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Working Redevelopment and Reuse Into the Superfund Process

Bill Denman: Remedial Project Manager and Superfund Redevelopment Coordinator, Region 4

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***Picture Descriptions**: Camilla Wood Treating during remediation and in reuse*

Thanks, Melissa and Michele, for having me here today. As a remedial project manager responsible for cleaning up sites, I recognize that tying the consideration of reuse to the cleanup process is critically important , both in terms of how cleanup happens and for ensuring protection of human health and the environment. My goal today is to show you how these things can tie together in terms if selecting, implementing, and maintaining remedies. I will also have a few examples I can show you from Region 4. I have noticed from looking at who signed up that we have a diverse audience – contractors, EPA staff, and State folks. There may also be more people from different organizations that I missed. I think this presentation should be able to help all of us. If you're a contractor, it's important to know where EPA is expected to think about reuse. If you're with the State, these are clearly things we need to be thinking about and talking about together.

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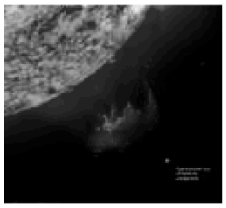
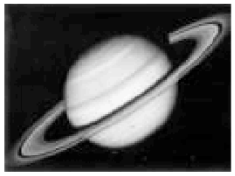
Solar System of Contaminated Properties





100,000 - 200,000
Und. Storage Tanks
(abandoned)

6,400 RCRA Sites

40,000 Superfund sites
(removal & remedial)

450,000 - 600,000
Brownfields

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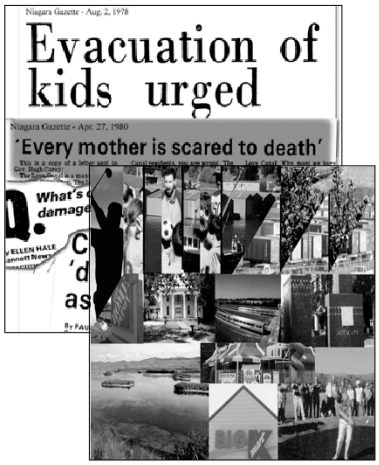
Evolution of the Focus on Reuse

- Love Canal and the passage of CERCLA
- SARA
- Reforms
- Superfund Redevelopment Initiative
- The Land Revitalization Action Agenda
- Performance measures



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•In August of 1978 Love Canal grabbed the Nation's attention, but it was not alone. In 1979, EPA estimated that there were thousands of inactive and uncontrolled hazardous waste sites in the United States that could pose a serious risk to public health. On December 11, 1980, President Jimmy Carter signed the new Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund). Calling it "landmark in its scope and in its impact on preserving the environmental quality of our country," President Carter stated that it "fills a major gap in the existing laws of our country." But with Love Canal, reuse was just about the last thing on anyone's mind. But over the last couple of decades, the Agency's perspective changed significantly, so much so, that making sites ready for reuse is actually measured.

SARA:

•Based on EPA's experiences in implementing Superfund, Congress determined that the scope of hazardous waste sites was far larger and the sites' associated problems were much more complicated than originally anticipated. To provide more authority to handle these problems, Congress made major changes to strengthen the cleanup and enforcement processes. Because site remediation can have significant effects on communities, SARA required public participation activities throughout the Superfund process and provided authority for EPA's community right-to-know program. SARA also required State involvement at every phase of the Superfund program.

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Why consider reuse?

- Helps Protect Human Health
- Protects Site Remedies
- Engages Local Communities
- Brings Environmental and Social Benefits
- Provides Local Benefits

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Picture Description: top: Libby Asbestos site Region 8. People removing hazardous waste roof. *Evidence of vagrants and trespassers in an abandoned building at the Solitron Microwave site in Florida. The building has since been demolished and the site is being reused as an industrial park.* Community members at a public meeting about the Wyckoff Harbor Superfund Site, Bainbridge Island, WA *New apartment complex built on formerly contaminated land at the Coalinga Asbestos Mine site in Coalinga, CA;*

Superfund's authorizing legislation, CERCLA, makes protection of human health and the environment the central consideration in remedy selection and other cleanup decisions.

This goal of protectiveness is served by integrating consideration of future site use into the decision process. EPA's long experience cleaning up sites on the NPL has shown that most sites will have some future uses, and that the process of selecting a remedy which will be protective over the long term must include consideration of what those future uses will be. The more successful EPA is in anticipating the future uses of a site, the greater the probability that the remedy chosen will be protective for those uses, and the greater the likelihood that appropriate ICs will be selected and implemented

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FITTING REUSE INTO THE CLEANUP PIPELINE

Stage 1: Developing Remedial Action Objectives
Camilla, GA Case Study
Stage 2: Remedy Selection
Stage 3: Remedy Implementation
Woolfolk Chemical Works Fort Valley, Georgia
Stage 4: Long Term Stewardship
Pepper Steel & Alloy Inc. Medley, Florida

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In this next section, to make it as easy as possible to see how reuse can be integrated into the pipeline I'm going to spend the next little while going through the pipeline and discussing how to consider and integrate reuse at each stage. We'll also look at several case studies that integrated reuse planning at varying stages of the pipeline, highlighting how the reuse plan informed that particular stage of remediation.

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Stage 1: Developing Remedial Action Objectives

Remedial Investigation and Feasibility Study

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The first point where reuse can play a significant role is the second stage of remediation, developing remedial action objectives (RAOs) which occurs during the remedial investigation and feasibility study.

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How does EPA consider reuse here?

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

"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."

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Picture: *Allied Paper Mill Plainwell, MI committee site visit*

How does EPA think about reuse at this stage of the pipeline?

