2021

The Alaska Brownfields Handbook

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CONTAMINATED SITES PROGRAM
BROWNFIELDS

The Alaska Brownfields Handbook

A Resource Guide for Alaska's Tribal Response Programs

Discovery Campus, Kasaan
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ADEC BROWNFIELDS

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List of Commonly Used Acronyms

AAC	Alaska Administrative Code
AAI	All Appropriate Inquiry
ABCA	Analysis of Brownfields Cleanup Alternatives
ACM	Asbestos-Containing Material
ACRES	Assessment, Cleanup, and Redevelopment Exchange System
ADEC	Alaska Department of Environmental Conservation (also referred to as DEC)
AS	Alaska Statutes
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
ATSDR	Agency for Toxic Substances and Disease Registry
CAP	Corrective Action Plan
CDBG	Community Development Block Grant
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (also known as Superfund)
CS	Contaminated Sites
CSP	Contaminated Sites Program, within the Alaska Department of Environmental Conservation
DBAC	DEC Brownfields Assessment and Cleanup (Services)
DEC	Department of Environmental Conservation
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
EWDJT	Environmental Workforce Development and Job Training (Grants)
GIS	Geographic Information System
HAZWOPER	Hazardous Waste Operations and Emergency Response
HBM	Hazardous Building Material
IC	Institutional Control
IGAP	Indian General Assistance Program
NPL	National Priorities List
PACP	Property Assessment and Cleanup Plan
PCB	Polychlorinated Biphenyl
PFAS	Per- and Polyfluoroalkyl Substances
PRP	Potentially Responsible Party
RECs	Recognized Environmental Conditions
QPR	Quarterly Progress Report
TAB	Technical Assistance to Brownfields (Program)
TBA	Targeted Brownfield Assessment
UST	Underground Storage Tank

Introduction

Brownfields in Alaska

Brownfields are abandoned, unused, or underused properties that are hindered from desired reuse or redevelopment by real or perceived environmental contamination. A brownfield can be any type of property from a 200-acre industrial property to a small abandoned corner gas station.

Keku Cannery, Kake
Awarded assessment and cleanup services under EPA's TBA and DEC's DBAC programs

Every Alaskan city and borough—both urban and rural—have vacant or underused properties whose redevelopment is complicated by potential contamination. For example, these sites could be an old cannery, a former lumber mill, a dry cleaner, a tank farm, a local junkyard, an abandoned mine site, or numerous other types of properties with different and varied past histories. These sites may or may not be contaminated, but the threat alone of contamination that may discourage their reuse.

To encourage the reuse of these properties, the Alaska Department of Environmental Conservation (DEC) Brownfields Program helps communities and tribes identify brownfields, assess potential contamination, and assist in arranging for necessary cleanup activities in order achieve their community's visions for those sites. By cleaning up and reusing brownfields, communities can realize numerous environmental, economic, and social benefits, not least of which is the opportunity to come together to achieve a project that represents a collective source of pride and accomplishment.

Purpose of this Handbook

The primary purpose of this Handbook is to serve as a reference of brownfields-related resources and programs for State and Tribal Response Programs (STRP) in Alaska that receive funding pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 128(a). The Handbook introduces readers to the process of cleaning up and reusing brownfields, provides an overview of the barriers to their reuse and redevelopment, and outlines strategies and resources for overcoming those challenges. In addition, this Handbook provides a directory of Federal, State, and other relevant programs that can help answer questions and provide additional support to the brownfields community. Although the primary audience for this Handbook are Alaskan tribal response programs, other stakeholders—including local municipalities, tribes without a 128(a) response program, non-

profits, private citizens, among others—will find relevant information and resources that may be useful when considering how to approach a brownfield project.

Brownfields Overview

What is a Brownfield?

Imagine a corner lot in your community that has been left idle and untended, or a building with peeling paint and a sheen on the ground where local elders recall the placement of an old heating tank. These types of properties are classic examples of common brownfields in Alaska.

Brownfields are generally abandoned, unused, or underused properties that are hindered from desired reuse or redevelopment by real or perceived environmental contamination. The U.S. Environmental Protection Agency (EPA) estimates that there are over 450,000 brownfields across the country. Although it is not known how many of those brownfields are in Alaska, it is clear that every Alaskan community from Southeast to the North Slope has properties that are vacant or underused whose redevelopment is complicated by the possibility of contamination.

More specifically, the EPA defines a "brownfield" as "real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contamination." Meeting this definition is generally necessary to be eligible to receive funding under EPA's Brownfields Program and the DEC Brownfields Program. The DEC Brownfields Program can help determine whether a site meets the Federal definition, identify other potential funding resources, and answer other brownfields-related questions in support of any project that may or may not be a "brownfield."

EPA Brownfields Program Highlights*

- $20.13 was leveraged for each $1 EPA spent on brownfields and cleanup activities
- Over 170,000 jobs have been leveraged, or 10.3 jobs were leveraged per $100,000 of EPA brownfields funds expended on assessment and cleanup activities
- 5-15.2% increase in nearby residential property values at sites cleaned up by EPA

* Source: US EPA. See www.epa.gov/brownfields/brownfields-program-environmental-and-economic-benefits

Background of the EPA Brownfields Program

The U.S. EPA's Brownfields Program began in the early 1990s as EPA, States, and others tried to identify ways of encouraging environmental cleanup and preventing contaminated sites from sitting vacant or ending up on EPA's National Priorities List (NPL). In 1993, EPA provided its first brownfield assessment grant to a gas manufacturing plant in Cleveland, Ohio. With the passage of the Brownfields Amendments to CERCLA (more commonly known as Superfund) in 2002, the

Brownfields Program was granted new resources and authorities to encourage brownfields assessment, cleanup, and reuse.

The EPA Program continued to grow and evolve, pursuing a multi-pronged approach for equipping States, local governments, tribes, and other stakeholders with the tools and resources necessary to navigate the often-complex world of brownfields redevelopment. Although the EPA's Brownfields Program provides an array of resources and opportunities, the providing of direct funding through its competitive and non-competitive grants continues to be the cornerstone of the program.

Background of the DEC Brownfields Program

Similar to other areas of the country, brownfields in Alaska often come about as unintended consequences of changes in economic or social forces, local development patterns, or desired land use. Although typically thought of as an urban problem, brownfields can also be found in rural and remote areas as well, as properties fall into disrepair or are abandoned due to any number of factors—a change in ownership, transitioning needs and desires of the surrounding community, a change in local property values, onsite contamination, etc.

DEC Brownfields Program Key Milestones

2003 Reuse and Redevelopment Program founded

2005 DEC began providing assessment services

2014 DEC began providing cleanup services

2021 DEC provided support on its 200th project

The number of underutilized Alaska properties fitting the brownfield description is likely in the thousands. The concern with these sites is compounded by Alaska's development history of placing industrial and commercial activities alongside residential developments. In rural Alaska, the logistics are costly and complicated, with many communities off the road system and accessible only by air or water transportation.

Frequently, it is the unknown environmental liabilities that prevent communities, developers, and investors from restoring these properties to productive use. In rural Alaska people have been concerned with the health effects of environmental contamination on subsistence resources, sometimes even causing them to question the safety of using traditional hunting and gathering places.

To help encourage brownfields revitalization and to provide technical assistance, DEC created the Reuse and Redevelopment (R&R) Program in 2003. Over time, the R&R program evolved into the DEC Brownfields Program and began providing additional support to assist tribes and municipalities in addressing brownfields in their communities, including some site-specific assessment and cleanup services. Since its inception, the DEC Brownfields Program has provided direct technical assistance and/or funding to over 200 projects across the state.

Common Types of Brownfields in Alaska

Alaska's urban areas have many of the same brownfield concerns as large urban centers in the rest of the country: former industrial sites, petroleum and chemical storage areas, abandoned commercial businesses, old gas stations, railroad yards, and many others. However, Alaskan rural communities have brownfields that are unique to their remote locations. Some of these sites include:

- old canneries and fish processing facilities
- old fuel-storage tank farms
- abandoned, inactive dump sites
- shooting ranges
- logging camps
- old mines and mining operations
- old civilian federal facilities such as schools and hospitals

Photo of the Pelican Seafood Processing Plant in Pelican, Alaska.

Very often, these brownfields may directly affect a subsistence resource or recreational area.

Common Types of Contaminants

Contaminants are any physical, chemical, biological, or radiological substances that have an adverse effect on air, water, or soil. The contaminants most commonly found in Alaska are among those commonly found elsewhere in the U.S. and include petroleum, polychlorinated biphenyls (PCBs), solvents, asbestos, and metals, including lead, mercury, and arsenic.

Soil, water, and air contamination can occur from a variety of sources and activities. Government, public, industrial, or commercial facilities, as well as households, can generate or use chemicals that cause contamination when improperly used. However, some chemicals considered contaminants occur naturally in the environment. Many metals, for example, are commonly found in soil.

Resource:

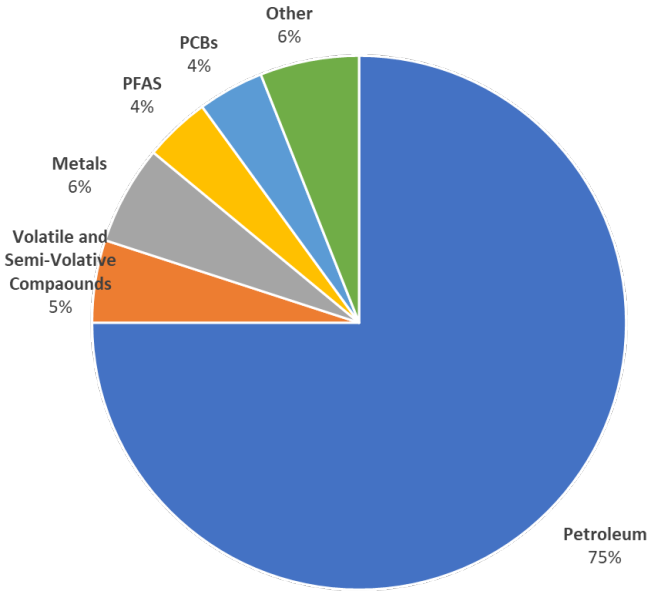
For More Information, see DEC's "Common Contaminants in Alaska" Fact Sheet.

dec.alaska.gov/media/13856/common-cont.pdf

Understanding a site's background and previous activities can help suggest which contaminants may be present at the property.

- **Petroleum** is the most common contaminant in Alaska. Alaskans use a wide variety of petroleum products, including gasoline, diesel fuel, heating oil, jet fuel, lubricating oil, bunker oil, and tar – all of which are refined from crude oil. Most petroleum contamination in Alaska comes from leaking storage tanks, containers, pipes, and equipment; transportation accidents; and improper handling and disposal practices that lead to spills.
- **PCBs** are a group of man-made chemicals made up of numerous chemical compounds that contain two or more chlorine atoms. The largest use of PCBs was in electrical

transformers, switches, and capacitors (including fluorescent light ballasts) from about 1930 until 1977. PCB contamination in Alaska mainly occurred from leaky transformers or the improper disposal of PCB oil on the ground.



Petroleum contaminants are of concern at approximately 75 percent of all sites (brownfields and non-brownfields) tracked on the DEC Contaminated Sites Database.

- **Solvents** are commonly used as degreasers, paint strippers, paint and lacquer thinners, and in dry cleaning by a wide variety of commercial and industrial facilities, and in households. Common solvents include acetone, toluene, xylene, kerosene, methylene chloride, tetrachloroethylene, ethanol, and methanol. Leaking tanks or containers, and improper disposal of solvents cause environmental contamination. Sources of contamination can include dry cleaners, paint shops, industrial plants, and auto and equipment repair shops
- **Asbestos** refers to a group of naturally-occurring minerals used in a wide variety of building materials and friction products. Asbestos is not hazardous if it remains undisturbed. However, if the material is disturbed and the fibers become airborne and are inhaled or ingested, they can cause lung and other cancers. Although some uses were restricted in 1980, asbestos can still be found in wallboard, flooring materials, roofing materials, mastics, thermal protection, and cement products.
- **Metals** may be present as environmental contaminants in soil or water as naturally occurring compounds or because of human activity. Lead from batteries, gasoline and paint; mercury from batteries and historical mining operations; arsenic from pesticides, agriculture, manufacturing, and wood preservatives; and silver from photographic processing all are common sources of metal contamination from human activities.

Common Types of Reuses

Reuse options for Alaska's brownfields vary significantly depending upon their location (urban or rural) and the needs of the community. Some common reuses include:

- Subsistence fishing, hunting and berry picking
- Recreation and green space

- Community centers
- Historic/cultural education centers
- Gardens
- Local housing
- Mixed use
- Commercial buildings

Former Fish Processing Plant, Golovin. Cleanup goals include prevention of hazards being released into Golovin Lagoon and protection of subsistence fishing.

