

**Winter 2013****Inside this issue:**

Ogden Block 37A	1
Enforceable Written Assurance	2
VCP Application Process	2
Brownfields Road Map	3
Sugarhouse Street Car and Greenway Project	3
DERR Community Outreach	4

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

## Ogden Block 37A Voluntary Cleanup Site

Block 37A in Ogden was the site of a salvage yard as well as historical auto repair shops and the former Ogden Iron Works. Several buildings on the block had been vacant for years due to suspected soil contamination and to the general deterioration of the downtown area.

With a letter of support from the Utah Department of Environmental Quality (UDEQ), Ogden City applied for and received a Brownfields assessment grant from the U.S. Environmental Protection Agency (EPA) to investigate the entire city block. The investigation revealed soils impacted with metals, volatile

organics, and petroleum compounds. Subsequent to these findings, Ogden City applied to and entered the UDEQ's Voluntary Cleanup Program (VCP) in December 2000. The City removed approximately 4,500 tons of contaminated soils and received a Certificate of Completion (COC) from the UDEQ after completion of the project. With assistance from the UDEQ, the site was designated No Further Remedial Action Planned by the EPA in 2004.

The site currently houses an office building complex leased to the Internal Revenue Service (IRS) and is an important part of Ogden City's ongoing downtown revitalization efforts. Based on information from Ogden City, approximately 900 new jobs were created as a result of this development and over 21 million dollars worth of private development was leveraged as part of the IRS Phase 1 project.



**Before picture: Ogden Block 37A salvage operations prior to the voluntary cleanup. At left, Boyle Furniture building constructed in 1906.**



**After picture: New IRS office building and restored Boyle Furniture building.**

## **Job Training Grants:**

*Environmental Workforce Development and Job Training grants allow nonprofit and other organizations to recruit, train, and place predominantly unemployed and underemployed people living in areas affected by solid and hazardous waste. Residents learn the skills needed to secure full-time, sustainable employment in the environmental field, including assessment and cleanup. These green jobs reduce environmental contamination and build more sustainable futures for communities.*

*The next grants should be available in winter 2013. For more information visit: <http://www.epa.gov/brownfields/job.htm>*

## **EPA Brownfields Program Benefits:**

*The EPA Brownfields Programs produces widespread environmental and economic benefits. Based on information provided by EPA, 7.3 jobs, on average, are leveraged per \$100,000 of EPA Brownfields funding expended on Assessment, Cleanup, and Revolving Loan Fund cooperative agreements. In addition, an EPA study concluded that cleaning up a Brownfield can increase overall property values within a one mile radius by \$0.5 to \$1.5 million.*

*For more information, please see the following link: <http://www.epa.gov/brownfields/overview/Brownfields-Benefits-postcard.pdf>*

## **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 meet the BFPP and all appropriate inquiry (AAI) requirements, must not be liable under HSMA, and must 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. The Enforceable Written As-

urance 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. 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 ongoing Reasonable Steps to complete characterization and response actions through the VCP to meet the Evaluation Principles.

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.

## **VCP Application Process**

The Utah State Legislature passed the Voluntary Release Cleanup Program statute during the 1997 legislative session. This legislation created the Voluntary Cleanup Program under the direction of the UDEQ, effective May 5, 1997. The VCP is a tool to address contaminated properties including Brownfields in Utah and is administered by the DERR. To apply, a formal application must be submitted to the DERR, along with a \$2,500 application fee. Application must be made using the standard application form and include pertinent information regarding the applicant, applicant's ability to perform the voluntary cleanup and current site conditions. An Environmental Assessment (EA) must also be submitted as part of the application.

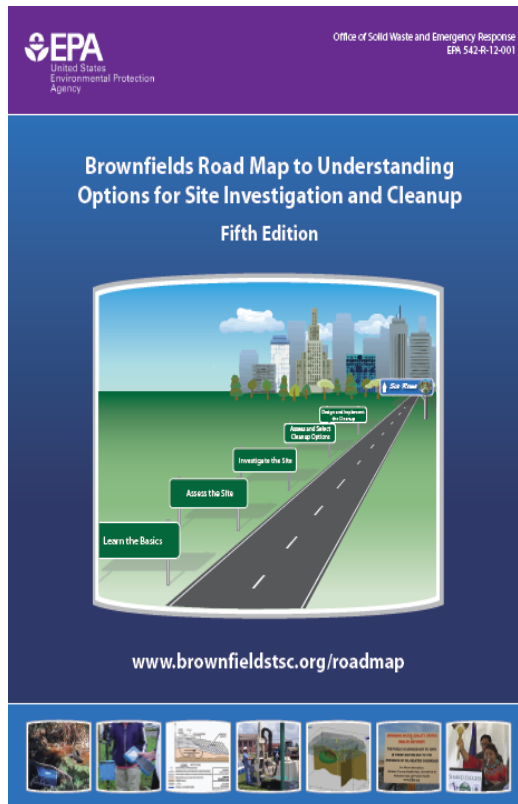
The EA must include the components outlined in Utah Code Annotated 19-8-107. The DERR reviews each application for completeness and a determination of eligibility for the program. Once a site/applicant is determined eligible and a Voluntary Cleanup Agreement is signed by all the parties, the DERR will finalize review of the EA and begin working with the applicant on a site characterization strategy and a path to a COC.

