

## General Information

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**Web site:** <http://www.iowabrownfields.com> (Iowa Department of Natural Resources)

<http://www.iowalifechanging.com/business/brownfields.html>  
(Iowa Department of Economic Development Brownfields page)

## Program Description (VCP, brownfields, or related)

**Brownfields definition:** Federal definition as of January 2002.

**Program titles:** Land Recycling Program (LRP), established in 1997.

**Liability relief provisions:** Offers No Further Action (NFA), transferable to new owner.

**Financial incentives (grants, loans, tax provisions, etc.)**

- New Land Recycling Fund—1997 statute authorized to provide financial assistance and incentives.
- Hazardous Waste Remedial (HWR) Fund

**Legislative or program site eligibility requirements:**

- Legislative revisions specify minimum public participation requirements, add consideration of cumulative risk, and add a factor of safety of “ten to standards” for possible carcinogens. Rule revisions to address the legislative changes and other modifications to soil standards will be made.
- Liability is strict and retroactive. The Environmental Quality Act (EQA) preserves any legal or equitable rights, remedies, or defenses. The state maintains that this preserves common law rules of joint and several liability. The state must try to negotiate a settlement with responsible parties (RPs) prior to using Fund monies for cleanup. The state can issue orders and seek injunctions against RPs to clean up sites. The state can collect up to \$1,000 per day for failure to notify, up to \$10,000 per day for water or air violations, and treble damages for willful failure to clean up.

## Financial Elements

**Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):**

- Physical Infrastructure Assistance Program offers loans, loan guarantees, or cost shares, adaptable to brownfields projects meeting development criteria.
- Tax Increment Financing (TIF) mechanism allows cities or counties to reimburse response action costs, over a six year period.
- The HWR Fund may be used for administration, site investigation, emergency response, removals, remedial actions, operations and maintenance, Comprehensive Environmental Response Compensation and Liability Act (CERCLA) match, studies and design, and grants to local governments. Seventy five percent of the Fund must be used for remediation at non-CERCLA sites and for CERCLA cost share.
- Iowa received funding through the CERCLA 128(a) State and Tribal Response Program Grant. Iowa’s grant focuses on small and rural communities in the state.
- Brownfields Cleanup Revolving Loan Fund (RLF), established through an FY04 EPA grant. Provides a total of \$250,000 to be distributed to eligible cleanup projects through flexible, and partially forgivable loan terms.

**Tax incentives (abatements, credits, etc.):** No information available

**Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):** No information available

## Program Elements

### Technical Elements

**Methods/standards/controls:**

- State uses statewide, background, and site specific standards. Site specific standards are risk based.
- Cleanup decisions are made on a site by site basis. State regulations do provide cleanup goals for ground water and surface water. State cleanups may use promulgated Ground Water Action Levels based on lifetime health advisories, negligible risk levels, and Maximum Contamination Levels (MCLs) (Admin. Code §567.133), but these are not usually used for hazardous site cleanups. Risk assessment is used to determine applicable cleanup levels if ground water contamination exceeds action levels. There is no established risk range set out in state policy. Under the voluntary program detailed regulations are being developed to set out cleanup levels. Such cleanups will use risk assessment, background levels, ground water standards, and soil standards per state law.

**Contaminants covered/excluded:** Any contaminant that has appropriate toxicity information available.

**Use of long-term stewardship and institutional controls (IC):** Statutorily based environmental protection easement (EPE) is required for use with non-residential standards. May be possible to move the point of compliance with standards outside of area with an institutional control or appeal to a less restrictive standard with an institutional control. Use of an institutional control may not be allowed to address free product or “gross contamination.”

The following Web address is a direct link to the state’s public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.iowadnr.com/land/consites/index.html>

## **Management & Implementation Elements**

**Voluntary Cleanup Program MOA with EPA:** June 2004

**Costs to enter program or fees for service:** For funding, the state will charge fees for oversight. There is an initial \$750 application fee, and reimbursement of actual state oversight costs is capped at \$7,500. Iowa does not have a brownfields program.