How brownfields are reused often says something about our values as Alaskans. In other words, the types of reuses being proposed for brownfields, such as to help meet subsistence needs or to restore habitat, is evidence of a strong connection with the land and as our role as stewards of the Earth. Similarly, another common vision for brownfields is to reuse or redevelop these properties as community centers and cultural centers—creating a gathering place where the community can come together in fellowship or for education and as a place to house and learn about the local culture, history, and traditions.

Benefits of Brownfields Reuse

Left abandoned and unaddressed, brownfields can serve as barriers between neighborhoods, an impediment to local investment, eyesores, and potentially present health risks associated with contaminated land or water. Cleaning up and reusing these sites can create a number of local environmental, economic, and social benefits for a community.

Environmental

Addressing brownfields can improve local environmental quality by remediating contaminated soil and water. Redeveloping brownfields in urban areas, also known as infill, can have additional environmental benefits such as reduced vehicle miles traveled and the associated air emissions, as well as reduced energy consumption. Reusing brownfields also reduces the need for developing "greenfields" (unadulterated or undeveloped properties), thus conserving pristine or undeveloped land elsewhere in the community.

Mixed Use Development of Former Gas Station, Alpina Site, Anchorage

Social

Cleaning up brownfields can remove the risk of exposure, protecting human health and improving the safety of the local community. Reusing brownfields can also create new

commercial, residential, and recreational opportunities, improving the quality of life for the local community.

Economic

Reusing brownfields can create local jobs, provide additional tax revenue, and grow the local tax base by increasing area property values. Investing in the cleanup and reuse of brownfields often attracts new private investment in an area that would not have otherwise existed.

Laws and Regulations

Both Federal and State laws create obligations and requirements for assessing and cleaning up contaminated sites, including brownfields, and establish a liability framework for determining who is responsible for paying for such activities. State and Federal laws have many similarities, but also important differences. Additionally, both State and Federal laws and regulations apply concurrently.

Resource:

For more information on Federal laws and regulations, see EPA's *Revitalization Handbook*:

www.epa.gov/sites/production/files/2020-06/documents/revitalization-handbook-final-2020.pdf

Federal

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 1980): Also known as Superfund, CERCLA authorized EPA to clean up hazardous waste sites as well as accidents, spills, and other emergency releases, and empowered the Agency to cost recover from responsible parties.

www.epa.gov/laws-regulations/summary-comprehensive-environmental-response-compensation-and-liability-act

Small Business Liability Relief and Brownfields Revitalization Act (2002): Codified the Brownfields Amendments, including EPA's competitive and non-competitive grants, clarified liability provisions under CERCLA, et al.

www.govinfo.gov/content/pkg/PLAW-107publ118/html/PLAW-107publ118.htm

Brownfields Utilization, Investment and Local Development (BUILD) Act (2018): The BUILD Act reauthorized EPA's Brownfields Program and made

The BUILD Act and Alaska:

The BUILD Act provides liability relief for Alaska Native Villages and Native Corporations for a property received under the Alaska Native Claims Settlement Act (ANCSA), as long as the entity did not cause or contribute to the release of a hazardous substance from the property.

updates and targeted amendments to the program, including grant types (e.g., authorized multi-purpose grants), clarified liability provisions, et al.

www.epa.gov/brownfields/2018-build-act-division-n-consolidated-appropriations-act-2018

State of Alaska

Cleanup Regulations: 18 Alaska Administrative Code (AAC) Chapters 75 and 78 encompass the State regulations most germane to the assessment and cleanup of brownfield sites. Relevant section and article titles are included below for reference.
dec.alaska.gov/spar/regulations/

18 AAC Chapter 75, Article 3—Discharge Reporting, Cleanup, and Disposal of Oil and Other Hazardous Substances

Section

300. Discharge or release notification; reporting requirements
305. Posting of information required
310. Scope and duration of initial response actions
315. Initial response actions
320. Department oversight of containment and cleanup
325. Site cleanup rules: purpose, applicability, and general provisions
330. Interim removal actions
333. Qualified environmental professionals and qualified samplers
335. Site characterization
340. Soil cleanup levels; general requirements
341. Soil cleanup levels; tables
345. Groundwater and surface water cleanup levels
350. Groundwater use
355. Sampling and analysis
360. Cleanup operation requirements
365. Offsite or portable treatment facilities
370. Soil storage and disposal
375. Institutional controls
380. Final reporting requirements and site closure
385. Appeals
390. Waiver or modification
395. Interference with cleanup prohibited
396. Local control

Here's where to go if you are thinking about beginning a site assessment or characterization

If you want to learn more about education and experience requirements for collecting samples, see 75.333

Documentation, data and requirements necessary for final cleanup report and determination

Chapter 78—Underground Storage Tanks

Article

1. Underground Storage Tanks (18 AAC 78.005 - 18 AAC 78.100)
2. Corrective Action for Leaking Underground Storage Tanks (18 AC 78.200 - 18 AAC 78.280)
4. Certification of Underground Storage Tank Workers and Inspectors (18 AC 78.400 - 18 AAC 78.499)
6. Cleanup Levels (18 AAC 78.600 - 18 AAC 78.625)
9. General Provisions (18 AAC 78.910 - 18 AAC 78.995)

Underground Storage Tanks (USTs): Not all underground storage tanks (USTs) are regulated under 18 AAC 78, which defines a UST (per AS 46.03.450) as "one or a combination of stationary devices, including underground pipes connected to the devices, that is designed to contain an accumulation of petroleum, the volume of which, including the volume of underground pipes, is 10 percent or more beneath the surface of the ground." There are many exceptions to this regulatory definition, however, including a farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes, a tank used for storing heating oil for consumptive use on the premises where stored, a septic tank, among many others.

Liability: Alaska Statutes (AS) 46.03.822 Strict Liability for the Release of Hazardous Substances is the major State provision regarding liability and cleanups.

www.akleg.gov/basis/statutes.asp#46.03.822

Steps for Reusing Brownfields

Site Identification

Local stakeholders, municipalities, and tribes are often in the best position for identifying which sites may be most appropriate for a specific reuse based on the unique needs, drivers, and other factors of the local community. Further, developing a timely survey and inventory of brownfield sites in a community is a necessary component of being an eligible Tribal Response Program. More information about creating a brownfields inventory can be found in the *State and Tribal Response Programs* section of this Handbook.

Identifying Site Ownership

Who owns a site is a key consideration and may not be readily known at the outset of a brownfields project. During initial project planning, it is necessary to determine who owns the site and their potential role in any contamination for a number of reasons, including, but not limited to if you are seeking outside funding (e.g., loans or grants) and to assess potential liability risks.

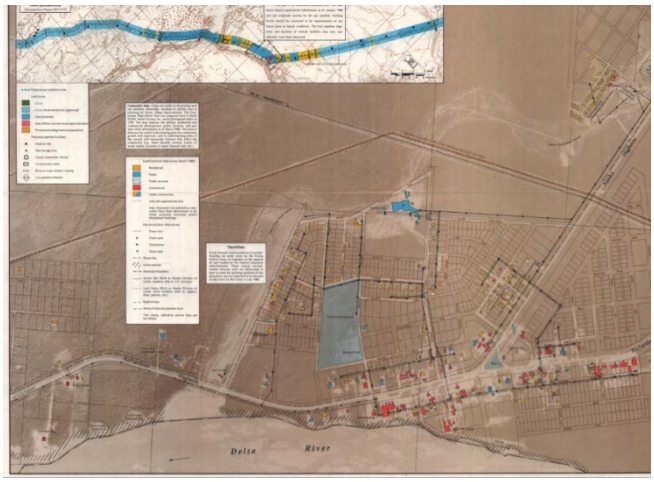
Below are links to State and local mapping resources that may be of use. In parts of Alaska, however, it may be difficult to determine a site's owner or ownership history by online means alone due to limited records and other available electronic resources. It is always a good idea to talk directly with local leaders and elders to learn more about a site's historical use and current ownership.

Before and After, Heinz Dump site, Gakona

State Links

State Community Profile Maps
www.commerce.alaska.gov/web/dcra/PlanningLandManagement/CommunityProfileMaps.aspx

The Alaska Department of Commerce, Community and Economic Development (DCCED) maintains an interactive map that identifies Alaskan communities for which it has profile maps. Community profile maps are snapshots in time between 1976 and 2013 and include an array of useful information about a property, including site boundaries, known land use (e.g., residential, commercial, public-use, state-owned, etc.), right of ways, flood/erosion data, etc. Multiple profile maps for each community are provided if available.



Community Profile Map, Delta Junction (1980)

DNR Alaska Mapper
mapper.dnr.alaska.gov/

Provided by the Alaska Department of Natural Resources (DNR), this mapping tool provides interactive access to publicly available land records, providing a visual representation of several large datasets, including Mining Claims, Energy Inventory, Mineral Estates, et al. The tool allows users to create custom maps that displays state land ownership, land-use classifications, disposals, leases and other information.

DNR Recorder's Office
dnr.alaska.gov/ssd/recoff/search

The DNR Recorder's Office maintains an easily-navigable search tool that allows users to explore recorded and filed documents with the State of Alaska (including deeds, surveys, etc.)

State Business License and Corporations
www.commerce.alaska.gov/cbp/main/

DCCED's Division of Corporations, Business and Professional Licensing provides access to thousands of license records online as a service to the public. The Division also allows for full downloads of our corporations, business, and professional licensing databases as downloadable spreadsheets.

Local Links

Depending on the location, many municipalities provide electronic records about a property, including the assessed value, site ownership (current and previous owners), and tax records. Below are examples of Alaskan municipalities that maintain electronic GIS files. This list is not intended to be exhaustive. Note that the CS Database includes parcel information from the files included here as well.

Municipality of Anchorage GIS
muniorg.maps.arcgis.com/apps/webappviewer/index.html?id=493d6c82574c43d981bd2aaa384b3d60

City of Dillingham GIS
dillingham.maps.arcgis.com/apps/Viewer/index.html?appid=f3a82ba94f0b4fe0bd34a3ee407322b1

Fairbanks North Star Borough GIS
gisportal.fnsb.us/enterprise/apps/webappviewer/index.html?id=fac2c97817994436a5fcb324ea839d65

Haines Borough GIS
www.hainesalaska.gov/lands/haines-borough-parcel-viewer

City and Borough of Juneau GIS
epv.juneau.org/

Kenai Peninsula Borough GIS
www.kpb.us/gis-dept/interactive-mapping

Ketchikan Gateway Borough GIS
portico.mygisonline.com/html5/?viewer=ketchikanak

Kodiak Island Borough GIS
data-kiborough.opendata.arcgis.com/

Mat-Su Borough GIS
www.matsugov.us/articles/gis-shapefiles

City of Seward GIS
seward.maps.arcgis.com/home/index.html

City and Borough of Sitka GIS
www.mainstreetmaps.com/ak/sitka/public.asp

City and Borough of Wrangell GIS
www.wrangell.com/planning/online-parcel-mapping-and-data

City and Borough of Yakutat GIS
cby.maps.arcgis.com/home/index.html

Mapping Contaminated Sites

Included below are links to State datasets and files that may be helpful to identify where known contaminated sites are located, as well as datasets that may be useful to determine the potential impacts of contamination (e.g., whether there are wells on or near the property, location of groundwater, etc.). This list is not meant to be exhaustive. Rather, these datasets are intended to provide examples of publicly available information for users to begin gathering information as they seek to determine the extent of possible contamination. Not all of these datasets will be relevant to all potentially contaminated properties.

DEC Contaminated Sites (CS) Database
dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/Search/

The DEC CS Database is a statewide dataset of all known and tracked contaminated sites in Alaska. The dataset can be explored as a searchable database (e.g., search by location, site name, etc.), or as a webmap.

DEC Groundwater Plumes
www.arcgis.com/home/item.html?id=6a429beae6184bd0bdb49332e856a4c4

This dataset was created by the DEC CS Program to provide the public easier access to contaminated groundwater plume information associated with contaminated sites.

WELTS Database
www.arcgis.com/home/item.html?id=996cd3a4e7804f358e880027a5503f16
dnr.alaska.gov/welts/#show-welts-intro-template

The Well Log Tracking System (WELTS) contains information submitted to the Alaska Hydrologic Survey, Department of Natural Resource's Division of Mining, Land and Water. The database includes information (e.g., location, property description, driller, well owner, etc.) on all well logs filed with the State.

Alaska Resource Data File (ARDF)
mrdata.usgs.gov/ardf/

This dataset is maintained by the US Geological Survey (USGS) and includes descriptions of mines, prospects, and mineral occurrences.

State of Alaska Open Data Geoportal
gis.data.alaska.gov

The State of Alaska has developed its Open Data Geoportal as a repository of Federal, State, and local maps, applications, and geospatial data.

