

Idaho's Brownfields Revitalization Program and Voluntary Cleanup Program

Presented By

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Idaho Brownfields Assessment Program

- Brownfields site
 - *A vacant or underutilized property where redevelopment or reuse is complicated by actual or perceived environmental contamination*
- Brownfields revitalization
 - *Process in which contamination at brownfields sites is addressed so that the sites can be redeveloped*
- IDEQ's Brownfields Assessment Program funds and conducts environmental assessments of brownfields sites to assist communities in revitalizing their neighborhoods
- If contamination is found IDEQ will assist in locating funds clean up the property and return it to productive use



Idaho Brownfields Funding

- First grant in 2004
- Provided Phase I and Phase II site assessments on 132 different properties throughout Idaho
 - Assessments have been conducted for:
 - Urban renewal districts
 - Cities
 - Counties
 - Non-profits
 - Private parties with a sponsor



Idaho Brownfields Funding

- Need to demonstrate that a proposed brownfield site is:
 - Blighted or underutilized
 - Difficult to develop due to past uses and the real or perceived environmental issues are hampering developer interest
 - There is a development plan or concept
 - In an area that development is desired, URD, LID
 - Eligible



Idaho Brownfields Funding

- Eligible sites may include:
 - Former gas stations, mine sites, timber mill sites, bulk fuel storage/distribution sites, and landfills
 - Generally any commercial or industrial site that may be contaminated with hazardous substances
- Ineligible sites may include:
 - Sites on EPA's National Priorities List
 - Sites that are the subject of an ongoing state/federal enforcement action under federal hazardous waste laws
 - Sites with contamination known to present a *high risk* to public health
 - Sites subject to an ongoing Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) removal action



Idaho Brownfields

- For Phase I and Phase II site assessments, the IDEQ Brownfields Program will provide:
 - Funding for the planning, sampling, cleanup planning
 - Work performed by DEQ contractors
 - Reports with the findings and recommendations
 - Risk assessment
- Grant cycle is October 1 through September 30
- Site consideration is on a first come first serve basis



Voluntary Cleanup Program (VCP)

- Created by the Legislature in 1996 through the Idaho Land Remediation Act (Idaho Code §39-72)
 - The Act authorized the development of rules resulting in the Idaho Land Remediation Rules (IDAPA 58.01.18)
 - The Act was amended in 2006 to include the Community Reinvestment Pilot Initiative
- Oversight provided by the Idaho Department of Environmental Quality (IDEQ)
- 34 sites have entered the program; 17 have been closed and completed



VCP Goals

- The emphasis is on protecting public health and risk minimization while encouraging redevelopment and reuse of properties
 - Encourage innovation and cooperation between the state, local communities, and private parties for the economic revitalization and reuse of properties with hazardous substance or petroleum contamination
 - Eliminate adversarial enforcement actions
 - Provide financial assistance to promote economic redevelopment in rural communities
 - *Directly ties into the goals of the Brownfields Assessment Program*



VCP Benefits

- Expedited remediation process
- Provides a release of liability to current and future owners, operators, and lenders from historical releases
 - Covenant Not to Sue (CNTS) from IDEQ
- Protects the applicant from enforcement action while in the program
- Allows for site-specific, risk-based cleanup standards
- Seven year partial property tax exemption once remediation is complete
- Allows for the use of activity and use limitations (i.e., zoning restrictions) in the cleanup plan
- Provides lender liability protection



VCP Process Overview

1. Conduct Phase I Environmental Site Assessment (ESA)
2. Conduct preliminary meeting with IDEQ to determine VCP eligibility and discuss process
3. Prepare application, pay fees, and submit to IDEQ
 - Application fee = \$250
4. Enter into Voluntary Remediation Agreement (VRA), pay oversight costs
 - Oversight costs in increments of \$2,500 (\$2,500 is typically sufficient except for large or complex sites)



VCP Process Overview (cont.)

