

**Summer 2016**

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# Utah Brownfields Connection

## Ogden Business Exchange VCP Site

The historic Ogden Stockyards (Stockyards) were established approximately 1905, and over the course of time, millions of head of livestock passed through the facility. The Stockyards were eventually closed in 1971 and the property was used for various other purposes. Storage of drums, containers, engines, vehicles, scrap piles, and railroad ties created a significant amount of environmental uncertainty that became an impediment to redevelopment efforts.



**Historic Ogden Stockyards circa 1967**

To address this concern, Ogden City used funding from an Environmental Protection Agency (EPA) Brownfields Community-Wide Assessment grant to perform a Phase II Site Assessment at the property. The assessment provided information for the city to apply for an Enforceable Written Assurance (EWA) from the Utah Department of Environmental Quality (UDEQ) as a next step to facilitate cleanup and redevelopment.

A Reasonable Step as part of the EWA was for the city to complete response actions under the Voluntary Cleanup Program (VCP). As such, the city applied to the VCP in July 2014. To assist the city, the clean up was phased. A “No Further Action” letter for phase I was issued in late 2015, allowing construction of a new commercial facility to commence. Field work for the remainder of the site is concluding and a site-wide Certificate of Completion is anticipated in 2017 upon completion of final reporting.



**Debris removal and remediation at the site**

Using various tools from the EPA and the UDEQ, Ogden City is on the verge of transforming this once blighted 50-acre site into the Ogden Business Exchange. Minutes from downtown, the new business park will not only provide a burgeoning new tax base for the city, it aims to become a recreation destination as well. Please see the following link for a YouTube video with further information on this project.

<https://www.youtube.com/watch?v=5inAqepCSRs>

## **VCP Contaminant Spotlight: Hexavalent Chromium**

*Chromium is used to make steel and other alloys, for chrome plating, and as an additive to limit corrosion. Named for its colored compounds, chromium has also been used to make dyes and pigments for paints, refractory bricks for furnaces, and to tan leather and preserve wood.*

*Hexavalent chromium can be toxic. When inhaled, it can damage the lining of the nose and throat and irritate the lungs. Based on studies of workers in chromium processing factories, hexavalent chromium is classified as a known human carcinogen due to chronic inhalation exposures. Sampling should be conducted under the VCP when hexavalent chromium is suspected. For further information, please refer to: <https://clu-in.org/>*

## **Technical Assistance to Brownfields:**

*EPA's Technical Assistance to Brownfields (TAB) Program funds technical assistance to communities and other stakeholders on Brownfields issues with the goal of increasing understanding and involvement in Brownfield cleanup and revitalization, and helping to move Brownfields sites forward toward cleanup and reuse.*

*Kansas State University (KSU) received a grant in 2016 to provide TAB services in EPA Regions 5, 6, 7 and 8, which includes Utah. For more information about KSU's TAB Program, please visit: [www.ksutab.org/](http://www.ksutab.org/)*

## **Enforceable Written Assurance**

An Enforceable Written Assurance (EWA) is a tool to manage Brownfields prior to and after purchase of property. An EWA is an assurance from the UDEQ that the Department will not bring an enforcement action against the holder of an EWA, provided the holder satisfies the continuing obligations and Reasonable Steps associated with the written assurance. The Hazardous Substances Mitigation Act (HSMA) was amended in 2005 to expressly allow the UDEQ to issue an EWA to a bona fide prospective purchaser (BFPP).

To qualify for an EWA, a prospective applicant must: 1) meet the BFPP and all appropriate inquiries (AAI) requirements; 2) not be liable under HSMA; and 3) demonstrate that the EWA Evaluation Principles in Utah Administrative Code R311-600 have been met.

The Evaluation Principles ensure the site has been characterized and the applicant is sufficiently informed to take Reasonable Steps to avoid exposing contamination to the public.

## **Brownfields Workshop**

On August 9, 2016, the DERR and Kansas State University, EPA Region 8's Technical Assistance to Brownfields (TAB) Coordinator, conducted a Brownfields Redevelopment Workshop in Price for local government officials, including city planners and economic development representatives. The workshop was hosted by Carbon County Economic Development and was attended by approximately 22 people. Representatives from the banking and real estate communities also attended the event.

The day started with a presentation from the TAB coordinator on the nature of Brownfields and then the DERR discussed tools and resources available to address Brownfields, including EPA grants, Targeted Brownfields Assessments (TBA), EWAs, and the VCP. An additional session included a presentation by the Town of Manti on the process and outcome of an EPA-lead TBA at the MIBA Building, located along the town's Main Street corridor. The day ended with a session describing the application process for a TBA or EPA assessment/cleanup grant. DERR appreciates the efforts of our host, speakers and the attendees who made this an enjoyable day. If your community is interested in a Brownfields workshop, please contact the DERR at 801-536-4100.

Reasonable Steps on a project may include a strategy to mitigate the vapor intrusion pathway, restrictions on accessing groundwater for drinking water purposes and procedures to manage unexpected impacts during construction.

Upon receipt of an application, the Division of Environmental Response and Remediation (DERR) will review the application to determine if it is complete. An EWA request may be denied if the applicant has not met the requirements of the rule.