Screengrab of Alaska Open Data Geoportal Homepage

Many tools and resources are available that can help TRPs and others create their own unique maps. Some of these allow for maps or inventories to be developed using a desktop device, while others are designed for mobile use when conducting a site visit. Below are examples of such tools. Their inclusion in

this Handbook does not constitute an endorsement. Rather, they are listed here as they've been used by TRPs and others to develop maps and track information related to contaminated sites.

Google My Maps
www.google.com/maps/about/mymaps/

Google My Maps is a free desktop application that allows the user to develop an inventory of sites, draw polygons or property boundaries, among other features for either personal or public use.

ArcGIS Survey 123
https://www.esri.com/en-us/arcgis/products/arcgis-survey123/buy

ArcGIS Survey123 is a downloadable application meant for mobile use on a smart phone or device that allows the user to collect data in the field, analyze the results, and map and communicate findings to interested stakeholders. This software requires an annual subscription.

Identifying Potentially Responsible Parties

Potentially responsible parties (PRPs) are parties who may be liable for the costs associated with the assessment and cleanup of a contaminated site. Alaska Statute (AS) 46.03.822 identifies the person or persons who can be held liable. At brownfields properties, PRPs can often include any party that caused or contributed to the contamination, current and/or former landowners, depending on the timing of the contamination and site-specific circumstances, or others. Note there is a difference between a liable party and a responsible party. A party can be liable, but not responsible, such as the landowner who purchases the property after the contamination is present. A responsible party is one who contributed to the contamination, such as the landowner at the time of the release; this party is also liable.

It is important to identify PRPs for several reasons, the most obvious of which is to determine the person(s) financially responsible for conducting the investigation and cleanup. PRPs can also provide useful information about where contamination might be present or identify former employees who might know where spills occurred or drums were stored.

In order to identify PRPs, first develop a detailed site chronology and property history for the site. Some questions that should be asked include:

- How, when, and where did the release occur?
- Who currently owns the site and who used to own it?

- How has the property been used over time and by whom?
- Who are the current and former operators and lessees?
- Did the property boundaries change?

As the site history begins to be developed, PRPs will be identified and/or data gaps discovered where more information is necessary.

Where to begin your search depends on the information that you have readily at your disposal. If the site is a historic facility, such as a cannery or mine, simple internet searches might be a good place to begin. For most sites, the easiest PRP to find may be the current landowner. There are several internet sources for land records (discussed above under *Site Identification*) including the State of Alaska Department of Natural Resources (DNR) Recorder's Office and Municipality or Borough tax rolls. If a corporation owned the property or operated the facility, detailed information about the corporation will be on the Alaska Department of Commerce, Community, and Economic Development's Division of Corporations, Business, and Professional Licensing corporations and business licenses databases.

EPA has also developed a PRP Search Guidance Manual that contains helpful information regarding categories of PRPs, internet links for where to look for PRPs, suggested questions to ask when interviewing PRPs or anyone who might have information about the site, and other advice.

EPA PRP Search Guide

- www.epa.gov/enforcement/finding-potentially-responsible-parties-prp

Site Assessment

Conducting a site assessment includes researching and documenting what is known about a property's ownership history and use, previous activities, and any known or suspected spills, releases, or disposal of petroleum or hazardous substances. In addition, the site may need to be characterized and assessed based on field sampling and laboratory analyses, as appropriate, to determine what contaminants are present, at what concentrations, and whether cleanup is necessary.

Examples of Environmental Site Assessments

Environmental site assessments (ESAs) can take many different forms and include different types of information depending upon the needs of the user. Some of the most commonly conducted ESAs will meet the requirements set by the American Society for Testing and Materials (ASTM). Note that a license is required to access and use ASTM standards, including for Phase I and II ESAs. Also note that the costs of conducting Phase I and II vary greatly depending upon the nature of the contamination and complexity of the site.

ASTM Phase I (E-1527) – The purpose of the Phase I is to identify potential "recognized environmental conditions" or RECs, often with the goal of satisfying EPA's All Appropriate Inquiries (AAI) requirement (AAI is relevant to those seeking liability protection from CERCLA and is discussed below in *Understanding Environmental Liability Issues*). A Phase I includes:

- A records search or desktop study;
- A site reconnaissance visit;
- Interviews with persons that have knowledge of the property; and
- The report itself.

ASTM Phase II (E-1903)—As its name implies, a Phase II is a more in-depth study than a Phase I that typically involves sampling and site characterization. The purpose of a Phase II is to build on what is known about a site and gain more information so that a person can make informed decisions with respect to the property.

Screening for Lead, Trespass Shooting Range, Delta Junction

Property Assessment and Cleanup Plan (PACP): PACPs are documents specific to Alaska, developed by DEC as a way to organize known information about a site and begin planning for the property's cleanup and reuse. The intent of a PACP is to identify the same types of recognized environmental conditions at a site as does an ASTM Phase I; however, a PACP also gives the user a comprehensive understanding of how those conditions could affect the intended use or reuse of the site, and what would be required to mitigate or remediate those conditions in order to achieve the reuse goal. Information summarized in a PACP may include: demographic data about a community and available local resources; preexisting data regarding environmental conditions; proposed or planned future uses for the site; and the requirements and estimated costs for management or remediation of any environmental conditions in order to achieve those uses. The DEC Brownfields Program can provide examples of PACPs upon request.

Cleanup Options and Planning

Based on the results of the site assessment, a cleanup plan may be required to address existing contamination on the property. One common approach for outlining potential cleanup options could be in an Analysis of Brownfields Cleanups Alternatives (ABCA), which is a requirement for projects that are seeking Federal brownfields funding for a cleanup. Informing and involving the community in the cleanup planning process is also important and beneficial and may also be

required when using brownfields cleanup funding (e.g., a Community Relations Plan). If the site is being addressed with DEC's CS Program, a cleanup workplan would be submitted to and approved by DEC, which would describe who will do the work, how the site will be cleaned up, the sampling and analyses that will be conducted, among other details to ensure the site is cleaned up to the appropriate levels and through the appropriate methods.

Cleanup

How a site is cleaned up depends on a number of factors, including the source and extent of contamination, the threat to human health and the environment, and the intended reuse envisioned for the property. Common cleanup activities include:

Excavation of Petroleum-Contaminated Soil, Discovery Campus, Kasaan

- Excavation of contaminated soil, which can be transported offsite for treatment or disposal or landfarmed nearby.
- Tank removal and excavation and disposal of related petroleum-contaminated soil. Note that "tank removal" itself is not an eligible task under the Brownfields Program; however, moving the tank to sample/excavate the soil beneath it may be.
- Capping of contaminated areas with synthetic barriers or clean soil to reduce exposure pathways.
- In-situ treatment using chemicals or natural-occurring microbes to break down contaminants onsite.
- Abatement of lead and asbestos materials, which is removed and disposed offsite by licensed professionals.

Post Cleanup and Reuse

Post-cleanup obligations depend upon the cleanup decisions made and the way the site is being reused. For example, some sites may require monitoring and ongoing engineered controls (ECs, such as fencing) and institutional controls (ICs, such as deed restrictions) to ensure the protection of human health and the environment. Because the overall cleanup strategy dictates whether post-cleanup controls are needed for protectiveness, it is important to coordinate with DEC during cleanup planning to understand the cleanup options being considered and how ICs/ECs could impact local stakeholders and the site's reuse.

Overcoming Potential Barriers to Brownfields Redevelopment

Unsurprisingly, brownfields may have additional issues that could hinder or deter their reuse or redevelopment when compared to "greenfields." With some forward thinking, creative partnerships, and strategic planning, however, these barriers can be overcome.

Assessing and Addressing Environmental Contamination

One of the most significant barriers to reusing brownfields is determining whether or not contamination is present at the site in the first place and, if so, addressing the contamination appropriately to ensure that the cleanup is consistent with all relevant State and Federal regulations and performed in a manner that will allow the property to be enjoyed safely in the future.

Working with Environmental Consultants

A qualified, experienced consultant will help define the problem and develop solutions that are protective, in compliance with environmental regulations, and cost effective. Consultants should have:

- A thorough understanding of Alaska's environmental cleanup regulations, relevant Federal laws and regulations (e.g., RCRA, asbestos-containing materials, etc.), and guidance documents;
- Experience in projects that are similar in scope and nature; and
- Excellent oral and written communication skills.

Initial Steps: Prepare a brief, written description of the site, including current use, the problem as you understand it, and the potential work that may need to be done. Providing as much information as possible will help consulting firms provide more consistent and accurate estimates, which can ultimately save time and money.

Initial Contacts: Compile a list of companies that perform contaminated site characterization or cleanup work in that area. Information can usually be found through online searches or in online directories. Note that DEC does not maintain a list of qualified environmental professionals or qualified samplers, nor does it issue qualification certificates. DEC cannot recommend specific consultants, but can refer you to other parties that have participated in cleanup projects who may be willing to share their experiences.

Questions to Ask Prospective Consultants:

- What projects have they previously managed?
- How similar are previous projects to yours?
- Are they qualified to perform the full scope of work you require, or would they need to team with another company?

- Who serves as their subcontractors for services such as excavation, monitoring well installation, laboratory, or other services?
- Who would be the project manager?
- What is their experience in working with DEC or other regulating agencies? Do project staff meet DEC's requirements for "qualified environmental professional" and "qualified sampler?" If the consultant is performing an ASTM Phase I/Phase II ESA, do they meet the qualifications for and have experience with conducting those types of assessments?
- What potential impact would the project have on customers, neighbors, or traffic and how would these impacts be mitigated?

Resource:

For more information on working with consultants, see DEC's fact sheet, "Selecting an Environmental Consultant."

dec.alaska.gov/media/15571/selecting-consultant.pdf

Check References: Checking references is probably the most important part of the selection process. Before choosing a consulting firm, it is critical to talk with businesses the firm cites as references.

Getting Training and Certification

TRPs may want to get specific training or become certified to perform certain activities themselves rather than contract for this work to be performed. Several options are available for learning new skills relevant to brownfield assessments and cleanups, including:

CERCLA 128(a) Funding—learning new skills and taking relevant trainings are eligible uses of STRP funds, as these skills serve to enhance the TRP program. Relevant trainings could include, how to conduct ASTM Phase I and Phase II ESAs, earning certain certifications, etc. Check with your EPA project officer first when considering whether a training is covered by your STRP cooperative agreement.

EPA's Environmental Workforce Development and Job Training (EWDJT) Program—EWDJT funds are provided to nonprofit organizations and other eligible entities to recruit and train unemployed and underemployed residents from brownfields-impacted communities and place them in jobs in environmentally-related fields. Alaska currently has two job training grant recipients:

- **Zender Environmental.** Zender's core training program includes nearly 200 hours of instruction within three focus areas: (1) brownfields waste assessment and cleanup training; (2) solid waste management; and (3) spill response. Zender also offers relevant trainings throughout the year on topics such as soil and water sampling, backhaul training, integrated solid waste management, et al. www.zendergroup.org/

- **Alaska Forum on the Environment (AFE)**. The AFE training program includes the 40-hour HAZWOPER course and 8-hour refresher, as well as many other course offerings that may include, depending on need: an OSHA 10-hour construction course, qualified sampler training, GPS/GIS skills for environmental field work, lead awareness, asbestos awareness, and hazardous materials awareness, et al. In addition, AFE also provides online webinars/trainings on a number of related topics.
  akforum.org/

Working with DEC

If a property is known to have contamination, DEC will assign a project manager to oversee the cleanup and ensure that the project complies with applicable State and Federal requirements. The CS Database includes the contact information of project managers for all sites included in the database. Contact the appropriate project manager to learn more about a site and how to get involved.

HBM Abatement, Old Talkeeta Library Talkeenta

If it is not known whether a site is contaminated, DEC is still available to provide support and guidance early in the project planning process. Contact the DEC Brownfields Program (see the *Directory* section of this handbook) to discuss why potential contamination is suspected and to identify next steps.

Reasons to involve DEC during the planning stage include:

- the property is already known to have contamination;
- an objective perspective is needed;
- concern that the project may require additional assessment or cleanup;
- regulatory decisions/interpretations are needed to move forward; and
- a project needs or would benefit from DEC concurring with a project's independent findings.

DEC is also available to provide a regulatory perspective of a project's findings upon completion.

Understanding Environmental Liability Issues

Both Federal and State environmental laws are based on the principle that the "polluter pays" for cleanup of contamination and not the taxpayer or the government. As a cornerstone of that maxim, for both State and Federal law, the owner or operator of a contaminated property is generally held liable for the property's cleanup based solely on their ownership of the property. Liability concerns may impact some parties' decision whether or not to acquire contaminated property. To encourage the purchase, cleanup, and revitalization of brownfields, Federal and State laws provide relief from liability to certain classes of responsible parties when they did not cause or contribute to the contamination. These provisions can be utilized by parties who have demonstrated an interest in reusing a brownfield property.