**Funding source for administrative costs and staff:** The Solid Waste Section of the DNR is responsible for program administration. There are currently 11.5 full-time employees (FTE). Legal support is provided by 0.5 FTE attorneys in the DNR’s Compliance and Enforcement Bureau. 43% of funds for staff and administration are from federal grants, 5% are from the state cleanup fund, 26% are from a separate solid waste account, and 26% from RP for oversight cost.

## **Cleanup Activities**

**Sites currently in VCP:** 29 sites are currently enrolled in the Land Recycling Program. Several other sites are also listed with the state’s contaminated sites program.

**Sites completed under VCP:** As of January 2008, two sites had completed the program and 27 were underway.

**Benefits (incentives to participate in the VCP, covenants not to sue, etc.):** The state is planning to implement more comprehensive inventorying of brownfield sites.

## **Public Participation**

**Public participation requirements (notice, comment periods, etc.):** The voluntary cleanup law (455H) provides for public notice. But provisions for public comment, hearings, and meetings are handled as a matter of policy under both the enforcement and voluntary programs. Document availability requirements are established by a general statute.

**Public participation activities (hearing, meetings, etc.):** No information available

## **Statutory Authorities**

- The Environmental Quality Act (EQA), Iowa Code Ch. 381–397 and 455B 423–431 (1972, as amended 1979, 1981, 1984, 1987, and 1991), establishes the Hazardous Waste Remedial Fund, provides cleanup and enforcement authorities for abandoned sites, establishes a priority list, allows for citizen suits and water replacement, provides for site registry, and restricts property transfers. Significant amendments concerning cleanup authority for abandoned and uncontrolled sites were enacted in 1979, 1981, and 1987. A 1984 amendment established the Hazardous Waste Remedial Fund.
- The Groundwater Protection Act, Iowa Code Ch. 455E (1987), establishes procedures and criteria for cleanup of ground water.
- The Groundwater Hazard Documentation Law, Iowa Code Ch. 558.69 (1987, as amended 1988), establishes disclosure requirements for real property transfers.
- The Land Recycling and Environmental Remediation Standards Act, Iowa Code Ch. 455H (1997), establishes a voluntary cleanup program for the state.

## General Information

**Contact:** Rick Bean, Chief, Remedial Section

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**Web site:** <http://www.kdheks.gov/remedial/index.html>

**Contact:** Jeff Poyer, Unit Leader, Voluntary Cleanup Unit

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**Contact:** Vacant, Unit Leader, Restoration and Long-Term Stewardship Unit (Contact Rick Bean)

**Address:** Remedial Section  
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**Contact:** Doug Doubek, Unit Leader, State Response and Property Redevelopment Unit  
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## Program Description (VCP, brownfields, or related)

**Brownfields definition:** 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.

### Program titles:

- Brownfields Targeted Assessment Program
- Voluntary Cleanup and Property Redevelopment Program (VCPRP)
- Environmental Use Controls Program

**Liability relief provisions:** Under KSA 65-34,169 and KAR 28-71-10, stakeholders performing cleanup of contaminated properties that meet the criteria in the law (low to medium priority sites with minimal risk) can receive a No Further Action determination from KDHE to provide some protection from potential liabilities. Adjacent property owners who did not contribute to the contamination may also receive protection from KDHE through such determinations.

**Financial incentives (grants, loans, tax provisions, etc.):** None

### Legislative or program site eligibility requirements:

Brownfields Targeted Assessment Program:

- Eligible applicants—Any unit of government (e.g., city, town, county, municipality, nonprofit organization) may submit a property for assessment.
- Eligible properties—All types of properties may receive an assessment, with some exceptions. The primary focus is on industrial and commercial properties; however, residential areas may be considered under special circumstances. Properties subject to enforcement action associated with environmental contamination are not eligible (e.g., Superfund sites). Units of government may petition for exceptions.