As indicated in the 1995 Land Use Directive "EPA should discuss reasonably anticipated future uses of the site with local land use planning authorities, local officials, and the public, as appropriate, as early as possible during the scoping phase of the RI/FS." It also states, "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. EPA recognizes, however, that achieving either the reasonably anticipated future land use, or the land use preferred by the community, may not be practicable across the entire site, or in some cases, at all." (emphasis in original)

If you would like a copy of this directive, please right in and let us know – we can send you a copy.

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

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How can we get a better understanding of what the RAFLU might be?

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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.

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Next, based on the information collected during the Site Assessment, perform a Reuse Assessment. Keep in mind that a reuse assessment may be conducted at a single point during the remediation process or the anticipated land uses can be updated and refined as the communities plans for the site become more certain. Ideally, the reuse assessment happens before the ROD is issued. During the reuse assessment collect and evaluate information to develop assumptions about future land use which may support baseline risks assessments when estimating potential future risks and the development of RAOs.

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What does a reuse assessment do?

- Identifies broad categories of reuse
- Supports remedy selection in the ROD
- Should reflect what we know about a site
- Explains EPA's current level of understanding and certainty relating to future use
- Describes data elements needing clarification to better anticipate the RAFLU

http://www.epa.gov/superfund/community/relocation/reusefinal.pdf

Residential | Ecological | Commercial | Recreational

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Picture Description: *Residential: Eastland Woolen Mills Region 1; Ecological Seattle Municipal Landfill in Kent, WA Region 10; Commercial: Joslyn Manufacturing Brooklyn Center, MN Region 5 Recreational: Himco Dump Site Elkhart, IN Region 6*

Here's a closer look at the guidance that defines the assessment: The *Reuse Assessment Guidance* describes 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."

A Reuse Assessment:

Identifies of broad categories of use

•Reuse categories typically fall into the following use types: residential, commercial, industrial, ecological, recreational, and public. However, the definitions of each of these categories may differ from place to place based on local land use regulations.

•EPA's experiences suggest that more detailed information on the current and planned uses can be extremely helpful to remedial decision making. For example, knowing the placement of future roads or parking may influence where and how waste is capped. As a general rule, the sooner future use information becomes known, the better.

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EPA's Role in Reuse Assessment:

- Provide oversight of the party conducting the reuse assessment
- Ensure reasonable assumptions are made regarding future land uses
- Coordinate with the State
- Create an inclusive process that involves all relevant stakeholders, including the State

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Conduct discussions about reasonably anticipated future land uses with local government officials, property owners and community members (e.g., visioning sessions, community meetings, and interviews) to obtain all perspectives. Reuse interests expressed by the local government may not always be consistent with those expressed by the community.

The reuse assessment can be used to help determine the RAFLU. This period of the process may become tricky, since determining reasonably anticipated future land uses, looking at reuse plans and Master Plans, and writing the reuse assessment may all be happening simultaneously, with various documents being made available after a decision has already been made. In addition, these documents may not always agree with one another, or be available. Some communities and local governments may not yet know how or if they want to reuse the site. Maintaining flexibility will be important.

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State Role:

- State responsible for long-term O&M
- State may end up owning the property, giving it direct interest in reuse outcomes
- States are interested in ICs, which may be affected by reuse considerations
- State ARARs may affect reuse
- State agencies involved

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The **State is responsible for long-term O&M**

• EPA does not fund O&M. For a Fund-financed project, the state must ensure that long-term operation and maintenance will occur at the site. Even if a community is willing to provide this service, the state must provide the guarantee that it will occur. This includes accepting transfer of property and appropriate institutional controls.

State may end up owning the property, giving it direct interest in reuse outcomes

• In cases where the State owns the property, they will have a larger say in the reuse scenario at the site.

States are interested in ICs, which may be affected by reuse considerations

• Since the State is responsible for the O&M, they will also be interested in what the ICs are, how long they will need to be enforced, and how they will affect the current and future reuse of the site.

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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

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***Picture**: Above: Fullbright Landfill , Below: Pownal Tannery*

Who are stakeholders that might play a role in the Superfund revitalization process? Stakeholders are parties connected to the site in some way. For example, the site owner, current user, developer, PRP, state and local or tribal government, community members, Community Advisory Group (CAG).

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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

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An inclusive stakeholder process will help ensure that any uncertainties and potential issues about the reasonably anticipated future land uses are identified and systematically addressed through the reuse assessment.

Because EPA cannot fund betterment or “enhancement” of a site, involving stakeholders interested in funding improvements will allow for the site to be cleaned up and maintained to a degree that it may not have been otherwise.

Some examples of betterment undertaken by stakeholders include the layout or construction of roads, power, sewage, and gas lines, building demolition, building footers, asbestos removals, and construction of buildings or other infrastructure.

Involving relevant stakeholders will also be important in obtaining support from stakeholders likely to be directly involved in future efforts to reuse the site and could help ensure the long term protectiveness of the remedy.

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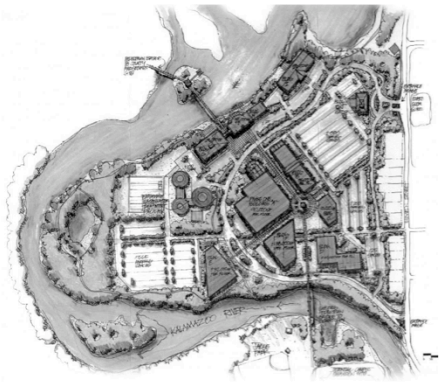
Use a reuse plan to inform your reuse assessment

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



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Picture: *Rockwell Reuse Plan Region 5 Allegan, MI*

A reuse plan can inform the reuse assessment, but EPA may not accept its findings as realistic. A reuse plan will provide more information about specific end uses. It will also engage the local community to reach a consensus about future uses of the site. It is important to step back and think about whether the reuse plan is a realistic representation for the future of the site and to learn whether all of the appropriate stakeholders had a hand in its creation. We will provide several case studies throughout this training that discuss how a reuse plan can provide information that is useful throughout the cleanup process.

