Welcome to the CLU-IN Internet Seminar

MAKING SUPERFUND SITE REUSE A PRIORITY: WHY REUSE IS PART OF YOUR JOB

Sponsored by: U.S. EPA, Office of Solid Waste and Emergency Response, Office of Superfund Remediation and Technology Innovation

Delivered: January 29, 2013, 2:00 PM - 4:00 PM, EST

Instructors:

Melissa Friedland, U.S. EPA, Superfund Redevelopment Program (friedland.melissa@epa.gov)

Frank Avvisato, U.S. EPA Superfund Redevelopment Program (avvisato.frank@epa.gov)

Cecilia De Robertis, U.S. EPA Office of Site Remediation Enforcement (derobertis.cecilia@epa.gov)

Bill Denman, U.S. EPA Region 4 (denman.bill@epa.gov)

Fran Costanzi, U.S. EPA Region 8 (costanzi.frances@epa.gov)

Tom Bloom, U.S. EPA Region 5 (bloom.thomas@epa.gov)

Moderator:

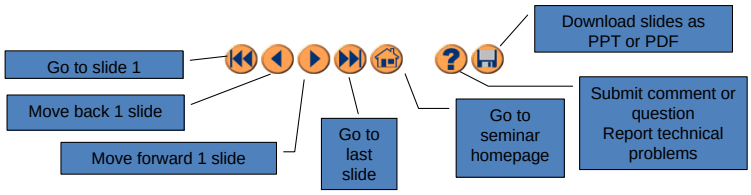
Michele Mahoney, U.S. EPA, Technology Innovation and Field Services Division (mahoney.michele@epa.gov)

Visit the Clean Up Information Network online at www.cluin.org

1

Housekeeping

- Please mute your phone lines, Do NOT put this call on hold
  - press *6 to mute #6 to unmute your lines at anytime
- Q&A
- Turn off any pop-up blockers
- Move through slides using # links on left or buttons



- This event is being recorded
- Archives accessed for free **http://cluin.org/live/archive/**

2

Making Superfund Site Reuse a Priority: Why Reuse is Part of Your Job

January 29, 2012

2-4pm EST

3

Presentation Overview:

1. Introduction to Reuse and SRI:
   Melissa Friedland and Frank Avvisato
2. Reuse Directive: Cecilia De Robertis
3. Working Redevelopment Into the Cleanup Pipeline:
   Bill Denman
4. Reuse Assessments: Fran Costanzi
5. Ready for Reuse Determinations: Tom Bloom

4

What is SRI: Superfund Redevelopment Initiative

Working with communities and other partners in considering future use opportunities and integrating appropriate reuse options into the cleanup process

5

What is SRI: How We Started

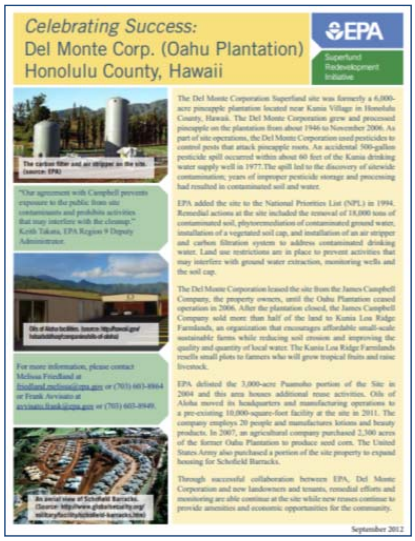
- Pilots
- Promoting Reuse
- Policy Reviews
- Partnerships

6

How SRI Can Help:

- Outreach
- Reuse Planning
- Regional Seeds
- Training
- Return to Use Initiative
- SWRAU
- Guidance Documents

Outreach: Fact Sheets and Case Studies



Celebrating Success:
Del Monte Corp. (Oahu Plantation)
Honolulu County, Hawaii

EPA
Superfund Redevelopment Initiative

The Del Monte Corporation Superfund site was formerly a 6,000-acre pineapple plantation located near Kunia Village in Honolulu County, Hawaii. The Del Monte Corporation grew and processed pineapple on the plantation from about 1946 to November 2006. As part of site operations, the Del Monte Corporation used pesticides to control pests that attack pineapple roots. An accidental 500-gallon pesticide spill occurred within about 60 feet of the Kunia drinking water supply well in 1977. The spill led to the discovery of sitewide contamination; years of improper pesticide storage and processing had resulted in contaminated soil and water.

EPA added the site to the National Priorities List (NPL) in 1994. Remedial actions at the site included the removal of 18,000 tons of contaminated soil, phytoremediation of contaminated ground water, installation of a vegetated soil cap, and installation of an air stripper and carbon filtration system to address contaminated drinking water. Land use restrictions are in place to prevent activities that may interfere with ground water extraction, monitoring wells and the soil cap.

The Del Monte Corporation leased the site from the James Campbell Company, the property owners, until the Oahu Plantation ceased operation in 2006. After the plantation closed, the James Campbell Company sold more than half of the land to Kunia Loa Ridge Farmlands, an organization that encourages affordable small-scale sustainable farms while reducing soil erosion and improving the quality and quantity of local water. The Kunia Loa Ridge Farmlands resells small plots to farmers who will grow tropical fruits and raise livestock.

EPA delisted the 3,000-acre Puamoho portion of the Site in 2004 and this area houses additional reuse activities. Oils of Aloha moved its headquarters and manufacturing operations to a pre-existing 10,000-square-foot facility at the site in 2011. The company employs 20 people and manufactures lotions and beauty products. In 2007, an agricultural company purchased 2,500 acres of the former Oahu Plantation to produce seed corn. The United States Army also purchased a portion of the site property to expand housing for Schofield Barracks.

Through successful collaboration between EPA, Del Monte Corporation and new landowners and tenants, remedial efforts and monitoring are able continue at the site while new reuses continue to provide amenities and economic opportunities for the community.

"Our agreement with Campbell prevents exposure to the public from site contaminants and prohibits activities that may interfere with the cleanup." Keith Takata, EPA Region 9 Deputy Administrator.

For more information, please contact Melissa Friedland at friedland.melissa@epa.gov or (703) 603-8864 or Frank Avvisato at avvisato.frank@epa.gov or (703) 603-8949.

September 2012

EPA
www.epa.gov
Cleanup and Mixed-Use Revitalization on the Wasatch Front
THE MIDVALE SLAG SUPERFUND SITE AND MIDVALE CITY, UTAH

Introduction

By the late 1890s, Midvale City, Utah faced a significant challenge. The community, located 12 miles south of Salt Lake City, was literally running out of space. Rapid population growth and sustained economic expansion meant that almost all available land had been developed. The exception: the Midvale Slag Superfund site, which, together with the nearby Sharon Steel site, comprised more than 700 acres adjacent to the city's downtown.

The potential redevelopment of the 446-acre Midvale Slag site presented a vital opportunity for Midvale City, local citizens and Littleton, Inc., the site's owner. The site's upcoming cleanup also presented an important opportunity for the U.S. Environmental Protection Agency (EPA) and the Utah Department of Environmental Quality (UDEQ). The earlier cleanup of the Sharon Steel site had not taken redevelopment into account, limiting future use opportunities and straining relationships. All parties resolved that the Midvale Slag site would be approached differently.

