State and Tribal Response Program Highlights

United States Environmental Protection Agency

EPA Funding Provided to States and Tribes to Address Contaminated Land in their Communities

REGION 1

RHODE ISLAND – The Rhode Island Office of Waste Management used Section 128(a) Response Program funding to finalize an Expedited Policy for the Remediation of Environmental Simple Sites (EXPRESS) to provide Performing Parties and consultants with a means to streamline the approval process at brownfield sites through expedited technical reviews, presumptive remedies, and confirmation sampling protocols. After meetings and input from the regulated community, the Office of Waste Management held a formal public comment period in the summer of 2013. The Office of Waste Management received written comments from many interested parties, subsequently addressed any feedback, and finalized the Policy. Under this new Policy:

- The Performing Parties are in constant contact with the Office of Waste Management staff beginning with a startup meeting within 7 days after receipt of the EXPRESS Submission Package. This communication keeps the dialogue open and proactively deals with issues before or as they occur.
- Several new areas of self-certification of information to reduce Office of Waste Management review times.
- Time saving measures including the combination of the Remedial Decision Letter (RDL) and the Remedial Approval Letter (RAL) into one letter.
- Total time through the process from initial notification to issuance of a RAL is 60 days.

REGION 2

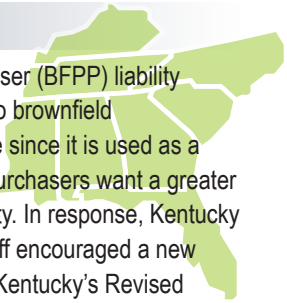
NEW JERSEY – The new Greg Grant Park and playground now occupy the 1.45-acre former brownfield located in Trenton at the corner of East State Street and Cook Avenue. The former V&S, Thropp, and Standard Roofing property is located near the P.J. Hill Elementary School. The property was contaminated with various metals including lead and potentially toxic chemicals including polychlorinated biphenyl (PCBs). The New Jersey Department of Environmental Protection (NJDEP) used Section 128(a) Response Program funding to provide cleanup oversight. The contaminants were removed and a soil cap was placed on site to prevent any contact with soils beneath the property. The property was transformed from a former turn-of-the-century foundry and machine shop into a welcoming park with a brightly colored playground, basketball court, short walking trail, and picnic pavilion. In 2013, NJDEP created Greg Grant Park as part of a larger Trenton initiative to push for more parks and recreation programs for city kids. The redevelopment also included the creation of the new Eastern Trenton Homes development.

Playground equipment in Greg Grant Park.

REGION 3

DISTRICT OF COLUMBIA – An abandoned retail area in the Northwest section of Washington, D.C. encompasses two square blocks. The project area was all retail with a grocery store being the main tenant along with a dry cleaner, a bank branch, and several small stores, including a toy store. With oversight through Section 128(a) response program funding, the Phase II assessment at the property indicated that there were two separate sources of contamination—perchloroethylene (PCE) from a dry cleaner that has been in operation since 1965 and petroleum products from a 5,000 gallon heating oil tank. The property entered the District of Columbia's Voluntary Cleanup Program (VCP) and the city opened a Leaking Underground Storage Tank (LUST) case to address the petroleum contamination. The District's Underground Tank Program reviewed and closed the case in conjunction with the VCP staff, and the VCP program addressed directly the PCE contamination. The LUST case was closed shortly before a Certificate of Completion was issued under the VCP on March 13, 2014. The project will be redeveloped into a mixed-use complex and named "Cathedral Commons" as it is located three blocks north of the Washington National Cathedral.

