

# Brownfields Site Inventory and Redevelopment Manual



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**This manual is subject to continuous review and we welcome any suggestions or comments you may have. Please send them to:**

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# ***Introduction***

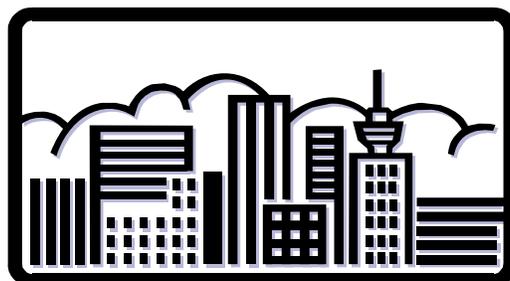
The Idaho Department of Environmental Quality (DEQ), with the help of the former Technical Assistance to Brownfields Communities (TAB) program at Oregon State University partnered to demonstrate the ability of volunteers to inventory and select brownfield sites in their communities for redevelopment. This manual was developed to provide background information on brownfields and to be a guide for those engaged in building a brownfields inventory and selecting brownfields sites for redevelopment.

## **Who developed the manual?**

A version of this training manual was originally developed by the Environmental Alliance for Senior Involvement (EASI) in partnership with the Oregon Department of Environmental Quality. EASI is the largest senior environmental action network in the world. Under the EASI umbrella, more than 100,000 volunteers in the Senior Environment Corps (SEC) and other environmental programs carry out a wide range of environmental activities around the country. Jerry Orlando with the former Technical Assistance to Brownfields Communities (TAB) at Oregon State University developed this current version of the training manual.

## **What does the manual contain?**

The manual has three basic types of information. The first is a general background on brownfields and the purpose behind building a brownfields inventory. Second, and most importantly, are several tools and resources that will make the task of building a brownfields site inventory easier to accomplish, including how to use the inventory in the brownfields redevelopment process. Third is contact information about persons and organizations involved with this project, and information on how these organizations have been involved in brownfields revitalization.



## **What are brownfields?**

Brownfields are typically commercial or industrial sites that are vacant, abandoned, and/or underutilized that have a perception of contamination or actual contamination, hindering reuse or redevelopment. Every city and county, whether rural or urban, has brownfields. Recently, Congress has expanded the brownfields definition to include some types of residential properties.

## **Why should I care about brownfields?**

Across the country, every community faces the challenge of dealing with brownfields, from the city with abandoned factories to the rural town now blighted with abandoned sawmills and mines. Having the potential to be valuable community resources, brownfields can be redeveloped for reuse and can bring benefits that are vital to many economically depressed areas. Many brownfields initiatives spark life in the community, serving as catalysts to revive older communities and neighborhoods, reducing public health and safety threats, attracting new business, improving the tax base and raising community self-image and morale. Redeveloping brownfields, sometimes called “land recycling”, can help preserve the undeveloped green space in communities and reduce the tendency toward urban sprawl.

Volunteering for this project should prove to be very rewarding, not only for you but also for your community.

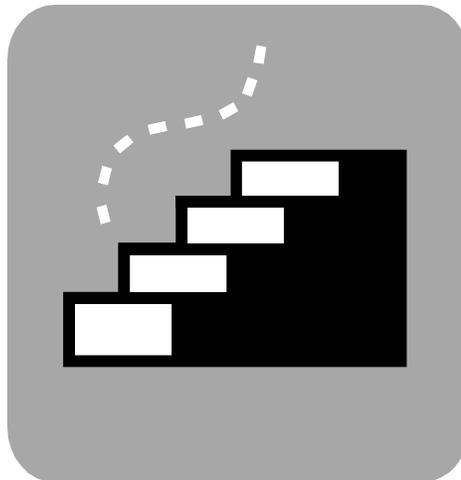
## **Why do we want to inventory brownfields sites?**

There are several good reasons why a brownfields site inventory is useful. The inventory helps define the scope of a community’s brownfields and allows for better allocation of resources used to assess and clean up brownfields. Having information about the extent of brownfields in a community allows for more effective and efficient public policy. A brownfields inventory coupled with some basic information about the contamination at sites can be used by economic development and regulatory agencies to market properties to businesses and developers seeking to relocate to an area. Also, the 2001 Brownfields Revitalization Act calls on state agencies to build brownfields inventories mainly for the purpose of enhancing the effectiveness of the states’ brownfield response programs.

# The Steps of Building and Using a Brownfields Inventory

The process of searching for brownfields sites outlined in this manual can be divided into three sections:

1. **Section 1 - Building a Brownfields Site Inventory: Gathering Information.**  
Searching records and databases for evidence of potential brownfields. Networking through and talking with key community leaders and others who may have information regarding potential brownfields.
2. **Section 2 – Field Surveying and Profiling Brownfield Sites.**  
Confirming the status of properties as brownfields with further investigation (i.e., record searches, site visits, etc.) and completing a Site Profile Form.
3. **Section 3 – Using a Brownfields Inventory.**  
Using the inventory to select sites for assessment, cleanup (if needed) and redevelopment.



*The following checklist expands upon the 3 sections above to include more detailed information about what is involved in each of the 3 sections. You can use this checklist to track your progress throughout the project.*

## **Brownfields Site Inventory and Redevelopment Checklist**

### **1. Section 1 - Building a Brownfields Site Inventory: Gathering Information**

- \_\_\_ Database and record searches for potential brownfields.
- \_\_\_ Networking in the community for potential brownfields.
- \_\_\_ Confirming that the sites on the list meet the definition of a brownfield.

### **2. Section 2 – Field Surveying and Profiling Brownfield Sites**

- \_\_\_ Contact the site owner to find out if he or she is interested in the program and if they will allow site access.
- \_\_\_ Visit the site.
- \_\_\_ Using the Site Profile Form, develop a comprehensive report of all information about all sites.
- \_\_\_ Set up a workshop with Economic Development District (EDD) representatives for ranking the sites using the Site Profile Form.

### **3. Section 3 – Using a Brownfields Inventory**

- \_\_\_ After the sites are ranked, select the top ten ranked sites and gather community input on which 2 should be selected for redevelopment.
- \_\_\_ Champion those 2 selected sites within the community and seek funding for assessment and/or cleanup and redevelopment.

# Brownfield Contacts

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## **Section 1:**

# ***Building a Brownfields Site Inventory: Gathering Information***



This section describes various ways to locate potential brownfields and confirming some or all of these potential brownfields as probable brownfields. The volunteer's personal knowledge of the community is extremely important and a great starting point for discovering potential brownfields. The tools in this section supplement that knowledge.

When this step is completed, you will have created a list of good brownfield candidates.

## ***1. Database & Record Searches***

There are records, listings and databases where one can search for potential brownfields. Some are more direct while others require combining pieces of information to identify potential brownfields.

Much of the information in this section is taken from the guide, ***Closing the Brownfield Information Gap: Practical Methods for Identifying Brownfields***, published by the Southeast Regional Environmental Finance Center at the University of Louisville, and written by Sarah L. Coffin and Peter B. Meyer. The entire guide can be found at:

[http://cepm.louisville.edu/Pubs\\_WPapers/PDF\\_Docs/brownfield\\_information.pdf](http://cepm.louisville.edu/Pubs_WPapers/PDF_Docs/brownfield_information.pdf)

*Following is a list of databases and information sources you may use in developing a brownfields inventory.*

- **Waste Division Inventory**

This is found on the Idaho DEQ website and is a listing of sites which have had some kind of environmental regulatory involvement. A guide to using the Idaho DEQ Waste Division Inventory is located in appendix A, page 44.