Beginning in 1999, these parties worked together on a coordinated approach that linked cleanup and redevelopment, with a protective remedy and land revitalization as overarching goals. Midvale City became the first community in EPA Region 8 selected as an EPA Superfund redevelopment pilot project, which led to the groundbreaking publication of the *Brigham Junction Reuse Assessment and Master Plan* in 2000.

Today, Brigham Junction has become the thriving mixed-use development envisioned for the site by the community. The outcomes are striking: approximately 800 jobs, $1.5 million in annual property tax revenues and a $131 million increase in the value of the site property. Families have moved into new condominiums, with more than 2,500 residential units planned. Office buildings, a supermarket and other stores have been built, with up to two million square feet of commercial office and retail space ultimately anticipated. Sections of Brigham Junction's Riverwalk Park have opened, providing the community with enhanced access to the Jordan River. Finally, construction of a Utah Transit Authority light rail station has been completed.

Midvale Slag Superfund Site

This case study explores the partnerships and tools that have led to the successful cleanup and reuse of the Midvale Slag Superfund site. In particular, the case study examines how EPA used site decision documents and a Ready for Reuse (RfR) Determination to support the site's reuse and how Midvale City and the site's owner worked in innovative ways to prepare the site for development. The case study also explores how key parties – EPA, UDEQ, Midvale City and the site's owner – worked together to develop an institutional control management system to ensure the long-term stewardship of the site's remedy.

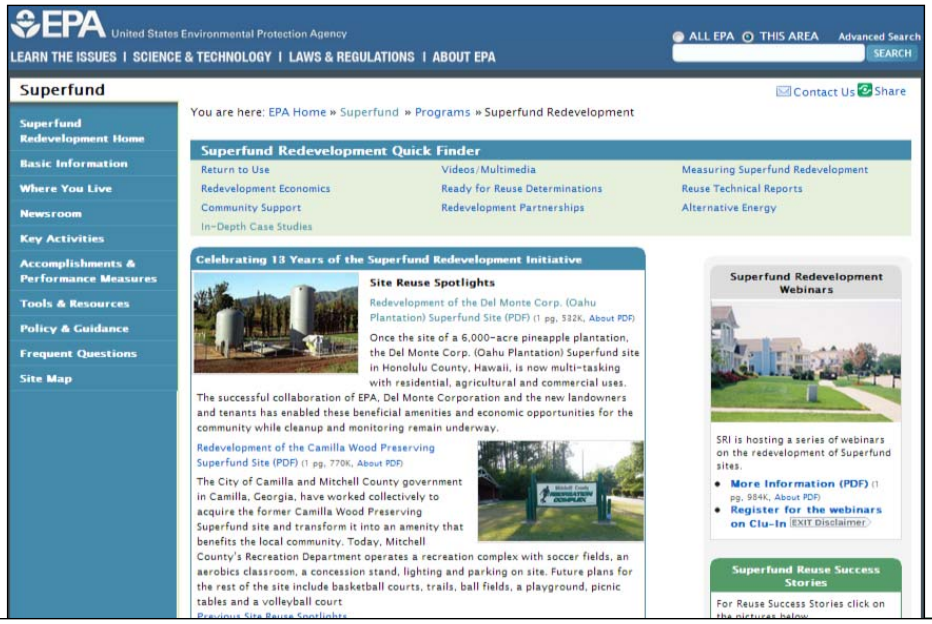
In the following pages, the case study discusses the evolution of remediation and redevelopment efforts at the site between local planning efforts and coordination with EPA in the early 2000s and ongoing reuse activities. The case study provides detailed information and lessons learned for parties interested in Superfund site reuse and mixed-use land revitalization.

Residential and commercial development at Brigham Junction, 2011.

1 U.S. Environmental Protection Agency
Superfund Redevelopment Initiative

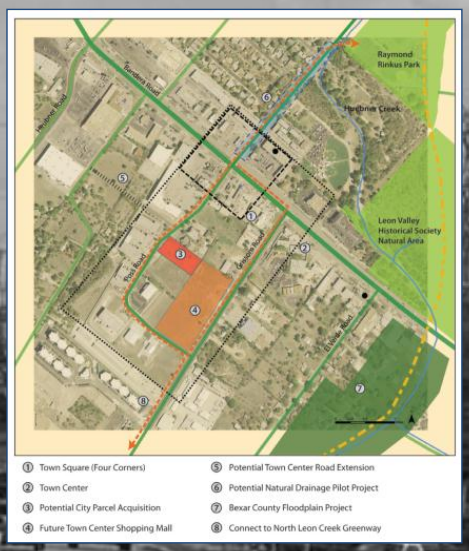
8

Outreach: Videos and Website



9

Reuse Planning:



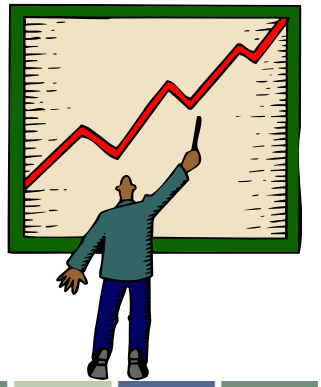
Regional Seeds: Benefits

- Help remove barriers for reuse
- Encourage appropriate reuse
- Use site-specific tools and strategies

11

Training: National Conferences and Regional Trainings

- National Association of Remedial Project Managers (NARPM) Conference
- Annual Coordinators Conference
- Brownfields Conference
- Sustainable Remediation
- Community Involvement
- Regional Trainings



Return To Use Initiative:

RETURN TO USE INITIATIVE
2012 Demonstration Project

CHEMICAL COMMODITIES, INC:
Olathe, Kansas

THE SITE: The 1.5-acre Chemical Commodities, Inc. (CCI) Superfund site (the Site) is located in a mixed commercial, industrial and residential area in Olathe, Kansas. From 1951 until 1989, CCI operated a facility that recycled, stored, repackaged and distributed various chemicals. Poor housekeeping, material handling practices and chemical recycling activities resulted in spills and leaks of hazardous chemicals onto the ground at the Site. Following numerous complaints from the local community, EPA, the Kansas Department of Health and Environment (KDHE) and the Site's potentially responsible party (PRP) group conducted site investigations and identified soil and ground water contamination, including heavy metals, volatile and semi-volatile organic compounds (VOCs and SVOCs), polychlorinated biphenyls (PCBs), polyaromatic hydrocarbons (PAHs) and pesticides.

Between 1989 and 1991, EPA completed several early removal actions, including disposal of chemicals and contaminated soil, demolition of an on-site facility and installation of a ground water treatment system. EPA placed the site on the National Priorities List (NPL) in 1994. Beginning in 1998, EPA worked with the PRP group to conduct additional cleanup activities at the Site. From 2000 until 2002, indoor air sampling in residential homes near the Site identified increasing contaminant levels. Between 2003 and 2007, EPA installed ventilation systems in 45 homes to address indoor air impacts.

EPA selected the Site's final remedy in 2005. Cleanup activities, completed in 2012, included excavation of contaminated soil, backfilling, demolition of remaining structures, construction of a perimeter trench to intercept and treat ground water, treatment of off-site contaminated ground water, monitoring, institutional controls and maintenance of residential ventilation systems. The PRP group operated the ground water treatment system as well as the interceptor trench, both of which permanently closed in 2005.