Understanding liability in the brownfields context is critical to anyone who has purchased or acquired a property (or may purchase or acquire a property) that may be contaminated in order to determine whether they are responsible for paying for part or all of a cleanup. In addition, PRPs are not eligible to receive brownfields funding unless they can demonstrate they qualify for liability relief under Federal law.

What Does Liability Mean?

Liability is a comprehensive legal term that describes the condition of being actually or potentially subject to a legal obligation. For contaminated sites, both Federal and State laws create a regulatory framework for liability that is strict, joint and several, and retroactive:

- What is "strict liability?" A legal obligation without regard to fault.
- What is "joint liability?" A legal obligation for which more than one party is responsible.
- What is "joint and several liability?" The status of those who are responsible together as one unit as well as individually for their conduct. The person who has been harmed can institute a lawsuit and recover from any one or all of the wrongdoers — but cannot receive double compensation (e.g., the full amount of recovery from each of two wrongdoers).
- What if the contamination or release happened in the past? A party may be held liable retroactively, even if the contamination occurred decades ago.

Relevant Federal and State Laws

When considering how to approach a brownfields project, one should understand the potential liabilities — as well as potential relief from liability — under both Federal and State law. It's also important to appreciate the differences between Federal and State laws and the respective criteria for achieving liability relief.

Federal Laws include:

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or more commonly known as Superfund);

- Under CERCLA, the Small Business Liability Relief and Brownfields Revitalization Act (or more commonly known as the Brownfields Amendments); and
- Brownfields Utilization, Investment and Local Development (BUILD) Act.

State of Alaska Laws include:

- Alaska Statute (AS) 46.03.822: Strict Liability for the Release of Hazardous Substances

Who can use the liability relief provisions listed in AS 46.03.822?

- The State
- Municipalities
- Native Villages
- Private Parties

Who can be Liable?

In general, Federal and Alaska laws require certain classes of people (i.e., PRPs) to pay for cleaning up contamination existing on a property. Depending on whether you are looking at Federal or State law, PRPs could include:

- Owners and persons with control over hazardous substance at the time of release;
- Owners and operators at the time of the release;
- Current owners and operators;
- Generators and arrangers; and
- Transporters.

Potential Liability Relief for Owners or Prospective Purchasers of Brownfields

If you acquired or are looking to acquire a property that may be contaminated, both Federal and State laws provide certain liability relief to landowners who meet specific criteria in an effort to encourage cleanup and reuse of those properties.

Liability relief can look similar between Federal and State law, but there are notable differences. Because both State and Federal laws and regulations apply concurrently, a party may qualify for a landowner liability relief provision under one framework, but not the other. For example, a party may meet the requirements of the bona fide prospective purchaser provisions under Federal law; however, Alaska law does not have a similar liability protection. Thus, liability relief may not be assured under State law unless a State landowner liability relief protection applies.

Both DEC and EPA have developed a number of resources to assist in navigating liability issues related to brownfields projects. These resources contain much more information about the various types of liability relief that may apply to brownfields projects, as well as the requirements that must be met in order to qualify for such relief. These include:

- Liability Issues at Brownfields—Frequently Asked Questions (DEC 2020) dec.alaska.gov/media/22164/liability-fact-sheet-final.pdf

- The Revitalization Handbook – Addressing Liability Concerns at Contaminated Properties (EPA 2019) www.epa.gov/sites/production/files/2020-06/documents/revitalization-handbook-final-2020.pdf

- Enforcement Discretion Guidance Regarding Statutory Criteria for Those Who May Qualify as CERCLA Bona Fide Prospective Purchaser, Contiguous Property Owners, or Innocent Landowners ("Common Elements") (EPA 2019) www.epa.gov/enforcement/common-elements-guidance

General Types of Liability Relief that May Apply to Brownfield Projects

Federal (CERCLA 107)*

- Innocent landowner/Bona fide prospective purchaser
- Contiguous property owner
- Native Corporation receiving contaminated property under the Alaska Native Claims Settlement Act (ANCSA)
- State and local government activities (e.g., involuntarily acquiring property as a function of their governmental powers; responding to an emergency)

State of Alaska (AS 46.03.822)

- Third Party Liability
- Native Corporation receiving contaminated property under ANCSA
- Involuntary acquisition of property by a state or local government unit

* Applicants must meet one of the liability protections under CERCLA to be eligible for brownfields federal funding, including state services that are provided using federal funds.

Liability Relief under CERCLA with respect to Brownfields

The Brownfield Amendments outline and clarify liability relief for landowners who acquire contaminated property and meet a number of statutory criteria. These provisions are designed to be self-implementing; however, in limited circumstances and based on available resources, EPA may also issue clarifying "comfort/status letters," which provide prospective purchasers with the information the Agency has about a property at the time of the letter's issuance. Any questions regarding potential Federal liability should be directed to the appropriate EPA Region 10 project officer.

Innocent Landowner (ILO)

Purchased property with no knowledge of contamination at the time of purchase and:

- Conducted *All Appropriate Inquiry* prior to purchase
- Must satisfy *ongoing obligations*

Bona Fide Prospective Purchaser (BFPP)

Purchased property knowing, or having reason to know the property is contaminated and:

- Conducted *All Appropriate Inquiry* prior to purchase
- Must satisfy *ongoing obligations*
- Demonstrate *no affiliation* with liable party
- Acquired property after January 11, 2002

Contiguous Property Owners (CPO)

For property adjacent to source of contamination, purchased property with no knowledge of contamination at the time of purchase and:

- Conducted *All Appropriate Inquiry* prior to purchase
- Must satisfy *ongoing obligations*
- Demonstrate *no affiliation* with liable party

Native Corporation Receiving Contaminated Property Under ANCSA

- The BUILD Act (2018) provided Federal liability relief for Alaska Native Villages and Native Regional Corporations for contaminated property that was conveyed pursuant to ANCSA.

- Federal liability relief is available so long as the entity did not cause or contribute to the contamination or release of a hazardous substance.

All Appropriate Inquiry:

All appropriate inquiries (AAI) is the process of evaluating a property's environmental conditions, which may be relevant to assessing potential liability for any contamination. AAI requirements apply to anyone seeking liability protection from CERCLA as an innocent landowner, contiguous property owner, or bona fide prospective purchaser.

For more information, see EPA's AAI webpage at:

www.epa.gov/brownfields/brownfields-all-appropriate-inquiries

What are Ongoing Obligations?

- Compliance with land use restrictions and not impeding the effectiveness or integrity of institutional controls (ILO, BFPP, and CPO)
- Taking "reasonable steps" with respect to hazardous substances affecting a landowner's property (ILO, BFPP, and CPO)
- Providing cooperation, assistance, and access (ILO, BFPP, and CPO)
- Complying with information requests and administrative subpoenas (BFPP and CPO); and
- Providing legally required notices (BFPP and CPO)

Liability Relief under Alaska State Law

Alaska Statute 46.03.822 defines the conditions under which a person may be relieved of liability. The most common liability relief that may be available to private parties/landowners, municipalities, and Native Village and Regional Corporations include: (1) third party liability; (2) involuntary acquisition of property by a unit of State or local government; and (3) Native Corporations receiving property under ANCSA.

Third Party Liability (TPL) – AS 46.03.822(b), (c), and (l)

A PRP can seek liability relief by showing third party liability. This relieves the PRP from some aspects of liability:

- The release of a hazardous substance (including petroleum) occurred solely as a result of an intentional or negligent act or failure to act by a third party who is not otherwise affiliated with the person (e.g., contractual or employment relationship). The person must also have:
  - exercised *due care* with respect to the hazardous substance; and
  - taken *reasonable precautions* against the act or omission of the third party
- The person, within a *reasonable period of time* after the act occurred, must have:
  - discovered the release of the hazardous substance; and
  - began efforts to contain and clean up the hazardous substance
- In addition, the person must undertake all *reasonable inquiries* into prior ownership and use of the property and did not know or have a reason to know there had been a release of a hazardous substance
- Due diligence considerations to establish whether a person had no reason to know of a prior release include:
  - specialized knowledge or experience;
  - purchase price compared to the property value;
  - commonly known or reasonably ascertainable information about the property;
  - obvious or likely presence of contamination; and
  - ability to detect contamination by appropriate inspection.

Alaska's TPL Provision, (very) simplified:*

A person who acquires a property is not liable if he/she:

- Had no reason to know that a hazardous substance was disposed of prior to acquisition;
- Upon discovery of the hazardous release, takes steps to contain and clean up; and
- Did not contribute to or cause the hazardous release.

* See statute for limitations and qualifications to this simplified characterization.

Involuntary Acquisition of Property by a Unit of State or Local Government – AS 46.03.822(k)

- Acquired by a government unit, including municipalities, through some involuntary acquisition process by virtue of being the sovereign. For example, through:
  - bankruptcy, foreclosure, tax delinquency, abandonment or eminent domain.
- Government unit not liable as an owner/operator under AS 46.03.822 for pre-acquisition soil/groundwater contamination.
- Must address post-acquisition leaks from tanks, drums, or other closed receptacles.

Native Corporations Receiving Contaminated Property Under ANCSA – AS 46.03.822(m)

- Under this provision, a Native Corporation that acquired land pursuant to ANCSA is not liable for a release or threatened release of a hazardous substance on the land *unless* the Native Corporation, by an act or omission, caused or contributed to the release or threatened release of the hazardous substance.
- In other words, a Native Corporation would not be liable so long as the contamination occurred prior to the land's conveyance and they did not actively or passively further the contamination.

Leveraging Additional Funding Opportunities and Other Resources

Brownfields assessment, cleanup, and redevelopment can be both complex and expensive. Identifying and securing funding—both public resources and private investments—is often critical to a project's success. It's crucial to demonstrate commitment to the project in order to compete for and attract additional resources and investments. For example, TRPs:

- can provide staff time and other in-kind resources to establish a project is a priority;
- organize a team of local partners to champion the project and help move it forward; and
- identify initial local investments or funding sources that can help address potential barriers or data gaps early.

To assist communities and TRPs, EPA developed *Setting the Stage for Leveraging Resources for Brownfields Revitalization*, a step-by-step guide for helping localities identify the partners and resources necessary for seeing a brownfields project through from assessment to redevelopment.

- www.epa.gov/brownfields/setting-stage-leveraging-resources-brownfields-revitalization

Many planning activities (including identifying other funding resources and partners) are eligible under EPA brownfields assessment or multipurpose grants. These include studies to analyze the market conditions and local economic factors that could impact a brownfields

project, evaluations of nearby resources and impacts, and reports that identify potential resources that can be leveraged and how they will be used to achieve the goals of the project.

EPA has developed a series of ten (10) fact sheets that describe various eligible site planning and how they can support brownfields assessment and redevelopment.

- https://www.epa.gov/brownfields/information-eligible-planning-activities

Examples of planning activities that may be eligible include:

- Site Reuse Assessment
- Land Use Assessment
- Market Study
- Infrastructure Evaluation
- Community Health Assessment
- Site Disposition Strategy
- Site Reuse Vision
- Revitalization Plan
- Resource Roadmap
- Evaluation of Market Viability

Resource:

Resource Roadmaps organize the various phases and moving parts of a typical brownfields project into discrete pieces, identifying leaders, funding sources, and a timeline for achieving each of those pieces. EPA's *Resource Roadmap* fact sheet provides an introduction to this type of planning document. See:

www.epa.gov/sites/production/files/2018-10/documents/resource_roadmap.pdf

Besides using EPA grants to fund these planning activities, many other programs and resources may be available to TRPs to support upfront planning activities to assist in decision-making. For example, the Agency of Toxic Substances and Disease Registry (ATSDR) and the Alaska Department of Health and Social Services, Division of Public Health can assist in evaluating public health data, conducting health assessments, and recommending specific actions as they relate to the potential health effects/impacts of a brownfields project. Further, funding and technical assistance may also be available from the Economic Development Administration's (EDA) for planning activities that support reuse, including an analysis of local infrastructure resources and needs related to a brownfields project. More information about these potential resources and others can be found in the *Other Funding Opportunities and Technical Resources* section of this handbook.

State and Tribal Response Programs

The State and Tribal Response Program (STRP) is a national, non-competitive program funded by Section 128(a) of CERCLA and awarded by U.S. EPA. As of June 2021, there are 22 state and tribal response programs in Alaska. The primary goals of the STRP program are to establish and enhance programs that address the assessment, cleanup, and redevelopment of brownfields sites.

To be eligible for Section 128(a) funding, a state or tribe must:

- Demonstrate that its response program includes, or is taking reasonable steps to include, the four elements of a response program outlined by EPA and described below; or be a party to a voluntary response program memorandum of agreement (VRP MOA) with EPA;

  and

- Maintain and make available to the public a record of sites at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year.

