



## **Voluntary Cleanup Program/Brownfields**

### ***Fact Sheet – State Response Program DERR Brownfields Tools***

A Brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. It is estimated that there are more than 450,000 Brownfields in the United States. Cleaning up and reinvesting in these properties increases local tax bases, facilitates job growth, utilizes existing infrastructure, takes development pressures off of undeveloped, open land and both improves and protects the environment. The following are tools the Division of Environmental Response and Remediation (DERR) has available to assist Utah communities struggling with Brownfields related issues.

#### **Voluntary Cleanup Program**

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 redevelopment. Successful completion of a project results in the applicant receiving a “Certificate of Completion,” which provides a release of liability and may help clear the way for the property to be returned to productive reuse.

#### **Enforceable Written Assurance**

The Executive Director may issue an Enforceable Written Assurance (EWA) to bona fide prospective purchaser. The Department of Environmental Quality will not bring an enforcement action under the Hazardous Substances Mitigation Act against the holder of an EWA, provided the holder continues to satisfy the ongoing obligations associated with the written assurance. The requirements for an EWA are outlined in R311-600 UAC.

#### **Technical Assistance**

The DERR can assist local governments and other qualified parties with application for Federal Brownfields grants. These grants can fund activities such as planning, site assessment and cleanup. The DERR provides support letters and technical assistance for the grants.

#### **State Assessment Grant (Section 104k)**

The DERR was selected for a Community-wide Assessment Grant for States and Tribes during EPA’s national competition in Federal Fiscal Year 2022. The DERR will implement a state-wide assessment project to help lessen the economic, social, environmental and health impacts of Brownfields within the state. Site-specific tasks include:

- Performing environmental site assessments, such as Phase I and II assessments;
- Conducting cleanup/reuse planning;
- Positioning sites for the Voluntary Cleanup Program, as necessary; and
- Determining whether further assessment or cleanup is required before redevelopment proceeds.

#### **Infrastructure Investment and Job Act**

The Infrastructure Investment and Jobs Act (“IIJA”) provided additional funding to carry out the Section 128(a) grant program. The DERR received funding to cleanup sites in underserved or disadvantaged communities. Cleanups only be used on sites that meet the definition of a Brownfield.

#### **Questions**

For further information about these Brownfields tools, please contact the VCP/Brownfields coordinator at (801) 536-4100. Assessment and cleanup funding is limited and on a first come first served basis for eligible sites.