PICTURED: Barrels of chemicals and debris at the Site in the 1970s, prior to cleanup. (source: EPA)

BARRIER: Numerous PRPs and zoning of the Site property created obstacles for efficient cleanup and reuse of the Site.

SOLUTION: One of the Site's PRPs took the lead on site cleanup, working closely with EPA, KDHE and the CCI Concerned Citizen's Group, Inc. Cleanup of the Site, completed ahead of schedule and underbudget, has allowed for the community to begin planning for the Site's ecological, education and recreational reuse.

PICTURED: Over 100 volunteers helped plant the new perimeter habitat garden in September 2012. (source: EPA)

BARRIER: An industrial property that caused fires and explosions, as well as contamination of soil, ground water and nearby residential properties, was a neighborhood eyesore and posed a risk to area residents.

AFTER: The remediated Site, complete with native vegetation and a walking trail, provides a habitat for pollinators and local wildlife and serves as an educational and recreational area for the local community.

EPA United States Environmental Protection Agency — Superfund Redevelopment Initiative

December 2012 1

RETURN TO USE INITIATIVE
2012 Demonstration Project

MILL CREEK DUMP:
Erie, Pennsylvania

THE SITE: The 124-acre Mill Creek Dump Superfund site (the Site) is located two miles west of Erie, Pennsylvania. The Site includes 84 acres of former freshwater wetlands and a 40-acre strip of land next to the Conrail railroad tracks south of the Site. From 1941 until 1981, the Site operated as an industrial and municipal dump, as well as an unpermitted dump area. For 40 years, the Site accepted foundry sands, solvents, waste oils and other industrial and municipal wastes, filling all but four acres of the Site. During this time, on-site activities also included reclaiming metals and digging of deep ponds to access water.

In 1982, EPA found contamination in soil, sediment and ground water at the Site. EPA began initial cleanup activities in 1983, including installation of fences and gates, demolishing on-site sheds and removing over 400 drums from the Site. EPA placed the Site on the National Priorities List (NPL) in 1984 and began remedial cleanup activities in 1987. The remedy included construction of a ground water treatment system, construction of a soil cap and a flood retention basin, and replacement of lost wetlands. EPA, the Pennsylvania Department of Environmental Protection (PADEP) and the Site's potentially responsible parties (PRPs) worked together to conduct remedial activities that would support future reuse of the Site.

THE OPPORTUNITY: Following initial cleanup activities, EPA, PADEP and the Site's PRPs evaluated options for addressing the remaining consolidated wastes at the Site. Due to the distribution of contamination at the Site, EPA determined that digging up and consolidating contaminated soil and sediment would not be feasible. Instead, EPA decided to construct a soil cap and a flood retention basin at the Site. The PRPs and the Millcreek Township saw the construction of the cap as an opportunity to build a golf course on the Site. The Erie International Airport,

PICTURED: Onsite debris from dumping before remedial efforts began. (source: EPA)

BARRIER: The PRPs were unable to implement the remedy as designed due to access issues and also needed to integrate redevelopment plans as well as wetlands mitigation into a revised remedy.

SOLUTION: EPA, PADEP and the PRPs worked together to modify the remedy to address contaminant distribution, ease construction difficulties and allow for construction of a golf course at the Site. The PRPs identified additional acreage next to the Site for replacement wetlands. EPA, PADEP and the PRPs also worked together to reconfigure the golf course to accommodate Erie International Airport's runway expansion plans.

PICTURED: A landscape image of the Site after remedial efforts transformed piles of waste and debris into a beautiful golf course. (source: EPA)

BEFORE: The Site was a community eyesore that posed a potential health risk if not addressed through cleanup actions.

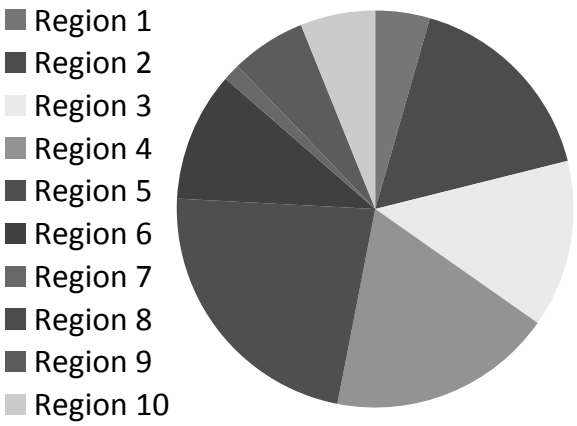
AFTER: The Millcreek Golf And Learning Center reopening in 2013) includes a 9-hole golf course and driving range and provides a new recreational resource to the community. The addition of replacement wetlands and the storm water management area have reestablished ecological habitat for area wildlife. Completion of the runway expansion at the Erie International Airport is expected in 2012.

EPA United States Environmental Protection Agency — Superfund Redevelopment Initiative

August 2012 1

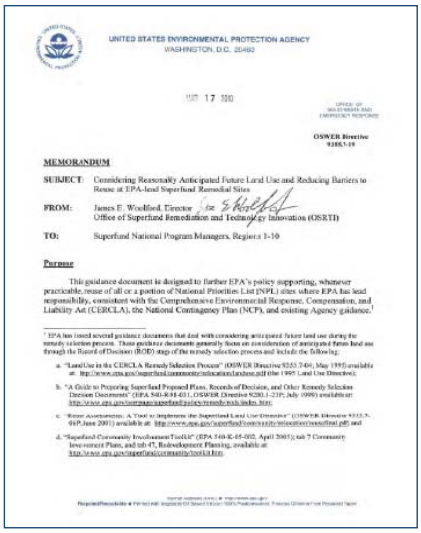
13

SWRAU: Sitewide Ready for Anticipated Use



* Chart includes 2012 SWRAU Retractions (one from Region 7 and one from Region 9)

Guidance: Land Use Directive



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 17 2010

OSWER Directive
9355.7-19

MEMORANDUM

SUBJECT: Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites

FROM: James E. Woolford, Director
Office of Superfund Remediation and Technology Innovation (OSRTI)

TO: Superfund National Program Managers, Regions 1-10

Purpose

This guidance document is designed to further EPA's policy supporting, whenever practicable, reuse of all or a portion of National Priorities List (NPL) sites where EPA has lead responsibility, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Contingency Plan (NCP), and existing Agency guidance.[1]

[1] EPA has issued several guidance documents that deal with considering anticipated future land use during the remedy selection process. These guidance documents generally focus on consideration of anticipated future land use through the Record of Decision (ROD) step of the remedy selection process and include the following:

a. "Land Use in the CERCLA Remedy Selection Process" (OSWER Directive 9355.7-04; May 1995) available at: http://www.epa.gov/superfund/community/relocation/landuse.pdf (the 1995 Land Use Directive);

b. "A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents" (EPA 540-R98-031, OSWER Directive 9200.1-23P; July 1999) available at: http://www.epa.gov/superfund/policy/remedy/sfremedy/rod.htm;

c. "Reuse Assessments: A Tool to Implement the Superfund Land Use Directive" (OSWER Directive 9355.7-06P; June 2001) available at: http://www.epa.gov/superfund/community/relocation/reuse.pdf; and

d. "Superfund Community Involvement Tool Kit" (EPA 540-K-05-003, April 2005); tab 7 Community Involvement Plans, and tab 47, Redevelopment Planning, available at: http://www.epa.gov/superfund/community/tools.htm.

Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites

For More Information, Contact:

Melissa Friedland
Superfund Program Manager for Redevelopment
friedland.melissa@epa.gov
(703) 603-8864

Frank Avvisato
Superfund Redevelopment Initiative Project Officer
avvisato.frank@epa.gov
(703) 603-8949

http://www.epa.gov/superfund/programs/recycle/

Considering Reasonably Anticipated Future Land Use and Reducing Barriers to Reuse at EPA-lead Superfund Remedial Sites

AKA: Reuse Directive

17

Purpose of this Module

- Discuss why a new directive was created
- Go over key points
- Emphasize new messages

Land Use Directive

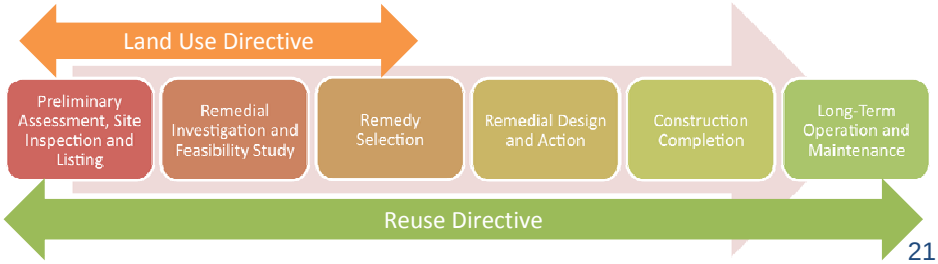
- *Land Use in the CERCLA Remedy Selection Process*
- Directive emphasizes early community involvement, with a focus on the community's desired future uses of the site
- Results in greater community support for a site remedy
- http://www.epa.gov/superfund/community/relocation/landuse.pdf

Why Another Reuse Directive Now?

- Most sites past remedy selection
- Regions had specific questions about supporting reuse throughout cleanup
- Regions wanted to know what to do if a reasonably anticipated future land use (RAFLU) changed after the ROD

The New Directive

- Considers reuse THROUGHOUT the cleanup process
  - Examples of activities that are not betterment/enhancement
  - Post-ROD Changes
  - Updated IC language
  - Factors to consider when pursuing a change to a remedy

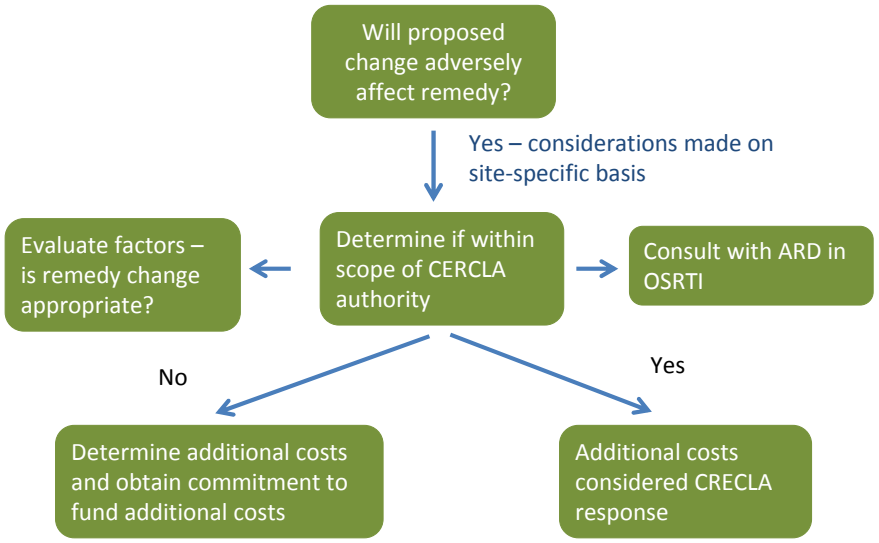


21

Post-ROD Changes To the Land Use/Remedy

- Does new land use impact protectiveness? (i.e., is a remedy change required?)
- Who pays?

Thought Process



23

Institutional Controls

- Future land use should be considered when considering ICs
- Affected parties should be consulted when considering ICs
  - Will a particular group be affected?
  - Does a stakeholder have special needs?
- Local governments can play a vital role in identifying ICs available in their jurisdiction

Factors to Consider Post-ROD

"Regions … should be prepared to discuss the questions below when they consult with Headquarters. These are factors in evaluating whether it would be appropriate to pursue a change in the land use or selected remedy."

Factors to Consider:

1. Is the potential change in the reasonably anticipated future land use consistent with the Region's analysis of the remedy selected in the ROD? For example, would the remedy remain protective of human health and the environment in light of the potential change in anticipated future land use? Is a new risk assessment needed to estimate potential risks to human health and the environment due to the proposed changes?

2. Does the potential change in reasonably anticipated future land use appear reasonable and feasible? If the potential change occurs after the remedy is constructed, is the proposed use compatible with the existing remedy (including ICs), or is additional work needed? If so, who will be responsible for the additional costs?

3. Does the potential change in anticipated future land use affect any of the nine NCP criteria used to evaluate alternatives? (e.g., long-term effectiveness may be improved by certain types of reuse that help preserve the integrity of remedy).

Factors to Consider:

4. How have the affected communities (including environmental justice communities) and other stakeholders been involved in identifying the potential change in reasonably anticipated future land use? Are there conflicting views about the potential change in reasonably anticipated future land use?

5. Does new, reliable, and up-to-date information support a re-evaluation of the assumptions regarding reasonably anticipated future land use made by the Region previously in the ROD? Was the new proposed reasonably anticipated future land use identified and rejected previously in the CERCLA remedy selection process? If so, does new information or a change in circumstances justify a re-examination of the issue?

6. What is the potential financial impact on the Agency's budget associated with modifying the remedial action based on the potential change in reasonably anticipated future land use? What is the estimated cost of revising already-prepared analysis and documents, present long-term savings through, for example, reduced Operation and Maintenance use (O&M) requirements, fewer ICs that require monitoring, etc.?

Factors to Consider:

7. At a Fund-lead site, could any additional expense be characterized as a prohibited enhancement or betterment?

8. At a PRP-lead site, is the PRP or other private party (e.g., a bona fide prospective purchaser) willing to assume any additional cost that might be associated with modifying the selected remedy based on a new anticipated future land use assumption? Has the PRP or other private party provided sufficient, reasonably reliable financial assurance to ensure completion of any revised remedial action?

9. Is the potential change in reasonably anticipated future land use designed primarily to position a site for more stringent cleanup or a less stringent cleanup?

In Summary: If... then...

