

*EPA Tools to Encourage Redevelopment/Reuse of
Contaminated Lands*

Brown To Green:
Make the Connection to Renewable Energy
Santa Fe, New Mexico

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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***



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



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.



Sites in Reuse

Trans Circuits Superfund Site

210 Newman Way, Lake Park, Palm Beach County, Florida



T-shirts, bags, and caps made from recycled materials at Direct Access International's manufacturing facility

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 human 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.

Between 1978 and 1988, the 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 site.

**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.

EPA Region 4 Site Reuse Fact Sheets September 2004 **1**

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. See <http://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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