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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

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Reuse Planning and Reuse Assessments

What is the difference between a reuse assessment and a reuse plan? A reuse assessment is an analysis conducted by EPA to determine the reasonably anticipated future land use of a site. It often identifies a category of use (e.g., residential or recreational). A reuse plan is a more detailed plan for a site, usually prepared by local governments or developers, which shows the footprint of a sites future use, including location of buildings and roadways.

It is important to note that reuse plans are not always a substitute for reuse assessments.

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Talk to Your Community Involvement Coordinator

Learn about any environmental justice concerns, understand what efforts have been made to reach out to the community about future uses of the site, and think about next steps for reaching out to the community

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To continue to develop an understanding of the Reasonably Anticipated Future Land Use talk to your Community Involvement Coordinator. You want to try to learn about any environmental justice concerns and to get a sense of what efforts have been made to reach out to the community about future uses of the site. The CIC can interview local officials, community leaders, businesses and residents to measure their awareness of and concerns about the site. This can happen during the reuse assessment process, but it is important for the CIC to be aware of the process and be involved to the extent practicable.

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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.

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You can then investigate what local resources are available with respect to institutional controls.

Institutional controls are a critical part of the remedial alternative if future use is restricted

• Institutional controls will generally have to be included in the alternative to:

- •ensure long-term protectiveness,
- • prevent an unanticipated change in land use that could result in unacceptable exposures to residual contamination,
- • alert future users to the residual risks, and
- • monitor for any changes in use.

•When developing alternatives that include institutional controls, EPA should determine:

- •the type of institutional control to be used,
- •the existence of the authority to implement the institutional control, and
- •the appropriate entity's resolve and ability to implement the institutional control.

Institutional controls, while enhancing or protecting a remedy, can restrict reuse options

• "Thou shalt not dig"

Creating flexible but protective ICs are important to reuse.

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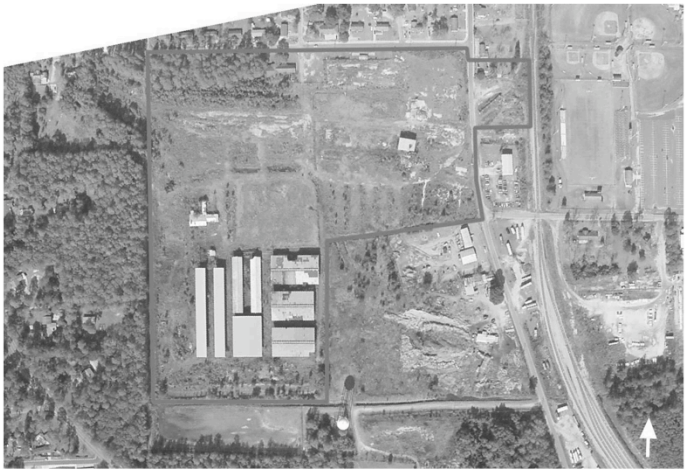
Camilla Wood Preserving Company Site Region 4 Camilla, Georgia



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Camilla Wood Preserving Company Site: Introduction

The Camilla Wood Preserving Company NPL site is an 40-acre site located in Camilla, Georgia, a small town (pop. 5,700) located in southwestern Georgia, approximately 60 miles north of Tallahassee. Wood preserving activities at the site between 1947 and 1991 resulted in the contamination of site soils with dioxin, pentachlorophenol, creosote, and polyaromatic hydrocarbons.

In 2002, Camilla Fire Chief David Irwin, on behalf of the City of Camilla, Georgia, requested assistance from EPA's Superfund Redevelopment Initiative (SRI) in his effort to reuse the site as a multi-agency public safety training facility. The City of Camilla received an SRI grant to undertake a community-based reuse planning process to develop future land use recommendations for the site.

EPA site staff supported the community's reuse planning efforts at the site from the outset. In 2002, EPA was developing the site's Record of Decision; site staff recognized that future land use considerations could help inform the site's remedy.

Between 2002 and 2008, the site's cleanup and reuse has proceeded through several different stages. Today, the site's western area has been cleaned up and returned to use for recreational purposes, including soccer fields. These slides provide an overview of the process that has led to these outcomes.

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Camilla Wood Preserving Company Site: *2002-2003 Reuse Planning Process*

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Camilla Wood Preserving Company Site: 2002-2003 Reuse Planning Process

The City of Camilla established and worked with a community-based Land Use Committee and a consultant team to develop a conceptual reuse framework plan.

During the six-month project period, the Committee discussed and defined reuse priorities for the site, and concluded that the most appropriate reuse of the site would be a community park serving the needs of Camilla's residents and visitors.

Site staff from EPA and the Georgia Environmental Protection Division provided site information and served as resources for the project's Committee.

