EPA Tools to Encourage Redevelopment/Reuse of Contaminated Lands

Brown To Green:

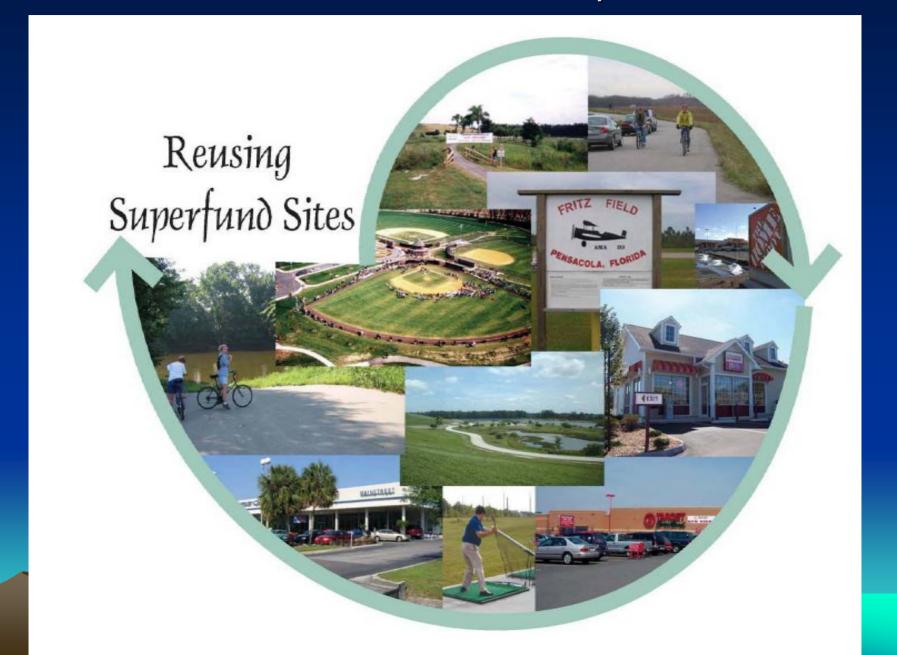
Make the Connection to Renewable Energy Santa Fe, New Mexico

December 11, 2008

Road to Renewable Energy Development at Contaminated Lands and Mining Site

- EPA encourage the use contaminated properties for siting renewable energy projects.
- Taken a multi-prong approach under this initiative:
 - Pilot Sites/Project Engagement Steve
 - Conducting Outreach Activities Steve Hoffman
 - Renewable Energy Mapping on Mine Sites Penny
 - Tools/Guidance Development

Reuse of Contaminated Properties



Superfund Tools to Encourage Reuse

- Comfort letters provide information about the site and can clarify liability issues for prospective purchasers and site owners.
- An Ready for Reuse Determination is an environmental status report written in clear language that is designed to provide important information about a site so it can be used without compromising protection for people and the environment. See http://www.epa.gov/superfund/programs/recycle/pdf/rfrguidance.pdf
- A site reuse profile, which is used in some regions, highlights a site's background, environmental history, and reuse status.
- At NPL sites, EPA may carve out portions of sites Partial Deletions to allow certain land uses.

Comfort/Status Letters

- Status of the site
- Future anticipated actions at the site
- Available liability protections
- Reasonable steps that a purchaser should take to stop and prevent releases at sites where EPA has this information
- Status of EPA liens

Ready for Reuse (RfR) Determinations

 Affirms that conditions at a site are protective of human health and the environment for specific types of uses





On this day, September 30, 2004, the U.S. Environmental Protection Agency (U.S. EPA)

Determines that the

Sharon Steel Superfund Site Is Ready for Residential and Mixed Reuse

U.S. EPA Region 8 Assistant Regional Administrator Office of Ecosystems Protection and Remediation

This Ready for Reuse (RR) Determination is for the Sharon Steel Superfund site ("Site") owned by Jordan Bluffs, Inc. This RR Determination provides that U.S. EPA has made a technical determination that the Site, located in the City of Midwale, Salt Lake Courty, Utalt, is ready for residential and mixed reuse and that the Site's remedy will remain protective of human health and the environment, subject to operation and maintenance of the remedy and the limitations as specified in the Record of Decision (ROD), Explanation of Significant Differences (ESD), Site Management Plan (SMP), Five-Year Review, and Institutional Control Process Plan (ICPP), which have been summarized in the attached report, Ready for Reuse Determination, Sharon Steel Superfund Site, September 30, 2004. This RR Determination remains valid only as long as the requirements and use limitations specified in the ROD, ESD, SMP, Five-Year Review, and CPP are met.

Limitations on Site uses identified in the ESD include the following: the City of Midvale will periodically inspect covers and final barriers on the Site; prohibit water wells; repair covers and final barriers if the Property Owners Associations (POA) are unresponsive; enforce repair and collection of repair costs; review site plan applications and issue final sproval; review road-cut permits applications and issue permits; periodically inspect the Site during initial site development and post-development construction to ensure compliance with construction permits including air quality monitoring plans; oversee landscaping activities of POA (or similar entity); and verify that private coverants and deed restrictions for developments include the requirements of the ICPP relating to landscaping and excavation. The U.S. EPA and Ulah Department of Environmental Quality (UDEQ) will continue to coordinate operation and maintenance activities; review and promptly approve amendments to the existing Operations and Maintenance Plan (if proposed); and review construction plans and documents as required by the Site Management Plan (SMP) for compliance with SMP and provide any relevant comments promptly. Following receipt and incorporation of comments the plans and documents will be considered final. EPA and UDEQ will provide oversight to monitor conformance with SMP for any activities which penetrate the Cap's synthetic membrane. The landowners and POA will control Site access a required by the Partial Consent Decree (PCD); enforce compliance with Midvale City Standards and Construction Specifications and the SMP, establish private covenants and deed restrictions requiring that future landowners comply with applicable requirements set forth in the ICPP; maintain and repair covers and barriers within their respective jurisdictional areas; prohibit distributances of monitoring wells; coverse and enforce excensions and the SMP, establish prohibit distributances of monitoring wells; coverse and enforce excension and another co

