

EPA Region 6

Brownfields Redevelopment Program

Arkansas Department of Environmental Quality (ADEQ)
Hazardous Waste Division
5301 Northshore Drive
North Little Rock, AR 72118-5317
<http://www.adeq.state.ar.us/hazwaste>

Program Overview

- Brownfields Program
- Cost to Enter the Program: N/A
- MOA with EPA Region 6 (December 2000)
- Liability Relief Provisions

Contact(s): Terry Sligh, *Environmental Program Coordinator*
terry@adeq.state.ar.us
501-682-0867

Program

The Arkansas Department of Environmental Quality (ADEQ) is administering its Brownfields Program to redevelop properties with either real or perceived hazardous substance contamination. ADEQ hopes to encourage the development of brownfields as a sustainable land use policy and to discourage the development of Greenfields or pristine properties in the State of Arkansas.
<http://www.adeq.state.ar.us/hazwaste/bf/default.htm>

- **Funding Source(s) for the Program:** Federal grants
- **Cost to enter program or fees for service:** A fee schedule has not been established for the Brownfields Program.
- **Sites Enrolled in VCP:** As of January 2011, 78 sites were enrolled in the Brownfields Program.
- **Sites Completed under VCP:** As of January 2010, 26 brownfield sites were completed.

Financial Elements

ASSESSMENT AND CLEANUP FUNDING

Arkansas Brownfields Program Section 128(a) Response Program Funding: This funding is available to municipalities, quasi-governmental organizations and nonprofits for Phase I and Phase II Environmental Site Assessments and minor site cleanup. ADEQ may spend up to \$200,000 per site for environmental site assessments under EPA's Targeted Brownfield Assessment (TBA) Program. The state performs targeted site assessments to characterize the nature and extent of site contamination. This characterization is at no cost to an eligible program participant, and provides assistance in quantifying the need for and potential cost of cleanup.
<http://www.adeq.state.ar.us/hazwaste/bf/default.htm#FinancialAssist>

LIABILITY RELIEF PROVISIONS

The Implementing Agreement (IA) establishes cleanup liabilities and obligations for the abandoned site. The brownfields participant is not relieved of any liability for contamination later caused by the participant, or contamination not intended to be addressed in the IA, after acquisition of legal title to the brownfield site. A prospective purchaser of an abandoned site will not be responsible for paying any fines or penalties levied against any person responsible for contamination on the abandoned site prior to the IA with ADEQ.

Program Elements

METHODS/STANDARDS/CONTROLS

The state's cleanup standards are based on a risk management process. No single set of soil cleanup levels has been implemented and site-specific factors are considered when developing action levels. Cleanup goals may be met by reaching background metals concentrations, consulting EPA Region 6 Human Health Media Specific Screening Levels, performing a traditional human health risk assessment, or a combination of all three options when appropriate.

CONTAMINANTS COVERED

TBA funding may only be used at sites as authorized by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986. The site must be contaminated or suspected to be contaminated with hazardous substances.

INSTITUTIONAL CONTROLS (IC)

Arkansas does not have a system to monitor or enforce long-term stewardship and institutional controls. Institutional controls are listed in the Arkansas Record of Brownfields Projects, which is available on the website.

- **IC Tracking, Oversight and Monitoring:** Arkansas does not have a system to track, monitor, or enforce ICs.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.adeg.state.ar.us/hazwaste/bf/brownfield.asp>

Program Highlights

The cleanup of Argenta's Smarthouse Way, a 5.8-acre brownfields property in North Little Rock won the environmental category award in the American Council of Engineering Companies of Tennessee's 2009 Engineering Excellence competition. An environmental consulting firm performed the remediation for the nonprofit organization, Main Street, Argenta. The risk-based method cleanup included the removal of over 4,000 tons of contaminated soil. A total of 225 tons of polychlorinated biphenyls (PCBs)-contaminated soil was removed, hauled and deposited at a hazardous waste landfill. ADEQ used Section 128(a) Response Program funding to provide oversight and issue a Certificate of Completion.