Voluntary Cleanup and Property Redevelopment Program (VCPRP)—All eligible properties must contain an actual, threatened, or suspected release of a contaminant or be impacted or threatened by contaminants from an off-property source.

Properties that are not eligible to participate in the VCPRP include: 1) properties listed or proposed for listing on the federal National Priorities List (NPL); 2) properties that are currently subject to existing environmental enforcement action, order or agreement with local, state, or federal governmental agencies; 3) properties which have, or should have, a permit pursuant to the Resource Conservation and Recovery Act (RCRA) containing a corrective action component; 4) properties contaminated by oil and gas activities regulated by the Kansas Corporation Commission; and 5) properties that present immediate and significant risk to human health and the environment, including public and private drinking water supplies.

# Kansas

## Financial Elements

**Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):**

- Brownfields Targeted Assessment Program
- Brownfields Cleanup Program
- Brownfields Cleanup Revolving Loan/Grant Program
- Kansas Agricultural Remediation Fund was created in July 2000 to assist in the investigation and remediation of qualifying properties with agricultural-related contaminants. The program provides direct reimbursement up to \$200,000, and low-interest loans up to \$300,000.

**Tax incentives (abatements, credits, etc.):**

No information available

**Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):**

No information available

## Program Elements

### Technical Elements

**Methods/standards/controls:** Environmental Use Controls Program (same as institutional controls).

**Contaminants covered/excluded:** All contaminants and pollutants covered including lead, asbestos, and polychlorinated biphenyls (PCBs).

**Use of long-term stewardship and institutional controls (IC):** Use environmental use controls.

- **IC Tracking:** All ICs are tracked and a part of a computerized database for public viewing.
- **IC Oversight:** All ICs are enforceable by KDHE pursuant to the statute.
- **IC Monitoring:** All ICs are inspected on a regular basis to ensure compliance.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://kansas.kdhe.state.ks.us/pls/certop/lSearch>

### Management & Implementation Elements

**Voluntary Cleanup Program MOA with EPA:** March 2001

**Costs to enter program or fees for service:** VCPRP applications must be submitted with \$200 nonrefundable application fee; initial deposit, not to exceed \$5,000 is required to cover KDHE's oversight costs including cost of labor associated with review of documents, studies and test

results, collection of split samples, laboratory analysis, and other costs. There are also costs to participate in the Environmental Use Control Program depending on the category of the site.

**Funding source for administrative costs and staff:**

An administrative rate is charged to the applicant and may be adjusted annually.

## Cleanup Activities

**Sites currently in VCP:** As of December 31, 2007, the VCPRP received 481 applications with 408 properties currently active in either investigation or cleanup.

**Sites completed under VCP:** As of December 31, 2007, the VCPRP issued 152 No Further Action letters and 1,671 acres had been remediated.

**Benefits (incentives to participate in the VCP, covenants not to sue, etc.):** No further action determination, streamlined process, and clearly defined cleanup standards provided early in the process.

## Public Participation

**Public participation requirements (notice, comment periods, etc.):** Notice is required when a cleanup plan has been accepted by KDHE. Notice must specify the comment period, which is at minimum, 15 days. In addition, the cleanup plan must be made available by KDHE to the public upon request.

**Public participation activities (hearing, meetings, etc.):** Following the 15-day public comment period, a public information meeting may be held by KDHE if the comments warrant a meeting, or the voluntary party requests a meeting. The public information meeting shall provide the public with information about relevant activities at the property associated with the voluntary cleanup and property redevelopment program. Public information meetings shall be attended by a member of KDHE and the voluntary party or designated representative, or both.

## Statutory Authorities

- Voluntary Cleanup and Property Redevelopment Act KSA 65–34, 161 et seq.
- Voluntary Cleanup and Property Redevelopment Program KAR 28–71—28–71–12.
- Environmental Use Controls, KSA 65–1,221 et seq.



# Missouri

## General Information

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[www.dnr.mo.gov/env/hwp/bvcp/hwpcvp.htm](http://www.dnr.mo.gov/env/hwp/bvcp/hwpcvp.htm)

## Program Description (VCP, brownfields, or related)

**Brownfields definition:** Missouri defines a brownfield as a site that is or is perceived to be contaminated by hazardous substances.