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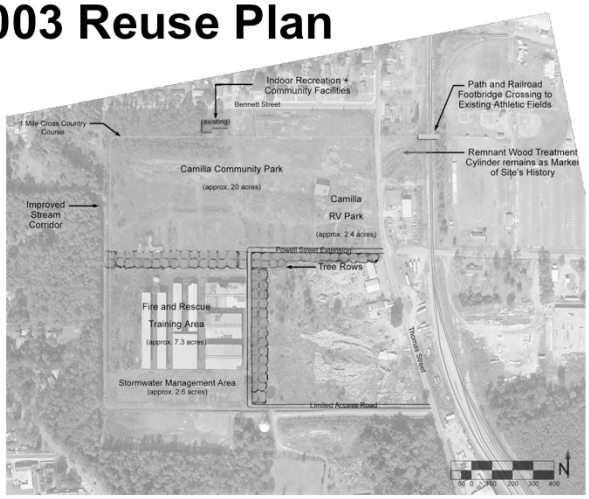
Camilla Wood Preserving Company Site: 2003 Reuse Plan



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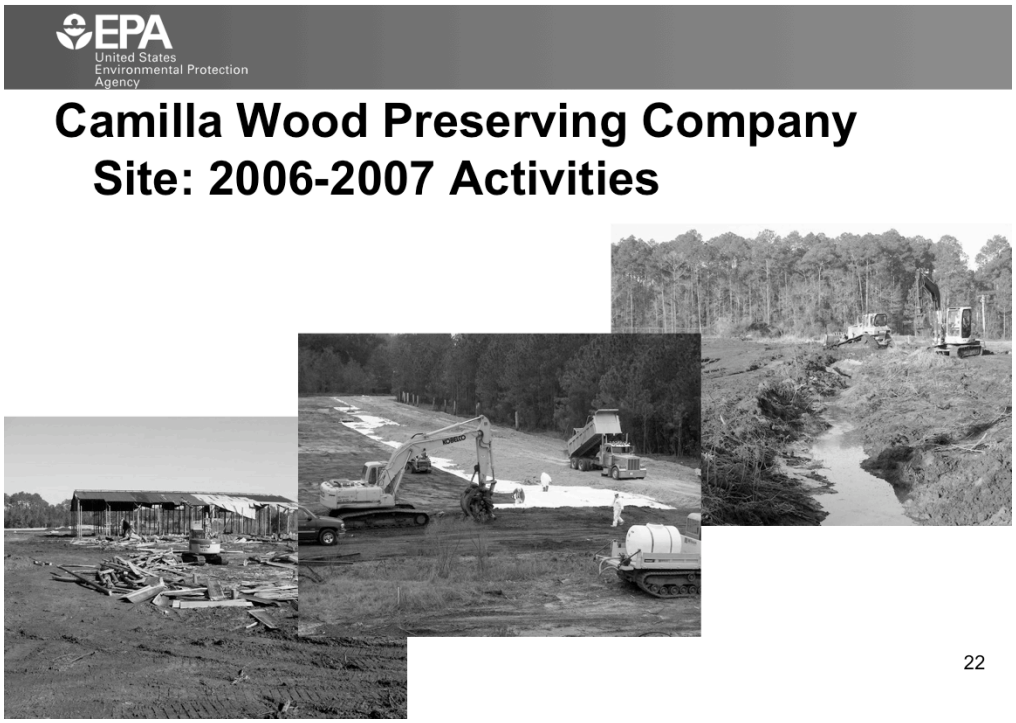
Camilla Wood Preserving Company Site: 2003 Reuse Plan

The conceptual reuse framework plan, presented to Camilla City Council in June 2003, included the following components: a community park, recreation and community facilities, a fire and rescue training area, a stormwater management area, tree rows, and bioswales.

The community's reuse framework plan and EPA's remedial planning for the site were able to directly inform each other during 2002 and 2003. EPA's site information and remedial considerations guided the types and locations of land uses that would ensure the protection of human health and the environment and the site's long-term stewardship.

In turn, the community's reuse priorities informed EPA's consideration of the site's remedy components in the site's Record of Decision.



Camilla Wood Preserving Company Site: 2006-2007 Activities

In 2006, EPA Region 4 identified an opportunity to move forward with the cleanup of the western portion of the site as a removal action. SRI provided additional resources so that the City of Camilla could work with EPA Region 4 to update the 2003 conceptual reuse framework plan to both inform and reflect the removal action's future land use implications.

By 2006, several community conditions had changed. A fire and rescue training facility had been built in a nearby community, and a regional need for new soccer fields had grown rapidly. The Land Use Committee determined that the site would be an ideal location for a soccer complex, given its close proximity to major access roads, athletic fields, Mitchell-Baker High School, and residential neighborhoods.

The Committee also identified the need for basketball courts, walking trails, a flexible open space area, a small RV park, and the potential for use of the existing office building as the Mitchell County Parks and Recreation Department Headquarters.

Camilla Wood Preserving Company Site: 2006-2007 Activities

The community's updated reuse plan informed EPA's planned removal action for the site. Soils were excavated and remediated on-site to recreational standards. Remaining pole barns and contaminated soils lining the drainage ditch zone on the western half of the site were also addressed. Fencing was installed between the eastern and western halves of the site.

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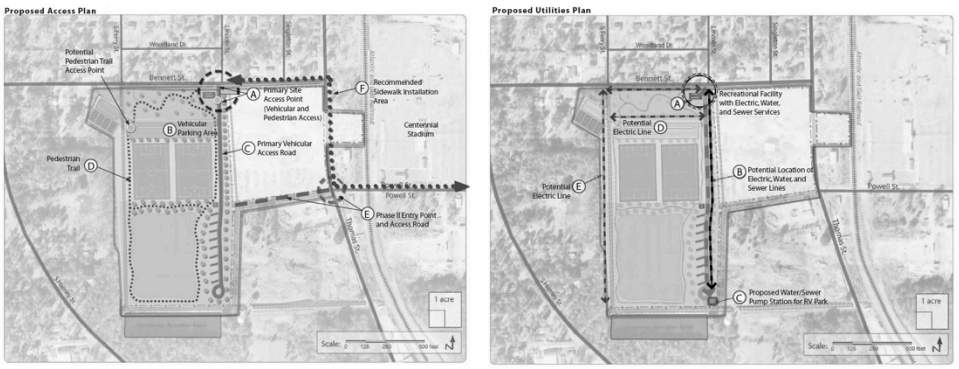
Camilla Wood Preserving Company Site: 2006-2007 Activities



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Camilla Wood Preserving Company Site: 2006-2007 Activities

EPA Region 4 also recognized the need to analyze the site's institutional control requirements as part of removal action and reuse planning activities.