Other Land Programs

Regulated Storage Tanks (RST) Program

<http://www.adeg.state.ar.us/rst/default.htm>

Voluntary Remediation Program (VRP) / Brownfields Initiative

Louisiana Department of Environmental Quality (DEQ)
P.O. Box 4314
Baton Rouge, LA 70821-4314
www.deq.la.gov/brownfields

Contact(s): Roger Gingles
brownfields@la.gov
225-219-3499

Program Overview

- Brownfields Program
- Cost to Enter the Program: \$500
- MOA with EPA Region 6 (October 2004)
- Liability Relief Provisions
- Tax Incentives

Program

The Louisiana Voluntary Remediation Program (VRP) provides a mechanism by which property owners (or potential owners) or others can clean up contaminated properties and receive a release of liability for further cleanup of historical contamination at a site. This release of liability flows to future owners of the property as well.

www.deq.la.gov/brownfields

- **Funding Source(s) for the Program:** Federal grants (90%) and state cleanup fund (10%)
- **Cost to enter program or fees for service:** \$500. Applicant must reimburse the Louisiana Department of Environmental Quality (DEQ) for the actual direct costs of oversight. Waivers for oversight costs are available to government and nonprofit VRP applicants as funding permits.
- **Sites Enrolled in VCP:** As of November 2010, 57 sites were enrolled in the program.
- **Sites Completed under VCP:** As of November 2010, 40 Certifications of Cleanups (COC) were issued, and 11 No Further Action (NFA) letters were issued.

Financial Elements

ASSESSMENT AND CLEANUP FUNDING

- Louisiana Brownfields Cleanup Revolving Loan Fund
<http://www.deq.louisiana.gov/portal/PROGRAMS/BrownfieldsandVoluntaryRemediationProgram/LouisianaBrownfieldsCleanupRevolvingLoanFund.aspx>

INCENTIVES

Louisiana taxpayers are eligible to receive tax credits to remediate state-certified brownfield sites under legislation (S.B. 322) which became effective on July 1, 2005 and Act 392 of the 2007 Legislature which became effective on January 1, 2008. Each taxpayer is eligible to receive a 15% tax credit of the total investment to complete a remedial investigation and a 25-50% percent tax credit of the total investment made to complete a voluntary remediation action.

LIABILITY RELIEF PROVISIONS

Any person who is not otherwise a responsible person will not be liable for the discharge or disposal, or threatened discharge or disposal of the hazardous substance or waste if the person undertakes and completes a remedial action to remove or remedy discharges or disposals and threatened discharges or disposals of hazardous substances and wastes at a property, in accordance with a voluntary remedial action plan approved in advance by the DEQ following public notice and the opportunity for a public hearing in the affected community.

<http://www.deq.louisiana.gov/portal/Portals/0/planning/regs/eqa.pdf>

Program Elements

METHODS/STANDARDS/CONTROLS

10-4 to 10-6 and Hazard Index of 1; three tiers of Management Options under RECAP (a risk-based system in Louisiana).

CONTAMINANTS COVERED

No restrictions based on contaminants; petroleum, asbestos, lead paint, polychlorinated biphenyls (PCBs) are all covered. Asbestos and lead paint abatement sites where there is no release to the environment are not eligible for VRP participation (i.e., only indoor abatement site are eligible).

INSTITUTIONAL CONTROLS (IC)

Use restrictions for partial voluntary remedial actions.