REGION 4

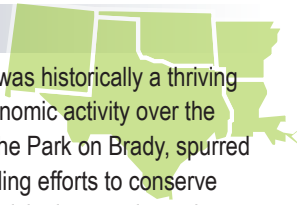


KENTUCKY – Bona fide prospective purchaser (BFPP) liability protection provides a degree of assurance to brownfield redevelopers, but it is an affirmative defense since it is used as a response to an enforcement action. Many purchasers want a greater degree of comfort before acquiring a property. In response, Kentucky Department of Environmental Protection staff encouraged a new statute that does just that. Passed in 2013, Kentucky's Revised Statute (KRS) 224.1-415 and the associated regulations provide mechanisms by which developers can purchase a property with greater peace of mind in the form of a Department for Environmental Protection document. This document concurs that a purchaser meets the requirements for BFPP liability protection, including concurrence that their Property Management Plan includes "reasonable steps" with respect to hazardous substances on the property. To date, there have been over 25 program applicants. The future of the program, the opportunities available to participants, and the benefits to communities across the Commonwealth are promising.

REGION 5

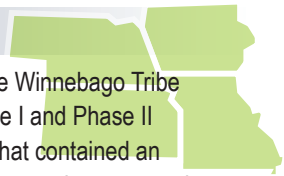
MICHIGAN – Traverse City is redeveloping "Traverse City Place"—which is walking distance from the central downtown area—to attract more pedestrians to the existing retail and restaurant establishments and bring in more commercial retail and tourism development. This area was historically used for automobile dealerships and repair shops, gas stations, bulk fuel storage, dry cleaners, and other commercial uses. The Michigan Department of Environmental Quality (DEQ) used Section 128(a) Response Program funding to conduct an environmental assessment in the summer of 2013. Groundwater samples detected the presence of cyanide, mercury, and selenium at concentrations exceeding Michigan's protection criteria. During dewatering for construction, thousands of gallons of groundwater were pretreated. A large portion of the redevelopment project is the development of the Hotel Indigo. The city is incorporating sustainable building practices, including energy efficient windows, energy efficient lighting control systems and appliances, high recycle content building material, a grey water irrigation system, rain gardens, and a green roof. Hotel Indigo is expected to generate 45 permanent full-time and part-time jobs with the capital investment totaling $13,000,000. The other buildings in the area are expected to be demolished and/or redeveloped throughout 2014-2015. Expected investment of the remainder of the block is $8,000,000 and may create an additional 27 new jobs.

REGION 6



OKLAHOMA – Tulsa's Brady Arts District was historically a thriving industrial area, but saw a decrease in economic activity over the last 20 years. Recent initiatives, such as the Park on Brady, spurred the revitalization of the district while including efforts to conserve its historic character. Through community visioning sessions, the community helped create a plan for the future revitalization of the district, the Brady Arts District Small Area Plan. The Oklahoma Department of Environmental Quality (DEQ) used Section 128(a) Response Program funding to provide oversight of the removal of 12 underground storage tanks (UST) and petroleum contaminated soil. Innovative geothermal technology beneath the Park on Brady provides low-cost, low-emissions heating and cooling to more than 135,000 square feet in the neighboring Mathews Warehouse and the Hardesty Arts Center. The Brady project is one of the largest geo exchange well fields of its kind in the world. The Park on Brady outfitted its new 11,000 square-foot, covered pavilion with 194 solar panels to power park amenities and lighting and LED pedestrian lighting is used throughout the park and the Brady Arts District. Other features include native garden features, brick and concrete paved paths, large interactive fountains and four small water features. By combining green, renewable development with community goals, the Park on Brady promotes an active pedestrian street life and provides a neighborhood venue for art exhibits, farmers markets, outdoor performances, and more. Lower energy costs and a vibrant community space is attracting and encouraging additional local business investments.