The project's consultant team worked with EPA and the City of Camilla to develop infrastructure, ownership, and access maps to inform a detailed site IC analysis in 2007.

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Camilla Wood Preserving Company Site: 2008 Site Reuse

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Camilla Wood Preserving Company Site: 2008 Site Reuse

As part of the completion of the site's removal action and implementation of the site's institutional controls, the City of Camilla acquired the site property and returned the site to recreational reuse in 2008.

EPA Region 4 and the community of Camilla have worked together over the past six years and built an effective partnership that has resulted in site cleanup, the protection of human health and the environment, and site reuse that is addressing multiple community needs.

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Stage 2: Remedy Selection

Record of Decision (ROD)

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Now back to our pipeline: Stage 3 is Remedy Selection and it is here that the Record of Decision is issued.

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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

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During remedy selection, EPA should make sure that any reuse planning, thinking, or progress that has been made up to this point is articulated in the ROD. To the extent practicable, the ROD should support the RAFLUs, describe the decision making process that you went through. Identify outcomes of selected remedy, emphasize available land uses upon achieving cleanup levels within the timeframe. Be aware that during this stage your flexibility and openness when unexpected bumps or challenges arise greatly helps reuse remain a possibility. Encouraging betterment and institutional controls that support reuse and keeping interested parties abreast of the cleanup timeframe all streamline reuse activity.

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Stage 3: Remedy Implementation

Remedial Design and Remedial Action

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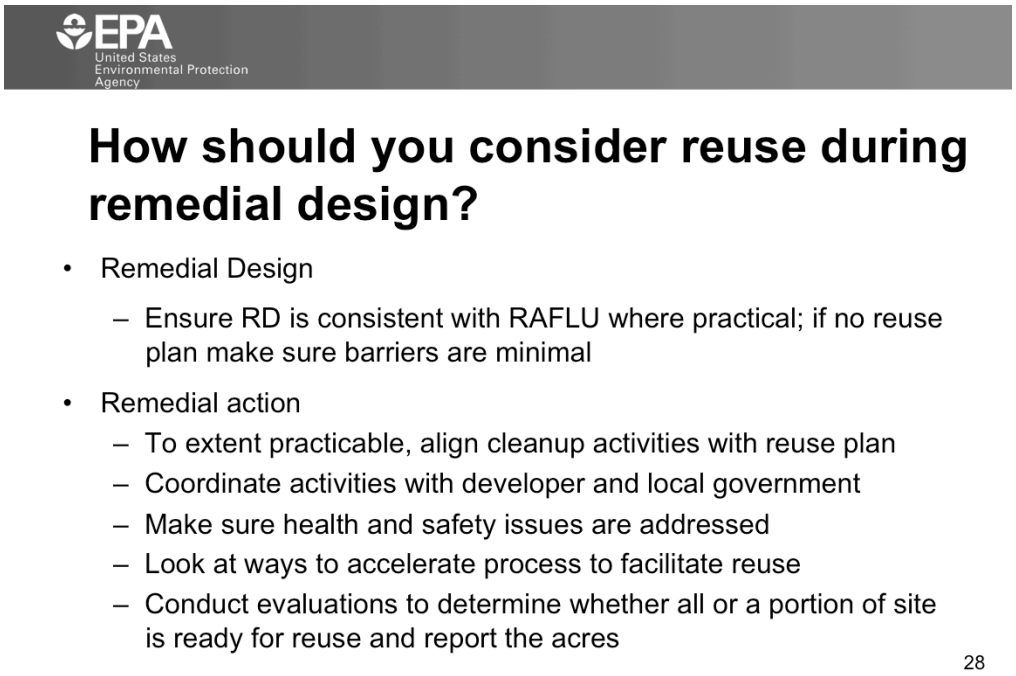
Stage 4 is remedy implementation, when the remedial design is drawn up and remedial action begins.



During Remedial Design the RPM can ensure that the cleanup design is consistent with the RAFLU assumed by the selected remedy. If there is no reuse plan then look at the design to make sure the potential barriers to reuse are minimal.

The Remedial Action stage offers several important ways for the RPM to integrate reuse.

•First, RPMS, to the extent practicable, should make sure that cleanup activities align with the reuse plan.

•Many contractors and/or developers may be unfamiliar with following EPA protocol concerning the remediation of sites, potentially jeopardizing the remedy or their own health and safety. RPMs can play an important role in educating these developers to ensure their protection and the protection of the remedy.

• RPMs may want to consider performing action to speed up remedies or promote reuse on portions of sites that will not be used during the remedial action. This may include partial deletions.

•As part of our new performance measures, EPA is also reporting on acres that are ready for anticipated use. RPMs should conduct evaluations to determine whether all or a portion of the site is ready for reuse and report these acres and/or sites as part of the new Sitewide Ready for Anticipated Use of cross program land revitalization measures. This information will be made public and could provide developers or other stakeholders with information about the readiness of these sites for their future uses.

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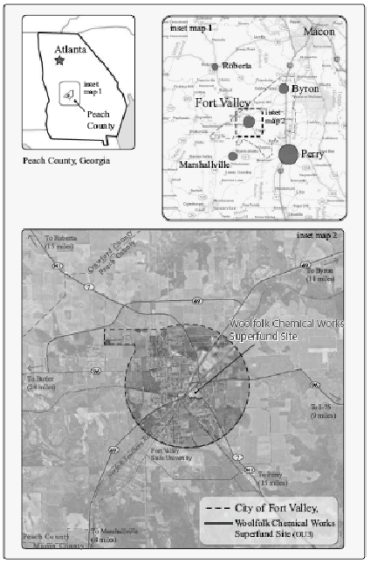
Woolfolk Chemical Works Region 4 Fort Valley, GA

- **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 Media affected: *Soils, buildings, contaminated media in capped area*
- **Reuse**: OU3



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The Woolfolk Chemical Works Superfund Site is located in Fort Valley, Georgia.