This RfR Determination is an environmental status report and does not have any legally binding effect and does not expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. U.S. EPA assumes no responsibility for reuse activities and/or for any possible or potential harm that might result from reuse activities. U.S. EPA retains any and all rights and authorities it has to conduct, direct, owersee, and/or require environmental response actions in connection with the Site, including but not limited to instances when new or additional information has been discovered regarding the contamination or conditions at the Site that indicate that the remedy and/or the conditions at the Site are no longer protective of human health or the environment for the types of uses identified in the RfR Determination. The landowner/POA are responsible for ensuring that any limitations specified in the ESD that might be affected by a particular use are complied with during the activity.

The types of uses identified as protective in this RfR Determination remain subject to (i) applicable federal, state, and local regulation, and to (ii) title documents, including but not limited to easement restrictions, and institutional controls.

Site Reuse Fact Sheets

- Detailed fact sheets for some sites are available.
- May include data on economic impacts and environmental and social benefits resulting from the reuse of Superfund sites.



Site Size: Approximately 1 acre Site Reuses: Recycled-content clothing, sports equipment, accessory, and safety product manufacturing

re cy cle (verb): 1: to process in order to regain material for Between 1978 and 1988, the buman use; 2: to adapt to a new use; 3: to bring back, to recover.

At the one-acre Trans Circuits Superfund site in Lake Park, Florida, an innovative recycling business is making it possible to transform discarded post-consumer materials like plastic bottles into clothing. At the same time, the business' operations represent the recycling of the site's acreage as well, restoring a former hazardous waste site to successful use.

Since September 2001, Direct Access International has been creating and marketing 100% recycled-content clothing, tote-sport bags, accessories, and safety products made from scraps of denim, newsprint, rubber, plastics, and even retired dollar bills. The company's clients include local, state, and federal recycling programs, government agencies, and corporations, including EPA Region 9, Ford Motor Company, General Motors, and PepsiCo Inc.

Located in a commercial and industrial area within the Tri-City Industrial Park in southern Florida approximately seven miles north of West Palm Beach, the Trans Circuits Superfund site is partially asphalt-paved and includes one building, the 21,000-square-foot facility leased by Direct Access International

Trans Circuits Superfund site

was the location of an electronic circuit board manufacturing facility. Today, Direct Access International's warehousing, fabric cutting, screen printing, sewing, and shipping operations employ 35 people at the

LOOKING BACK, LOOKING FORWARD THE REUSE PLANNING PROCESS

Direct Access International's reuse of the site was spurred by the overlap between the company's needs and the site's characteristics and a good working relationship between the site's owner, the company, and EPA.

Direct Access International began as a one-person apparel manufacturing operation in 1994. As company president Thomas Diemer recalls, "I was a one-man band, with an office, a phone, and a fax machine." Diemer focused on emerging technologies that enabled the recycling of plastic bottles as polyester-based fibers and yarns that could be blended into clothing fabric. Meetings with local solid waste authorities yielded significant interest in the availability of 100% recycled-content clothing and safety materials. Sample printings turned into standing orders.

Partial Deletions

- Many NPL sites include portions that have been cleaned up and may be available for productive use
- These portions may be partially deleted from the NPL if:
 - EPA determines no further cleanup work is required and the state concurs; and
 - Necessary institutional controls are in place
- Any person may submit a petition requesting a partial deletion
- A partial deletion can help to increase the site's marketability

Innocent Landowner and Prospective Purchaser Superfund Defenses

- The Small Business Liability Relief and Revitalization Act of 2002 (the Brownfields Amendments) clarifies CERCLA liability provisions for certain landowners and potential property owners.
- The Brownfields Amendments provide liability protections for certain property owners, if the property owners comply with specific provisions outlined in the statute, including conducting all appropriate inquiries into present and past uses of the property and the potential presence of environmental contamination on the property.
- EPA to promulgated regulations that establish federal standards and practices for conducting all appropriate inquiries. The all appropriate inquiries standards and practices are relevant to:
 - the innocent landowner defense to CERCLA liability (§101 (35));
 - the contiguous property exemption to CERCLA liability (§107 (q));
 - the bona fide prospective purchaser exemption to CERCLA liability (§107 (r)(1) and (§101 (40)); and
 - the brownfields site characterization and assessment grant programs (§104 (k)(2))

For more information see www.epa.gov/brownfields

Brownfield Tools

- The Mine-Scarred Lands (MSL) Initiative is an effort to improve coordination and collaboration among federal agencies on the cleanup and redevelopment of both hard rock and coal mine-scarred lands.
- Published the Mine scarred Lands Initiative Tool Kit.
 Assists developers on reuse of mine sites.
 Seehttp://www.epa.gov/aml/revital/msl/pdfs/toolkit.pdf.
 Includes review of how federal environmental statutes may affect redevelopment.
- Six pilot projects were conducted. See http://www.epa.gov/aml/revital/msl/demos.htm

What Else Do We Need

- EPA has developed tools to facilitate reuse/revitalization of contaminated properties.
- These tools have led to the reuse of many sites for multiple land uses.

What other tools can we develop to help facilitate the siting of renewable energy projects at contaminated lands and mining sites?

For More Information

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