It is important to remember that EWAs are issued to prospective purchasers and are not transferable. If an applicant is interested in obtaining an EWA, it is recommended they plan ahead and obtain the EWA prior to acquisition of the property. An EWA may also be issued with an on-going Reasonable Step to complete response actions through the VCP. For more information, the EWA application and rules are available at: <http://www.environmentalresponse.utah.gov/index.htm>.

## EPA Awards Brownfields Grants In Utah

Assessment, Revolving Loan Fund and Cleanup (ARC) grants are tools to assist communities with assessment, clean up and redevelopment of Brownfields. Utah grant applicants compete with other applicants across the nation for EPA ARC grant funding.

In May 2016, three Utah applicants were awarded Brownfields ARC grant funding: 1) Provo City was awarded a community-wide assessment grant; 2) Uintah Basin Association of Governments (UBAOG) was awarded a coalition community-wide assessment grant; 3) The non-profit organization, Centro Civico Mexicano (Centro), was awarded a Cleanup grant for its property in downtown Salt Lake City. These awards will help the recipients address Brownfields related issues.

It is anticipated Provo City will conduct eight Phase I and three Phase II environmental site assessments, a supplemental Phase II environmental site assessment, and prepare two cleanup plans. Community-wide petroleum grant funds will be used to conduct the same tasks at sites with potential petroleum contamination. Grant funds addressing both hazardous substances and petroleum will also be used to create a Brownfields inventory, prepare area-wide plans for two focus areas, and support community outreach and involvement activities.

In addition, the UBAOG anticipates using hazardous substances grant funds to perform 12 Phase I, four Phase II, and two supplemental Phase II environmental site assessments. Grant funds also will be used to conduct a Brownfields inventory, prepare three cleanup plans, and support community outreach and involvement activities. Community-wide petroleum grant funds will be used to conduct the same tasks at sites with potential petroleum contamination. Grant funds of both types also will be used to conduct area-wide plans for two focus areas.

Centro received a Cleanup grant to help the organization fund the removal of impacted soil from their property and redevelop it into affordable senior housing and a civic center to serve the surrounding community. Centro is currently in the VCP and also plans to request additional funding through the Wasatch Coalition Revolving Loan Fund.



Former Bradshaw Auto Parts Site, Provo



Centro Civico Mexicano Site, Salt Lake City

### **VCP Information: Contingency Plan**

*A Contingency Plan is an important component of any Remedial Action Plan submitted under the VCP since unexpected conditions can be encountered during cleanup.*

*Among other items, a Contingency Plan developed under the program should outline procedures in the event increased volumes of material, or unexpected wastes or contaminated media are encountered.*

*In addition, uncertainty can also exist under building foundations since access inside a building or sampling through a large slab of concrete can often be difficult. It is prudent to include procedures to evaluate possible contamination under a building foundation once the foundation is removed and the underlying soil is exposed.*

### **Voluntary Cleanup Program Statistics:**

*89 VCP applications have been received and 45 Certificates of Completion have been issued since the program began in 1997. Over 30 sites are currently active and approximately 1,001 acres have been returned to beneficial re-use.*

### **Enforceable Written Assurance Statistics:**

*111 EWA applications have been received and 85 EWAs have been issued since the program began in 2006.*

## Upcoming Brownfields Grants:

The next round of EPA Brownfields grants is expected to commence later this summer or early fall. The deadline for submission of applications is typically in the late fall.

The DERR will provide notice of the dates relating to the next round of grants and will forward the guidelines to communities across the state as the information becomes available. The DERR is a technical resource and is able to assist applicants by providing comments on the grant proposals and by issuing letters of support.

For more Brownfields grant information and helpful tools, please visit: [www.epa.gov/brownfields](http://www.epa.gov/brownfields)



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## Revolving Loan Fund - Wasatch Coalition

The Wasatch Brownfields Coalition (Coalition), consisting of Salt Lake County, the Redevelopment Agency of Salt Lake City and Ogden City, was awarded a grant from the EPA in 2012 to establish a long-term Brownfields Revolving Loan Fund (RLF). The RLF is designed to facilitate the cleanup and revitalization of contaminated properties. The RLF program is administered by Salt Lake County, as the lead Coalition representative. The RLF program is available to eligible public and private entities at properties within each member's jurisdiction.



At a minimum, a loan or sub-grant may be used for the following: removing, mitigating or preventing the release or threat of a release of a hazardous substance, pollutant, contaminant, petroleum product or controlled substance into the environment; oversight of cleanup activities; excavation, consolidation or removal of contaminated soils; VCP or state cleanup program fees associated with the site remediation; confirmation sampling; and costs associated with meeting public participation, community notification and worker health and safety requirements.

The RLF has been an important tool for the City of Ogden as it relates to the Ogden Business Exchange (page 1) and could potentially be used for future projects such as the Salt Lake City Fleet Maintenance facility (pictured above) or other eligible sites. For more information on the Revolving Loan Fund, please visit: <http://slco.org/economic-development/initiatives-priorities/> or contact Salt Lake County Economic Development at 385-468-4868.

## About Our Organization

The VCP/Brownfields Program is administered through the Division of Environmental Response and Remediation (DERR), Superfund Branch. The DERR is charged with protecting public health and Utah's environment through cleanup of chemically contaminated sites, by ensuring that underground storage tanks are used properly and by providing chemical usage and emission data to the public and local response agencies. For more information about us, please see our website.

**We're on the Web!**

[www.environmentalresponse.utah.gov](http://www.environmentalresponse.utah.gov)