•The 31-acre site includes the 18-acre former Woolfolk plant, as well as 13 acres of surrounding residential and commercial properties.

•Historically, pesticides were produced formulated, blended and packaged at the site.

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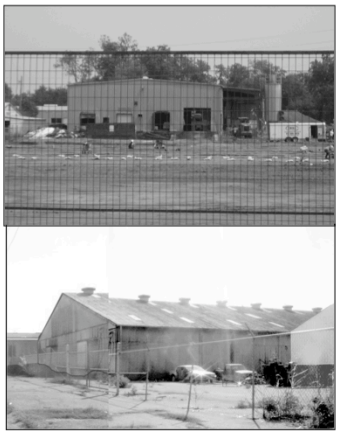
Woolfolk Chemical Works Region 4 Fort Valley, GA

Site Remedy:

- Remedy for OU 3: addresses the following components of the site
  - Arsenic contaminated soils and contaminated buildings and debris at the former Woolfolk plant site
  - Contaminated materials consolidated in a four-acre capped area
- The ROD for OU 3 was signed in 1998. A 2004 ROD amendment addressed changes in ARARs for arsenic soils
- The remedial action is underway with completion of cleanup expected by 2009



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The remedy for OU 3 addresses the following components of the site

- Arsenic contaminated soils and contaminated buildings and debris at the former Woolfolk plant site
- Contaminated materials consolidated in a four-acre capped area

The ROD for OU 3 was signed in 1998. A 2004 ROD amendment addressed changes in ARARs for arsenic soils.

The remedial action is underway with completion of cleanup expected by 2009.

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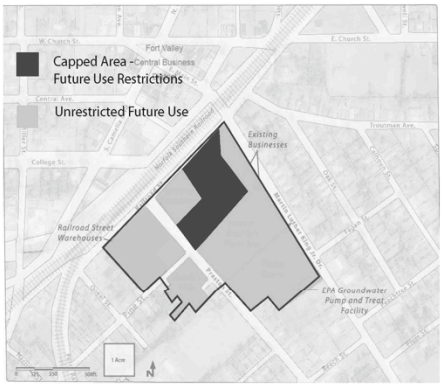
Woolfolk Chemical Works Region 4 Fort Valley, GA

Reuse in the Remedial Process:

Shared Learning through Site and Community Analysis

- Remedial Action Objectives for OU 3
- Community Goals for the Woolfolk Site
- Land Use Analysis
- Site Analysis
- Future land use framework and long-term stewardship strategy for the site



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The reuse planning process at the Woolfolk site was initiated in Spring 2006

•Goal of the process: to integrated remedial action objectives and cleanup plans with community future land use goals.

•This was accomplished through a stakeholder engagement process that integrated community reuse goals for the site with detailed site and land use analysis resulting in a set of future land use scenarios and a long-term stewardship strategy for the site.

•This process created opportunities for shared learning among community members, EPA representatives and local government leaders that led to positive outcomes for participants.

The following slides show how the community-based analysis process led to the development of the site's reuse framework.

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Woolfolk Chemical Works Region 4 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, EPA Region 4
  - John Stumbo, Mayor, Ft. Valley, GA
- Nine-Month Process (June 2006 – Feb 2007)
  - Three RPC Meetings
  - One Public Forum

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With the knowledge that a strong community-based process would need to include representation from key community groups, E2 designed a reuse planning process to build on the capacity of two existing groups.

•Working with Fort Valley elected officials and EPA, E2 Inc. identified the Woolfolk Citizens' Response Group (WCRG) and the Woolfolk Alliance as key stakeholder groups.

•The WCRG is a group of concerned citizens that holds a TAG for the Woolfolk site and has been meeting for 11 years to facilitate information sharing related to the contamination and cleanup at the Woolfolk site.

•The Woolfolk Alliance is a broader community group convened by Fort Valley Mayor John Stumbo. The Alliance includes representatives of the WCRG, as well as elected officials, state legislative reps, and local business owners.

•Together these two groups have a significant amount of local knowledge, understanding of the site history and EPA's role in the cleanup. The groups also had the capacity to conduct broader public outreach to the community.

•E2 Inc. designed a nine-month process hosted by the Woolfolk Alliance to share existing knowledge, learn about site reuse opportunities and constraints and to develop a reuse framework for the site.

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Woolfolk Chemical Works Region 4 Fort Valley, GA

Key Outcomes of the Reuse Framework

- Future land use considerations for restricted use area to support cleanup
- 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

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The reuse planning process led to several key outcomes for EPA and the City of Fort Valley:

•For EPA, the process identified potential future land uses considerations to support the site's cleanup.

•Through site analysis and sharing reuse goals, community members came together to learn about the site and envision opportunities to return the site to productive use. Considering a range of future land uses for the site helped to alleviate residents' concerns about the site's stigma.

Another key outcome from the process was the development of a long-term stewardship strategy for the site. A summary report for the site outlines an implementation strategy which includes:

-Recommendations for helping transition vacant properties at the site into active ownership

-Considerations that Fort Valley would need to keep in mind for acquiring the properties at the site

-Analysis of factors that could influence the implementation of institutional controls at the site summarized local and state regulatory mechanisms that EPA can potentially look to as part of the IC plan for restricted use areas

-Set of considerations for linking the reuse framework at the site to the surrounding community

-Stewardship group to manage see through the implementation of the reuse framework

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Next Steps

- Remedial construction completion expected in 2009
- On-going community outreach and coordination through Woolfolk Alliance / Woolfolk Citizens' Response Group
- Fort Valley's Woolfolk Redevelopment Group

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With the OU 3 remedy's anticipted completion date on the horizon, EPA and the community continue to coordinate through the existing Woolfolk Alliance and Citizens' Response Group.