- **Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)**

<http://www.epa.gov/superfund/sites/cursites/>

This U.S. EPA site contains information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation. The database includes sites that are on the National Priorities List (NPL) or that are being considered for the NPL. The NPL is the listing of sites that have entered the Superfund Program. In general, sites on the NPL that have entered Superfund status do **not** qualify as brownfields sites and would **not** be included in an inventory.

There are sites listed in CERCLIS that are contaminated but do not rise to the level of a Superfund site or that have been removed by the EPA from being considered for addition to the NPL. These sites **are** potential brownfields for purposes of this inventory.

The search parameters entered in the online search form should not be overly restrictive so that the correct sites will be returned in your search. For example, the only search fields needing adjustment would be the state and perhaps the county.

- **Right-to-Know Network**

<http://rtk.net/rtkdata.html>

The Right-to-Know (RTK) provisions of the Emergency Planning Community Right-to-Know Act (EPCRA) help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. This website can be used to find facilities that released, stored, transported, generated or treated hazardous substances possibly indicating contamination that still exists. Obviously, not all of the facilities and businesses in the databases will be brownfields but when the information about a facility's actions and permitted activities is combined with additional information, such as whether or not the facility is still in operation, this process can indicate potential brownfields.

The website contains several searchable databases on a wide variety of environmental regulatory actions and reporting and provides access to all federally collected environmental information. The level of detail in the information returned from a search is adjustable as is the geographical extent of the search area. Search results can be received in real-time or in an email.

The most valuable of the databases for the purpose of finding potential brownfields are:

- *CERCLIS*- described earlier, information on potential and actual Superfund sites.
- *Toxic Release Inventory*- The centerpiece of EPCRA, the Toxics Release Inventory (TRI) contains information on toxic chemical releases and other waste management activities reported annually by certain covered industry groups as well as federal facilities.
- *Resource Conservation and Recovery Act (RCRA) Information System (RCRIS)*- this database lists permits issued under RCRA which regulates those entities that generate, transport, treat, store or dispose of hazardous waste.

Other databases on the RTK site deal with records on permit compliance, spills reported, emergency response plans filed and other hazardous waste-related items that have the possibility of identifying potential brownfields.

- **Property Tax Assessment Office**

County tax records often indicate tax valuations and land use and contain information on tax collections. Tax records and knowledge about the use of the property can be combined to identify potential brownfields. For example, if the tax record on a tax-delinquent property lists an industrial code from the North American Industry Classification System (NAICS, formerly SIC) and that code corresponds to a typically polluting industry, it may be a brownfield.

NAICS codes can be referenced at:

<http://www.census.gov/epcd/www/naics.html>

that lists the codes and to what industry they correlate.

The tax assessor's office can also provide additional useful information valuable at the confirmation stage in the brownfields inventory process. With the cooperation of that office, a printout may be obtained which will indicate: ownership, addresses of owners and property, acreage, value of land and improvements, year improvements were constructed, reference to when property last changed ownership, etc. In some counties this information is researchable on line.

- **Code Enforcement Office**

Many cities have building code enforcement offices that may have records of violations on blighted, rundown or abandoned buildings. These records can give information on the presence of potential brownfields.

## ***2. Networking in the Community***

Networking through others in your community can lead to the identification of potential brownfields. Examples of target types of properties are:

- empty lots
- abandoned schools
- former service stations
- former dry cleaners
- factories
- warehouses
- parking lots
- hangers
- lots where heavy machinery was stored or repaired
- abandoned railroads
- former railroad switching yards
- air strips
- bus facilities
- landfills

and many more types of facilities.

- **Civic Personnel / City Offices**

When seeking to identify potential brownfields by talking with community members, those employed by local government are a good place to start. These individuals may have their own ideas about target types of properties or even specific properties to include in the brownfields inventory. Consider consulting elected leaders, city clerks or others who may have knowledge of specific idled properties with obstacles to being fully productive and developed. Sometimes environmental engineers or

environmental compliance officers employed by a city, town or county have ideas about properties to investigate further for inclusion into a brownfields inventory. The city may operate a hazardous materials permitting program whose database contains clues as to potential brownfields.

Fire departments play a role in regulating and monitoring entities that deal with hazardous materials. Fire departments respond to hazardous material situations such as spills and may oversee the emergency planning requirements of those who handle hazardous waste or materials. Conversations with fire department personnel as well as a search of their records can lead to the discovery of sites for inclusion in a brownfields inventory.

If the city or town has a zoning and/or planning department, they may be helpful in finding potential brownfields.

- **Business Groups/ Associations**

Local chambers of commerce typically collect information on industrial and commercial activity and can act as economic development agencies for a community. Designated economic development agencies may have listings of properties to market to entities seeking to locate in an area. Commercial real estate firms have listings of properties zoned for industrial or commercial uses. Each of these sources may have knowledge or listings of properties with real or perceived contamination that may qualify them as brownfields.

- **Community Groups**

Communities often have ideas about properties that may qualify as brownfields. If the community has an organized group or neighborhood association(s) that meets regularly, making presentations on the brownfields inventory work can serve two purposes - - finding undiscovered potential brownfields and raising awareness and gaining support for future brownfields work.

Making presentations about the inventory project before civic groups such as Kiwanis or Rotary may also generate support for a community brownfields redevelopment program and perhaps lead to the identification of more potential brownfields.

### ***3. Confirmation***

At this point in building a brownfields site inventory it becomes necessary to narrow the list of potential brownfield sites created in the database searches and through networking in the community. The list needs to be reduced to include only those properties that meet the definition of a brownfield and, thus, the most appropriate to be moved further along in the brownfields redevelopment process. This will be accomplished through further investigation and site visits.

The database searches and networking will result in two kinds of properties:

- Sites with a record of environmental issues, tax delinquency at industrially zoned sites or some other reason to suspect environmental contamination.
- Sites with no record of environmental issues but identified based on recommendation through networking or on the basis of some other attribute such as vacancy or tax delinquency.

#### **A. Sites with Environmental Issues**

The first step in assessing the status of these sites is to determine if they are in productive use. This can be accomplished by attempting to contact the business or by a “windshield survey” of the property (simply driving by). If the site is operational it is probably not going to be listed as a brownfield unless it is judged to be “underutilized”. This is a subjective assessment and a determination that should be made in consultation with the DEQ. Until this determination is made the property can remain on the list of potential brownfields based upon the impressions of the volunteers.

If a site under this heading does not appear to be in productive use, it will be necessary to contact the site owner to gather more information and make a site visit to field-survey the property.

#### **B. Sites without Records of Environmental Issues**

These sites will require more background work to determine if they may have a history of contamination or even when no records of environmental contamination exist, even if the community has a perception of

contamination. Investigate the history and background of the property, looking for past uses of the property which may have led to contamination occurring on the site. Interviews with neighbors or simply long-time area residents can also be helpful in determining the past use of a property. Sources to be researched may include but are not limited to:

- Libraries & Historical Societies
- SANBORN maps: Boise State University's Albertson's Library has an online map collection located on the computers in the library. Visit their Circulation desk for directions on how to access the maps.
- Metzger Maps - These maps do not provide details of land use, but do provide ownership information that could be linked with other historical sources.
- City Directories – Some directories can be found on-line at <http://citydirectoryrecords.com/Idaho/CityDirectories.html>.
- Polk City Directories – These directories of city information are very expensive. However, libraries would be a good place to check for one as the directory can provide information that may be useful.
- Well Log searches: The state Department of Water Resources maintains a web page with information about wells recorded within a specific Township, Range, and Section (TRS) from the original U.S. public land survey. Note that you need to know TRS coordinates in order to locate wells recorded with that 1-square-mile Section. The link is: <http://www.idwr.state.id.us/water/well/>.
- U.S. Army Corps of Engineers Aerial Photographs – At this website you can find the flight lines with photos available. [http://www.nwp.usace.army.mil/ec/ts/flight\\_lines/fl.htm](http://www.nwp.usace.army.mil/ec/ts/flight_lines/fl.htm). After viewing maps, you may want to talk with your local Army Corps of Engineer representative.