- Redevelopment is not the Agency's mission
- EPA has no authority to address land use
- Redevelopment activities use up dollars that should be used for cleanup
- Reuse planning gives people false expectations
- Superfund redevelopment means big box stores and making developers rich

For More Information, Contact:

Cecilia De Robertis
Office of Site Remediation Enforcement,
EPA Headquarters
202-564-5132
derobertis.cecilia@epa.gov

2011 Edition Revitalizing Contaminated Sites: Addressing Liability Concerns
(The Revitalization Handbook)
http://www.epa.gov/compliance/resources/publications/cleanup/brownfields/handbook/index.html

Working Redevelopment and Reuse into the Superfund Process

Tools to Help Along the Way

31

Fitting Reuse into the Cleanup Pipeline

- Stage 1: Developing Remedial Action
- Stage 2: Remedy Selection
- Stage 3: Remedy Implementation-Woolfolk Chemical Works Fort Valley, Georgia, Case Study
- Stage 4: Long Term Stewardship-Pepper Steel & Alloy Inc. Medley, Florida, Case Study
- SRI Tools Used Often in Region 4

Remedial Investigation and Feasibility Study

STAGE 1: DEVELOPING REMEDIAL ACTION OBJECTIVES

How does EPA Consider Reuse Here?

"Remedial action objectives provide the foundation upon which remedial cleanup alternatives are developed. In general, remedial action objectives should be developed in order to develop alternatives that would achieve cleanup levels associated with the reasonably anticipated future land use over as much of the site as possible."

- Discuss RAFLUs with local land use planning authorities, state, officials, property owner and the public
- 1995 Land Use Directive: Understand the RAFLU

What can I do to understand what the reasonably anticipated land use is going to be?

Perform a Reuse Assessment

Use EPA's Guidance, "Reuse Assessments: A Tool for Implementing the Land Use Directive" to gather information you can use about future land use that will inform the baseline risk assessment, RAOs and subsequent response actions.

Who are the Stakeholders?

- Site Owner
- Developer
- Potentially Responsible Party (PRP)
- State, Local or Tribal Government
- Community Members
- Community Advisory Group (CAG)
- Any group with vested interest in the site

Stakeholder Role:

- Involving stakeholders can produce a more successful remedy selection
- Stakeholders can provide betterment/enhancement
- Stakeholders can offer future support of reuse
- Stakeholders can ensure long-term protectiveness

Use a Reuse Plan to Inform your Reuse Assessment

A reuse plan can provide information about the future use of the site that may be more specific than what EPA could determine, or provide information about end uses have a broader acceptance in the community

Investigate Available Local Resources with Respect to ICs

ICs are a critical component of the remedy and long term protection. Appropriate and implementable ICs can either greatly support or become a significant barrier to future reuse.

Record of Decision (ROD)

STAGE 2: REMEDY SELECTION

How Should the Future Use be Considered in the ROD?

Make sure ROD supports RAFLU

- Identify outcomes of selected remedy- including available uses of land upon achieving cleanup levels and timeframe
- Acknowledge need for ICs but remain open for more appropriate options
- Keep interested parties aware of timeframe

Decisions here matter!!

- Remedy selection decisions determine the size of the area that can be returned to productive use and the particular types of use that will be possible following remediation

Remedial Design and Remedial Action

STAGE 3: REMEDY IMPLEMENTATION

How Should You Consider Reuse during Remedial Design?

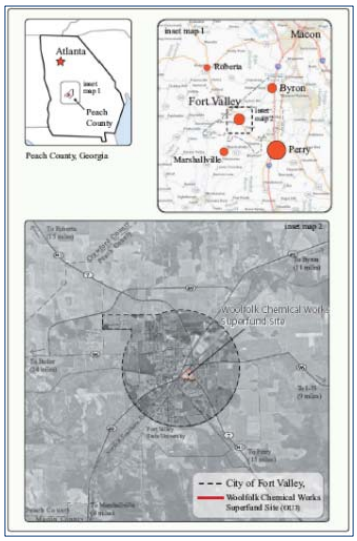
Remedial Design

- Ensure RD is consistent with RAFLU where practical; if no reuse plan make sure barriers are minimal

Remedial Action

- To extent practicable, align cleanup activities with reuse plan
- Coordinate activities with developer and local government
- Make sure health and safety issues are addressed
- Look at ways to accelerate process to facilitate reuse
- Conduct evaluations to determine whether all or a portion of site is ready for reuse and report the acres

Woolfolk Chemical Works: Fort Valley, GA



Size: 31 acres: 18-acre former WCW site 13-acres residential and commercial areas

Former Use: pesticide production, formulation, packaging & blending plant from 1910-1999.

Contamination OU 3: arsenic-affected media: *Soils, buildings, contaminated media in capped area*

Reuse: OU3

Woolfolk Chemical Works: Fort Valley, GA

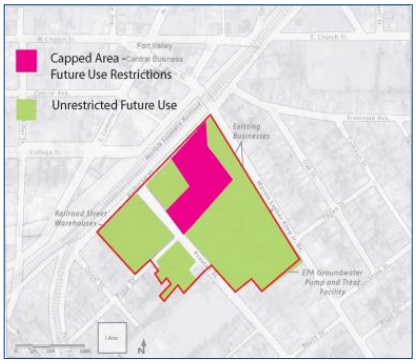
- Remedy for OU3: addresses
  - Arsenic contaminated soils, contaminated buildings and debris at the former plant site
  - Contaminated materials consolidated in a 4-acre capped area
- The ROD for OU3 was signed in 1998. A 2004 ROD amendment addressed changes in ARARs for arsenic soils
- The remedial action is underway

Woolfolk Chemical Works: Fort Valley, GA

Reuse in the Remedial Process:

Shared Learning through Site and Community Analysis

- Remedial Action Objectives for OU3
- Community Goals
- Land Use and Site Analysis
- Future land use framework and long-term stewardship strategy for the site



Woolfolk Chemical Works: Fort Valley, GA

Community Involvement:

- Woolfolk Site Reuse Planning Committee built on the capacity of existing community groups
  - Woolfolk Citizens' Response Group (TAG)
  - Woolfolk Alliance
  - Charles King, RPM
  - John Stumbo, Mayor
- 9-Month Process
  (June 2006 – Feb 2007)
  - Three RPC Meetings
  - One Public Forum

48

Woolfolk Chemical Works: Fort Valley, GA

Key Outcomes of the Reuse Framework

- Future land use considerations for restricted use area
- Range of future land uses for Woolfolk site to support multiple community goals
- Long-Term Stewardship
  - Ownership scenarios for vacant properties
  - Potential for municipal acquisition
  - Institutional Controls
  - Linking the site to the surrounding community

Site Today

- Remedial construction completed in 2010
- Fort Valley's new library, office space and welcome center were constructed or renovated during cleanup
- EPA continues to work with the local community to integrate local reuse priorities as part of the cleanup for remaining parts of the site

STAGE 4: LONG TERM STEWARDSHIP AND CONDUCTING O&M

How does Reuse Play into Long-Term Stewardship?

- Institutional Controls

How does Reuse Play into Long-Term Stewardship? (cont.)

- Five-Year Review and Remedy Protectiveness

How does Reuse Play into Long-Term Stewardship? (cont.)