**Program titles:** Brownfields/Voluntary Cleanup Program (BVCP) (1994)—Updated program name in 2003

**Liability relief provisions:** Certificate of Completion issued by the state. Any interested party can apply with property owner's permission. Includes risk-based cleanup criteria, tied to future land use, and institutional and/or engineering control provisions.

### Financial incentives (grants, loans, tax provisions, etc.):

- Brownfields Remediation State Tax Credits provided through the Missouri Department of Economic Development can reimburse up to 100% of cleanup costs. The tax credits are based upon job creation or retention. The project has to be enrolled in the BVCP. The tax credits have a 20-year period and can be sold to other parties.
- Site Specific Assessments (SSA) are available through the BVCP to local governments and nonprofit organizations. Phase I and/or Phase II Environmental Assessments are provided free of charge via a state contract with approved environmental consulting companies as the vendors. The applicant does not have to own the property or have the intention to acquire the property. The SSA can be requested on behalf of a third party.
- Low-interest loans and grants are available through the Missouri Brownfields Cleanup Revolving Loan Fund (RLF). The Environmental Improvement & Energy Resource Authority (EIERA) manages the RLF. Applicants have to be the property owner and cannot be a viable responsible party; they can be any entity including individuals and

profit-making organizations. An EPA 104(k) Competitive RLF grant funds the subgrant program. The project has to be enrolled in the BVCP.

- Low-interest loans for brownfields cleanup are available through the Missouri State Revolving Fund (SRF). The MoDNR Water Protection Program manages the fund. The loans are available to local governments. To be eligible, a site has to have a water-related threat, either to surface or ground water.
- The Missouri State Historical Preservation Office (SHPO) state tax credit is a nationally leading program that is one of the largest providers of funds used for brownfields redevelopment in Missouri. The eligible project must be a structure on the national historical registry or be located within a designated historical district. The state tax credits can be sold and are in addition to federal tax credit programs.
- There is a broad range of grants, state tax credits, and loans available to address demolition, infrastructure building, and redevelopment. The Missouri Department of Economic Development manages most of the state programs and they are complimentary to similar federal programs provided by the Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture (USDA). The Missouri Department of Transportation also has programs to support redevelopment.

**Legislative or program site eligibility requirements:** Sites may not be eligible for the BVCP if:

- Site conditions constitute an imminent and substantial threat to public health or the environment.
- The site is, or was, or any part thereof, a permitted or interim status hazardous waste management facility regulated under the Resource Conservation and Recovery Act (RCRA).
- The site or any part thereof, has been investigated for listing on the Superfund National Priorities List (NPL).
- The site is, or was, or any part thereof, the subject of an enforcement action, or the site warrants an enforcement action under RCRA; the Comprehensive Environmental Response Compensation and Liability Act (CERCLA); the Missouri Hazardous Waste Management Law; or any other federal or state environmental law or statute.
- Remediation has been initiated or completed since August 28, 1994 prior to applying for enrollment in BVCP.
- Contamination is a release from a petroleum storage tank that is eligible for cleanup under Missouri's Petroleum Storage Tank Insurance Fund.

## Financial Elements

**Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special**

# Missouri

## types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):

- Missouri's Drycleaner Environmental Response Trust (DERT) Fund provides for the investigation, assessment, and cleanup of dry cleaning facility sites. Only chlorinated material contamination is to be addressed. Eligible sites will have costs reimbursed after a \$25,000 deductible up to \$1,000,000 per incident. The DERT fund is managed by MoDNR as part of the BVCP Section.
- Missouri's Petroleum Storage Tank Insurance Fund covers insured and other eligible petroleum sites with both under ground and above ground storage tanks. The fund will reimburse cleanup costs up to \$1,000,000 per incident after a \$10,000 deductible.