**NOTE:** In the event that no records indicate that the site has actual environmental issues the site may still be listed as a brownfield if it has a stigma or perception of being contaminated. *This is where your knowledge of the community plays a key role!*

## Section 2:

# *Field-Surveying and Profiling Brownfield Sites*



## ***1. Contacting the Site Owner***

After the initial list of potential brownfields has been narrowed down to those sites with the most probability of meeting the definition of a brownfield, it is necessary to contact the owners of the properties before field-surveying them. Field-surveying goes beyond the “windshield survey” used in the previous section to determine if the sites were in productive use. A field-survey involves taking photographs and a visual inspection.

Determine each potential site’s ownership status by using the records obtained from the tax assessor’s office or some other method. Make contact with the owner or property manager. This is particularly important for private properties. Explain your purpose and ask for their cooperation and assistance. They may have personal knowledge or files and documents they are willing to share which will help determine the properties status as a brownfield. This is particularly important when dealing with publicly owned property because you may gain permission to enter a property and you can identify a primary point of contact for future questions or work with the property.

***[Note: Always get the property owner’s permission before entering the property. A sample permission form is provided at the end of this section.]***

### **Approaching Property Owners and Explaining the Program**

The best way to approach property owners is via telephone. The County Assessor’s office can give you the owner’s name and address and then you can find their phone number in the phone book. Be prepared for negative reactions. Some property owners will be offended that you are “labeling” their property as blighted and possibly contaminated and some will welcome the assistance for redevelopment. By using the phone you are reducing your chances of being negatively affected by a property owner, and therefore, less discouraged. If at any time you feel uncomfortable contacting an owner, do not contact them. Just make a note on the Site Profile Form that the owner was not contacted.

***[You may use your own explanation of the brownfields program, modify the following one, or use the following one – even in a letter format.]***

## **Program Explanation:**

Our group is attempting to inventory all the potential Brownfield sites in [city]. A Brownfield is typically a commercial or industrial site that is vacant, abandoned, and/or underutilized that has a perception of contamination or actual contamination, hindering reuse or redevelopment. We are inventorying Brownfields in an attempt to help owners of Brownfield properties to market and/or redevelop their sites. Redevelopment will put the property back into productive use, therefore, generating more jobs and revenue for the community. Often times the mere perception of contamination at a property can hinder the properties chances of redevelopment or resale. Through our inventory process, we are hoping to develop a list of properties that are considered Brownfields. The list would be shared with the local economic development district, the general public, and other interested potential purchasers and developers.

If you agree to participate in our inventory, your property will receive increased exposure for resale or development at no cost to you. If you agree to participate in our program, your site may be eligible for a cost-free site assessment. These site assessments are very valuable because they tend to eliminate uncertainty with regard to your property's environmental condition. Perception of contamination, or known but relatively unquantified amounts of contamination can artificially reduce the value of your property and consequently the value of the property around your Brownfield. An unknown environmental condition artificially decreases property value because of the perceived environmental liability and financial risk associated with perceived or real contamination. Environmental site assessments reduce or eliminate that uncertainty and allow the seller to realize the actual value of their property. Many times, assessments reveal that the site does not have much, if any, contamination.

The Idaho Department of Environmental Quality has conducted dozens of environmental site assessments on Brownfield properties and none of them have triggered any type of regulatory response. In the rare case that an assessed Brownfield property requires cleanup, property owners work in partnership with IDEQ in a voluntary capacity in order to develop a cleanup plan. Additionally, there are incentives in place such as low to no interest loans and income tax rebates available to individuals who purchase and clean up Brownfield properties. Consequently, even contaminated

Brownfield properties are attractive to developers who want to take advantage of Brownfield incentives in order to develop Brownfields that already have developed infrastructure in place.

## ***2. Field-Surveying Brownfield Sites***

Before physically entering private property, you must obtain permission. You can use the permission form provided on page 25. After receiving permission to enter a potential brownfield property, the site should be visited to further confirm the information you have about it. Site visits are an opportunity to verify location, use and apparent brownfields status. A site visit can also provide more useable information with which to build the inventory. Photographs of each site will document features of interest. If possible, observations of “indicators” of a potential brownfield are noted such as:

- Bare spots where vegetation apparently refuses to grow.
- Pipes protruding from the ground.
- Unidentified and abandoned barrels, containers, tanks, etc.

**Note:** Information from site visits will provide a record of these observations and be **invaluable** in the creation of site profiles.

## ***3. Creating Profiles of Brownfield Sites***

A brownfield profile is a comprehensive report of all information about a particular site. Information for a complete profile includes:

- ✓ Site name and address/location and size
- ✓ Site ownership and operational history
- ✓ Regulatory and contamination status (from the DEQ databases, local records, etc)
- ✓ Type of redevelopment desired or proposed, including it’s potential public benefits (e.g., riverbank access, proximity to bike/recreation trails, filling a community need)

- ✓ Significant barriers to site redevelopment, and action(s) needed to overcome them.
- ✓ General site description including infrastructure
- ✓ An assessment of environmental justice concerns (see glossary)

Brownfield site profile work sheets can be found starting on page 21. It may be necessary to consult with the local economic development agency, the DEQ or TAB when determining some items on the profiles. After the Site Profile Forms are completed, contact the local Economic Development District and together, possibly through a workshop, rank the sites in order of economic development potential.

# Site Profile Form

The following data sheets should be filled out entirely. Make sure to write clearly.

## Recorder Information

Name \_\_\_\_\_

Date \_\_\_\_\_

## Site Information

Site name \_\_\_\_\_

Former site names, if applicable: \_\_\_\_\_

\_\_\_\_\_

Location/address \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_

Site size (acres or square feet), type of buildings, zoning \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Ownership of Property (who is the owner, are they private or government or nonprofit, are they willing to participate in the brownfields program and allow site access?) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_







SAMPLE PERMISSION FORM

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**Property Authorization**

I, [property owner]\_\_\_\_\_ do hereby authorize and agree to permit [volunteer] \_\_\_\_\_ to enter my property for the purpose of photography [specific property]\_\_\_\_\_ accessible from my property beginning [specific date]\_\_\_\_\_ .

This permission allows the above-named individual or his/her designee(s) to perform photography while exercising due diligence in protecting my property and personal safety and health. The below-named individual and his/her designees agree to hold me harmless against any liability for injury suffered in the carrying out of their work on my property.

\_\_\_\_\_ Property Owner Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Volunteer Signature

\_\_\_\_\_ Date

\_\_\_\_\_ Property Owner Name (Printed)

\_\_\_\_\_ Volunteer Name (Printed)

## Section 3:

# *Using a Brownfields Site Inventory*



After assembling a brownfields inventory, sites can be selected from the inventory for assessment, cleanup and redevelopment using a combination of methods.

## ***1. Criteria Screening and Site Ranking***

Criteria used to screen the sites include physical site characteristics, location, community-based considerations and technical considerations. Often the criteria used to evaluate brownfield sites are dependent on local priorities and the specific needs and interests of the local community. The criteria are given “points” which produces a quantitative measure for comparing sites to each other.