In addition to the ongoing outreach efforts, the City has initiated a follow up effort to help steer the site's reuse strategy into implementation. A public meeting held in Feb. 2008 clarified the community's desired reuse scenario as discussed earlier. Mayor Stumbo has convened a redevelopment group, enabled through the City's Redevelopment Authority to take specific actions needed to help transfer ownership of property and finance a reuse strategy.

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Stage 4: Long Term Stewardship and Conducting O&M

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With so many sites entering this final stage of the cleanup process, long-term stewardship considerations are playing an increasingly larger role in day to day responsibilities. Headquarters is also asking placing added emphasis on this phase, including the consideration of reuse.

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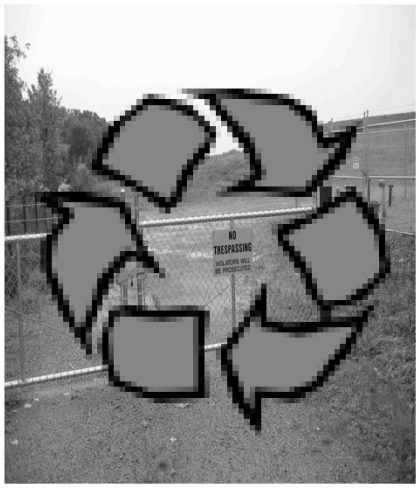
How does reuse play into long term stewardship?

- Institutional Controls
- Five-Year Review and Remedy Protectiveness
- Post Construction Completion



Picture Description: *Augusta Sanitary Landfill/Engen Dump site Stearbs County, MN*

Reuse, ICs, post construction activities, and long-term stewardship are not only tied to one another, but can be synergistic.

•Well-designed ICs are often a critical step in allowing site reuse to occur safely. Future use of sites may best be accommodated by the selection and implementation of appropriate and effective institutional controls. Reuse prompts a close look at the status of the site and its remedy, including ICs. People responsible for ICs want to make sure they remain protective and future users want to make sure that their activities are appropriate and don't cause future problems. Reuse also provides an incentive to get involved for local governments, ideal entities for tracking, maintaining,and enforcing ICs.

NOTES CONTINUE ON NEXT PAGE

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Pepper Steel & Alloys, Inc. Region 4 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 some heavy metals in soil

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I'd like to focus on the Pepper Steel site. Pepper Steel is a 25-acre site which was formerly occupied by a variety of industrial enterprises including: battery manufacture, pre-case concrete product manufacture, heavy equipment repair, and automobile scrap operation. These businesses operated for about 20 years from the mid-1960s to early 1980s. As a result of operations, soil became contaminated with oil containing PCBs as well as heavy metals and this contamination primarily threatened ground water. The site was subsequently listed on the NPL in 1984.

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Pepper Steel Remediation

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

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The remediation was PRP led and consisted of excavation and removal of the more highly contaminated soils. The remaining less contaminated soils were mixed with cement and an 11-acre monolith was created on site. All remediation was completed by 1989.

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Pepper Steel 1989-2002

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

Pepper Steel 2002-2007

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

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So, with a lack of Operations and Maintenance and strong ICs, Pepper Steel pretty much feel into disrepair over the next several years. The site was not used, it was subject to extensive dumping of debris, and it became overgrown with vegetation. The most visible result of this lack of maintenance was the growth of an Australian pine forest. By the time of the 2002 FYR, some trees had attained heights of over 30 feet. This “forest” was growing right on top of the monolith which could have greatly impacted the protectiveness of the remedy. During this period between 1989 and 2002, vegetation also grew into the drainage collar.

The 1994 Five-Year Review made some recommendations for changing the conditions of the site in order for protectiveness of remedy to be ensured. The only O&M activity that was continued, however, was ground water sampling and analysis. None of the other recommendations from the 1994 Five-Year Review were carried out.

The 2002 Five-Year Review was really the trigger for change at the site. With “stronger” recommendations made in the 2002 Five-Year Review, the 1989 O&M plan was partially implemented; the “forest” was removed from the monolith, debris was removed, and other high priority maintenance was achieved.

ICs were revisted as well. A 2004 Deed Notice attached a 1997 EPA Consent Decree to the Bloom parcel and a 2004 Restrictive Covenant for the Curtis parcel required proper disposal of excavated soils below two feet. This IC runs with the land.

Reuse of the property began in 2005 with all three parcels currently in use.

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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

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The new site owners and users are taking steps to improve the O&M of the property. One big issue had been the destruction and non-functionality of the drainage system. Current owners are working on a drainage system that will be even better than what was proposed in the O&M plan because it will have to satisfy local government storm water ordinances. New berms have already been installed in the parking lot to promote drainage and prevent flooding of a nearby road.

The debris from years of illegal dumping is being sorted and removed.

Current owners and users are also working with EPA to implement ICs that will ensure the protection of human health and the environment while allowing for appropriate uses. The standardized covenant currently being designed for the Site will add an additional layer of IC protection to the Site. Mr. Lista (owner of the former Payne parcel) and the 10997 Project Inc. (owner of the former Bloom parcel) are responsible for maintaining their Bona fide Prospective Purchaser (BFPP) status to avoid inheriting Superfund liability for the Site. One of the criteria for maintaining BFPP status requires cooperation with EPA staff. Mr. Rogers stated that all of the Site's current property owners have been very amenable to the idea of a standardized covenant and are willing to work with EPA on the exact language and then to record the final covenant to their properties. Therefore, having site owners interested in putting the Site back into productive use has facilitated EPA's ability to ensure that ICs are in place for the Site.