- **IC Tracking:** Institutional controls are tracked through the general site management database.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.deq.louisiana.gov/portal/LinkClick.aspx?fileticket=Y2QYdiziWh0%3d&tabid=269>

Program Highlights

Louisiana DEQ used Section 128(a) Response Program funding to conduct clean up activities at several sites. Cleanups at the Mid City Redevelopment Alliance headquarters (Baton Rouge) (former car dealership and auto service) and the Volunteers of America of Northwest Louisiana (Shreveport) were completed in Summer 2010. A cleanup of a former gas station along the Enterprise Boulevard Corridor project (Lake Charles) is underway and should be completed this summer. A cleanup of a former gas station property, which will be the new Westwego Governmental Building Complex (Westwego, in the metro New Orleans area) is set to begin by late spring, as well as the cleanup of two properties in Shreveport. These two properties, the former City Hall Annex, which will become the new Greyhound Multi-Modal Terminal facility, and the former Central Fire Station, which will become the new headquarters for the Shreveport Arts Council, are to be funded by Section 128(a) Response Program funding. Louisiana DEQ has also funded 19 Targeted Brownfields Assessments in the last 12 months, including the former federal courthouse facility in Lafayette, the Mount Hermon Church property in New Orleans, and the historic African-American-operated Lincoln Theater property in Baton Rouge.

Other Land Programs

Underground Storage Tank (UST) Program

<http://www.deq.louisiana.gov/portal/tabid/2674/Default.aspx>

Voluntary Remediation Program (VRP)

New Mexico Environment Department (NMED)
Harold Runnels Building Room, N2250
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, NM 87502
<http://www.nmenv.state.nm.us>

Program Overview

- Cost to Enter the Program: \$1,000 plus oversight fees
- MOA with EPA Region 6 (December 1999)
- Liability Relief Provisions

Contact(s): Dale Doremus, *Program Manager*
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505-827-2754

Ross Muir, *VRP Team Leader*
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505-827-0078

Program

On July 15, 1999, the New Mexico Environment Department (NMED) introduced the Voluntary Remediation Program (VRP), intended to promote the voluntary cleanup of contaminated properties. The VRP is intended to encourage redevelopment of contaminated sites (i.e., brownfields) by providing a streamlined, non-punitive remediation process.

<http://www.nmenv.state.nm.us/gwb/NMED-GWQB-VoluntaryRemediationProgram.htm>

- **Funding Source(s) for the Program:** Federal grants, Revolving Loan Fund (RLF) repayments and oversight fees
- **Cost to enter the VRP:** \$1,000 application fee, and payment to NMED for oversight charges at the rate of \$90/hour.
- **Sites Enrolled in VRP:** As of November 2010, there were 28 active sites in the program.
- **Sites Completed under VRP:** As of November 2010, 47 sites completed cleanups through the program.

Financial Elements

ASSESSMENT AND CLEANUP FUNDING

The EPA-capitalized NMED Brownfields Revolving Loan Fund (RLF) provides low-interest loans that are available to private developers, nonprofits and municipalities, for site remediation activities. For Federal Fiscal Year 2010, NMED's Brownfields program received \$1.84 million in American Recovery and Reinvestment Act (ARRA) RLF Funds. Targeted Brownfields Assessment (TBA) funds are available to for NMED to conduct Phase I and II assessments at municipally-owned sites and Phase III remediation planning. New Mexico brownfield sites are eligible for federal tax incentives and Leadership in Energy and Environmental Design (LEED) credits toward sustainable sites for brownfields redevelopment.

<http://www.nmenv.state.nm.us/gwb/NMED-GWQB-GrantsandPlanning.htm>

<http://www.nmenv.state.nm.us/gwb/NMED-GWQB-Brownfields.htm>

LIABILITY RELIEF PROVISIONS

The NMED Secretary issues a Certificate of Completion (COC) or a Conditional Certificate of Completion for a site, and provides a Covenant Not to Sue (CNS) to a purchaser or prospective purchaser of the site that did not contribute to the site contamination, for any direct liability, including future liability for claims based upon the contamination covered by the agreement and over which the department has authority. Except as may be provided under federal law or as may be agreed to by a federal government entity, the CNS shall not release or otherwise apply to claims by the federal government for claims based on federal law. Except as may be agreed to by another department or agency of the state, the CNS shall not release or otherwise apply to claims of any other office, department or agency of the state. Except as may be agreed to by a third party, the CNS shall not release or otherwise affect a person's liability to third parties. Liability protection for lenders exists.