For communities in Idaho, the Idaho DEQ has developed a list of criteria with which to rank brownfields sites and select those sites with the most favorable attributes for further investment of resources. These criteria will be applied to the brownfields inventory by the local Economic Development District and the volunteers using the information assembled on the site profiles. ***Volunteer input in this step is important as they have first-hand knowledge of the sites and community needs.***

## ***2. Stakeholder Surveys***

Another way to discern which brownfields sites are more attractive for promotion through the redevelopment process is to survey community leaders for their input. Key community leaders may have their own criteria for what sites they prefer to see redeveloped and their ideas should be seriously considered.

In order to make their input more meaningful, those consulted should be given as much information as possible about the sites. Information can be organized in a table listing site locations and other pertinent features.

Combining the input of community stakeholders with the criteria screening data will result in a prioritized list of brownfield sites in the community and can help guide the allocation of time and resources for further actions.

### ***3. Looking Forward- Site Promotion***

After the EDD and volunteers have ranked the sites based upon the Site Profile Forms and stakeholder's input, the volunteers will choose two out of the top ten highest ranked sites to further promote in the brownfields process. Once those two sites are chosen, contact DEQ. DEQ and/or EPA could provide environmental assessments and/or cleanup funding, if necessary. The volunteers can then champion those sites throughout the community. Presentations can be made before civic groups such as the local Rotary Club, Kiwanis Club, neighborhood groups, etc. describing the brownfields effort while raising awareness and support for brownfields redevelopment. The sites can also be showcased for commercial real estate agents and developers through direct contact, private site tours or an open house. With the assessments in hand, the marketability of the sites is enhanced by the removal of the unknown contamination status making redevelopment more likely.



## Section 4:

# *Idaho & Brownfields*



# Brownfield Projects in Idaho

In this chapter, you will read about some of the Brownfields investigations and/or cleanups in which the Idaho DEQ has played a role.

## Proposed New Plymouth Rural Fire Board Fire Station (aka former Shell Oil Station)

### *Site Background*

The Former Shell Oil Station at 324 SE Avenue (Highway 30) New Plymouth, Idaho, constituted a severe blight property along the City of New Plymouth's main thoroughfare. The City of New Plymouth contacted the Idaho Brownfields Program for assistance in assessing the potential environmental contaminants at the former service station.



*Former tank pit area. Structure is shown demolished in the left side of the photograph.*

In 1956, two gasoline underground storage tanks (USTs) were installed at the site. The USTs, according to the former mayor of New Plymouth, had a capacity of 1,000 gallons each and were installed to a shallow depth just outside of the service station's foundation. The site operated as a Shell Oil station until 1960. There is no record of UST removal and

disposal. The property changed ownership around 1960 and was converted into a restaurant. The restaurant closed in the mid to late

1960s. The property changed ownership again and the structure was converted into residential rental apartments which were in disrepair. The property changed owners two more times before being purchased by the Rural Fire Board.

Potential contaminants on site included petroleum hydrocarbons associated with the USTs, potential waste oil UST or waste oil staining (unknown),

potential asbestos containing materials and/or lead based paint associated with the original construction of the structure.

### ***Regulatory History***

There is no history of regulatory enforcement for this site. The site ceased operations as a service station by 1960. There is no record of the site in the Idaho Department of Environmental Quality's (IDEQ) Underground Storage Tank/Leaking Underground Storage Tank (UST/LUST ) listings.

### ***Site Activities***



***Excavation of the former dispenser lines. Cut end is shown at the right side of the photograph.***

imaging in the areas of the suspected USTs, URS concluded that the gasoline USTs may not have been removed.

Consequently, the City of New Plymouth contacted IDEQ and requested a TBA for a Phase Two Environmental Site Assessment and the removal of the USTs and characterization of any subsurface contamination found as a result of the UST removal. IDEQ's contractor, Maxim Technologies, conducted the ESA and was able to locate the former UST dispenser lines.

No contaminated soil was found in the vicinity of the pipes. The pipes were traced to the point where the former USTs were located. The pipe had been cut and left in place. Excavation in the area of the former UST pit confirmed that

With the assistance of IDEQ's Brownfields Program, the City of New Plymouth applied to EPA for a Targeted Brownfields Assessment (TBA). In July 2004, EPA's contractor, URS, conducted a Phase One Environmental Site Assessment (ESA) in an attempt to determine whether or not any past site activities posed a potential for a release of

contamination on the site. URS determined that the site did at one time have both gasoline USTs and a waste oil UST. Using magnetic

the USTs had been removed some time in the past. No soil staining or contamination was discovered. IDEQ determined that no further site assessment activities were necessary at this site.

## ***Redevelopment***

The property in question lies on New Plymouth's main thoroughfare, one property away from the New Plymouth High School. The property is a prime location for a new fire station, placing fire fighting equipment in close proximity to the high school as well as two nearby service stations and the majority of commercial and public facilities in New Plymouth. Construction of a centralized, modern fire station is of great importance to the residents of New Plymouth as well as residents in the surrounding area who fall within the jurisdiction of the Rural Fire Board. Presently, the Rural Fire Board is applying for a Community Development Block Grant through Sage Community Resources.

## **American Linen Property, Downtown Boise**

### ***Site Background***

Boise developer David Hale has a dream: a new downtown redevelopment district around 14th and Grove streets in Boise. His vision begins with the old American Linen building that he's turning into a coffee shop, offices, restaurant, and residential space.



*Circa 1950 – American Linen Supply Co.*

For years, environmental concerns at this property hampered the efforts of Boise's Capital City Development Corporation (CCDC) to market this former industrial/commercial district for mixed-use redevelopment, including urban residential uses. Developer concerns included a known historic petroleum release and unknown risks related to historic laundry-related uses. The property sat vacant for years and constituted blight on the urban landscape.

CCDC expressed to DEQ its view that addressing the stigma surrounding this property would act as a catalyst for renewal of the district. Accordingly, in 2004, CCDC asked the Brownfields Program to fund assessment activities at the property to evaluate the ground water quality beneath the site. DEQ agreed to fund the requested assessment.



*2004 - Abandoned and Blighted*

American Linen occupies the northwest corner of 14th and Grove Streets in downtown Boise. The site takes up one quarter of a city block which is bisected by an east-west trending alley to the north of the property. The site has three contiguous buildings with separate historical operations ranging from commercial to light industry.



*View of American Linen from 14 th St downtown Boise*

Past owners used the site as a linen supply operation involving commercial laundry with conventional detergents. While the owners did not perform commercial dry cleaning, occasionally they used tetrachloroethylene (perc or PCE) to clean heavily soiled garments. The property once housed underground storage tanks (USTs) holding diesel fuel for delivery trucks and Stoddard solvents for spot-cleaning difficult stains.

## ***Regulatory History***

In 2001, the USTs were removed along with contaminated soils. A remediation system treated contamination in the soil until its removal in 2004, when DEQ issued a no-further-action letter related to the petroleum issues in the former tank area. Another concern is that ground water samples taken in this area of town have shown varying levels of PCE; the PCE source is unknown.

The historic petroleum concerns and area PCE issues prompted CCDC's request for additional assessment activities.

### ***Site Investigation Process***

DEQ contracted to have Maxim Technologies perform a ground water quality investigation up gradient, down gradient, and cross gradient from the property. Field investigation activities included sampling of existing monitoring wells and collection of groundwater samples from additional locations using GeoProbe® and the installation and sampling of an up gradient ground water monitoring well. Based on the investigation results, DEQ determined the property was not the source of PCE contamination and provided a no-further-action determination with respect to the property.

