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# Utah Brownfields Connection

## 300 West Town Center Voluntary Cleanup

An 18 acre property, formerly home to a variety of businesses, has been redeveloped by Target Corporation. Soil cleanup activities were overseen by the Utah Department of Environmental Quality/Division of Environmental Response and Remediation (DERR). The site is located at 1200 South 300 West in Salt Lake City and is currently enrolled in the Voluntary Cleanup Program (VCP).



Soil excavation at the 300 West Town Center.

Located just south of Salt Lake City's Gateway redevelopment area, the site was contaminated by chlorinated solvents, petroleum hydrocarbons, and a small amount of PCBs. Due to a tight development window, the site characterization and cleanup work occurred rapidly during late 2009 and early 2010, in concert with other site preparation and initial development activities.

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## Brownfields Tax Incentive Extended

The Federal Brownfields Tax Incentive was signed into law as part of the Tax Relief Act of August 1997, and codified through Section 198(a) of the Internal Revenue Code. The incentive is intended to spur cleanup and revitalization of Brownfield properties and provides advantages for stakeholders conducting environmental cleanup. The tax incentive is one of the various Brownfields tools that has been used by Utah stakeholders on sites such as the 300 West Town Center VCP site in Salt Lake City.

The Brownfields Tax Incentive allows environmental cleanup costs at eligible properties to be fully deductible in the year incurred. Also, previously filed tax returns can be amended to include deductions for past cleanup expenditures. Improvements in 2006 include designating properties with petroleum contamination as eligible for the incentive. Taxpayers must obtain a statement from a designated state agency (such as the Department of Environmental Quality) verifying the property's eligibility for the tax incentive. The current expiration date of the tax incentive is December 31, 2011.

For further information, please refer to:

[http://www.epa.gov/brownfields/tax/ti\\_factsheet.pdf](http://www.epa.gov/brownfields/tax/ti_factsheet.pdf)

## **EPA ARC Grant Applications – Tools and Tips:**

An important tool to address Brownfields is the Environmental Protection Agency (EPA) Assessment, Revolving Loan and Cleanup (ARC) grants. These are also referred to as 104k grants. Currently there are two active assessment grants in Utah: Salt Lake County and Ogden City.

For communities seeking to apply for grants, the following six tips provided by the EPA are applicable to applicants for any of EPA's competitive grants.

- Read the guidelines carefully and address all required criteria and sub-criteria in the listed order.
- Contact partners and the State early to get commitments, letters of support and input.
- Clearly cite the sources of all information and data.
- Use active, not passive, language throughout the application.
- Assume that the reviewer knows nothing about the community, its social and economic history or its present state.
- Provide examples of past achievements to demonstrate a real commitment behind stated goals.

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

## **Tools to Return Property to Beneficial Use**

Environmental contamination is often an impediment to economic and community development or perhaps a higher or more sustained use of property. As such, many contaminated properties or potentially contaminated properties, known as Brownfields, sit idle or underutilized due to the perceived or real threat of environmental contamination. Brownfields include abandoned gas stations, former maintenance garages, old industrial properties and mine scarred lands. Brownfields are present in both rural and large communities. The following are tools available through the Division of Environmental Response and Remediation (DERR) to address Brownfields.

### **Voluntary Cleanup Program**

The Utah State Legislature passed the Voluntary Release Cleanup Program (VCP) statute during the 1997 legislative session. The purpose of the program is to encourage the investigation and cleanup of sites where there is a suspected or confirmed contaminant release, threatening public health and the environment and creating a stigma potentially blocking economic redevelopment. Successful completion of a project under the VCP results in the applicant receiving a "Certificate of Completion," which provides a release of liability as outlined in the statute and may help clear the way for the property to be returned to beneficial use.

### **Technical Assistance and Targeted Brownfields Assessments**

DERR assists local governments and other qualified parties with Brownfields as well as applications and support letters for EPA Assessment, Revolving Loan and Cleanup (ARC) grants. These grants can help fund activities such as site assessment and cleanup. The DERR can also conduct Targeted Brownfields Assessments (TBAs) for eligible communities, governments and non-profit groups. The TBAs are not grants, but rather site assessments that may assist with future planning and development of the property.

### **Enforceable Written Assurances**

The Executive Director may issue an Enforceable Written Assurance to a bona fide prospective purchaser. This term is defined by the federal Comprehensive Environmental Response, Compensation, and Liability Act and incorporated in the Hazardous Substances Mitigation Act. The Department of Environmental Quality will not bring an enforcement action under the Hazardous Substances Mitigation Act against the holder of an Enforceable Written Assurance, provided the holder continues to satisfy the ongoing obligations associated with the written assurance. The requirements for an Enforceable Written Assurance are outlined in R311-600 Utah Administrative Code.