## Brownfields Road Map

The EPA recently updated its Road Map publication to continue assisting stakeholders with Brownfields related matters.

The *Brownfields Road Map to Understanding Options for Site Investigation and Cleanup, Fifth Edition*, provides a general outline of the steps in the investigation and cleanup of Brownfields sites and introduces Brownfields stakeholders to the range of technologies and resources available to them. The Road Map provides valuable information for stakeholders typically involved in or affected by redevelopment of Brownfields sites, whether through public projects, private development, or public-private partnerships.

This edition incorporates a new approach to the Road Map through a streamlined publication and a companion website of technical resources and tools. Stakeholders can use the printed publication to learn about the general phases of the site investigation and cleanup process and gain an understanding of the considerations associated with typical Brownfields sites. The Road Map website complements the publication by providing direct access to technical resources and tools that provide details about technology applications, methods and other site-specific concerns.



For more information on the updated EPA document, please visit:

<http://www.brownfieldstsc.org/roadmap/index.cfm>

## Sugar House Streetcar and Greenway Project

The DERR worked with the Utah Transit Authority (UTA) to develop procedures to manage contaminated soils encountered during construction of the Sugar House Streetcar and Greenway Project. Portions of the project area contained petroleum products and elevated lead and arsenic in the soil. The DERR accepted the management procedures proposed by UTA and construction of the street car line began in April 2012.

The DERR conducted several site visits in 2012 to evaluate sampling and management of the contaminated soils. As of October 2012, approximately 900 cubic yards of contaminated soils were removed from the project area and disposed of at a permitted facility. The anticipated project completion date is August 2013.

## National Brownfields Conference:

The 15th National Brownfields Conference will be held in Atlanta, Georgia on May 15-17, 2013. Cosponsored by the EPA, the Conference is the most comprehensive event in the nation that focuses on issues important to community revitalization and cleanup and redevelopment of impacted properties.

Brownfields 2013 will offer a diverse set of educational opportunities including, but not limited to, panel sessions, marketplace roundtables, mobile workshops, film screenings, plenary events, an exhibit hall and a redevelopment forum. Stay tuned to [www.brownfieldsconference.org](http://www.brownfieldsconference.org) for more information on the 2013 conference!

## Voluntary Cleanup Program Statistics:

78 VCP applications have been received and 37 Certificates of Completion have been issued since the program began in 1997. Approximately 855 acres have been returned to a state of beneficial re-use.

## Enforceable Written Assurance Statistics:

The DERR has received 66 EWA applications and issued 55 EWAs since the program began in 2006.

## 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, the plan should also include provisions if there is a breakdown in the remedy. A Contingency Plan is important to the success of any cleanup under the VCP.*



DIVISION OF  
ENVIRONMENTAL  
RESPONSE AND  
REMEDATION

195 North 1950 West  
Salt Lake City, Utah, 84116

Telephone: (801) 536-4100  
Fax: (801) 359-8853

For questions or  
suggestions regarding this  
or future newsletters,  
please contact:  
Leigh Anderson  
Telephone: (801) 536-4127

## DERR Community Outreach

The DERR has a long standing history of reaching out to communities, helping them identify Brownfields and working with them in partnership to find solutions to Brownfields related matters. This is done through outreach efforts such as meetings, workshops, and this newsletter.

Furthermore, the DERR is a technical resource available to answer questions and provide assistance. As properties are identified by a community that meet the definition of a Brownfield, the DERR encourages application for a Targeted Brownfields Assessment or an EPA Assessment, Revolving Loan Fund or Cleanup grant. The DERR also encourages eligible entities to submit an EWA or VCP application, if these tools are necessary to meet the goals of the project.

Recent outreach efforts by the DERR have led to partnerships with Manti City and Santaquin City. Both communities approached the DERR and requested assistance with individual properties important to the future growth of their respective areas. Working in partnership with the cities and the EPA, the DERR leveraged Targeted Brownfields Assessments that benefit both Manti City and Santaquin City. The assessments are ongoing.

If your community is interested in meeting with the DERR to discuss Brownfields or would like to request a workshop or presentation to learn about the tools and resources available to address Brownfields in Utah, please contact Bill Rees at 801-536-4167.

For additional information on the DERR's Brownfields Program, please visit:

<http://www.superfund.utah.gov/vcpbrownfields.htm>

## About Our Organization

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