REGION 7

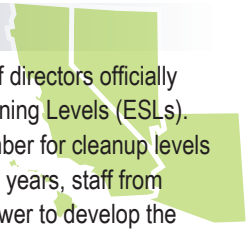


WINNEBAGO TRIBE OF NEBRASKA – The Winnebago Tribe of Nebraska was prepared to conduct Phase I and Phase II environmental assessments on a property that contained an abandoned house, trailer, shed, and above ground storage tank (AST). Prior to the start of the project, an accidental fire burnt all three building structures before it could be put out. Using photos the Tribe's Brownfields Coordinator had taken during a property evaluation, she restructured the project to address three tasks: the excavation and off-site disposal of all suspected asbestos- and lead-based paint contaminated debris and surface soils followed by confirmation soil sampling, the backfill and compaction of clean soil, and the tank contents/underlying soil sampling and removal of the AST. This was the Brownfield Coordinator's first cleanup project and tasks included writing the request for environmental contractor bids, evaluating and selecting a contractor, coordinating all aspects of this project, and communicating its progress and outcome. Concrete pads were poured on the property for several mobile homes recently acquired by the Tribe. Families moved into the homes in the summer of 2014, resulting in another success story for the Winnebago Tribe of Nebraska.

REGION 8

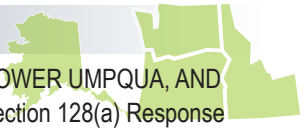
UTE MOUNTAIN UTE TRIBE – Through the Ute Mountain Ute (UMU) Brownfields tribal response program, the Tribal Brownfields Coordinator inventoried 138 properties consisting of abandoned homes, Tribal administration buildings, and numerous open dumps and landfills. One of the properties that the UMU Brownfields program addressed was an old closed landfill with a compromised cap and exposed garbage. UMU provided oversight for a Phase I and II environmental assessment at the property. Subsequent to that, the tribe applied and received an EPA Brownfields Cleanup Grant to make improvements to the landfill cap with a long term goal of installing a solar farm on the closed site. UMU Brownfields Program has held numerous meetings with the Tribal Government, tribal members, and other federal agencies to plan and organize closed landfill project. A meeting among U.S. Environmental Protection Agency (EPA), Indian Health Services (IHS), and the tribe was held recently to develop a workgroup and identify areas where the federal agencies can help leverage resources to assist with the solar farm project. IHS is assisting with the remediation design and an EPA / Department of Energy (DOE) liaison is assisting with securing DOE funds for solar panels.

REGION 9



GUAM – Earlier this year, Guam EPA's board of directors officially adopted the Pacific Basin Environmental Screening Levels (ESLs). The Pacific Basin ESLs provide a baseline number for cleanup levels during response actions. During the past seven years, staff from Guam EPA worked with Hawaii's Dr. Roger Brewer to develop the Pacific Basin ESLs. The working group hosted multiple meetings for internal staff, private companies, and other government entities. The group also conducted a public hearing and presentation about the Pacific Basin ESLs to the Guam EPA board of directors during their February 2014 monthly meeting. The development of the ESLs was funded in part by Section 128(a) Response Program funding. The Pacific Basin ESLs give Guam EPA site managers an initial framework when evaluating each site to determine final cleanup levels. The levels can also be used to help in situations where there is a perceived presence of hazard. The conservative levels were set due to the island's reliance on a single source aquifer, the Northern Guam Lens. The Lens is housed in limestone karst. The limestone acts like a sponge for water and pollutants. This makes it possible for contamination to directly affect the drinking water source quickly. Guam EPA will continue to use the Pacific Basin ESLs to provide guidance for any entity working on a response action to clean up or address hazards posed by the presence, or perceived presence, of contaminated soil or groundwater.

REGION 10



CONFEDERATED TRIBES OF COOS, LOWER UMPQUA, AND SIUSLAW – Through EPA's Brownfield Section 128(a) Response Program, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw have funded oversight activities and participate in the decision-making process of a cleanup at a neighboring formerly used defense property. The tribes have been reviewing cleanup plans of a former U.S. Navy base prepared by the U.S. Army Corps of Engineers and Oregon's Department of Environmental Quality in anticipation of acquiring the 43-acre property once the remediation is complete. The Coos Head Abatement and Demolition Project involve asbestos abatement and demolition of four buildings. The property, referred to as Coos Head, sits at the entrance to Coos Bay Inlet on the Oregon coast and was formerly used as a U.S. Navy base. The Coos Bay Inlet is the site of the deepest coastal port between San Francisco and the Columbia River. The port has been growing in its economic impact on the region and the Coos Head project is expected to make a significant economic contribution to the area.