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Published by:
 Utah Department of
 Environmental Quality

Amanda Smith
 Executive Director

Division of Environmental
 Response and Remediation

Brent H. Everett
 Division Director

Superfund Branch
 VCP/Brownfields Section

Duane Mortensen
 Branch Manager

Bill Rees
 Section Manager

Leigh Anderson
 Editor



Utah Brownfields Connection

Artspace: Scrapyard to Studios and Galleries

As part of Salt Lake City's Showcase Community grant in the late 1990s, a Preliminary Conditions Report was prepared for the Salt Lake City Redevelopment Agency on potential environmental impacts in the Gateway District. The former Utah Barrel and Scrap site located at 850 South 400 West was identified as one of the higher priorities.

Artspace, a Non-Profit Organization in Utah that creates affordable living and work space for artists and non-profit organizations, purchased the former Utah Barrel and Scrap site in November of 2007. Artspace received a conditional Enforceable Written Assurance (EWA) and applied to the Voluntary Cleanup Program (VCP) in late 2007.

The site was characterized in the first half of 2008. Contaminants detected above screening levels included metals such as lead and arsenic, polychlorinated biphenyls (PCBs), poly-aromatic hydrocarbons (PAHs), and petroleum hydrocarbons. Low concentrations of benzene were reported in the groundwater. Upon completion of the site characterization, Artspace proposed a Remedial Action Plan, and field work was initiated in fall 2008.



Constructed Artspace Commons building: studios, galleries, and apartments available for rent.

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Update on EPA Grant Applications

EPA Assessment, Revolving Loan and Cleanup (ARC) Grants are tools to address Brownfields in Utah. The grants are competitive and Utah communities compete with other communities across EPA Region 8 and the nation.

This year, grant applications were accepted through October 15, 2010. Three Utah communities submitted grant applications. This is an increase from last year.

The City of Ogden and Salt Lake County applied for Revolving Loan Fund grants and the Southeast Utah Assessment Coalition applied for a Community Wide Assessment grant.

The DERR assisted these communities by reviewing the grants, providing comments, and letters of support. EPA will announce the winners of this competitive process in Spring 2011.

VCP/Brownfields Important Tips:

All Appropriate Inquiries: EPA Recognizes two ASTM Standards as compliant with All Appropriate Inquiries. Either ASTM International's E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Site Assessment Process" or ASTM E2247-08 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland and Rural Property" may be used to satisfy the statutory requirements for conducting all appropriate inquiries under the Comprehensive Environmental Response, Compensation and Liability Act.

Pre-Application Meetings: DERR offers pre-application meetings to help prospective applicants become familiar with the programs and processes and begin building a partnership with DERR staff. Pre-application meetings can be arranged by contacting the VCP/Brownfields coordinator at (801) 536-4100.

Petroleum Brownfields: Abandoned gas stations can also be considered Brownfields. In 2009, the DERR was awarded a grant to investigate former gas stations. For further information on Petroleum Brownfields, please call the Leaking Underground Storage Tank program at (801) 536-4100.

Enforceable Written Assurances

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 Department of Environmental Quality (DEQ) that the DEQ 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 DEQ to issue an EWA to bona fide prospective purchasers (BFPP).

To qualify for an EWA, a prospective applicant must meet the BFPP and all appropriate inquiry (AAI) requirements and must demonstrate that the EWA Evaluation Principles in Utah Administrative Code R311-600 have been met.

These Principles ensure the site has been characterized and the applicant is sufficiently informed to take Reasonable Steps to avoid exposing contamination to the public. The EWA application and rules are available on the Division of Environmental Response and Remediation (DERR) Brownfields/Voluntary Cleanup Program website.

Upon receipt of an application, the DERR will review the application and corresponding Site Eligibility Report for completeness. The DERR will evaluate the applicant's representation that they have met the BFPP requirements and information to determine if the EWA Evaluation Principles have been met. An EWA may be issued if the Principles are satisfied, the applicant is a BFPP and is not liable under HSMA. Conversely, an EWA request may be denied if the applicant has not met the requirements of the rule. Finally, and as an alternative, an EWA may be issued with an ongoing Reasonable Step to complete characterization and response actions through the VCP to meet the Evaluation Principles, if the Principles have not been satisfied.

It is important to remember that EWAs are issued to prospective purchasers. If an applicant is interested, it is recommended they plan ahead and obtain the EWA prior to acquisition of the property in question.

To date, applicants have included: O.C. Tanner, Wal-Mart, Target, e-Bay, the Church of Jesus Christ of Latter Day Saints, the Utah Department of Transportation, the Utah Transit Authority and Chick-fil-A.

DERR Hosts Brownfields Conference

On May 19, 2010, the Utah Department of Environmental Quality (DEQ)/Division of Environmental Response and Remediation (DERR) hosted the Utah Brownfields Conference at the Library at Academy Square in Provo.