Resource:

EPA provides an annual update to its *Funding Guidance for State and Tribal Response Programs*. For the latest guidance, see:

www.epa.gov/brownfields/state-and-tribal-response-program-grant-funding-guidance-resources

The Four Elements

The four elements of a response program include:

(1) Timely survey and inventory of brownfield sites in state or tribal land (e.g., creating a list of potentially contaminated sites, locations, and their characteristics). Many STRP grant recipients conduct inventories of brownfields sites in their areas. Some also develop a prioritization listing of those sites that are of greatest concern to the community. Concern may stem from the potential risk posed at a site or from the fact that the site limits the community's use of the property and subsequent adjacent property around it. EPA encourages grant recipients to work with the information that they have available.

(2) Oversight and enforcement authorities or other mechanisms and resources that are adequate to ensure that a response action will protect human health and the environment with respect to the oversight of local cleanups or assessments (e.g., coordination with DEC).

In Alaska, DEC has legal oversight and enforcement authorities in statute that meet the requirements of this element, with the exception of the Metlakatla Indian Community.

Thus, tribes can work towards this element by documenting an increased understanding of DEC environmental regulations. The capacity to understand and explain the role of responsible parties and landowners, and how they fit into the regulatory process, can also be very important for TRPs. In addition, tribes can move towards oversight through tribal creation of codes and ordinances over Tribal members that meet or exceed the State of Alaska standards. Note that in coordinating and collaborating with DEC, a federally recognized tribe does not give up any of their sovereign rights.

(3) Mechanisms and resources to provide meaningful opportunities for public participation (e.g., conducting outreach to community on brownfields-related topics and what TRP's goals, plans, and accomplishments are). In Alaska, DEC has an established process for the public to report spills or environmental concerns, and a process to request an assessment at potential brownfield sites. Additionally, some tribes have developed the capacity to respond to requests for assessments from the communities they serve. DEC encourages all parties to communicate their environmental concerns to the Department so that a proper and coordinated response can be initiated.

Resource:

Working with the Tribal Technical Assistance to Brownfields (TAB) Program at Kansas State University, ANTHC has developed a series of trainings on how to meet CERCLA 128(a)'s four elements and public record requirements. These can be found on ANTHC's Brownfields Resources page:

anthc.org/what-we-do/community-environment-and-health/brownfield-contaminated-sites/brownfields-tribal-response/

(4) Mechanisms for approval of cleanup plans, and verification and certification that cleanup is complete. In Alaska, DEC has the capacity and statutory authority to approve cleanup plans and verify that cleanup efforts fulfill a responsible party's obligations. Thus, coordination with DEC is required and consequently this element is met through this coordination.

DEC has an established process for reviewing and approving assessment and cleanup plans and for verifying when cleanup activities have been completed. Further, DEC provides a written determination when a cleanup is complete. DEC also identifies whether a site, on completion of the response action, will be suitable for unrestricted use. If not, the closure requirements may identify land-use or activity controls that must be met.

To meet this element, TRPs should work directly with DEC to ensure all site-activity is verified and certified. As an example, a TRP could establish standard procedures for coordinating with DEC and documenting that cleanup plans are implemented as planned. Note that in coordinating and collaborating with DEC, a federally recognized tribe does not give up any of their sovereign rights.

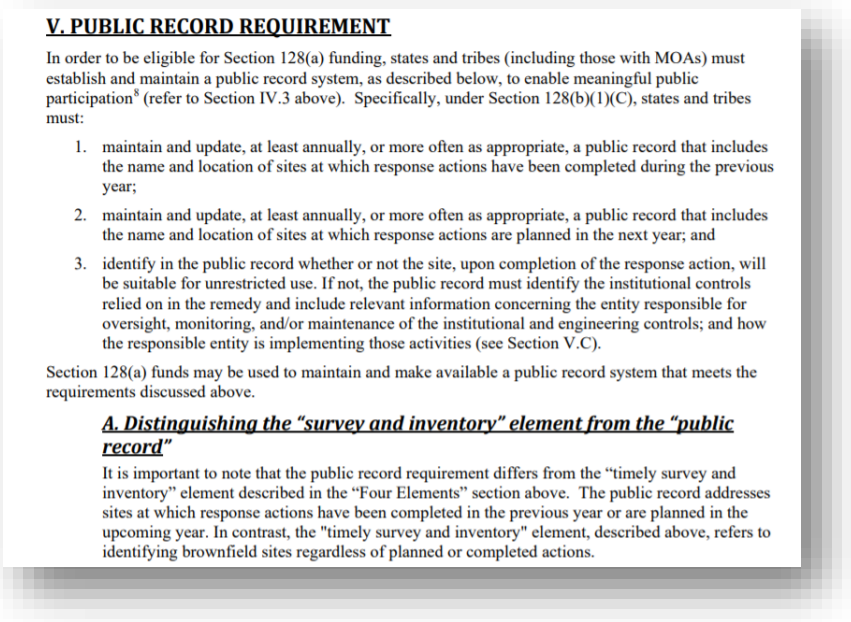
Public Record

It is also necessary that TRPs develop a public record system that documents specific information that will aid in public involvement. EPA requires that response programs must:

- Maintain and annually update (at a minimum) a public record that includes the name and locations of sites for which there was a response action in the past year. For the most part, if there was a response action under the DEC's cleanup rules, the action will be documented in the DEC's CS Database.

- Maintain and annually update (at a minimum) a public record that identifies those sites for which response actions are planned in the next year. This can be difficult to do and relies heavily on available funding. For example, DEC identifies a list of projects for which it would like to use STRP funding to conduct assessments and/or cleanups, but the work that is actually completed depends on that funding which comes through.

- Lastly, there needs to be a public record of the type of site use that is possible once a response action has been completed. The DEC's CS Database tracks this information for every site that receives a Cleanup Complete determination. If restrictions are required that limit the use of the property (because contamination remains at the site), then it is documented in DEC's CS Database. Note that these sites can be found in the database by selecting "Cleanup Complete—Institutional Controls" under "Status" and searching for the area of interest under "City."



V. PUBLIC RECORD REQUIREMENT

In order to be eligible for Section 128(a) funding, states and tribes (including those with MOAs) must establish and maintain a public record system, as described below, to enable meaningful public participation[8] (refer to Section IV.3 above). Specifically, under Section 128(b)(1)(C), states and tribes must:

1. maintain and update, at least annually, or more often as appropriate, a public record that includes the name and location of sites at which response actions have been completed during the previous year;
2. maintain and update, at least annually, or more often as appropriate, a public record that includes the name and location of sites at which response actions are planned in the next year; and
3. identify in the public record whether or not the site, upon completion of the response action, will be suitable for unrestricted use. If not, the public record must identify the institutional controls relied on in the remedy and include relevant information concerning the entity responsible for oversight, monitoring, and/or maintenance of the institutional and engineering controls; and how the responsible entity is implementing those activities (see Section V.C).

Section 128(a) funds may be used to maintain and make available a public record system that meets the requirements discussed above.

A. Distinguishing the "survey and inventory" element from the "public record"

It is important to note that the public record requirement differs from the "timely survey and inventory" element described in the "Four Elements" section above. The public record addresses sites at which response actions have been completed in the previous year or are planned in the upcoming year. In contrast, the "timely survey and inventory" element, described above, refers to identifying brownfield sites regardless of planned or completed actions.

Page Excerpt from EPA's STRP Guidance

Alaska's Tribal Response Programs

List of Current Tribal Response Programs

As of 2020-2021, there are 22 State and Tribal Response Programs in Alaska. Links to the main websites for each TRPs are included below, as are any brownfields-related websites (if available). All websites accessed on May 1, 2021.

Alaska Native Tribal Health Consortium

anthc.org/what-we-do/community-environment-and-health/brownfield-contaminated-sites/

anthc.org/what-we-do/community-environment-and-health/brownfield-contaminated-sites/brownfields-tribal-response/

Bristol Bay Native Association

www.bbna.com/

bbna.com/our-programs/natural-resources/brownfields-program/

Central Council Tlingit Haida Indian Tribes of Alaska

www.ccthita.org/services/community/environmental/

www.ccthita.org/services/community/environmental/index.html

Chickaloon Native Village

www.chickaloon-nsn.gov/environmental-stewardship/

www.chickaloon-nsn.gov/tribal-response-program/

Copper River Native Association

crnative.org/

crnative.org/what-we-do/tribal-community-services/brownfield-tribal-response-program/

Douglas Indian Association Facebook page

www.facebook.com/pages/Douglas-Indian-Association/135273063217300

Kawerak, Inc.

www.kawerak.org/

kawerak.org/natural-resources/environmental-program/

Maniilaq Association

www.maniilaq.org/tribal-government-services/

www.maniilaq.org/brownfields/

Metlakatla Indian Community

www.metlakatla.com/

Native Village of Eklutna

eklutna-nsn.gov/

eklutna-nsn.gov/departments/land-and-environment/

Native Village of Eyak

nveyak.com/

nveyak.com/environmental-and-natural-resources/

Native Village of Gakona

www.nvgakona.com/

nvgakona.com/brownfields/

Native Village of Napaimute

napaimute.org/category/environmental/

Native Village of Tetlin

www.tetlincorp.com/

Organized Village of Kasaan

www.kasaan.org/

www.kasaan.org/tribal-response-program

Port Heiden Native Council

www.nativevillageofportheiden.com/environmental.html

www.nativevillageofportheiden.com/brownfields.html

Qawalangin Tribe of Unalaska

www.qawalangin.com/

www.qawalangin.com/brownfields

Sitka Tribe of Alaska

www.sitkatribe.org/

www.sitkatribe.org/pages/brownsfield

Tanana Chiefs Conference

www.tananachiefs.org/environmental-health/

www.tananachiefs.org/environmental-health/brownfields/

Yakutat Tlingit Tribe

yakutattlingittribe.org/

yakutattlingittribe.org/environmental/

Yukon River Inter-Tribal Watershed Council

www.yritwc.org/

www.yritwc.org/brownfields

Eligible Activities of STRP Funding

Eligible activities should help to establish or enhance a tribal response program. To the extent that activities are planned or known in advance, they should be documented in the TRP's workplan. Any questions regarding whether a specific activity is eligible should be directed to the appropriate EPA project officer.

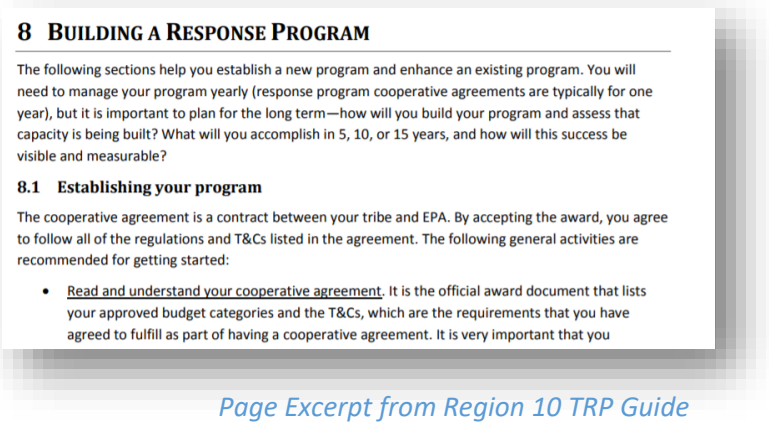
Examples of eligible activities include, but are not limited to:

- Researching brownfields and updating inventory
- Developing presentations on program and brownfields for tribal council
- Attending relevant training and conferences
- Updating public record of ongoing assessments and cleanups
- Applying for other resources, including EPA competitive grants and targeted brownfield assessments
- Conducting Phase I and Phase II ESAs and other site-specific work at eligible properties
- Developing a Quality Assurance Project Plan in support of sampling efforts
- Getting trained and learning relevant skills as environmental professionals who conduct environmental site assessments and conducting fieldwork as appropriate
- Conducting outreach to community about local brownfields, benefits of brownfields reuse, and options for cleanup
- Developing or updating tribal ordinances that explain how to certify that cleanups are complete or that regulate tribal members

- Developing strategies for reuse planning, leveraging resources, and partnering with related programs (e.g., solid waste management and disposal)

TRP Management Tips and Resources

Many management tips and ideas for establishing and running a successful TRP can be found in the *Funding Guidance for State and Tribal Response Programs* that is issued each year at the commencement of the application period. EPA and others have also highlighted best management practices for Alaskan TRPs through guidance documents, archived webinars, and online discussion boards. Below are several examples.



8 BUILDING A RESPONSE PROGRAM

The following sections help you establish a new program and enhance an existing program. You will need to manage your program yearly (response program cooperative agreements are typically for one year), but it is important to plan for the long term—how will you build your program and assess that capacity is being built? What will you accomplish in 5, 10, or 15 years, and how will this success be visible and measurable?