Program Elements

METHODS/STANDARDS/CONTROLS

Remediation activities are subject to - 20.6.3.10 PERFORMANCE STANDARD AND ASSOCIATED REQUIREMENTS – and may be found at: <http://www.nmcpr.state.nm.us/nmac/parts/title20/20.006.0003.htm>

CONTAMINANTS COVERED

Does not restrict on the basis of contaminants.

INSTITUTIONAL CONTROLS (IC)

Regulations allow use of post completion monitoring, engineering controls, remediation systems, post closure care, or an affirmation of future non residential land use.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.nmenv.state.nm.us/gwb/NMED-GWQB-VoluntaryRemediationProgram.htm>

Program Highlights

The Santa Fe Railyard is a 50-acre property with a history of mixed use, but had been mostly vacant for many years. In 1995, the City of Santa Fe purchased the property with the intent of redeveloping it. Plans called for use to include residential and retail areas and a park; however, development of the property was delayed by concerns about potential contamination. NMED helped facilitate redevelopment of the Santa Fe Railyard by performing a number of TBAs using Section 128(a) Response Program funding. NMED performed a Phase I investigation for the northern portion of the property to help the city identify any environmental problems that might have required additional evaluation. As a result of the Phase I, NMED prepared a Phase II sampling plan to assess soils across the property. The sampling plan was completed and the property received a COC in February 2006 and a CNS in March 2006.

Other Land Programs

Petroleum Storage Tank Bureau

<http://www.nmenv.state.nm.us/ust/ustbtop.html>

Superfund Program

<http://www.nmenv.state.nm.us/gwb/NMED-GWQB-SuperfundOversight.htm>

Brownfields Program

Oklahoma Department of Environmental Quality (DEQ)
Land Protection Division
P.O. Box 1677

Oklahoma City, OK 73101-1677

<http://www.deq.state.ok.us/lpdnew>

Contact(s): Rita R. Kottke, *Brownfields Program Manager* –
rita.kottke@deq.ok.gov – 405 -702-5157

Oklahoma Corporation Commission (OCC)

Oil and Gas Conservation Division

P.O. Box 52000

Oklahoma City, OK 73152-2000

<http://www.occeweb.com/og/brownfields.htm>

Contact(s): Patricia Billingsley, *Brownfields Manager* – P.Billingsley@occemail.com – 405-522-2758

Program Overview

- Brownfields Program (DEQ and OCC)
- Cost to Enter the Program: Oversight fees (DEQ and OCC)
- MOA with EPA Region 6 (April 1999) (DEQ)
- Liability Relief Provisions
- Tax Incentives

Program

The Oklahoma Department of Environmental Quality (DEQ) Brownfields Program provides a means for private parties and government entities to voluntarily investigate and, if warranted, clean up properties that may be contaminated by pollution. The brownfield process includes a Memorandum of Agreement and Consent Order (MACO) for Site Characterization as well as a Consent Order for Remediation. <http://www.deq.state.ok.us/lpdnew/brownfindex.html>

The Oklahoma Corporation Commission's (OCC) Voluntary Cleanup and Brownfields Programs provide a means for private parties, public, and governmental entities, and nonprofits to voluntarily investigate and, if necessary, clean up properties that may be contaminated with petroleum, produced water/brine, gasoline, diesel, or other deleterious wastes from oil and gas exploration and production (Oil and Gas E&P) or from leaking underground petroleum storage tank (PST) sites. This program also issues state Petroleum Eligibility letters. <http://www.occeweb.com/og/brownfields.htm>

- **Funding Source(s) for the Program:** Federal grants; State Cleanup Funds (OCC)
- **Cost to enter program or fees for service:** Oversight fees (DEQ); None (OCC)
- **Sites Enrolled in VCP:**
DEQ – As of December 2010, 23 sites were currently enrolled in the program.
OCC – As of December 2010, our current cumulative Brownfields Inventory List has 422 inspected and qualified sites, of which 382 have been referred to OERB for cleanup. Seven sites are currently enrolled in the OCC program for a cleanup.
- **Sites Completed under VCP:**
DEQ – As of December 2010, 6 Brownfields Certificates of No Action Necessary have been issued. Nine Brownfields Certificates of Completion have been issued.
OCC – As of December 2010, two sites have completed the OCC Brownfields Program and been given Certificates of Completion, plus 191 Brownfields-eligible sites have had an OERB cleanup completed or are scheduled for a cleanup.