Tax incentives (abatements, credits, etc.): The Brownfields Redevelopment Program offers a menu of state tax credits for up to the entire amount of remediation costs; tax credits of between \$500-\$1300/year (for up to 10 years) for each new job created; capital investment tax credit of 2%; an income exemption of 50%; and a tax abatement for up to 15 years for local property taxes.

**Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):** None

## Program Elements

### Technical Elements

#### Methods/standards/controls:

- From 1998 to 2006, the BVCP has been using its guidance document, Cleanup Levels for Missouri (CALM), to establish cleanup levels. It is a Risk-Based Corrective Action (RBCA)-like process, in which applicants can select standards for residential (or unrestricted), commercial, or industrial uses.
- The BVCP is using the Missouri Risk-Based Corrective Action (MRBCA) Process for Petroleum Storage Tanks, which was released in February 2004, at sites which are contaminated with petroleum and related compounds.
- MoDNR adopted the MRBCA guidance document that will cover non-petroleum hazardous contaminants. This new guidance replaces CALM.

**Contaminants covered/excluded:** The BVCP addresses petroleum, asbestos, lead paint, CERCLA hazardous substances, polychlorinated biphenyls (PCBs), and controlled substances contamination.

#### Use of long-term stewardship and institutional controls (IC):

- The BVCP recognizes that not all properties can be cleaned up to unrestricted use standards, as desirable as that would be. There are projects where the intended end use does not require the cleanup level to meet unrestricted use and the economics of doing so would prohibit the cleanup and redevelopment. Under the MRBCA guidance,

the site remediation can be complimented by institutional and/or engineering controls. The most used institutional control is a restrictive covenant that is associated with and considered part of the property legal description. The covenant addresses restrictions of property usage. The covenant also documents the engineering controls in place and the cautions associated with working near or on the controlling feature.

- MoDNR is developing a long-term-stewardship system (LTS) to document and track the continued enforcement of institutional controls. The BVCP is providing the leadership for the LTS program, but it will address all remediated sites in Missouri regardless of the program providing oversight.
  - **IC Tracking:** Sites with LTS controls are listed on the BVCP Web site.
  - **IC Oversight and Monitoring:** Annual inspection visits by a BVCP project manager are required. LTS site owners are required to notify the BVCP prior to transforming the property to a new owner.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.dnr.mo.gov/env/hwp/docs/MayVCPPartSitesForExcel.xls>

### Management & Implementation Elements

**Voluntary Cleanup Program MOA with EPA:** September 1996

**Costs to enter program or fees for service:** Participants pay the state's actual costs and overhead (actual x 3.5). The application fee is \$200 and up to \$5,000 initial deposit is made toward the costs. Oversight costs are charged on an hourly basis. After completion or withdrawal, any remaining deposit balance is refunded.

**Funding source for administrative costs and staff:** The Missouri BVCP is administered by the MoDNR Division of Environmental Quality, Hazardous Waste Program with 15 full-time equivalent (FTE) staff. Other support agencies include the Geological Survey and Resources Assessment Division (GSRAD) and the Missouri Department of Health and Senior Services (DHSS). The Attorney General's Office provides legal support. The project management oversight fees cover only a portion of the BVCP cost. The balance of funding is through an EPA 128(a) State Response grant.

# Missouri

## Cleanup Activities

**Sites currently in BVCP:** As of December 31, 2007, 820 applications have been received since program establishment in 1994. 85+ applications are processed annually (172 in 2007) and there are typically 240 active projects.

**Sites completed under BVCP:** 340 certificates of completion have been issued. The balance of 100+ sites are inactive, denied, or chose to voluntarily withdraw from the program.