For further information about these programs or to schedule a pre-application meeting, please contact the VCP/Brownfields coordinator at (801) 536-4100 or visit our web site: <http://www.superfund.utah.gov/vcp.htm>

## Update On EPA Renewable Energy Initiative

The EPA estimates there are approximately 15 million acres of potentially contaminated properties across the country that are tracked by the EPA. This includes Superfund, Resource Conservation and Recovery Act, Brownfields and mine scarred lands.

Through coordination and partnerships among federal, state, tribal and other governmental agencies, utilities, communities and the private sector, many new renewable energy facilities can be developed on these potentially contaminated properties.

The lands are environmentally and economically beneficial for renewable energy facilities because they: (1) offer thousands of acres of land with few site owners, (2) often have critical infrastructure in place, (3) provide an economically viable reuse for a site with significant cleanup costs, (4) take the stress off undeveloped land for construction of new energy facilities and (5) provide job opportunities in urban and rural communities.

EPA has a number of clean energy programs designed to conserve energy and to protect the environment. For further information, please visit the following web site:

[www.epa.gov/renewableenergyland/](http://www.epa.gov/renewableenergyland/)

## 300 West Town Center (cont. from page 1)

DERR staff worked with the developer to create and implement a site remediation work plan that allowed for demolition, further characterization, and cleanup to occur simultaneously. This approach also allowed samples to be collected directly beneath structures as they were removed, resulting in the discovery of a large, highly concentrated area of tetrachloroethene impacted soil that might have been missed using more traditional sampling methodologies often employed under buildings. The contamination was subsequently removed and disposed of properly.

With the soil concentrations below site-specific cleanup standards and the groundwater impact located east of the future building and limited to an area underneath the parking lot, development moved forward during Spring/Summer 2010 and Target opened its doors on the 136,000 square foot store in October 2010. Based on similar store data, it is estimated the new Target store created 175-200 jobs, with additional jobs created as the other retail and business spaces on the property are completed.



Underground waste vat found and removed.



Target store open for business.

### Ogden City Mass Transit – Brownfields Phoenix Award:

*The Intermodal Hub Site at 23rd Street and Wall Avenue in downtown Ogden won the Phoenix Award for EPA Region 8. The award was presented April 5, 2011 during the National Brownfields Conference in Philadelphia.*

For more information visit:  
[www.phoenixawards.org](http://www.phoenixawards.org)

### Envision Utah Toolbox:

*The “Brownfield Redevelopment Solutions” document has been updated to include Enforceable Written Assurances.*

For more information visit:  
[www.envisionutah.org/eu\\_resources.html](http://www.envisionutah.org/eu_resources.html)

### Voluntary Cleanup Program Statistics:

*DERR has received 72 VCP applications and issued 35 Certificates of Completion since the program began in 1997. Over 850 acres have been returned to a state of beneficial use.*

### Enforceable Written Assurance Statistics:

*DERR has received 56 EWA applications and issued 47 EWAs since the program began in 2006.*

## VCP Application – Fee Change:

Effective July 1, 2011, the VCP application fee will increase to \$2,500 in accordance with the Department's approved fee schedule for FY 2012.

## DEQ Interactive Map and EZ Search:

DERR now has site records available for electronic review. The Interactive Map and Easy Records Search tools are available on the DERR's web page.

<http://environmentalresponse.utah.gov/research.htm>

For more information contact: [haroldsandbeck@utah.gov](mailto:haroldsandbeck@utah.gov)



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## Brigham City Frog Ponds TBA

The Brigham City Frog Ponds are located at 1050 North 800 West in Brigham City, Utah. The site was used as a city landfill during the late 1960s to the early 1970s. After the landfill was closed, it was capped and diked, allowing it to be used for a water retention basin for irrigation and storm water. Over the ensuing years, the area around the site was developed and the city planned to relocate the stormwater retention facility and convert the site to a city park.



Trenching into the landfill cells under the retention basin.

To evaluate potential contamination at the site and to help assess future development options, the city requested a Targeted Brownfields Assessment (TBA) from the Division of Environmental Response and Remediation. The DERR evaluated the site and determined it was eligible for a TBA. The DERR met with the city and developed a sampling plan based on the needs of Brigham City. DERR personnel conducted sampling in June 2009, consisting of various soil and groundwater samples designed to evaluate potential impact to the property. A trench was cut across the center of the retention basin to evaluate the subsurface and the nature of the landfill debris.

DERR prepared a final report for Brigham City detailing sample location information, quality assurance and analytical results. All sample results were below screening levels and the site can be used as a park to serve the citizens of Brigham City.

## About Our Organization

The VCP/Brownfields Program is administered through the Division of Environmental Response and Remediation's 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)