- Post Construction Completion

Pepper Steel & Alloys, Inc.: Medley, FL

- **Size**: 25-acre site
- **Former Use**:
  - Occupied by several different businesses (all industrial)
  - Businesses in operation from 1960s-1980s
  - Listed on NPL in 1984
- **Contamination**: PCBs in oil and heavy metals in soil

55

Pepper Steel & Alloys, Inc.:

Remediation

- PRP-lead (Florida Power & Light and several private property owners)
- Excavation and removal of highly contaminated soils
- Solidifying remaining soils in site 11-acre monolith
- Remediation completed in 1989

Pepper Steel & Alloys, Inc.: Medley, FL

1989-2002

- Site vacant
- Extensive dumping of debris
- Overgrown with vegetation

2002-2007

- 2002 Five-Year Review was trigger for change
- O&M Plan partially implemented
- ICs revisited
- Reuse began in 2005

Current Efforts to Support O&M

- Plans and construction are underway on improved drainage systems for the Site
- Debris is being sorted and removed
- EPA is working with site owners and users to implement appropriate ICs

Prospective Purchaser Inquiry Call and Comfort/Status Letter

SRI TOOLS USED OFTEN IN REGION 4

Overview

- Prospective Purchaser Inquiry (PPI) Call
- Comfort/Status Letter

Prospective Purchaser Inquiry Call

Purpose: service that offers the prospective purchaser (PP) fast, accurate, and comprehensive information to enable the PP to make a timely business decision on whether to purchase or not.

Benefits:

- one-stop shopping for information
- access to all of EPA's revitalization tools
- creates informed PPs that don't impede cleanup or exacerbate conditions

61

How does a PPI Call Work?

From the purchaser's perspective: If a purchaser is interested in a Superfund site, they contact the EPA staff assigned to the site or the Superfund Redevelopment Coordinator.

Step 1: Organize the (PPI) Reuse Team

Key Staff on the (PPI) Reuse Team may include:

- RPMs
- OSCs
- Site attorneys
- Risk assessors
- SRI coordinator
- Regional managers
- CICs

Step 2: Reuse (PPI) Team Meets Before Call

The Reuse (PPI) Team meets before the call in order to:

- **Share information about the site**
  - —Site status
  - —Future anticipated actions
  - —Current and future property restrictions or engineered controls
  - —Status of any liens

- **Develop a strategy for the call**

Step 3: The Call or Meeting

- **Have a conference call or face-to-face meeting with the Prospective Purchaser**
- **Prospective Purchaser's "team" might include:**
  - Lender
  - Investor
  - Local government
  - PRP
- **Other participants might include:**
  - State Agencies
  - Site Owners
  - Communities
  - Special Interest Groups/EPA Partners

65

Step 4: Identify the 4 Issues Critical to a Successful Reuse Project

1. Site status and future anticipated actions, including institutional controls
2. Compatibility of proposed redevelopment with cleanup and institutional controls
3. Liability issues
4. Lien issues – Can Superfund lien and Windfall lien issues be resolved?

EPA Region 4 supported the Anodyne Inc. site in North Miami Beach, FL, through the Region's PPI Process.

Liens Can Be Negotiated

- Bring Site Attorney and Key Stakeholders together to negotiate any EPA liens.
- Clarify EPA's intentions regarding liens.

Liability Protection: Enhancing Stakeholder Comfor

- **2002 Brownfield Amendments**
- **Bona Fide Prospective Purchaser (BFPP) provision**
  - Main protection for prospective purchasers
  - Achieve and maintain BFPP status
  - Purchase after 1/11/2002 & satisfy 8 criteria
- **Windfall Lien provision**
  - Windfall lien only if certain conditions exist

Liability Protection: BFPP 8

Statutory Criteria

- If a BFPP, then not liable under CERCLA 107
  - Not a PRP or affiliated with a PRP
  - Disposal occurred before purchase
  - All appropriate inquiries about contamination
  - Provide all legally required notices
  - Take reasonable steps to prevent releases
  - Provide access, cooperation, assistance
  - Compliance w/ institutional controls & no interference with cleanup
  - Compliance with information requests/subpoenas

*prerequisite: must acquire property after Jan. 11, 2002

69

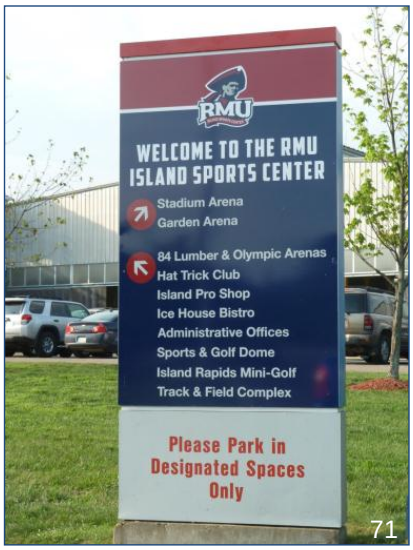
Step 5: Offer Appropriate Reuse Tools

- Assess the Situation
  - —What concerns does the Prospective Purchaser have with purchasing the site?
  - —What can be done to alleviate these concerns?

- Offer Appropriate Reuse Tools
  - —Consider which tools might help facilitate the reuse process

Status/Comfort Letters: What is their purpose?

- Clarify the likelihood of EPA involvement at a site
- Identify whether a windfall lien is applicable to a site
- Emphasize the lead role of the state Agency in site investigation and remediation
- Describe cleanup progress at a site
- Suggest reasonable steps that should be taken at a site



71

For More Information, Contact:

Bill Denman
EPA Region 4
(404) 562-8939
denman.bill@epa.gov

Superfund Redevelopment Initiative website:
http://www.epa.gov/superfund/programs/recycle

Region 4 Superfund Program website:
http://www.epa.gov/region4/waste/sf/sri/info/index.htm

Reuse Assessments:

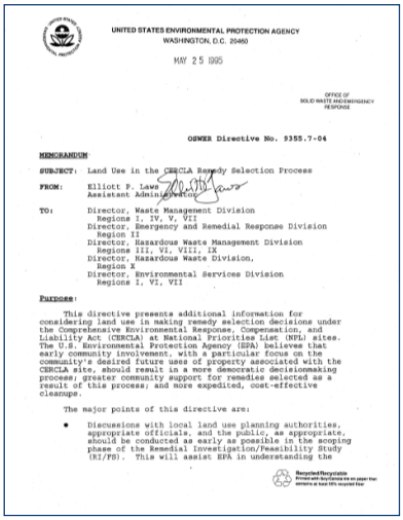
A Tool to Implement the Land Use Directive

Overview

- Discuss key background documents
- Introduce the reuse assessment basics
- Discuss the Midvale Slag Superfund site and preparing for reuse

Key Background Documents

- National Contingency Plan (NCP)
- RI/FS Guidance (1988)
- Land Use Directive (1995)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 25 1995

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

OSWER Directive No. 9355.7-04

MEMORANDUM

SUBJECT: Land Use in the CERCLA Remedy Selection Process

FROM: Elliott P. Laws
Assistant Administrator

TO: Director, Waste Management Division
Regions I, IV, V, VII
Director, Emergency and Remedial Response Division
Region II
Director, Hazardous Waste Management Division
Regions III, VI, VIII, IX
Director, Hazardous Waste Division,
Region X
Director, Environmental Services Division
Regions I, VI, VII

Purpose:

This directive presents additional information for considering land use in making remedy selection decisions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at National Priorities List (NPL) sites. The U.S. Environmental Protection Agency (EPA) believes that early community involvement, with a particular focus on the community's desired future uses of property associated with the CERCLA site, should result in a more democratic decisionmaking process; greater community support for remedies selected as a result of this process; and more expedited, cost-effective cleanups.

