

DEQ Brownfields Assessment Program

DEQ's Brownfields Assessment Program funds and conducts environmental assessments of brownfields sites to assist communities in revitalizing their neighborhoods. Once DEQ receives a request for an assessment, some or all of the following elements may be involved: Phase I environmental site assessment (ESA), Phase II ESA, risk evaluation, and cleanup planning. The following information describes each element (including a cost estimate), why it should be conducted, and what may happen if it is not.



Alpine Lumber in Sandpoint, Idaho

Brief Timeline of DEQ-Funded ESAs, Risk Evaluations, and Cleanup Planning

- A Phase I assessment report is completed and delivered to client less than 2 months after receiving application.
- A Phase II assessment report is completed and delivered to client 4–7 months after receiving application, depending on project complexity and timing (winter and wet weather may delay projects). If a Phase I ESA is not required, a Phase II report may only take 3–4 months.
- If a Phase I ESA, Phase II ESA, risk evaluation, and cleanup planning are all necessary, the total timeline can take 7–10 months, depending on site complexity and timing.

Web Resources

DEQ Brownfields Webpage

www.deq.idaho.gov/waste-mgmt-remediation/brownfields.aspx

DEQ Waste Facility Mapper

<http://wastesites.deq.idaho.gov/>

Brownfields and Land Revitalization (EPA Website)

www.epa.gov/brownfields/basic_info.htm#plan

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Contaminated soil removal at Mahaffey Oil property in Parma, Idaho



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DEQ's Brownfields Assessment Program

Elements and Brief Timeline of DEQ-Funded Site Assessments



Goodman Oil property in Grand View, Idaho



Idaho Department of
Environmental Quality
www.deq.idaho.gov



Phase I Environmental Site Assessment (ESA)

A Phase I ESA is essentially a records search and site visit documenting property conditions and interviews with individuals who are familiar with the property. The Phase I ESA determines if the property has any recognized environmental conditions (RECs) that could complicate redevelopment and identifies potential sources of contamination. It does not quantify contaminants. Phase I ESAs typically cost between \$2,500 and \$5,000.

Why conduct one?

A Phase I ESA limits your liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). As part of CERCLA, the US Environmental Protection Agency enacted the All Appropriate Inquiry (AAI) rule, which outlines steps purchasers must take to maintain CERCLA defense to liability for environmental contamination on sites involved in property transactions. The main CERCLA defense that property purchasers assert is the bona fide prospective purchaser (BFPP) provision. BFPP status requires a Phase I ESA within 180 days prior to the property sale closing date.

What if a Phase I ESA is not conducted?

If a Phase I ESA is not conducted on a property prior to purchase, without proper disclosure, the purchaser may be unaware of environmental concerns on or surrounding the property. The new owner could be responsible for contamination discovered later. Without a Phase I ESA, it is also difficult to identify the true value of real estate.

If an AAI-compliant Phase I ESA is not conducted within 180 days prior to the purchase, the new property owner will be liable for any site contamination, whether or not the new owner actually caused the contamination, and will be ineligible for brownfields cleanup funding.

Apply for assistance at
www.deq.idaho.gov/media/533799-AssessmentForm.pdf.

Phase II Environmental Site Assessment (ESA)

A Phase II ESA (often called a limited Phase II ESA) involves quantifying environmental conditions to the extent possible. Soil, water, vapor, and air samples are collected and analyzed. The more comprehensive the sampling and analysis, the less environmental uncertainty exists regarding property conditions. Phase II ESAs typically cost between \$20,000 and \$100,000, depending on the size of the site and the potential magnitude of contamination.

Why conduct one?

A Phase II ESA is necessary if a Phase I ESA identifies RECs at the property. Without a Phase II ESA, it is difficult to put a fair market price on a property with RECs. For example, if a \$200,000 property costs \$50,000 to assess and \$250,000 to cleanup, then the property is already “underwater” by \$100,000 before redevelopment. The assessment also helps determine the appropriate reuse plan and a cleanup work plan, if cleanup is required.

What if a Phase II ESA is not conducted?

If a Phase II ESA is not conducted, the owner may be liable for contamination. If the property has a release contaminating off-site properties, the owners of those properties may have a legal claim against those who caused the release and the current property owner. It is also important to identify contamination that may be migrating onto the property from an adjacent property, in which case the new owner wouldn't be liable for the contamination.



Barber Ponds sewer lagoon in Boise before decommissioning

Risk Evaluation

Risk evaluations look at the ecological and human health risk posed by site contamination, as quantified by a Phase II ESA, by determining whether humans or the environment will be exposed to site contamination, how, and at what dose over a period of time. A contaminated site does not always require cleanup. Different levels of contamination may be left on properties depending on the proposed reuse (e.g., residential versus industrial). Depending on complexity, a risk analysis may cost between \$5,000 and \$10,000.

Why conduct one?

Determining the level of site risk helps determine whether a site needs to be cleaned up and if so, to what level. Exposure to contamination can be mitigated through environmental covenants and site use restrictions as well as actual site cleanup.

What if a risk evaluation is not conducted?

If a risk evaluation is not conducted, DEQ will likely require cleanup to default screening levels, which are the most conservative levels. In other words, the property may require more cleanup at a greater cost than may be necessary.

Cleanup Planning

If the risk evaluation indicates that cleanup is required, this planning stage identifies cleanup goals and strategies. The DEQ Brownfields Program analyzes various cleanup alternatives looking at effectiveness, implementation, and cost for each alternative. Depending on complexity, an analysis of brownfields cleanup alternatives and cost estimates can run from \$10,000 to \$15,000. The program can also fund the development of a cleanup work plan, which can cost between \$10,000 and \$20,000.

Why conduct cleanup planning?

It is important to select a cleanup strategy that will satisfy the cleanup criteria goals and be consistent with the type, timing, and cost of the proposed redevelopment.

What if cleanup planning is not conducted?

Without proper cleanup planning, it is difficult to estimate the total cost of site redevelopment.