5. Conduct additional assessment as needed
6. Prepare Voluntary Remediation Work Plan (VRWP)
7. Conduct remediation
8. Prepare Cleanup Completion Report and submit to IDEQ for approval
9. IDEQ issues a Certificate of Completion
10. Owner requests issuance of Covenant Not to Sue from IDEQ
11. Owner coordinates with local tax assessor for partial property tax exemption



VCP Process in Depth

- Phase I and, if needed, a Phase II ESA will help define extent of contamination and assist in remediation technology selection
- VRWP contains:
 - Description of contamination
 - Description of planned use of property (residential or industrial/commercial)
 - Selected remediation technology(ies)
 - Remediation standards (*Remedial Action Target Levels or RATLs*)
 - Typically based on future proposed use and can be combinations of screening levels and site-specific risk based concentrations
 - Proposed activity and use limitations (AUL)
 - Sampling Plan
 - Quality Assurance Project Plan (QAPP)



VCP Process in Depth (cont.)

- The VRWP is subject to 30-day public comment period after which the IDEQ issues a letter of either acceptance/rejection
 - Acceptance can be with or without changes depending on public comments and IDEQ comments
- Remediation begins; owner provides regular updates to IDEQ
- Minor changes to the VRWP and the RATLs can be readily implemented if needed
 - Formal request and review process
- The CNTS, if the VRWP required it, can be conditioned on compliance with the AULs in the environmental covenant (EC)
- Certificate of Completion, CNTS, and EC (if needed) are all attached to the property deed
- Remaining oversight funds are refunded to participant



Costs and Timeline

- Fixed Costs
 - Application fee = \$250
 - Initial oversight deposit = \$2,500
- Variable Costs
 - Phase I and Phase II ESAs
 - Legal fees
 - Preparation of VRWP
 - Construction and installation of remediation system
 - Remediation system operation and sampling
 - Recording of Certificate of Completion, CNTS, EC
 - Long-term inspection and maintenance for engineering controls
 - Financial assurance for engineering controls



Costs and Timeline (cont.)

- Timeline
 - Initial application and acceptance into program: <1 to 2 months
 - Development, Public Comment and Implementation of VRWP: Varies from months to years depending on the remediation technology
 - Closeout and issuance of Certificate of Completion: 2 months
 - Issuance of Covenant Not to Sue: 1 month
 - **Expect the process to take a minimum of 1 year (some have taken as little as 6 months)**



Goodman Oil Property

- Early 2012 - Phase I ESA performed
 - Historic lead and oil contamination on approximately 3.5 acre property
- 2006 to 2012 - Several limited Phase II ESAs conducted by the IDEQ Brownfields Program
- July 2012 - Agreement between owner and IDEQ to enter into VCP
- August 2012 - Additional sampling performed prior to preparation of VRWP
- March 2013 - VRWP finalized and site-specific RATLs determined



Goodman Oil Property

- March and April 2013 – Site remediation activities
 - Excavation and disposal of 1,750 cubic yards of lead- and oil-contaminated soil
 - Removal of asbestos-containing materials (ACM) and demolition of existing structures
 - Decommissioning of existing groundwater wells
 - Environmental covenant restricting the use of groundwater at the site used as institutional control
- June 2013 - Remediation completed
- July 2013 - Certificate of completion issued
- August 2013 - Covenant not to sue issued
- **Approximate total cost of project: \$150,000**



Goodman Oil Property



Idaho Linen Supply Building

- March 2012 - Phase I ESA conducted
- August 2012 - Limited Phase II ESA conducted by the IDEQ Brownfields Program
 - Historic tetrachloroethylene contamination in both groundwater and soil
- December 2012 - Agreement between owner and IDEQ to enter into the VCP
- August 2013 - VRWP finalized and site-specific RATLs established



Idaho Linen Supply Building

- Remediation began in March 2014 and is ongoing
 - Soil vapor extraction (SVE) system installed with approximately 300 liner feet of horizontal wells removing soil vapor from inside and outside the existing building
 - Excavation and disposal of approximately 200 cubic yards of soil
 - Installation of 15 soil vapor monitoring points (monitored quarterly)
 - Groundwater monitored quarterly until three consecutive quarters of data were below the RATLs
- Site is being remediated to residential levels which will allow for unrestricted use; however, these lower levels extend remediation time
- **Approximate total cost of project to date: \$140,000**



Idaho Linen Supply Building



Questions?

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