Financial Elements

ASSESSMENT AND CLEANUP FUNDING

- DEQ provides Targeted Brownfield Assessments (TBA) to public entities and nonprofit groups. Low interest loan programs are available for cleanup. Public and private entities may obtain low interest loans from EPA's Revolving Loan Fund (RLF) grant. Also, municipalities may be eligible to receive Clean Water State Revolving Fund (CWSRF) for the remediation of brownfield sites if contamination of the sites potentially impacts water quality.
- OCC provides no-cost Electromagnetic (EM) sites surveys to public and private entities enrolled in the program, and refers governmental and nonprofit owned sites to EPA for TBAs. It also inspects and refers sites to the Oklahoma Energy Resources Board for a funded oil and gas site assessment and cleanup, and eligible PST sites to the state Petroleum Storage Tank Indemnity Fund.

INCENTIVES

Oklahoma Sales Tax Code exempts state sales tax on machinery, fuel, chemicals, and equipment used in cleanup projects.
<http://www.deq.state.ok.us/lpdnew/Brownfields/taxincennew2004.pdf>

LIABILITY RELIEF PROVISIONS

For completed brownfields actions, once the Certificate of Completion (COC) or Certificate of No Action Necessary has been issued, DEQ and OCC are prohibited from assessing administrative penalties or pursuing civil actions associated with the contamination that was the subject of the agreement against any lender, lessee or successor or assign if that person is in compliance with any post-certification conditions or requirements as specified in the agreement, Certificate of No Action Necessary, or COC.

Program Elements

METHODS/STANDARDS/CONTROLS

Risk-Based Corrective Action (RBCA)-type processes in place. Brownfields Programs feature a risk-based system based on the proposed future use of the site to determine if cleanup is needed and if so, provide cleanup goals for the chemicals of concern. DEQ uses a three-tiered approach: 1) sampling data is compared to screening levels; 2) if data are higher than screening levels, state will generate conservative default cleanup levels using EPA Risk Assessment Guidelines for Superfund (RAGS)-based methodology; or 3) applicants may choose to do a risk assessment with state oversight to determine adequate cleanup goals. OCC requires sites to follow either the Oil & Gas Division's risk based Pollution Abatement Environmental (Guardian) Guidance, or the Petroleum Storage Tank Division's risk based ORBCA guidance.

CONTAMINANTS COVERED

- The State Legislature broadened the definition of brownfield sites by opening it up to all sites affected by pollution. However, the DEQ Brownfields Program will refer applicants to other agencies if the issues indicate that another agency could better serve the applicant.
- The OCC Brownfields Program is focused on helping entities redevelop land that is contaminated with substances relating to oil and gas exploration and production or that derives from leaking USTs. This includes crude oil, saline produced water/brine, gasoline, and diesel.

INSTITUTIONAL CONTROLS (IC)

Institutional controls (IC) are allowed if they adequately protect the public. DEQ has authority to implement land use controls, if necessary. DEQ is working to implement an IC geographic information system (GIS) database to accurately track the ICs in the state.

- **IC Tracking:** DEQ internally tracks active and completed sites, and sites scheduled for completion in the next year are added to the Brownfield Public Record. When the certificate is issued the site is entered into the IC database.
- **IC Oversight:** DEQ oversees the project from site characterization to any required after-action, long-term monitoring. Participants must reimburse DEQ for its oversight costs.
- **IC Monitoring:** If long-term monitoring is required at a site, a plan must be in place for long-term management, including a plan for payment of associated expenses and a contingency plan if contamination does not diminish over time.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.
<http://www.deq.state.ok.us/lpdnew/Brownfields/PublicRecordBrownfields.pdf>

Under the OCC Brownfields Program, institutional controls are one of the many choices that can be made at a site in order to protect the public. The public record is at: <http://www.occeweb.com/og/brownfields/bfpub.htm>; the inventory site list is available upon request.