Upon receiving the assessment report from DEQ, CCDC shared the results with interested developers and Mr. Hale determined to purchase the property. Mr. Hale commented on the role the Brownfields Program played in his purchase decision:

*"Not only did the testing confirm that the on site environmental hazards were at a minimum, but the negative results of off site contamination coming from the property proved to be the necessary piece of information needed in order to complete the due diligence process and pursue the purchase of the building."*

### ***Redevelopment Plans***

Anchored around the American Linen building, Hale plans to redevelop and rejuvenate a six-block area on the western outskirts of downtown that he says has been overlooked. He expects the Linen District's industrial atmosphere to give way to new condominiums, trendy restaurants, and art galleries over the next several years. Hale says he wants the new Linen District to be a Mecca for people accustomed to the unconventional. "I'm going to try and lure people and businesses associated with the creative class," he said. "We're talking artists, musicians, the cool, the hip, the fun."

Hale intends to tear down the largely unusable warehouse portion of the property and redevelop it as temporary downtown parking until CCDC can



provide adequate parking for this area of downtown. The main structure will be developed as mixed use office and retail. Once CCDC develops parking in this area, the former warehouse portion of the property will be redeveloped as mixed-use residential housing units and retail. "The Linen Building is the landmark building in the district; It will be the anchor of the district," says Hale.

Local businesses that have signed on to relocate or open shops in the new district believe it will attract customers looking for the offbeat. Committed tenants include Donny Mac's Trailer Park Cuisine, a restaurant with a desert roadside cafe atmosphere, an art gallery that will be a haven for local artists and musicians, and Big City Coffee Shop, which will do all its own baking.

## **City of Smeltonville USTfields Pilot Project**

### ***Site Background***

The city of Smeltonville is located within the Bunker Hill Superfund site. The area was contaminated with heavy metals from a century of mining, mineral processing, a zinc plant, and lead smelter. Smeltonville has been economically depressed since 1986 when the Bunker Hill Lead Smelter and Zinc Plant were closed and dismantled. The stigma of Superfund designation and the restrictions and uncertainties that accompany a Superfund site have further degraded the economic viability of the area.



*City of Smeltonville Main Street*

The USTfields project concerns four properties along Main Street that have underground storage tanks (USTs). Removal of the USTs, an assessment of each, and remediation of soil and ground water, if needed, will stimulate new interest in these properties for reuse and redevelopment. The long-lasting benefit

to the community will be to create jobs, generate taxable incomes, and assist the community with additional business partnerships.

### ***Site Activities***

The USTfields grant application for \$100,000 was submitted by DEQ to EPA on behalf of the city of Smeltonville with the support of the Panhandle Health District, Silver Valley Economic Development Corporation, and the Silver Valley Superfund Task Force. Local in-kind support, which included obtaining access to the properties and disposal of contaminated soils and other debris, was critical in the success of the project.

In the summer of 2003, DEQ staff and contractor Maxim Technologies began the assessment of the four properties with USTs. This work included the removal or closure-in-place of 11 USTs. As part of the assessment, soil and ground water samples were taken and a risk evaluation was conducted based on the sampling results. After reviewing this information, it was determined that no remediation activity would be required.

As a result, this project was a success by preventing future contamination since a number of the USTs removed still contained product. In addition, the community eliminated a potential roadblock in its redevelopment plans. The project was completed under budget by \$17,536. The unified support of everyone involved made this project a success and a model for future projects.



***Underground storage tank removal***

### ***Redevelopment Plans***

The four sites listed under this proposal lie within the area of the city's proposed downtown revitalization plan. The location of the USTs related to the

right-of-way areas on these properties had to be addressed to make way for sidewalks and landscaping to improve community infrastructure.



The city of Smeltonville will work with local residents, real estate agents, and the business community through the Silver Valley Economic Development Corporation to solicit interest in reuse of the properties. This project served as a model to the local

communities concerning the assessment process which involved the removal of abandoned tanks, remediation, and reuse of former UST sites for new business interests.

## **Bruce and Rod's Tire Factory (aka Western Supply, aka Dean's Tire)**

Assessment activities funded by the Brownfields Program allowed DEQ to issue a "Closure Letter" for this property. The Closure Letter allowed the current tenants to secure financing to purchase the property, and to continue operating five businesses on the property, rather than creating blight by moving to a new location outside Parma.



### ***Site Background***

The property sits at the intersection of Grove and 8th Streets in the center of the City of Parma's commercial district along Highway 20. The current tenants operate five businesses on this property (tire service, auto service, car wash, U-haul™ rental, and propane service).

*Looking to Bruce and Rod's Tire Factory across Grove St.*

Former owners operated the property as a gasoline service station and, in 1988, discovered petroleum contamination on the property. The owners later declared bankruptcy, preventing any further assessment activities. New tenants continued to operate the site as an auto service and tire service facility, expanded the business, and were interested in purchasing the property.

The tenants were unable to secure financing to purchase the property due to environmental concerns. Consequently, the tenants planned to move their business to a different town, leaving behind vacant, blighted property, and taking important local business operations with them. The City of Parma asked DEQ to complete assessment work under the Brownfields Program to avoid the creation of blight in downtown Parma and to preserve the presence of local businesses along Parma's main commercial and transportation corridor.

### ***Regulatory History***



*Excavation showing contaminated soil*

In 1998, the former owners removed three gasoline/diesel underground storage tanks (USTs) with a combined capacity of 19,000 gallons. Soil and ground water samples collected at the time indicated the presence of petroleum hydrocarbons in the soil and ground water. As stated above, the former operators declared bankruptcy and were no longer able to pay for ongoing environmental activities at the property. For years, the environmental concerns remained unaddressed.

In 2003, DEQ installed three monitoring wells to track changes in ground water quality. Monitoring data showed petroleum concentrations in ground water continuing to decrease below the EPA maximum contaminant levels (MCL) for benzene, toluene, ethylbenzene, and xylenes. However, DEQ, lenders, and potential purchasers maintained concerns the property was a continuing source of petroleum contamination. Accordingly, further assessment

activities were needed to quantify and address environmental concerns at the site.

### ***Site Investigation Progress***

In October 2004, the Brownfields Program funded assessment activities at the property, conducted by DEQ's contractor, Millennium Science and Engineering (MSE). While digging test pits for soil sampling, MSE unearthed the source of the continuing ground water contamination. MSE excavated the petroleum-contaminated soils and hauled them off-site to a permitted landfill facility. MSE collected confirmation soil and ground water samples, installed ground water monitoring wells, and produced a final report of the assessment activities after regrading the site. Additional rounds of ground water sampling confirmed removal of the source of ground water contamination. Based on the sampling results, in June of 2005, DEQ issued a letter of closure for the site.

### ***Redevelopment Plans***

Due to the completed assessment and the letter of closure issued by DEQ, the tenants were able to secure financing to purchase the property, and the five businesses operating at Bruce and Rod's Tire Factory will continue to serve the city of Parma and surrounding rural communities. Absent DEQ's brownfields efforts, the tenants would likely have vacated the property, leaving the city of Parma with a petroleum-impacted, vacant, blighted property on its only thoroughfare.

Cooperation between the City of Parma, DEQ, the U.S. Environmental Protection Agency (EPA), the former owner, and former tenants (now current owners) led to the successful closure of a leaking underground storage tank (LUST) site, the retention of business for Parma, and the avoidance of blight.

**Section 5:**

***RSVP & Brownfields:  
The Pilot Program in Oregon***



## *St. Helens, Oregon: The Pilot Program*

Since the initial publication of this training manual, the processes it describes have been used successfully by the St. Helens, Oregon RSVP group. The following is a story about that RSVP group.

In 2003, Ann Levine, then Brownfields Coordinator at the Oregon Department of Environmental Quality (ODEQ), was searching for ways to involve volunteers in brownfields activities that would also enhance the state's brownfields response program. Most brownfields functions require a level of technical ability or training that prohibits the use of volunteers but Ann realized that volunteers could assist in building a brownfields inventory. Ann felt the advantage of using volunteers was two-fold: it gave the local community an active role in their brownfields activities and preserved funds for other brownfields program uses.