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Reuse Strategies

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So – what are some take home messages for making all of this happen? I can share those with you along with some guiding principles we've learned here in Region 4, and share the process we've adapted to help support site reuse. Not all Regions do this, and different Regions approach reuse differently, but we have found this to be a good approach for sharing information quickly and consistently. There are SRI coordinators in each Region, so if you have a question about a particular site, be sure to contact them and they can provide you with the information you need. Regardless, good communication and sharing information is key to making reuse happen, and this is our approach to making good communication happen.

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What is a PPI Call?

- The PPI Service provides information about specific sites including cleanup status, liability protection/limitation and lien issues, and answers questions about the coordination of cleanup and redevelopment activities at current or former Superfund sites.

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“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

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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

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•ORGANIZE THE TEAM!

•The contact person schedules the PPI call with the Prospective Purchaser and the PPI Team.

•The Prospective Purchaser Site Team may include:

-RPMs

-OSCs

-Site attorneys

-Risk assessors

-SRI coordinator

-Regional managers

-CICs

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STEP 2: Reuse (PPI) Team Meets Before the 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

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Info that will need to be collected prior to the call includes:

•status of the site

•future anticipated actions pertaining to the site (and subject parcel)

•current and future property restrictions

•engineered controls

•status of any Superfund lien and potential for windfall lien

•PP's proposed plans for the site so the RPM/OSC can prepare for compatibility issue

Develop a Strategy for the call -- make sure everyone is on the same page before the call

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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

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STEP 3:

•Have the scheduled Conference call or face-to-face meeting with the Prospective Purchaser

•Prospective Purchaser can include:

• PP's lender

•investors

•local government representatives or officials

•PRPs (including the current owner)

Other participants can also include:

•State Agencies

•Site Owners (if not part of the PP "Team")

•Communities

•Special Interest Groups/EPA Partners

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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 47

(The Anodyne Inc. site in North Miami Beach, FL)

Site Status and Future Anticipated Actions:

In addition to acquiring basic site status and background information, you should try to determine what barriers are in place that have prevented the site from being reused. Reasons the site isn't already in reuse could include: current or future property restrictions on the site, institutional controls, engineered controls. Also, think about who the key stakeholders are and who will be involved in the reuse process.

Lien Issues:

-Determine the status of any liens on the site, including Windfall or Superfund liens. Remember, **both types of liens are negotiable.**

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Liability Protection: Enhancing Stakeholder Comfort

- *2002 Brownfield Amendments*
  - Bona Fide Prospective Purchaser (BFPP) provision
    - main protection for prospective purchasers
      - *achieve & maintain BFPP status*
      - *buy after 1/11/02 & satisfy 8 criteria*
  - Windfall Lien provision
      - *windfall lien only if certain conditions exist*

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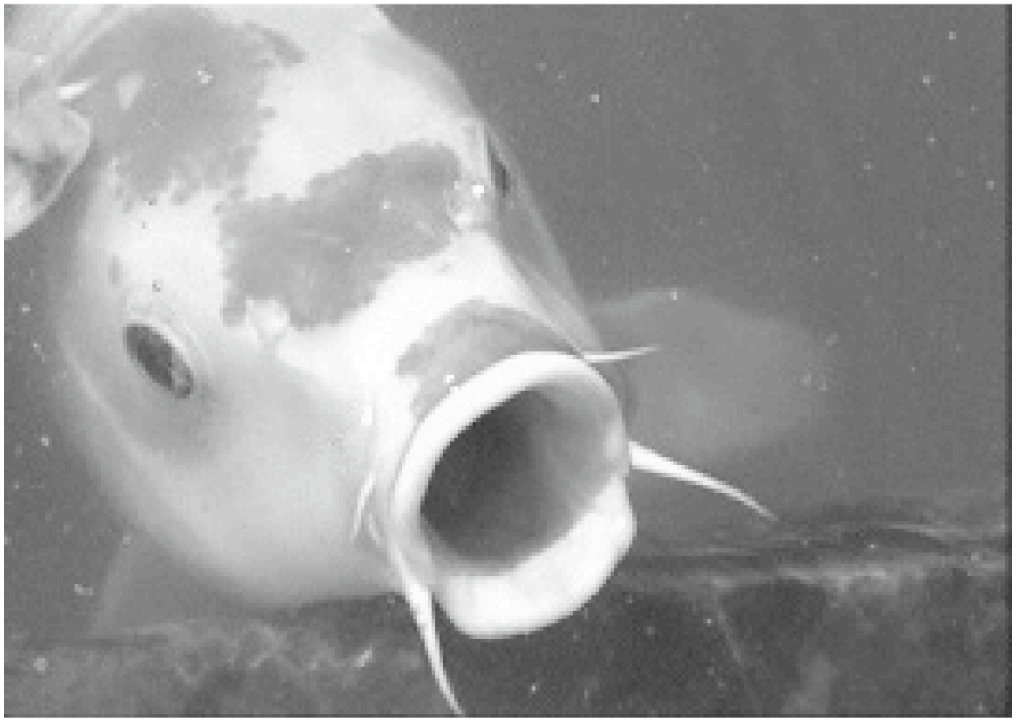
Liability Protection: BFPP 8 Statutory Criteria

- **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



Windfall lien

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Liens can be negotiated

- Bring Site Attorney and Key Stakeholders together to negotiate liens

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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

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After the call, consider:

-What concerns the Prospective Purchaser might have with purchasing the site

-What can be done to alleviate these concerns

Offer the Appropriate Reuse Tools:

-Consider which tools might help to facilitate the reuse process, based on the information shared in the call.

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QUESTIONS?

FOR MORE INFORMATION:

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Thank You

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