Program Highlights

Oklahoma City broke ground for the development of a new fire station on a former oilfield brownfield in the Bricktown neighborhood. Subsequent to oil and gas well drilling, the 1.5-acre property served as storage for horse carriages and equipment and was a steel manufacturing facility. The Oklahoma Corporation Commission recently completed cleanup at the property by using Section 128(a) Response Program funding to inspect the site and make an agreement with OERB for a funded cleanup to remove petroleum contaminated soil left by abandoned oil wells; the soil was recycled to the County Commissioners for road building material. The large abandoned metal building on the property has been broken down and recycled. The new fire station now being built will be the first Leadership in Energy and Environmental Design (LEED) certified building constructed with city funds. The station will include a reflective roof, recycled material and enhancements designed for low energy consumption.

Other Land Programs

Petroleum Storage Tank Program (OCC)
<http://www.occeweb.com/ps/abcs.html>

Superfund Program (DEQ)
<http://www.deq.state.ok.us/lpdnew/sfindex.html>

Voluntary Cleanup Program

Texas Commission on Environmental Quality (TCEQ)
MC 221
P.O. Box 13087
Austin, TX 78711-3087
<http://www.tceq.state.tx.us/remediation/vcp/vcp.html>
Contact(s): Bill Shafford, *VCP-CA Manager* –
Bill.Shafford@tceq.texas.gov – 512-239-6651

Program Overview

- Brownfields Program (TCEQ and RRC)
- Cost to Enter the Program: \$1,000 plus oversight fees (TCEQ and RRC)
- Liability Relief Provisions (TCEQ and RRC)
- Tax Incentives (TCEQ and RRC)

TCEQ Brownfields Site Assessment Program

MC 221
P.O. Box 13087
Austin, TX 78711-3087
<http://www.tceq.state.tx.us/remediation/bsa/bsa.html>
Contact(s): Christine Whitney, *Brownfields Program Manager* – Christine.Whitney@tceq.texas.gov – 512-239-0843

Voluntary Cleanup Program (VCP) and Brownfields Response Program (BRP)

Railroad Commission (RRC) of Texas
P.O. BOX 12967
Austin, TX 78711-2967
<http://www.rrc.state.tx.us/environmental>
Contact(s): Aimee Beveridge, *Voluntary Cleanup Program Manager* – aimee.beveridge@rrc.state.tx.us – 512-463-7995

Program

The Texas Commission on Environmental Quality (TCEQ) in close partnership with EPA and other federal, state, local redevelopment agencies, and stakeholders, is facilitating cleanup, transferability and revitalization of brownfields through the development of regulatory, tax, and technical assistance tools.
<http://www.tceq.state.tx.us/remediation/vcp/vcp.html> and <http://www.tceq.state.tx.us/remediation/bsa/bsa.html>

In order to encourage redevelopment at abandoned oil and gas facilities, the Railroad Commission of Texas (RRC) offers assistance to private landowners and land developers through the VCP and governments, nonprofit organizations, tribes, and universities through its Brownfields Response Program (BRP).
<http://www.rrc.state.tx.us/environmental/environsupport/voluntarycleanup.php>
<http://www.rrc.state.tx.us/environmental/environsupport/brownfield/index.php>

- **Funding Source(s) for the Program:** State remediation fund and federal grants
- **Cost to enter program or fees for service:** \$1,000 application fee; applicant must reimburse TCEQ for the direct costs of oversight.
- **Sites Enrolled in VCP:**
TCEQ – As of November 2010, the VCP received 2,093 applications representing dry cleaners, manufacturing facilities, shopping centers, warehouses, auto-related businesses, and other commercial and industrial enterprises.
RRC – As of November 2010, 100 sites were entered into the VCP and BRP.
- **Sites Completed under VCP:**
TCEQ – As of November 2010, 1,427 sites were issued Final Certificates of Completion (COC).
RRC – As of November 2010, 8 brownfields certificates and 42 VCP certificates have been granted.