Working with EASI, the ODEQ began looking for a community in which to test Ann's idea. Situated on the Columbia River about 30 miles northwest of Portland, St. Helens, Oregon was chosen for its size and its established network of community organizations.



*St. Helens RSVP Brownfields  
Committee*

EASI and the ODEQ met with civic leaders, including the City of St. Helens and the Port of St. Helens, to gain their support for the project. EASI then approached Nancy Harwood at the St. Helens RSVP office who recruited four volunteers to be trained by EASI and ODEQ for the inventory task.

After completing the inventory of publicly owned brownfields sites in St. Helens, the RSVP group selected two sites owned by the Port of St. Helens for further promotion through the brownfields process. One of the sites is a manufacturing facility that the RSVP group feels is not being used to its full potential. That site has received a No Further Action letter from the ODEQ. The other property is the site of a former creosote plant and is located on the banks of the Columbia River. That site is undergoing cleanup.

Throughout the fall of 2004 the RSVP volunteers gave presentations before civic groups such as the Kiwanis Club, Rotary Club and League of Women Voters to raise public awareness and support for the brownfields projects.

RSVP's efforts took a major step forward in February 2005 when they made a presentation to the Port of St. Helens, owner of the two properties. The presentation sufficiently piqued the Port's interest resulting in the appointment of a Port liaison to RSVP.

Working together, the Port and RSVP held an Open House in May 2005 on the old creosote site for developers and other interested parties, in the hopes of attracting developer interest to the property. By October 2005 there were several industries considering locating their operations to the site and several redevelopment considerations underway. The Port credits the RSVP group's work for initiating renewed interest in the site.



*The creosote site  
(Photo by Ken Corliss)*

The RSVP group is very enthusiastic about their work, lending credibility to Ann's belief that local volunteers would take an active and interested role in their own community's brownfields. The original intent was to have the volunteers produce an inventory but they decided to continue to be involved through other stages of the redevelopment process. Ann credits the volunteers and especially Nancy, director of the St. Helens RSVP, for the progress they've made and the continued interest they've shown in brownfields. The ODEQ hopes to recreate this program throughout the state.

*The following is the account of one of the St. Helens volunteers:*

“Part of our mission was to select several vacant and potentially reusable publicly owned brownfields properties within the City of St. Helens for study.

The “Brownfields Site Inventory Manual” (bluebook) provided the team with a list of potential sites that we worked from.

Using the team’s local knowledge, we “threw out” all properties currently in a use that were not likely to change; i.e. a park, school, streets, water reservoir, leased industrial site, etc. We also threw out those that patently were of no use; e.g., located in a road right-of-way, a stream bank, etc.

The team obtained from the County Assessor and the Port District files some preliminary information on the sites. The team also visited the sites individually and reported back their findings to the team.

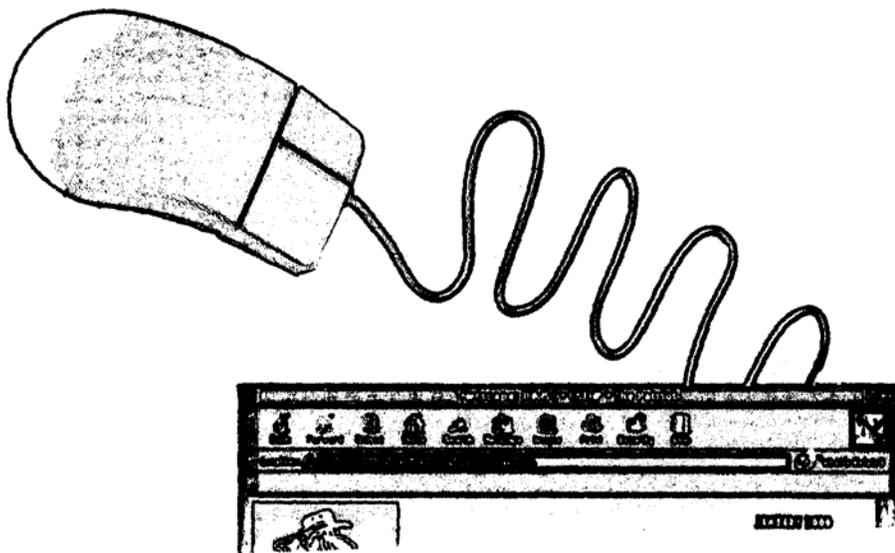
They identified several potential sites for further study, but then decided that it would be best to concentrate on two or three sites. In the end it was decided to look at:

1. Smaller site, 3 acres with existing building and all utilities; highly visible in the community and very likely to be quickly redeveloped once the environmental issues were resolved.
2. Larger site, 30-40 acres of essentially vacant land; a longer-term project with much more significant environmental issues.

The first site has a very high likelihood of short-term success and high visibility in the community. The second site would have a much larger impact on the community and would likely take a number of years to succeed.

It was felt this was a good mix and a workable number of sites. “

*Appendix A:  
Introduction to the  
Idaho Waste Division  
Inventory(WDI)  
Database*



# Idaho DEQ's Waste Division Inventory Database

## *What is the Waste Division Inventory?*

The Waste Division Inventory (WDI) is a web-based database that the Idaho Department of Environmental Quality (DEQ) developed and maintains. WDI contains environmental data on sites in Idaho. Some sites have minimal information available, while others have completed investigative and remedial actions, and have earned a No Further Action (NFA) decision from DEQ.

## *What kind of information is in the WDI?*

The environmental data contained in WDI has information on:

- Leaking Underground Storage Tank (LUST) sites
- Underground Storage Tank (UST) sites
- Above Ground Storage Tank (AST) sites
- Emergency Response (ER) sites
- Resource Conservation & Recovery Act (RCRA) sites
- Solid Waste sites
- Mine sites
- Brownfield sites
- Voluntary Cleanup Program (VCP) sites
- other Remediation sites

Each site database entry contains basic data, if available, such as:

- Name, including Alias's
- ID
- Address, including City, County, and Zip Code
- DEQ Regional Office
- Owner
- Tax Parcel ID
- Latitude and Longitude
- a general Site Description

- All Incidents relating to the site
- the Programs the site is linked to
- any Institutional Controls placed on the site and if so, a copy of the Deed Restriction along with a staff reminder of when the Restrictions should be verified
- Addresses of neighboring impacted properties
- DEQ Project Manager
- Facility Contacts
- Funding sources
- Program ID#
- Site History
- Affected Media
- Contaminants
- an Activity Log that allows staff to keep a narrative log of any information on the site including sample results, conference calls, meetings, and much more. Photos and other documents may be attached in the Activity Log. The Activity Log also serves as a planning tool for upcoming activities on a site.

Depending on the Program that the site's incident falls within, more information may be available.

### ***Where is the WDI?***

The database is located in two places. The database where DEQ staff enters data is located on DEQ's internal network, the Intranet. The database where the public can search for site information is located on DEQ's Internet web site. The Intranet side of the database contains more detailed information, however, it can only be accessed while at a DEQ Regional or State Office. The Internet side of the database contains certain information from the Intranet side of the database that is most helpful to the public. It is located at the following web site:

<http://www.deq.state.id.us/Applications/Brownfields/index.cfm?site=search.cfm>

## ***What kinds of sites are in the WDI?***

Sites in the database comprise a wide variety of sizes, locations, and contaminants. Appearance on the database does not necessarily mean that a site is contaminated. The database includes *potentially* contaminated sites as well as sites that just need a regular compliance inspection. Some sites have minimal information available and need an initial evaluation, while others have completed investigative and remedial actions, and have earned a NFA (No Further Action) decision from DEQ. Sites range from urban industrial complexes to isolated rural facilities contaminated by disposals or spills. Most sites are either industrial or commercial, but DEQ sometimes adds private properties into the database.