### **Benefits (incentives to participate in the BVCP, covenants not to sue, etc.):**

- Applicants receive assurance that their property has been cleaned up properly with the oversight of a state agency. The certificate of completion is an essential document when the applicant seeks financial institution support for redevelopment. Several state assistance programs' eligibility requirement is BVCP enrollment; these include the Brownfields Remediation Tax Credits and the EIERRA RLF. A certificate of agreement also protects the property owner from enforcement actions by either MoDNR or EPA for the contamination addressed by the cleanup.
- The State of Missouri and the communities the projects are located in benefit greatly. A 2006 study of the value of cleaned up projects profiled 50 redeveloped BVCP sites. Total investment on these 50 sites was \$2.2 billion: 11,053 full-time jobs were created; over 153 thousand tons of contaminated materials were removed; and 686 acres and 23 historic buildings were returned to profitable use.

## Public Participation

**Public participation requirements (notice, comment periods, etc.):** Public notice, comment, and document availability are required by statute (Chapter 610). In addition, the Missouri Hazardous Waste Management Law provides for appeals through the Hazardous Waste Management Commission, which may convene a public hearing if a resolution of appeals cannot be negotiated. Public meetings, availability sessions, fact sheets, and news releases are commonly used to provide information to the public, and to solicit input from the public.

### **Public participation activities (hearing, meetings, etc.):**

- A Missouri Brownfields Conference is held annually with a targeted audience of local government officials and community involvement groups. There were 152 participants at the 2007 conference.
- Brownfields workshops are offered and held statewide.
- Presentations are made at the annual and monthly meetings of several professional and community organizations, including Regional Planning Commissions.
- Participation in the Department of Economic Development Downtown Revitalization and Economic Assistance in Mission (DREAM) workshops.

- Promotion of applications for EPA Brownfields 104(k) grant program including participation in EPA Region 7 workshops.

## Statutory Authorities

- The Missouri Hazardous Waste Management Law, Mo. Rev. Stat. §§260.350–260.575 (1977, as amended in 1980, 1983, 1985, 1987, 1988, and 1993), authorizes the Hazardous Waste Remedial Fund and provides for a priority list, strict liability, site access, administrative order authority, penalties, and punitive damages.
- The Voluntary Cleanup Law (passed in 1993 as S.B. 80), Mo. Rev. Stat. §§260.565–575, provides authority for a voluntary cleanup program.

## General Information

**Contact:** Nebraska Department of Environmental Quality (NDEQ)

**Address:** 1200 N Street, Suite 400  
P.O. Box 98922  
Lincoln, NE 68509

**Phone:** 402 471 2186/3388

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**Web site:** <http://www.deq.state.ne.us/>

## Program Description (VCP, brownfields, or related)

The Nebraska Voluntary Cleanup Program (VCP) was established by the Remedial Action Plan Monitoring Act (RAPMA) in 1995, as amended in 2004. The VCP is a fee-based cleanup program for property owners, potential property buyers, facility owners, local governments, and other parties interested in voluntarily cleaning up contaminated properties under state oversight. The VCP utilizes a streamlined, results-based approach to environmental cleanup to facilitate the redevelopment and reuse of brownfield sites and provide an alternative approach to more traditional federal cleanup programs such as Superfund or the Resource Conservation and Recovery Act (RCRA) programs. All cleanups are performed in compliance with all state and federal environmental standards and substantive requirements. Upon successful completion of the cleanup activities, the state provides a determination of No Further Action (NFA).

**Brownfields definition:** No state definition; uses federal definition pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) § 101(39).

### Program titles:

- Nebraska Voluntary Cleanup Program established by RAPMA
- Section 128(a) Assessment Program

**Liability relief provisions:** If at the completion of all cleanup activities, the applicant has remitted all applicable fees, has met the provisions and the objectives agreed to with NDEQ, and has complied with all state and federal environmental standards and substantive requirements, then NDEQ may issue a letter stating that no further action need be taken at the site related to the contamination for which the remedial action was conducted.

**Financial incentives (grants, loans, tax provisions, etc.):** No financial incentives available.

### Legislative or program site eligibility

**requirements:** No eligibility requirements, open to all entities.

The statute (Neb. Rev. Stat § 81–15,181 to § 81–15,188) requires the following items:

- Application form and a nonrefundable application fee of \$5,000.
- Written agreement to provide reimbursement of NDEQ oversight costs, including submittal of a refundable initial deposit of \$5,000.
- Remedial action plan that conforms to all state and federal environmental standards and substantive requirements.
- Documentation regarding the investigation of land pollution or water pollution at the site, including, information indicating that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way.
- Project monitoring reports, and appropriate engineering, scientific, and financial feasibility data.
- Remedial action report documenting that the plan has been fully implemented.