8.1 Establishing your program

The cooperative agreement is a contract between your tribe and EPA. By accepting the award, you agree to follow all of the regulations and T&Cs listed in the agreement. The following general activities are recommended for getting started:

- Read and understand your cooperative agreement. It is the official award document that lists your approved budget categories and the T&Cs, which are the requirements that you have agreed to fulfill as part of having a cooperative agreement. It is very important that you

Page Excerpt from Region 10 TRP Guide

EPA Region 10 Tribal Response Program (TRP) Guide

EPA Region 10 has issued guidance and tips specific to TRPs located in the Pacific Northwest. This guide covers everything from how to apply for STRP funding to reporting requirements.

- anthc.org/wp-content/uploads/2019/01/Region-10-TRP-Guide.pdf

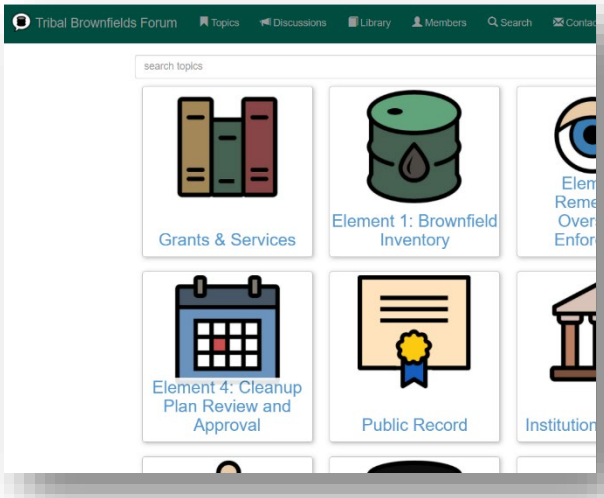
TRP Training Modules

ANTHC and Kansas State University's Tribal TAB Program have jointly developed a webinar series that provides suggestions for how to establish and enhance your 128(a) program.

- anthc.org/what-we-do/community-environment-and-health/brownfield-contaminated-sites/brownfields-tribal-response/

Tribal Brownfields Forum

ANTHC and Kansas State University's Tribal Tab partnered to develop and moderate the Tribal Brownfields Forum, which is an online



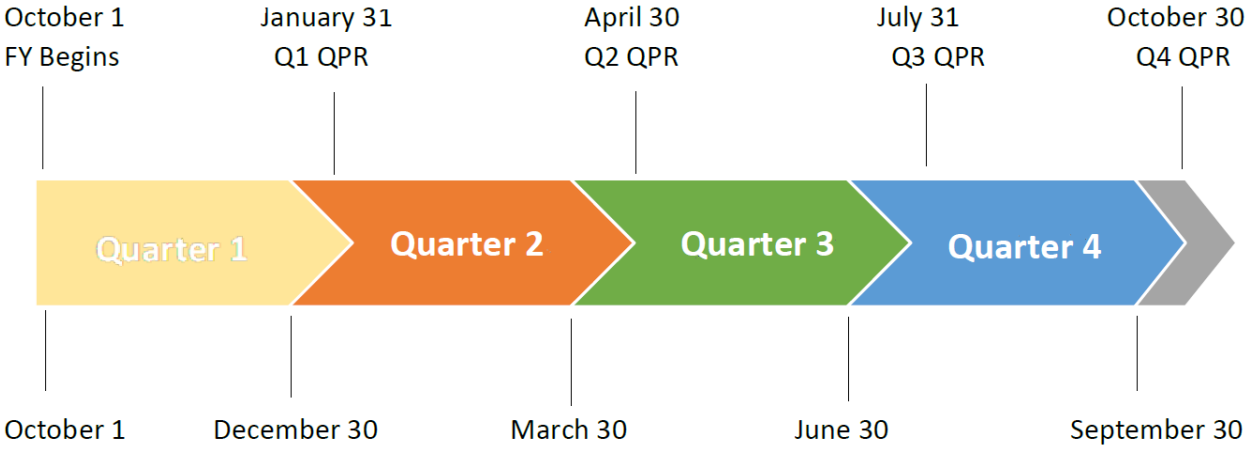
Screengrab of Tribal Brownfields Forum

platform for connecting brownfields and contaminated- sites staff with professionals from Tribal areas.

- www.tribalbrownfields.org/en/brownfields

General Schedule

TRPs are required to prepare several reports throughout the year to track progress and the activities described in their workplans. These include quarterly progress reports (QPRs), trip reports, success stories, end-of-year reporting, and site-specific reporting. QPRs are due within 30 days after the end of each quarter. Below is a general schedule of key dates to keep in mind. Some flexibility with due dates may be available depending upon circumstances, so check with your EPA project officer. EPA can also provide templates and examples of workplans, QPRs, success stories, and trip reports.



Site-Specific Activities

The primary purpose of EPA's State and Tribal Response Program is to build staff and organizational capacity so that staff can assist local decision-makers, property owners, and others to address brownfields in their community. Once this baseline is established, TRPs may choose to undertake site-specific projects as the program grows and increases its basic capacities. Site-specific assessments and cleanups must be conducted on properties that are eligible to receive such funding, be included in the TRP's work plan, and the project approved in advance by EPA. Further, no more than 50% of the work plan budget in any year can go toward site-specific work unless a waiver to that limit is requested and approved. In

Resource:

Region 10 has created a worksheet to assist TRPs in determining whether a site is eligible to receive brownfield funding. See:

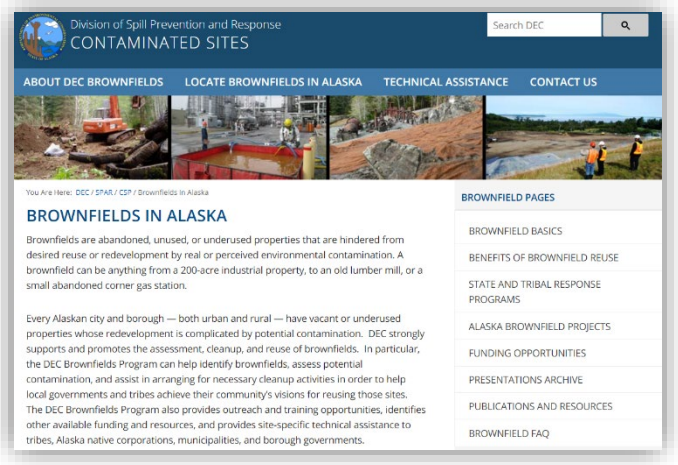
www.atcemak.com/wp-content/uploads/2020/02/10.-EPA-R10_Eligibility-Worksheet_12.5.2017.pdf

addition, site-specific activities must comply with all applicable laws. For example, a TRP interested in pursuing a cleanup project would need to work with DEC, who has oversight authority for cleanups and would thus need to review and approve workplans and reports.

ADEC Brownfields Program

Overview

Since 2001, the DEC Brownfields Program has worked with local governments, tribes, and community stakeholders to assess, cleanup, and reuse brownfields to improve the environmental, economic, and social well-being of their communities. Recognizing the unique opportunities and challenges inherent to Alaska's brownfields given its size, remoteness, and history, the DEC Brownfields Program employs a multi-faceted approach to address and revitalize dormant properties across the State. Specifically, the DEC Brownfields Program maintains a publicly available inventory of brownfields projects that it has supported, provides targeted site-specific assessment and cleanup services, and offers technical assistance to any Alaskan considering how to approach a brownfields project.



Screengrab of DEC Brownfields Website

Brownfields Inventory

To provide tribes, native corporations, municipal and borough governments, and other interested stakeholders with known information regarding potential contamination at a site, DEC maintains a database of contaminated sites that have been identified throughout Alaska. The DEC Brownfields Program ensures that brownfield sites that it supports or manages are included in the State database, as well as any relevant reports, as appropriate. As of 2020, the Contaminated Sites Database tracks nearly 8,000 active and closed sites—over 2,000 of which are active. At present, over 100 brownfields properties are included on the database.

DBAC services conducted at Jumping Salmon Lodge included assessment, HBM inventory, and a drum and tank inventory, Chenega

DEC Brownfields Assessment and Cleanup (DBAC) Services

DEC works closely with communities across Alaska to identify, assess, and cleanup brownfields to put those properties back into productive use. By assisting Alaskan tribes, native corporations, municipalities, and non-profits in conducting environmental site assessments and cleanups at brownfield sites, DBAC services help identify and reduce the environmental uncertainties or improve actual conditions. Since 2004, DEC has provided over 200 technical services to its community and tribal partners to assist their projects navigate the brownfields development process. By providing DBAC services, DEC helps communities:

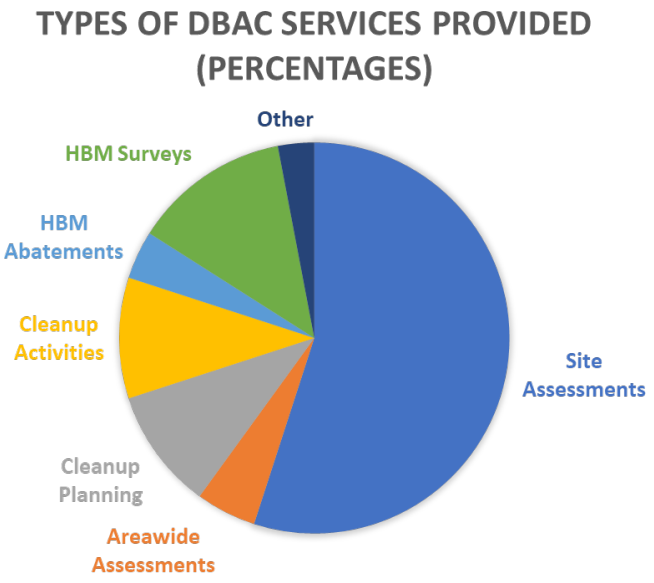
- determine whether an environmental problem at a site is limiting its desired reuse;
- identify the nature and extent of contamination;
- identify recommendations for addressing potential contamination and estimate costs for additional assessment, if needed;
- identify cleanup options and provide an estimate of cleanup costs, if indicated; and
- conduct cleanup activities designed to enable reuse of a site.

DBAC Services May Include:

- Property Assessment and Cleanup Plans (PACPs)
- Analysis of Brownfield Cleanup Alternatives (ABCAs)
- Phase I/Phase II Assessments
- Hazardous Building Materials (HBM) Surveys
- HBM Abatement
- Soil Excavation and Treatment

Eligible Applicants

DEC Brownfields Assessment and Cleanup services are available to public, quasi-public or non-profit entities such as municipalities, tribal governments, native corporations, community development organizations, and 501(c)(3) non-profits interested in redeveloping abandoned or underutilized properties.



Reuse and Community Support

Brownfields are about beneficial reuse and redevelopment. Reuse goals can include: new construction, redevelopment using existing infrastructure, creation of recreation areas, preservation of green space, restoration of sustainable subsistence habitat, and many others. Having a clear vision for the site's reuse is necessary to be eligible for DBACs.

DBAC applicants should also be able to articulate how their project aligns with and supports the community's goals and priorities. Consider how a project could create jobs, preserve historically or culturally significant property, provide a location for community activities or educational purposes, yield cost savings to the community, or increase property values.

Application Process

DEC no longer requires submission of a pre-application form and participation in a pre-application meeting. However, DEC Brownfields staff would be happy to meet with any parties considering a DBAC application upon request.

Please begin preparing your application well before the deadline to ensure sufficient time for Brownfields staff to assist you with any questions you may have and to gather any additional information that may be required before the submittal deadline.

Resource:

DEC Brownfields staff have created a video that identifies tips for applying for DBAC services, which can be found here:

dec.alaska.gov/spar/csp/brownfields/assessment-cleanup/

Application Assistance

If you have questions regarding brownfields or the DBAC application, please contact our DEC Brownfields staff. We are happy to talk with you—we want to help you submit a successful DBAC application!

Ranking Criteria

The following ranking criteria are used to prioritize and select projects. The number of sites selected depends on available funding.

The DBAC Application can be found on the DEC Brownfields website. See:

dec.alaska.gov/media/18755/dbac-app.pdf

Project Requirements – The applicant clearly describes what the project requires and provides supporting information that demonstrates the project is well understood and planned.

Reuse Plan – The brownfield property has a clear plan for its proposed reuse. The project will allow for the use or reuse of existing infrastructure; or create, preserve or add to a park,

greenway, recreational or cultural property. The reuse plan provides a strong economic or public benefit.