Financial Elements

ASSESSMENT AND CLEANUP FUNDING

- The Petroleum Storage Tank Remediation (PSTR) Fund is supported by a fee on gasoline and other fuels at bulk distribution facilities. The state uses this fund to reimburse responsible parties for the costs of corrective actions of releases from aboveground or underground storage tanks.

- Under the Brownfields Site Assessment Program, TCEQ will direct the completion of a limited number of federally funded site assessments for qualifying local governments and nonprofit groups in Texas.
- The Dry Cleaning Program is supported by fees on dry cleaning solvents and dry cleaning facilities. The program will perform corrective action of releases from dry cleaning facilities.
- The RRC offers state-funded cleanup assistance for qualified sites under its BRP.

INCENTIVES

Some local governments within the state offer ad valorem property tax abatements to attract brownfields cleanup and redevelopment. Senate Bill 1596 and House Bill 1239 of the 75th Texas Legislative Session added Section 312.211 to the Texas Tax Code. This section allows municipal or county taxing authorities to provide property tax relief for the development or redevelopment of certain brownfields properties that are located within a reinvestment zone and have been cleaned up through the programs.

LIABILITY RELIEF PROVISIONS

After completion of the cleanup, parties will receive a COC from TCEQ or RRC, which states that all non-responsible parties are released from all liability provided by Chapter 91 Subchapter O, Texas Natural Resources Code.

Program Elements

METHODS/STANDARDS/CONTROLS

The Texas Risk Reduction Program (TRRP) follows a Risk-Based Corrective Action process (RCBA) that allows for the use of engineering and institutional controls. All TCEQ and RRC sites are evaluated using the TRRP rule. A VCP applicant may use state developed cleanup levels or site-specific data to develop site-specific cleanup levels.

<http://www.tceq.state.tx.us/remediation/standards>

CONTAMINANTS COVERED

Both the TCEQ and RRC programs address all contaminants in soil and groundwater. RRC jurisdiction is limited to contamination associated with oil and gas extraction while the TCEQ jurisdiction includes all other solid, industrial and hazardous waste.

INSTITUTIONAL CONTROLS (IC)

Institutional controls must be placed on a property record for a site that uses commercial/industrial risk-based standards, and for any property that relies on the use of physical control (e.g., cap or remediation system) to prevent exposure. The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.tceq.state.tx.us/remediation/vcp/vcp.html#Database>

<http://www.rrc.state.tx.us/environmental/environsupport/voluntarycleanup.php>

Program Highlights

Crestview Station in Austin was a former chemical research facility that processed components for soaps, foams and glues until 2005. The property was identified as a prime location for a high-density, mixed use project and transit-oriented development. In 2005, the property applied to the Texas VCP—funded by a Section 128(a) Response Program grant—to facilitate assessment and cleanup of known and suspected areas where waste materials were buried. Cleanup consisted of the excavation and disposal of approximately 20,000 cubic yards of buried waste products and impacted soils, and ground water monitoring and an institutional control addressed a benzene plume in one small area. The 71-acre Crestview Station redevelopment project includes 500 single-family homes, 600 apartments, recreational fields, and 150,000-square feet of retail and office space built around a Capitol Metro rail stop. Property values have increased and new jobs were created as a result.

Other Land Programs

Petroleum Storage Tanks (PSTs) Program (TCEQ)

http://www.tceq.state.tx.us/nav/permits/pst_cert.html

Superfund Program (TCEQ)

<http://www.tceq.state.tx.us/remediation/superfund>

Dry Cleaner Remediation Program (TCEQ)

http://www.tceq.state.tx.us/remediation/dry_cleaners

Abandoned Mine Lands Reclamation Program (RRC)

<http://www.rrc.state.tx.us/programs/mining/aboutaml.php>