



UDEQ/DERR

Brownfields/Voluntary Cleanup Program

Tools to Help Return Impacted Property or Potentially Impacted Property to Beneficial Reuse

Brownfields are real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. Potential Brownfields may include unregulated landfills, abandoned gas stations, and former maintenance garages.

Voluntary Cleanup Program

The Utah State Legislature passed the Voluntary Release Cleanup Program statute during the 1997 legislative session. This legislation created the Voluntary Cleanup Program (VCP). 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 reuse.

Technical Assistance and Assessments

The Division of Environmental Response and Remediation (DERR) can assist local governments and other qualified parties with application for Federal Brownfields Assessment, Revolving Loan and Cleanup (ARC) Grants. These grants can help fund activities such as site assessment and cleanup. The DERR can provide support letters and technical assistance for these projects. The DERR can also conduct Targeted Brownfields Assessments (TBAs) for eligible communities, governments or non-profit groups. The TBAs are not grants, rather the DERR provides direct technical assistance to the community through site assessment. The TBAs provide screening data that may assist with future planning and development of the property.

Enforceable Written Assurances

The Executive Director may issue Enforceable Written Assurances to bona fide prospective purchasers, contiguous property owners and innocent landowners. These terms are 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.

Questions

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>.