This was the first Brownfields Conference hosted by the DERR in a number of years. Approximately 100 people attended the Conference. Attendees included a wide cross section of local government representatives, federal, state and local health officials, environmental engineers, legal professionals and representatives from the business community. The day started with introductions from DEQ and U.S. Environmental Protection Agency representatives as well as a warm welcome from the Mayor of Provo. The opening session included presentations on the tools and resources available to address Brownfields in Utah. This included a discussion of the Voluntary

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Artspace (cont. from page 1)

Approximately 10,000 tons of impacted soil was removed from the site and disposed of at a regulated facility. The removal reduced pollution at the source, prevented future leaching to groundwater and ensured the site would be protective of human health and the environment. After an environmental covenant was executed, a VCP Certificate of Completion was issued to Artspace in May 2009 for the successful cleanup of the Utah Barrel and Scrap site.

Artspace's efforts returned the site to a state of beneficial reuse. Artspace opened its doors for a mixed commercial and residential development in September 2010. The first floor of the building is used for artist studios and art galleries, while the space above the ground floor is used for residential purposes. Artspace incorporated Gold Leadership in Energy and Environment Design (LEED) green building practices and the facility has a designated Energy Star qualification.

The redevelopment incorporated environmental cleanup and green building designs, which clearly show that multiple environmental programs can work together to protect human health and the environment and enhance economic development opportunities.



Removal of contaminated soil from the Utah Barrel and Scrap site. From Left to Right: October 2008, soil removal and November 2008, excavation.

Conference (cont. from page 2)

Cleanup Program (VCP), Enforceable Written Assurances, Targeted and Petroleum Brownfields Assessments and EPA Assessment, Revolving Loan and Cleanup (ARC) grants. A representative of the Community Brownfields Foundation was also present to discuss the Technical Assistance for Brownfields grant as a resource to address Brownfields related matters.

Additional sessions throughout the day included presentations from different communities who shared their experiences with Brownfields redevelopment and the various tools available. During the afternoon,

conference participants attended breakout sessions that addressed funding, integrating Brownfields development into community planning and general Brownfields topics. The day ended with presentations on All Appropriate Inquiry, Enforceable Written Assurances and a site visit to the Mountain Vista Business Park, which is a recently completed VCP site.

The Utah Brownfields Conference was a big success. We appreciate the efforts of our sponsors and speakers and many attendees who made this an enjoyable and educational day.

VCP/Brownfields Training:

EPA National Brownfields Conference—Creating More Sustainable Brownfield Communities:

The National Brownfields Conference is the largest, most comprehensive conference in the nation focused on environmental revitalization and economic development. Whether you're a newcomer to the industry or a seasoned professional looking to make new connections, Brownfields 2011 offers something for everyone.

EPA National Brownfields Conference - April 3-5, 2011 in Philadelphia, PA. Registration is free.

*For more information please visit:
www.brownfields2011.org/en/index.aspx*

Voluntary Cleanup Program Statistics:

DERR has received 71 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 re-use.

Enforceable Written Assurance Statistics:

DERR has received 54 EWA applications and issued 45 EWAs since the program began in 2006.

VCP Certificate of Completion:

Successful completion of a site cleanup results in UDEQ issuing a Certificate of Completion.

The Certificate of Completion provides a release of liability as described in Utah Code Annotated (UCA), subsection (3)(a) 19-8-113. The certificate is transferable to future property owners. It also protects future lenders from state liability for the contamination addressed under the Voluntary Cleanup Agreement.

While there are no guarantees, a successful voluntary cleanup may reduce the potential of federal environmental liability.



DIVISION OF
ENVIRONMENTAL
RESPONSE AND
REMEDIATION

195 North 1950 West
Salt Lake City, Utah, 84114

Telephone: (801) 536-4100
Fax: (801) 536-4242

For questions or
suggestions regarding this
or future newsletters, please
contact:

Leigh Anderson
Telephone: (801) 536-4127

Interactive Map Shows Environmental Sites

The Division of Environmental Response and Remediation (DERR) maintains records for individual sites and projects. The Records are managed as outlined in the Government Records Access and Management Act.

One of the critical missions of the DERR is to provide access to government records as conveniently as possible. The Interactive Map is an internet based tool that was developed in the late 1990s to facilitate access to site information.

The map provides public access to information organized in a geographical manner. The search feature returns information for DERR programs including Brownfields as

well as Superfund, Voluntary Cleanup Program, and Underground Storage Tanks, as well as a number of data layers for other Divisions. The map is available on the DERR's web page.

Moving forward, the ultimate goal for the Interactive Map is to put all records from the listed programs into an on-line database and make the records available for review daily via the map interface. The DERR is serious about our mission to provide the public and Utah business service that is reliable and responsive. Additional information may be available in the future, and we are striving to make information available to the public as quickly and efficiently as possible.

The Interactive Map can be found at: <http://mapserve.utah.gov>
For further information please contact haroldsandbeck@utah.gov

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