible Applicant:		
City <input type="radio"/>	County <input type="radio"/>	Tribe <input type="radio"/>
Not-for-Profit <input type="radio"/>	Private <input type="radio"/>	(must have a letter of support)
Other (please describe): <input type="radio"/> _____		
IS APPLICANT OR ANY OTHER PARTY UNDER ORDER FROM EPA OR KDHE TO CONDUCT SITE ASSESSMENT AND/OR CLEANUP?		
YES <input type="radio"/> (Describe Below) NO <input type="radio"/> UNKNOWN <input type="radio"/>		
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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
CONDITION (usable, gutted, razed, etc.)		_____
_____		_____
_____		_____
_____		_____

The Application

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT BROWNFIELDS TARGETED ASSESSMENT APPLICATION FORM <small>Use only for Sites within Kansas</small>	
SECTION 4: Site History (cont.) PRIOR SITE ASSESSMENT ACTIVITIES: NONE <input type="radio"/> UNKNOWN <input type="radio"/> 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. <div style="background-color: #e6f2ff; height: 60px; margin-top: 5px;"></div>	
SECTION 5: Future Site Activities SITE ASSESSMENT NEEDS: Describe difficulties related to perceived contamination that have hindered reuse of the property. <div style="background-color: #e6f2ff; height: 60px; margin-top: 5px;"></div>	
ANTICIPATED FUTURE USE: RESIDENTIAL <input type="radio"/> RECREATIONAL <input type="radio"/> COMMERCIAL/RETAIL <input type="radio"/> INDUSTRIAL <input type="radio"/> OTHER: <input type="radio"/> Describe applicant's proposed reuse, redevelopment or expansion plan: <div style="background-color: #e6f2ff; height: 60px; margin-top: 5px;"></div>	
DESCRIBE ANY FINANCIAL OR PUBLIC INTEREST INCENTIVES PLANNED TO SPUR DEVELOPMENT AND/OR CLEANUP AND PROPOSED FUNDING SOURCES: (Tax incentives, etc.) <i>This program is for site assessment only, cleanup money is not being offered as part of this program.</i> <div style="background-color: #e6f2ff; height: 60px; margin-top: 5px;"></div>	
Signature: 	Date:
<small>PLEASE RETURN FORM TO: SETH METTLING, Brownfields Coordinator Kansas Department of Health and Environment Bureau of Environmental Remediation 1000 SW Jackson, Suite 410 Topeka, Kansas 66612 786-288-6618 or email: Seth.Mettling@ks.gov</small>	

The Application

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)

What happens to my site (or me!) if contamination is detected?

- Can the site still be redeveloped?
- How and who will address any contamination?
- How does that affect me or a prospective purchaser?

Kansas Petroleum Storage Tank Release Trust Fund

- Storage Tank Act set up the trust funds to assist owner and operators of storage tanks with the cost of remedial actions. Provides financial assistance to owners and operators of facilities where contamination from petroleum storage tanks has occurred
- In order to be considered for the trust fund, a Phase II is required by the Tank Program.
 - **If tanks or tank-related impact is present on your site, Brownfields staff will refer the site to Storage Tanks for trust fund consideration, following the Phase II. Storage Tank staff determines if a responsible party is viable and if contamination is trust fund-eligible.**

Kansas UST Property Redevelopment Trust Fund

- Assists **property owners** with removal of abandoned petroleum USTs with reimbursement of 90% of the cost, up to \$25,000 per facility for permanent closure of USTs.
- Must meet eligibility requirements for abandoned UST and property owner
- Notable requirement – must place a deed restriction prohibiting installation of USTs for 10 years following removal.

Voluntary Cleanup Program

- Voluntary – do not have to be the property owner (demonstrate access) or the responsible party
- Address contamination at a site in an expedited, streamlined manner
- Obtain a No Further Action determination

Orphan Sites Program

- Sites with no viable responsible party are addressed by KDHE, using state funds as available

Environmental Liability Release Program

- Releases a prospective purchaser of a contaminated property from liability.
- Following purchase, the applicant:
 - Must not make contamination worse.
 - Provide reasonable access for future investigation and remediation
 - Notify KDHE within 30 days of sale or transfer of property
 - Disclose the CELR to future purchasers
 - Comply with environmental use controls (EUCs) or risk management plans

Questions





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Contact Information

Seth Mettling
Brownfields and Long-term Stewardship
Brownfields Coordinator
785.296.5519
seth.mettling@ks.gov

www.kdheks.gov/brownfields