## ***How does DEQ decide to add a site to the WDI?***

A site is added to the database when DEQ decides it needs to track information on that property. The site could be contaminated or potentially contaminated or regulated under laws such as RCRA which require regular site inspections. Site information comes from a number of sources: investigative efforts by DEQ's various programs, reports of chemical spills, citizen reports/complaints, or data submitted voluntarily by site owners/operators.

## ***How can I obtain information from the WDI?***

All data in the WDI is public information. There are several ways to access this data, at different levels of detail.

The easiest and quickest way to obtain data from the database is to use the [search](#) page. This page, which returns up-to-the-minute data in the database, allows you to conduct a search for remediation sites by criteria you specify, including: site name, zip code, city, county, program, and open or closed sites. Searches return a listing of sites meeting the search criteria entered and provide links to detailed reports for each site.

The database contains only *summaries* of site information. Therefore, if you need more details on site history or activities, you should contact the appropriate regional office and project manager and schedule a file review.

## *Accessing Data from the WDI*

DEQ maintains its Waste Division Inventory database to track sites in Idaho with known or potential contamination from hazardous substances, and to document sites where DEQ has determined that no further action is required. Data in the database is "working information" used by all of DEQ's Waste & Remediation Programs. Please note that:

- Some information in the database may be unconfirmed, outdated, or incomplete.
- Data is summary in nature, rather than comprehensive.
- There may be contaminated sites in Idaho that are unknown to DEQ and do not appear in the database. Conversely, the appearance of a site in the database does not necessarily mean that the site is contaminated.
- Information in the database is subject to change at any time.

## *WDI Database: Instructions for Using the Search Page*

This page provides information on enterable fields in the search page and tips for performing your search. The search page and the database can be found at:

<http://www.deq.state.id.us/Applications/Brownfields/index.cfm?site=search.cfm>

## *Instructions for the Database Search Page*

- Several fields will accept partial entries and return a list of sites where the field begins with the characters you have entered. For example, entering the word "Station" in the **Facility Name field** returns a list of all sites the word "Station" in their name.
  - The fields **Facility Name** are not case-sensitive. You can enter names in lower case, upper case, or mixed case.
1. **Facility Name:** Enter a full or partial site name. For partial names, you may increase your chances for "hits" by only putting a few letters in. For example, entering the letters "ch" will return Chevron sites, Acheson Motors, Strychnine Site, etc. Note that the

search engine looks for *site aliases*, as well as official facility names. This is why a site name search may return one or more sites with names that don't contain the characters you entered - but don't worry - they're the same sites!

2. **County:** Pull-down county list allows you to search for all sites in a given county.
3. **City:** Pull-down city list allows you to search for all sites in a given city.
4. **Zip Code** Enter a full zip code.
5. **Program:** Pull-down program list allows you to search for all sites in a given program.
6. **Open and Closed Sites:** Check boxes allow you to select either open or closed sites.

### ***Helpful Hints for Searching the Database***

For example, if you want to find all remediation sites in Idaho – open, closed, Brownfields, etc., do not enter any search criteria. Simply hit ‘Submit’. This means that you are telling the database that you do not have any search preferences, so it will give you everything. If you were to select the boxes for Open, Closed, Brownfields, etc., it would look for sites that fit *all* of those search criteria. You would not receive any results.

Another example: if you wanted to find remediation sites in Washington County that were both completed in fiscal year 2004 and have institutional controls, you would select ‘Washington’ from the county drop-down list and only check the boxes that read ‘Sites Completed in Fiscal Year 2004’ and ‘Sites with Institutional Controls Restricting Use’.

# Waste Division Inventory

Search DEQ's Environmental Site Finder and Interactive Mapping tool for basic information on all environmental sites known to DEQ including site name, location, and current site activities. [Search Guidelines](#)

**Facility Name**

**City**

**County**

**Zip**

**Program**

Brownfield Sites

Open Sites

Closed Sites

Sites Completed in Fiscal Year 2005

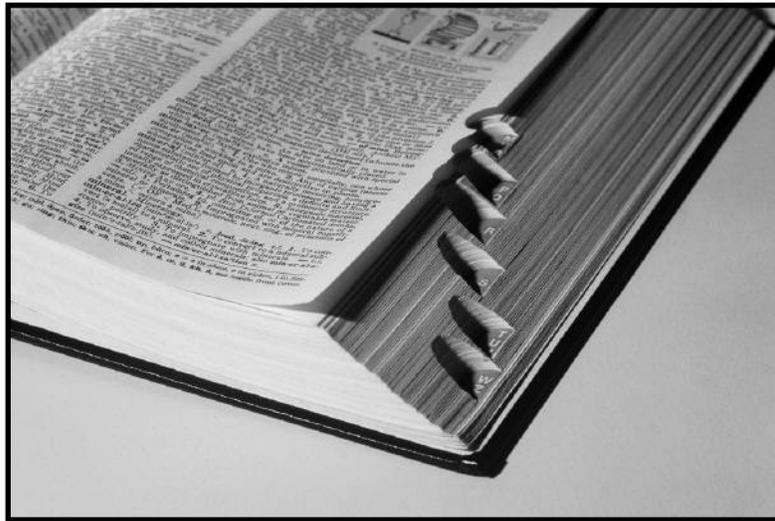
Sites Active in Fiscal Year 2006

Sites with Institutional Controls Restricting Use

**Mapping Incomplete and Under Construction**



# *Appendix B: Glossary of Brownfield Terms*



**"As is" Sale:** The transfer of a property to a buyer with no promises, assurances, or representations by the property owner about the conditions of the property.

**Abandonment:** A halt to the use of a property by the owner without the intention of either transferring the rights to the property or resuming use.

**Boilerplate:** Standard language that businesses routinely include in contracts. The other party to the agreement can sometimes negotiate to change or remove such provisions.

**Brownfield:** An industrial or commercial property that remains abandoned or underutilized in part because of environmental contamination or the fear of such contamination. (Government definitions of the term may vary depending on the program.)

**Certificate of Completion:** A written verification from a state voluntary cleanup or brownfield program that a site has been cleaned up in a manner satisfactory to the state. In some states, a certificate provides liability protection but in most states liability relief must be obtained through another mechanism such as a covenant not to sue.

**Cleanup Approval Letter:** A written verification from a state voluntary cleanup or brownfield program that a site has been cleaned up in a manner satisfactory to the state.

**Comfort Letter:** A letter issued through a state voluntary cleanup program, that typically states that a site complies with the program's requirements, is clean enough for the intended use, and that no future enforcement action is expected unless conditions or uses of the site change. The letter typically does not provide legally enforceable rights such as relief from liability.

**Community Development Block Grant (CDBG):** A lump-sum grant to a state or local government from the Department of Housing and Urban Development that may be used for development activities including, in some cases, brownfield revitalization.

**Community Development Corporations (CDCs):** Local non-profit organizations created to promote urban redevelopment.

**The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund):** A federal statute that governs the investigation and cleanup of sites contaminated with hazardous substances. The law establishes a trust fund that can be used by the government to clean up sites on the National Priorities List.

**Condemnation:** A legal process that allows a government entity to acquire title to property for a public purpose, which, in the case of brownfields, can include removing an unused or potentially contaminated site. Once the

property has been condemned, the government entity can destroy any buildings and offer the site for private redevelopment.

**Contractor Certification:** A process for assuring that contractors meet state standards and have state approval for performing specific tasks.

**Contractor-Certified Cleanups:** Cleanups where the state allows private contractors to make cleanup decisions on behalf of the state, including no-further-action (NFA) letters. Only a small number of states use certified contractors.