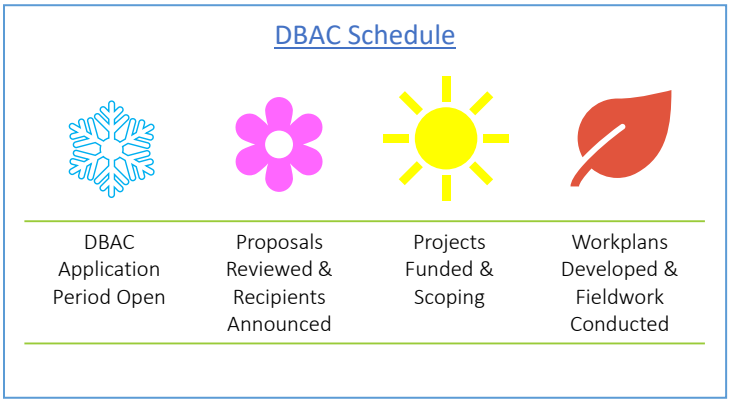
Viability of Reuse Plan - Plans for sustainable development are well thought out and documented, indicating a likelihood of the project's success. Funding from additional sources to continue work at this site has been procured or is being sought. The applicant has the resources and plan to ensure the project is successful.

Project Costs – The scope of the requested work is within DEC's funding capacity.

Community Support and Benefit – The community has been included in the proposal and support is documented through letters. The project would result in a measurable community benefit through identification and possible reduction of threats to human health and the environment as well as an increase in jobs, preservation of a resource, or construction/revitalization of a community facility or structure.

Bonus points will be awarded for the following:

- Green building or habitat preservation
- Historical or cultural significance
- Use of alternative energy



Grant Application Assistance

The DEC Brownfields Program also helps educate Alaska's brownfield stakeholders about potential grant opportunities and other resources and make connections with the relevant agencies or parties offering financial or other technical support. For example, when an eligible entity applies for a competitive brownfield grant from EPA, DEC can assist with application development (scoping, review/comment, etc.) and will write an acknowledgment letter to EPA as part of the application package. Similarly, DEC can facilitate securing other types of technical assistance (e.g., a targeted brownfields assessment (TBA)).

Training and Workshops

DEC organizes trainings for TRPs and other stakeholders on a variety of brownfields-related topics. Notably, the DEC Brownfields Program organizes a two-day workshop biennially for Alaskan TRPs. In addition, DEC invites subject matter experts to participate on webinars to share their experiences with TRPs. Presentation materials from the STRP Workshop, webinars, and other relevant conferences are archived on the DEC Brownfields website.

- dec.alaska.gov/spar/csp/brownfields/presentations/

Community Engagement

The DEC Brownfields Program can assist as you engage and inform your community about brownfields in your area and your plans for addressing them. Assistance could include helping to develop outreach materials (e.g., flyers, summary reports, etc.), explaining sampling results, workplans, or other technical documents to interested or impacted parties, and presenting cleanup options to local organizations, groups, or councils.

EPA Brownfields Program

Overview

Since 1995, the EPA's Brownfields Program has led the national effort to prevent, assess, clean up, and reuse brownfields across the U.S. To accomplish its mission, EPA develops guidance and tools to help states, communities and other stakeholders in the cleanup and redevelopment of brownfields sites, offers an array of technical assistance to the brownfields community to address issue-specific obstacles, and provides funding and other technical services on specific sites to help projects move forward.

Monitoring well installation as part of EPA area-wide assessment grant to the Municipality of Anchorage

Competitive Grants

The EPA Brownfields Program can provide direct funding or services for brownfields assessment, cleanup, revolving loans, environmental job training, technical assistance, training, and research. There are several types of nationally competitive grants available through EPA, some of which are listed below.

In addition to the assessment, cleanup, and multi-purpose grants, EPA also provides Revolving Loan Fund grants and Environmental Workforce Development and Job Training (EWDJT) grants. More information on all of EPA's competitive grants can be found at:

https://www.epa.gov/brownfields/types-epa-brownfield-grant-funding

Assessment Grants

Assessment Grants provide funding for developing brownfields inventories, characterizing sites and identifying past uses, assessing sites to determine existing contamination, conducting cleanup and redevelopment planning activities, and involving the local community in the planning process/decision-making. Assessment grants can be either site-specific or community-wide.

- www.epa.gov/brownfields/brownfields-assessment-grants

Cleanup Grants

Cleanup Grants provide direct funding for cleanup activities and can be used to address petroleum, hazardous substances, pollutants, or co-mingled (hazardous substances and petroleum) contaminants.

- www.epa.gov/brownfields/brownfields-cleanup-grants

Types of US EPA Competitive Grants*			
	Assessment	**Cleanup**	**Multi-Purpose**
Common Eligible Grant Activities	inventory, characterize & assess sites; revitalization planning; site-specific cleanup & reuse planning; community involvement	cleanup activities; reuse planning; community involvement	assessment & cleanup activities; revitalization planning
Applicant Eligibility	Government, Quasi Government, Regional Council, Tribe,± Nonprofit Organization (501(c)(3)), Qualified Community Development Entity (45D(c)(1)		
	Nonprofit organizations not organized primarily for profit (e.g., 501(c)(6) organizations)±		
Amount of Funding Available for Sites Contaminated with Hazardous Substance and/or Petroleum	Community-wide • Up to $300,000 Site-specific • Up to $200,000 or up to $350,000 with a waiver Assessment Coalition • Up to $600,000 • EPA encourages the lead entity to partner with two or more entities with limited capacity	Single site • Up to $500,000 per site Multi-site • Up to $500,000 per Application Applicants may submit 1 application totaling up to $500,000	Community-wide within one Target Area • Up to $800,000
Cost Share Requirement	n/a	20%	$40,000
Period of Performance	3 years	3 years	5 years

*Source: US EPA Webinar, FY2021 Brownfields Grants Guidelines. Access March 1, 2021. www.epa.gov/sites/production/files/202009/documents/fy21_guideline_outreach_presentation_final.pdf

± Federally recognized tribes in Alaska are not eligible; however, Federally recognized tribes can partner with Alaska Native Regional Corporations and Alaska Native Village Corporations to apply for EPA competitive grants.

Multi-Purpose Grants

Multi-Purpose Grants provide funding to carry out a range of assessment and cleanup activities, including the development of brownfields inventory and site prioritization, community engagement, site assessments, cleanup activities, and site revitalization planning.

- www.epa.gov/brownfields/brownfields-multipurpose-grants

Targeted Brownfields Assessments

To supplement its competitive grant programs, EPA also offers targeted brownfields assessments (TBA) to local governments and tribes. Through the TBA program, EPA provides an environmental consultant to conduct site assessments, outline cleanup options, provide cost estimates, and identify ways of effective community outreach and engagement. These services may include a background and historical investigation and inspection of the site, a full site assessment including sampling activities to identify contaminants and areas of contamination, and the determination of how much more investigation is needed based on cost estimates and redevelopment plans. The DEC Brownfields Program can assist in requesting TBA services from EPA and provide technical support during the TBA.

- More information on the Region 10 TBA Program: www.epa.gov/brownfields/targeted-brownfields-assessment-requests-region-10
- Region 10 TBA Questionnaire (How to Request a TBA Online): www.epa.gov/sites/production/files/2020-05/documents/tba_request_outline_2019.pdf

Figure from TBA for the Former Fish Processing Plant, Golovin

Who is Eligible to Apply for DEC and EPA grants and services?			
Entity	**DBAC**	**Competitive EPA Grants**	**TBA**
Native Corporations	yes	yes	yes
Federally Recognized Tribes in Alaska	yes	no *	yes
Local Governments	yes	yes	yes

* Federally recognized tribes can partner with Alaska Native Regional and Village Corporations

Technical Assistance to Brownfields

EPA's Technical Assistance to Brownfields (TAB) Program can assist Alaskan communities, tribes, and other stakeholders by increasing their understanding of how to acquire, assess, cleanup, and reuse brownfield sites.

Technical assistance provided by the TAB program comes at no cost to communities. TAB providers are independent resources that can provide guidance and support to TRPs and communities, including help:

- Developing brownfields inventories
- Prioritizing sites
- Reviewing technical reports and documents
- Applying for grants
- Engaging communities
- Conducting reuse visioning meetings
- Identifying financial resources and partners
- Many others

Alaska TRPs are supported by two TAB providers:

- The EPA Region 10 TAB provider is the Center for Creative Land Recycling (CCLR): www.cclr.org/
    - CCLR's resources page includes information on a variety of topics including financing, remediation, legal and insurance, as well as an archive of webinars it has previously delivered. www.cclr.org/resources
    - Contact: info@cclr.org
- The National Tribal TAB provider is Kansas State University (KSU): www.ksutab.org/services/ksu%20tribal%20tab%20program
    - KSU TAB hosts the Tribal Brownfields Forum, which is an online platform for facilitating connections among the brownfields community. www.tribalbrownfields.org/en/brownfields.
    - Contact: www.ksutab.org/contact/KSU%20Contacts

Other Funding Opportunities and Technical Resources

Many successful projects will depend on the ability to secure additional sources of funding and to leverage other resources and organizations. Access to additional sources of funding and technical expertise can often make or break a project. This section highlights other resources that may be available to TRPs beyond the traditional assessment and cleanup grants and services that EPA offers. Many of the resources included below offset costs and provide support with other stages of a brownfields project besides cleanup, including project planning, related development costs (e.g., improvements to local infrastructure), and costs associated with the site's ultimate reuse or redevelopment. This list of potential funding opportunities and technical resources is not comprehensive, but illustrates the availability of other sources of revenue and support that could improve a brownfield project's bottom line, and which may in turn attract local investment.

Resource:

See EPA's Brownfields Federal Program Guide (2019). This resource contains information on twenty-one federal programs and five federal tax incentives that can be used to support brownfields planning, assessment, cleanup and redevelopment.

www.epa.gov/brownfields/2019-brownfields-federal-programs-guide

Federal Resources

Department of Agriculture, Rural Development

The US Department of Agriculture's (USDA's) Rural Development (RD) program provides technical assistance grants, loan guarantees, and other technical assistance throughout rural Alaska. In particular, USDA's RD initiatives promote single- and multi-family housing, business development, community facilities development, and sanitation upgrades. Over the past eight years, USDA's RD program has invested over $2 billion in rural Alaskan communities. Programs include:

Rural Business Development Grants
www.rd.usda.gov/programs-services/rural-business-development-grants/ak

Community Facilities Direct Loan & Grant Program
www.rd.usda.gov/programs-services/community-facilities-direct-loan-grant-program/ak

For more information, see:

- www.rd.usda.gov/ak
- www.rd.usda.gov/contactpage/alaska-contacts

Department of Commerce, Economic Development Administration

The Economic Development Administration (EDA) provides grants and technical assistance for economic development planning to economically distressed tribes and communities. Many EDA resources are awarded on a rolling basis throughout the year. Programs include:

Economic Adjustment Assistance Program
www.eda.gov/pdf/about/Economic-Adjustment-Assistance-Program-1-Pager.pdf

EDA Planning Program
www.eda.gov/pdf/about/Planning-Program-1-Pager.pdf

EDA Local Technical Assistance Program
www.eda.gov/pdf/about/Local-TA-and-UC-Program-1-Pager.pdf

For all EDA Funding Opportunities, see: www.eda.gov/funding-opportunities/

In addition, EDA's University Center Economic Development Program connects communities pursuing economic development initiatives with the resources of its university partners. The University of Alaska Anchorage houses the University of Alaska Center for Economic Development.

For more information see:

- www.uaa.alaska.edu/academics/business-enterprise-institute/center-for-economic-development/

Department of Health and Human Services, Agency for Toxic Substances and Disease Registry

The Agency for Toxic Substances and Disease Registry (ATSDR) can assist TRPs and communities consider health impacts as part of a brownfields project and planning for potential reuses. ATSDR may be able to provide site-specific health assessments upon request depending upon resources and data availability. ATSDR has also developed a customizable tool that allows users to input data to create a tailored desktop assessment, as well as created toolkits for users to consider health impacts when making reuse decisions.

ATSDR Brownfields/Land Reuse Site Tool
www.atsdr.cdc.gov/sites/brownfields/site_inventory.html

Healthfield Toolkits
www.atsdr.cdc.gov/sites/brownfields/land_reuse_toolkits.html

For more information see:

- www.atsdr.cdc.gov/sites/brownfields/index.html
- www.atsdr.cdc.gov/dro/r10.html

Department of Housing and Urban Development, Office of Native American Programs

The Office of Native American Programs (ONAP) supports and provides resources to ensure the availability of safe, decent, and affordable housing for families in Alaska's tribal communities, as well as assists with planning for community development in general. Most funds must be used primarily to benefit low- or moderate -income Indian families. Programs include:

Indian Housing Block Grant Competitive
www.hud.gov/program_offices/public_indian_housing/ih/grants/ihbg_cgp

Indian Housing Block Grant
www.hud.gov/program_offices/public_indian_housing/ih/grants/ihbg

Indian Community Block Grant
www.hud.gov/program_offices/public_indian_housing/ih/grants/icdbg

For more information, see:

- www.hud.gov/program_offices/public_indian_housing/ih/codetalk/onap/akonap
- www.hud.gov/program_offices/public_indian_housing/ih/codetalk/onap/akonap/staff

Environmental Protection Agency, Indian General Assistance Program

Through the Indian General Assistance Program (IGAP), EPA provides funding and technical assistance to tribal governments and intertribal consortia to help tribes build capacity and establish environmental programs, including, but not limited to administering their own solid and hazardous waste programs. Generally, funding is between $75,000 and $125,000. EPA usually announces the notice of funding availability each year in the fall. Examples of eligible activities include those that build capacity for tribal environmental and solid waste management programs, as well as waste management implementation activities (e.g., solid waste and recovered materials collection, transportation, backhaul, and disposal services).