The major points of this directive are:

- Discussions with local land use planning authorities, appropriate officials, and the public, as appropriate, should be conducted as early as possible in the scoping phase of the Remedial Investigation/Feasibility Study (RI/FS). This will assist EPA in understanding the

Recycled/Recyclable

Key Background Documents (cont.)

- ROD Guidance (1999)
- Reuse Assessment Guidance (2001)
- October 10, 2002, Memorandum
- Reuse Directive (2010)

The Reuse Assessment Guidance

- Reaffirm the Superfund *Land Use Directive*, and highlight its importance in achieving the goals of the Superfund Redevelopment Initiative.
- Extend the applicability of the Superfund *Land Use Directive* to non-time-critical removal actions, where appropriate.
- Introduce the reuse assessment as a tool to implement the *Land Use Directive.*

77

Definition of Reuse Assessment

The *Reuse Assessment Guidance* defines the reuse assessment as part of the remedial process that "… involves collecting and evaluating information to develop assumptions about reasonably anticipated future land uses (RAFLUs) at Superfund sites."

Goals of a Reuse Assessment

- Develop assumptions regarding reasonably anticipated future land uses (RAFLUs)
- Document the process and basis for determining the RAFLUs

A Reuse Assessment Should Reflect:

This view of the Eastland Woolen Mill site was taken from a previous EPA document and used in the reuse assessment.

- What we know about the existing uses
- EPA's current level of understanding and certainty relating to future site uses
- Data elements needing clarification to better anticipate the RAFLUs

Who Conducts Reuse Assessments?

- The following entities are likely to produce reuse assessments:
  - EPA or State
    - RPMs, CICs, or contractors
  - PRPs
- EPA (or State) is responsible for ensuring that reasonable assumptions are made regarding RAFLUs

Reuse Assessments vs. Reuse Planning

Reuse Assessment	Reuse Planning
• Part of the remedial process • EPA-managed process • Pre-ROD focus • Identifies broad potential categories of use at a site • End result: documentation of reasonably anticipated future land uses	• Voluntary process • Community-based process • Pre-ROD focus • Identifies a footprint for specific land uses for particular portions of a site • End result: site reuse plan

Minimum Requirements set by the *Reuse Assessment Guidance*

- Identify broad categories of use
- Support remedy selection in ROD

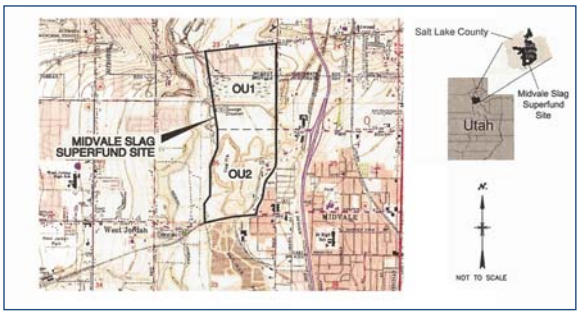
Residential | Commercial | Ecological | Recreational

Midvale Slag Case Study

- Share some basic information about Midvale Slag, including its history, a description, and the cleanup
- Talk about some of the reuse planning activities and efforts undertaken by EPA and the City of Midvale that made the reuse a success

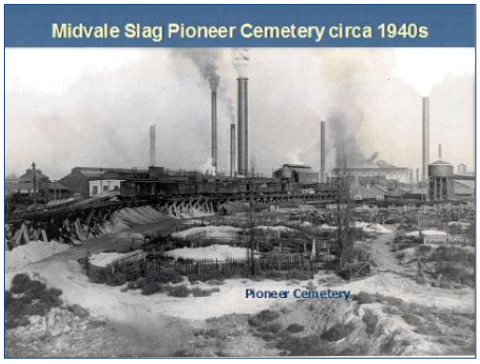
Midvale Slag: Description

- 446 acres
- 12 miles south of Salt Lake City, Utah
- 2 Operable Units
  - OU1: 266 acres
  - OU2: 180 acres



Midvale Slag: History

- 1871-1958: Smelting activities in five separate smelters
- 1971: Adjacent mill ceased operations
- 1984: Heavy metal contamination found in soil and ground water
- 1991: NPL listing



Prime Location for Reuse

- Minutes from downtown Salt Lake
- Adjacent to major highway and rail lines
- Scenic Jordan River Watershed

Reuse Timeline

- 1999: Superfund Redevelopment Pilot Grant awarded
- 2006: Return to Use Demonstration Project
- 2008: Ready for Reuse Determination
- 2009: Reuse underway

Why Reuse Planning?

- Midvale Slag and Sharon Steel = only available land for expansion in Salt Lake Valley
- Redevelopment troubles at Sharon Steel

Midvale Slag: Not Another Sharon Steel

- EPA and UDEQ remediated Sharon Steel "the old-fashioned" way
  - —Remedy selected over objections by locals, Congressional delegation, and Governor
- Midvale City recognized in 1998 that the key to redevelopment was for the City to take an active role
- EPA and UDEQ strove to do things differently
  - —Listen, be inclusive
  - —Try to meet community's needs

Reuse Assessment and Local Government Partnership

Though the Reuse Assessment Guidance had not been officially created yet, many of its key ideas were used at the site, including:

- Close collaboration with local government
- Property owner had counsel that understood Superfund
- City staff took a “crash course” in Superfund
- City staff participated in every stage of the remedial process, even reviewing documents
- City helped EPA understand its concerns
- City worked with EPA to create workable ICs, which were critical to the protection of human health and the future use of the site

Bingham Junction Reuse Assessment and Master Plan

- The City of Midvale used a $100,000 SRI Pilot Grant to develop an official vision for the site.
- A stakeholder group of government officials, community members and property owners held monthly meetings on reuse.
- A consulting firm developed the reuse plan for the site, which the City adopted in April 2000.
- The Plan established the Bingham Junction Zone, which: provided land development standards that support remediation; accommodate the contamination remaining on site; recognized the site's Superfund status; and allowed for a mix of uses, including residential, recreational, office space, commercial, light industrial, and transit areas.