## Financial Elements

**Assessment and cleanup funding (source, amount, relationship to VCP/brownfields programs, application process, eligibility requirements, dedication to special types of sites such as petroleum, dry cleaners, abandoned drug labs, etc.):**

The VCP receives federal Section 128(a) funding from EPA to offer Section 128(a) assessments to communities at no cost.

**Tax incentives (abatelements, credits, etc.):** No tax incentives available.

**Other forms of support (environmental insurance, brownfields redevelopment authorities, etc.):** No other forms of support available.

## Program Elements

### Technical Elements

**Methods/standards/controls:** The VCP developed a comprehensive guidance document that outlines the overall cleanup process and information requirements for the preparation and submittal of a remedial action plan. Full characterization of the nature and extent of contamination must be completed before applying to the program. The remedial action plan must consist of an investigation report which presents a conceptual site model based on a thorough investigation, and



# Nebraska

a remedial action work plan which outlines the plan for cleaning up the site. The comprehensive guidance document also includes a three-tiered remediation goals protocol that considers human health risks, ground water use, and future land use.

**Contaminants covered/excluded:** Petroleum, asbestos, lead-based paints, and polychlorinated biphenyls (PCBs) all OK.

**Use of long-term stewardship and institutional controls (IC):** Institutional controls in accordance with the Nebraska Uniform Environmental Covenants Act are recommended.

- **IC Tracking:** Institutional controls are tracked as part of the Public Record required by the federal Section 128(a) funding.
- **IC Oversight:** NDEQ reviews and approves remedial action plans and performs oversight of implementation of the remedial action, including the implementation of institutional controls.
- **IC Monitoring:** NDEQ performs periodic monitoring of ongoing long-term operation, maintenance and monitoring activities, including monitoring of institutional controls.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.deq.state.ne.us/SuperFun.nsf/Pages/VCPPR>

## **Management & Implementation Elements**

**Voluntary Cleanup Program MOA with EPA:** November 2006

**Costs to enter program or fees for service:** Application fee of \$5,000 and initial deposit of \$5,000. At the time of this program update, legislation is being considered to reduce the fees and initial deposit.

### **Funding source for administrative costs and staff:**

The \$5,000 application fee pays for program administration and enhancement and indirect costs. The \$5,000 initial deposit pays for review and oversight of remedial action plans. If review and oversight costs exceed this initial deposit, NDEQ bills the applicant on a quarterly basis for any additional costs, pursuant to a written agreement with the applicant.

## **Cleanup Activities**

**Sites currently in VCP:** Currently, 7 sites are active in the voluntary cleanup program.

**Sites completed under VCP:** 8 sites have successfully completed cleanup requirements under the voluntary cleanup program and have received NFA letters from NDEQ.

**Benefits (incentives to participate in the VCP, covenants not to sue, etc.):** The VCP utilizes a streamlined, results-based approach to environmental cleanup to facilitate the redevelopment and reuse of brownfield sites and provide an alternative approach to more traditional federal cleanup programs such as the Superfund or RCRA programs.

## **Public Participation**

**Public participation requirements (notice, comment periods, etc.):** Preliminary approval of the remedial action plan is public noticed for 30 days. Any person may submit written comments regarding the proposed remedial action during this comment period.

**Public participation activities (hearing, meetings, etc.):** Any person may also request or petition the Director of NDEQ, in writing, for a hearing. A hearing is held if the comments, request, or petition raise legal, policy, or discretionary questions of general application and significant public interests exists.

## **Statutory Authorities**

Remedial Action Plan Monitoring Act (Neb. Rev. Stat § 81–15,181 to § 81–15,188).