For more information, see:

- www.epa.gov/r10-tribal/region-10-tribal-environmental-gap-funding
- www.epa.gov/r10-tribal/forms/contact-us-about-tribal-programs-pacific-northwest-and-alaska#coordinators

State of Alaska

Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs

The Division of Community and Regional Affairs (DCRA) advises and assists local governments and communities, supporting their efforts to build strong local economies. DCRA accomplishes this in part by offering a number of funding sources that may be of interest to the brownfields community, including, but not limited to administering the State's Community Development Block (CDBG) program, which can help fund public facilities, a variety of planning activities, and other projects aimed at reducing the costs of essential community services. In addition, DCRA provides a wealth of information for local communities to learn more about local operations across Alaska through its Local Government Resource Desk.

Alaska CDBG Program
www.commerce.alaska.gov/web/dcra/GrantsSection/CommunityDevelopmentBlockGrants.aspx

Other DCRA Funding Sources
www.commerce.alaska.gov/web/dcra/fundingresources.aspx

Local Government Resource Desk
www.commerce.alaska.gov/web/dcra/LocalGovernmentResourceDesk.aspx

Department of Health and Social Services, Division of Public Health, Environmental Public Health Program

The Environmental Public Health (EPH) Program can help brownfield projects assess possible risks to human health associated with contamination. Of specific interest to brownfields, EPH can provide site-specific health consultations to consider the levels of hazardous substances present, identify potential pathways, and discuss the potential health risks to the community. Through a cooperative agreement, the EPH often collaborates with ATSDR on these health consultations and makes specific recommendations to address any identified hazards. Communities can contact the EPH Program directly if interested in a public health consultation or assessment.

Public Health Consultations
dhss.alaska.gov/dph/Epi/eph/Pages/atsdr.aspx

Other Environmental Public Health Program Activities/Services
dhss.alaska.gov/dph/Epi/eph/Pages/atsdr.aspx

Nonprofits / Organizations

Rasmuson Foundation

The Rasmuson Foundation is a philanthropic organization that provides community-based investments and grants to support a variety of initiatives across the State aimed at generally improving the lives of Alaskans. Areas of focus include improving health and social services, supporting arts and cultural projects, increasing access to affordable housing, among others. Rasmuson's Tier 1 and 2 grants provide funding for capital projects and technology upgrades.

Grants
www.rasmuson.org/grants/

Initiatives
www.rasmuson.org/initiatives/

Alaska Housing Finance Corporation

The Alaska Housing Finance Corporation (also known as Alaska Housing) works to provide Alaskans access to safe, quality, affordable housing by making mortgages accessible, as well as providing other services and programs.

For more information, see:

- www.ahfc.us/

Success Stories

Former Trespass Shooting Range, Delta Junction

In 1982, the City of Delta Junction (CDJ) placed a soil berm across a former access road to block public use of an old dump. Local residents began using the berm as an unauthorized shooting range. Spent bullets, bullet fragments, and shotgun shells were present in the berm and across the range floor. These materials contain heavy metals such as lead, arsenic, antimony, and copper, which can cause adverse health effects to people and wildlife. Envisioning a network of area recreational trails, the Delta Junction Trails Association (DJTA) identified the former Trespass Shooting Range as one of many properties necessary for realizing that vision. However, the presence of contaminated soil kept the project from moving forward.

Highlights

- Formerly an unauthorized shooting range
- Contaminated with lead, arsenic, antimony, and copper
- Received an EPA Targeted Brownfields Assessment and DEC Brownfields Assessment and Cleanup services
- Over 800 cubic yards of contaminated soil cleaned up and disposed of properly
- Ready for reuse as a recreational trail system

"Reclaiming this once contaminated area so that we can create outdoor recreation for all users, here in Delta Junction, is a real game changer."

Delta Junction Trails Association

DEC first conducted assessment activities at the site in 2009. In 2016, DJTA received a TBA from EPA to define the extent of the impacts at the shooting range and old dump sites. Based on that work, DJTA was awarded DBAC funding to clean up the property. Beginning in October 2019, DEC excavated the contaminated soil from the range floor and the soil berm/backstop. The soil was treated with a chemical fixative to prevent the metals from leaching.

Delta Junction Trespass Shooting Range (2009)

Design for Delta Junction Riverwalk Park

In order to dispose of the soil at the local landfill, DEC conducted fate-and-transport modeling, in coordination with the DEC Solid Waste Program and CDJ. DEC disposed of almost 800 cubic yards of treated soil at the landfill. Additional sampling at the site showed that all contamination was removed. The site is now available for its reuse as a recreational trail system.

Matanuska Maid Block Parcel A, Palmer

Located in the central business district of Palmer, the Mat-Maid Block property is comprised of seven individual commercial/industrial lots. Formerly operating as a dairy facility but closed since 2007, the City of Palmer was interested in buying the property and redeveloping the corridor. To spur activity at the site, the City submitted a request to EPA for a TBA of the site in 2012. The TBA included a Phase I ESA on Parcel A, identifying areas of potential contamination based on site history and field observations. Petroleum soil staining was identified on the property, which had been used as a feed mill and for storage.

The TBA also funded soil and groundwater sampling and identified two large, petroleum surface stained areas. In 2015, nearly 46 tons of contaminated soil was excavated and thermally treated. Subsequent field sampling of the area revealed that all soil samples met the current and proposed cleanup levels for the contaminants of concern. Parcel A was closed with a "Cleanup Complete" designation in 2016 and was ready for reuse.

ADEC assisted the City in identifying contamination at the site and installing sampling wells. In addition, DEC supported the TBA application and oversaw the site's overall cleanup activities. DEC also facilitated coordination between the EPA, Alaska Department of Natural Resources, the environmental contracting company, and the City of Palmer in working together to get the property cleaned up and ready for reuse.

Highlights

- **Matanuska Maid Block Parcel A is part of a city block that was originally developed in 1935 and was a central corridor of the Matanuska Colony**
- **Formerly a dairy facility, the property has been vacant since 2007**
- **Awarded a Targeted Brownfield Assessment from U.S. EPA in 2013**
- **Property cleaned up and no longer a threat to the health or safety of humans or the environment**
- **Reused as a successful brewery and tap room in central Palmer**

The Mat-Maid Block was once the industrial and commercial heart of the Matanuska Valley. Continued redevelopment of this legacy site is key to a community vision for a vibrant, mixed-use district with quality amenities, open space and destinations that reflect the City's history and local culture."

– Brad Hanson, City of Palmer, Director of Community Development

In 2016, the Matanuska Brewing Company purchased several of the lots on the block, including Parcel A. Renovations for its new brewery began in 2017 and the brewery began operations in 2018.

Before redevelopment.
Source: Mat-Su Valley Frontiersman, July 28, 2016

After redevelopment.
Source: Matanuska Brewing Company

2021 STRP Directory

This directory is current as of May 2021. It serves as a snapshot in time of the points of contact at the various organizations listed below. To the extent that the information becomes dated or for other questions, contact the DEC staff listed below or that can be found at dec.alaska.gov/spar/csp/brownfields/contact/.

STRP Contacts

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Resource List

All resources accessed on June 1, 2021.

ALASKA RESOURCES

Department of Environmental Conservation

BROWNFIELDS-SPECIFC RESOURCES

DEC Brownfields—Program Overview (April 2020):
dec.alaska.gov/media/20709/program-overview.pdf

DEC Brownfields—Funding Opportunities and Other Resources (April 2020):
dec.alaska.gov/media/20708/funding-and-other-resources.pdf

DEC Brownfields Assessment and Cleanups Fact Sheet (December 2019):
dec.alaska.gov/media/18757/dbac_fact_sheet_fy2021.pdf

Liability Issues at Brownfields (December 2020)
dec.alaska.gov/media/22164/liability-fact-sheet-final.pdf

DEC Brownfields Presentations Archive
dec.alaska.gov/spar/csp/brownfields/presentations/

REGULATIONS, GUIDANCE, AND OTHER RESOURCES

Field Sampling Guidance for Contaminated Sites and Leaking Underground Storage Tanks (December 2019):
dec.alaska.gov/media/18727/field-sampling-guidance-2019.pdf

The Cleanup Process—The Cleanup of Contaminated Sites in Alaska (December 2016):
dec.alaska.gov/media/14656/cleanup-process.pdf

Environmental Laws and Regulations – DEC Fact Sheet (December 2009):
dec.alaska.gov/media/14661/env-laws.pdf

DEC-Spill Prevention and Response Regulations:
dec.alaska.gov/spar/regulations/

Department of Commerce, Community, and Economic Development

Division of Community and Regional Affairs

Grants and Funding

www.commerce.alaska.gov/web/dcra/grantandfunding.aspx

Community Profile Maps
www.commerce.alaska.gov/web/dcra/PlanningLandManagement/CommunityProfileMaps.aspx

Department of Health and Social Services

Division of Public Health, Environmental Public Health
dhss.alaska.gov/dph/Epi/eph/Pages/default.aspx

FEDERAL RESOURCES

U.S. Environmental Protection Agency

FUNDING RESOURCES

Funding Guidance for State and Tribal Response Programs Fiscal Year 2020 (EPA 2020):
www.epa.gov/sites/production/files/2020-09/documents/final_fy21_128a_guidance_1.pdf

FY21 Guidelines for Brownfield Cleanup Grants (EPA 2020):
www.epa.gov/sites/production/files/2020-08/documents/epa-olem-oblr-20-07.pdf

FY21 Guidelines for Brownfield Assessment Grants (EPA 2020):
www.epa.gov/sites/production/files/2020-08/documents/epa-olem-oblr-20-06.pdf

FY21 Frequently Asked Questions for Brownfields Multipurpose, Assessment, RLF, and Cleanup (MARC) Grants (EPA 2020):
www.epa.gov/sites/production/files/2020-09/documents/fy21_faqs_9-22-20.pdf

Region 10 - Targeted Brownfields Assessments
www.epa.gov/brownfields/targeted-brownfields-assessment-requests-region-10

Brownfields Federal Programs Guide (EPA 2019):
www.epa.gov/brownfields/2019-brownfields-federal-programs-guide

Region 10 - Indian Environmental General Assistance Program (IGAP):

www.epa.gov/tribal/indian-environmental-general-assistance-program-gap

www.epa.gov/r10-tribal#gap

GUIDANCE AND OTHER TECHNICAL ASSISTANCE

The Revitalization Handbook—Addressing Liability Concerns at Contaminated Properties (EPA 2019):

www.epa.gov/enforcement/revitalization-handbook

Brownfields Road Map to Understanding Options for Site Investigation and Cleanup, Sixth Ed. (EPA 2016):

https://www.epa.gov/brownfields/brownfields-road-map

Information on Landowner Liability Protections:

www.epa.gov/enforcement/landowner-liability-protections

Setting the Stage for Leveraging Brownfields Revitalization (EPA 2016):

www.epa.gov/brownfields/setting-stage-leveraging-resources-brownfields-revitalization

Community Actions that Drive Brownfields Redevelopment (EPA 2019):

www.epa.gov/land-revitalization/community-actions-drive-brownfields-redevelopment

TECHNICAL ASSISTANCE TO BROWNFIELDS (TAB) PROVIDERS:

Center for Creative Land Recycling (Alaska statewide):

www.cclr.org/

Kansas State University (Alaska Tribes):

www.ksutab.org/services/ksu%20tribal%20tab%20program

U.S. Department of Agriculture

Rural Development Programs and Services for Alaska:

www.rd.usda.gov/ak

U.S. Department of Commerce

Economic Development Administration's Programs/Services for Alaska:

www.eda.gov/resources/directory/states/ak.htm

Funding Opportunities:
www.eda.gov/funding-opportunities/

University of Alaska Anchorage Center for Economic Development:
www.uaa.alaska.edu/academics/business-enterprise-institute/center-for-economic-development/

U.S. Department of Housing and Urban Development

Community Development Block Program:
www.hud.gov/program_offices/comm_planning/communitydevelopment/

Alaska Office of Native American Programs
www.hud.gov/program_offices/public_indian_housing/ih/codetalk/onap/akonap

Indian Housing Block Grant Competitive
www.hud.gov/program_offices/public_indian_housing/ih/grants/ihbg_cgp

Indian Housing Block Grant
www.hud.gov/program_offices/public_indian_housing/ih/grants/ihbg

Indian Community Development Block Grant
www.hud.gov/program_offices/public_indian_housing/ih/grants/icdbg