Incorporating the Plan into the Record of Decision

"The scenarios used to evaluate risks to human health are based on anticipated future land uses as defined by the City of Midvale (which has jurisdiction over development of the Site) and the property owner. The risk assessment scenarios take into account potential residential, commercial, industrial, and recreational uses anticipated in the City's Bingham Junction master plan, which has been adopted by the City Council. This plan underlies the Site's current and future zoning and is the foundation for the re-development options now being developed by the property owner." – 2002 Record of Decision

Incorporating the Plan into the Record of Decision

"The City of Midvale has adopted the *Bingham Junction Reuse Assessment and Master Plan*. This plan, along with the Bingham Junction ordinance which was recently adopted by Midvale City Council, serves as the most reasonable general guide for redevelopment. This plan identifies scenarios for Midvale Slag OU1 and OU2. The implementation of this plan will be affected to some degree by each of the remedial action alternatives. Where possible, alternatives need to incorporate the reasonably anticipated future land use presented in the Bingham Junction plan." – 2002 ROD

Anatomy of Success: Using All Your Resources

- Using Special Account monies from a prior settlement, EPA helped fund a position in the local government to assist with the implementation of ICs
  - —ICs were critical to the cleanup
  - —Was worth taking the step
- Will gradually phase out as time goes on and can serve both Superfund sites
- Could only do with a special account, or if State or PRP were willing to pay


RiverWalk
WinCo
FOODS
24 Hour
Savings

Reuse Assessment Summary

A reuse assessment should reflect:

- What we know about the existing uses
- EPA's current level of understanding and certainty relating to future site uses
- Data elements needing clarification to better anticipate the RAFLUs

For More Information, Contact:

Fran Costanzi
EPA Region 8
(303) 312-6571
costanzi.frances@epa.gov

Superfund Redevelopment Initiative website:
http://www.epa.gov/superfund/programs/recycle

Ready for Reuse (RfR) Determinations

Overview

- Characterize RfR determinations
- Introduce RfR determination guidance
- Clarify EPA roles and responsibilities in RfR determination development process
- Discuss several sites where RfRs facilitated successful reuse

What is an RfR Determination?

- A technical determination
- An environmental status report
- A supplement to Superfund cleanup decisions

•A communication tool that identifies protective types of uses

101

On this day, August 31, 2012,
the U.S. Environmental Protection Agency (EPA)
Determines that the

Big Tex Grain Site is Ready for Reuse

Pamela Phillips
Acting Director, Superfund Division
U.S. EPA Region 6

Beth Seaton
Director, Remediation Division
Texas Commission on
Environmental Quality

Pat DiGiovanni
Deputy City Manager
City of San Antonio

This Ready for Reuse (RfR) Determination is for the Big Tex Grain site ("Site") located in San Antonio, Bexar County, Texas. This RfR Determination provides that EPA has made a technical determination that the Site is ready for reuse, including residential and commercial land use (referred to as "unlimited use and unrestricted exposure") and the remedy will remain protective of human health and the environment. These conclusions are based on Pollution Reports written for the Site and summarized in the attached Ready for Reuse Determination report for the Big Tex Grain site, August 31, 2012. This RfR Determination remains valid unless new information becomes available to suggest that conditions at the Site are no longer protective of human health and the environment.

The RfR Determination is being prepared for potential users (current and future) of the Big Tex Grain site. EPA's final Pollution Report confirms the successful removal of all identified wastes at the Site. EPA has not currently placed any limitations on uses at the Site. The types of uses identified as protective in this RfR Determination remain subject to (i) applicable federal, state, and local regulations, including, but not limited to, zoning ordinances and building codes; and (ii) title documents, including, but not limited to, easements, restrictions, and institutional controls.

This RfR Determination is an environmental status report and does not have any legally binding effect, nor does it expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits of any party. EPA assumes no responsibility for reuse activities and/or any potential harm that might result from reuse activities. EPA retains any and all rights and authorities it has, including, but not limited to, legal, equitable, or administrative rights. EPA specifically retains any and all rights and authorities it has to conduct, direct, oversee, 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 response and/or the conditions at the Site are no longer protective of human health or the environment for the uses identified in the RfR Determination.

Why Issue an RfR Determination?

- Remove Superfund Stigma
- Facilitate reuse of sites
- Protect future site users
- Provide information to real estate market

Why Issue an RfR Determination?

- Eliminating environmental contamination and returning sites to use can improve local quality of life

Why Issue an RfR Determination?

- Site reuse helps protect remedies because there are groups using the site on a regular basis.

Why Issue an RfR Determination?

- Protect the site remedy
- Communicate and reinforce land use restrictions

Portions of the South Point Plant in South Point, Ohio are ready for industrial use. Capped areas will not be used for the new industrial park.

RfR Determination Limitations

- Not a legal document
- Not a certificate
- Site must meet CERCLA standards of protectiveness
- Creates no rights or obligations

Parcels addressed in the H.O.D. Landfill RfR determination are subject to local land use regulations.

Site Applicability and RfR Guidance

- All or a portion of a Superfund site
  - Proposed and final NPL sites
  - NTC removal action sites
  - Superfund Alternative Sites
- Sites with restricted and unrestricted uses
- No requirement to issue RfR determinations

When Can a Site Receive an RfR Determination?

- Site meets CERCLA standards of protectiveness
- Pre-ROD
- ROD or Action Memo stage
- After a site is remediated
- Rules with regard to institutional controls

Rules for Institutional Controls

RfR determinations do not supersede or modify easements, restrictions, or institutional controls.

Questions to Ask:

- Are institutional controls in place?
  - If yes…
  - If no…
- Is HQ/OSRE concurrence required?

Preparing an RfR Determination

- Site manager role (RPMs, OSCs)
- Role of States, Tribes, and local governments
- Role of landowner(s)
- Public notice requirements

Resources in Preparing RfR Determinations

- Existing Documents
- PRPs/ Landowners

This map for the Arlington Blending & Packaging site was augmented for the RfR determination, but almost all of the other information was obtained from the Five-Year Review.

South Point Plant

Situation Overview:

- 610-acre industrial area in South Point, Lawrence County, Ohio.
- Contamination directly impacted small portions of the site, majority of the site was never contaminated.
- The Lawrence Economic Development Corporation (LEDC) identified the site as an ideal property for developing a premier industrial park that would be centrally located on the Ohio River in close proximity to transportation networks and infrastructure.

The Barriers:

- Perception of Superfund site
- Reticence of prospective tenants due to lack of clarity about Superfund Status.

Solution:

- Based on the results of a 2002 Superfund Redevelopment Initiative Pilot Grant assessing how site cleanup could best support reuse, EPA issued an RfR determination for the LEDC-owned portion of the site in 2003.

South Point Plant

The site now:

- A thriving industrial park providing local jobs and prospects for further regional economic revitalization

RfR Determination: Take-Home Lessons

- RfR determinations can help protect a site's remedy
- Specifying protective future uses of sites protects future users of the sites
- RfR determinations may facilitate the reuse of sites
- Issuing an RfR determination is not mandatory
- RfR determinations should use existing EPA documents and be relatively easy to write

For More Information, Contact:

Tom Bloom

Region 5

(312) 886-1967

Bloom.thomas@epa.gov

Superfund Redevelopment Initiative website:

http://www.epa.gov/superfund/programs/recycle

QUESTIONS?

For More Information, Contact:

Melissa Friedland
Superfund Program Manager for Redevelopment
friedland.melissa@epa.gov
(703) 603-8864

Frank Avvisato
Superfund Redevelopment Initiative Project Officer
avvisato.frank@epa.gov
(703) 603-8949

http://www.epa.gov/superfund/programs/recycle/

Resources & Feedback

- To view a complete list of resources for this seminar, please visit the **Additional Resources**
- Please complete the **Feedback Form** to help ensure events like this are offered in the future

Need confirmation of your participation today?

Fill out the feedback form and check box for confirmation email.

New Ways to stay connected!

- Follow CLU-IN on Facebook, LinkedIn, or Twitter


https://www.facebook.com/EPACleanUpTech


https://twitter.com/#!/EPACleanUpTech


http://www.linkedin.com/groups/Clean-Up-Information-Network-CLUIN-4405740