**Contribution Action:** A legal proceeding brought by a party that has incurred cleanup costs against other liable parties for their share of the costs incurred.

**Corrective Action:** The cleanup process used to address contamination at treatment, storage, and disposal facilities regulated under the Resource Conservation and Recovery Act.

**Covenant Not to Sue:** A written promise by a state government that it will not take legal action or require additional cleanup by a party that satisfactorily cleans up a property under a state brownfield or voluntary cleanup program.

**Deed Restriction:** A limitation on the use of a property that is recorded on the deed to the property. The limitations on use are legally enforceable against the owner of the property, but who may enforce the limitation depends on state law.

**Due Diligence:** Evaluation of the environmental condition of a parcel of land, often as part of a real estate transaction. This is required in order for a purchaser to qualify for federal liability protection as an innocent purchaser. See also Environmental Assessment.

**Easement:** A right to use or limit the use of someone else's property.

**Engineering Controls:** Physical mechanisms for preventing exposure to contamination. Examples include: fences, pavement, and clay caps placed on contaminated soil.

**Environmental Assessment:** A site evaluation or investigation conducted for purposes of determining the extent, if any, of contamination on a property. An assessment can be informal or formal, and can consist of several stages. For example, a Phase I assessment, or basic study of possible contamination at a site, is limited to collecting information about past and present site use and inspecting present conditions. A Phase II assessment can follow up a Phase I assessment with sampling and analysis of suspected contaminated areas of a site. A Phase III assessment can either follow up a Phase II assessment by gathering information on the exact extent of the contamination or by preparing plans and alternatives for site cleanup.

**Environmental Insurance:** Used to eliminate or reduce the financial risk of a brownfields transaction. In exchange for payment, an insurance company agrees to accept the risk of the owner being held liable under state or federal laws for cleanup costs or damages above a specified amount.

**Environmental Justice:** Equal protection from environmental hazards for individuals, groups, or communities regardless of race, ethnicity, or economic status. This applies to the development, implementation, and enforcement of environmental laws, regulations, and policies, and implies that no population of people should be forced to shoulder a disproportionate share of negative environmental impacts of pollution or environmental hazard due to a lack of political or economic strength levels.

**Exaction:** A local government may an exaction to require concessions from developers, such as the construction of sidewalks on land that will be developed. The exaction must further a legitimate public interest.

**Foreclosure:** A legal action taken by a lender to take the collateral (e.g. a property) that secures the loan and to extinguish the rights of the borrower in the collateral.

**Greenfield:** A property that has not been previously developed.

**Hard Costs:** A term used in development projects for the amount that includes total land costs, site clearance, grading and construction costs, and landscaping.

**Hot Spots:** Specific areas where the level of contamination is very high.

**Indemnification:** An agreement that provides for one party to bear the costs, either directly or by reimbursement, for damages or losses incurred by a second party.

**Infill Development:** Development on vacant or underused sites in a developed area.

**Infrastructure:** The roads, utility lines, and other public amenities that support property use.

**Institutional Controls:** Legal and administrative mechanisms designed to reduce exposure to contamination. Examples include: deed restrictions, easements, warning signs and notices, and zoning restrictions.

**Liability Relief or Liability Release:** Protection from liability for contamination provided by a state government as an incentive for brownfield cleanups. Releases vary in scope and form, and can include covenants not to sue and some types of no-further-action letters and certificates of completion.

**National Priorities List (NPL):** The Environmental Protection Agency's list of the most serious uncontrolled or abandoned hazardous waste sites.

**Natural Resource Damages:** Injuries caused to natural resources such as streams, wildlife, and wetlands by contamination from a site. The

government can in some cases compel parties responsible for the injuries to pay damages.

**No-Further-Action (NFA) Letter:** A written statement by a state government that it has no present intention to take legal action or require additional cleanup by a party that satisfactorily cleans up a property under a state brownfield or voluntary cleanup program.

**Nonresidential Use Standard:** A cleanup standard, usually expressed as a numerical ratio of parts of a specific contaminant to parts of the medium of concern (e.g., 5 parts of lead per million parts of soil) that describes the maximum concentration of the contaminant in the medium that will not present an unacceptable risk to the health of humans engaging in any activity other than residential or those other activities considered to be substantially similar to residential. The non-residential use standard is usually a less strict cleanup standard than the residential use standard, and a site that meets the non-residential standard is limited in its uses to non-residential activities.

**Potentially Responsible Party (PRP):** Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a party potentially liable for cleanup costs at a Superfund site.

**Pro Forma:** Financial projections for a real estate project, which include an income statement and show capital costs, operating revenues and expenses, and return on investment over a period of time.

**Prospective Purchaser Agreement:** An agreement between the Environmental Protection Agency (EPA) and the prospective buyer of a Superfund site that protects the prospective buyer from certain liabilities for contamination that is already on the site, usually in exchange for a payment of money and other commitments by the prospective purchaser. States may also have similar agreements as part of their voluntary cleanup or brownfields programs.

**Reopener Provisions:** Express exceptions to liability releases or agreements that reserve the government's right to require further cleanup under certain conditions. These conditions typically include fraud by parties responsible for the cleanup, discovery of previously unknown contamination, and discovery that contamination remaining on the site is significantly more toxic than originally believed.

**Representations and Warranties:** Statements of fact (representations) and promises (warranties) that a seller makes to a buyer in a real estate transaction.

**Request-for-Proposals (RFPs):** A document that asks developers for a detailed proposal on development of a site. Proposals may include discussion of the developer's experience and qualifications and project-

specific information on market feasibility, urban design, architecture, community appropriateness, and projected financial performance.

**Residential Use Standard:** A cleanup standard, usually expressed as a numerical ratio of parts of a specific contaminant to parts of the medium of concern (e.g., 5 parts of lead per million parts of soil) that describes the maximum concentration of the contaminant in the medium that will not present an unacceptable risk to the health of humans residing on the site, or engaging in activities on the site that are considered to be substantially similar to residing on the site. The residential use standard is usually the strictest cleanup standard, and a site that meets this standard can usually be used for any purpose.

**The Resource Conservation and Recovery Act (RCRA):** A federal statute that regulates the generation, transportation, storage, treatment and disposal of hazardous waste. RCRA programs include the Corrective Action and Underground Storage Tank Programs.

**Restrictive Covenant:** A specific type of deed restriction. For example, a restrictive covenant could prohibit commercial uses.

**Risk Assessment:** A study or evaluation that identifies and in many cases quantifies the potential harm posed to health and the environment by contamination on a property.

**Running With the Land:** An obligation or right that attaches to a property and passes to the new owner after the land is sold.

**Superfund:** See the Comprehensive Environmental Response, Compensation, and Liability Act.

**Tax Increment Financing (TIF):** A mechanism that allows local governments to use future projected taxes to finance current infrastructure investments.

**Tax Credit:** Incentives to invest in a development that reduce liability for taxes that otherwise would be incurred.

**Toxic Tort Action:** A legal proceeding brought to seek damages for personal injury or property damage incurred as a result of exposure to a hazardous substance.

**Uncertainty Premium:** The amount that the buyer of a property subtracts or discounts from the purchase price to reflect the risk of unexpected environmental assessment and cleanup costs.

**Use Permit:** A type of variance that authorizes an otherwise unacceptable use on a property without changing its zoning.

**Variance:** An individual exception to a land-use restriction or other legal standard granted because of special circumstances.

**Voluntary Cleanups:** Cleanups of identified contamination that are not court or agency ordered. Most states have voluntary cleanup programs that

encourage voluntary cleanups and that may provide benefits if volunteers meet specified standards.