

2023

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
2020-21 Petroleum Cleanup*

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This handbook is intended for informational purposes only. The information provided is accurate as of the time of publication. Changes in federal or state law, guidance, or policy may have occurred following publication and may not be reflected in this handbook. This handbook does not supersede any relevant or applicable federal or state law, guidance, or policy. Questions should be directed to the DEC Brownfields Program or an Environmental Protection Agency (EPA) Project Officer, as appropriate.

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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)
ANCSA	Alaska Native Claims Settlement Act
AS	Alaska Statutes
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
ATSDR	Agency for Toxic Substances and Disease Registry
BIL	Bipartisan Infrastructure Law
CAP	Corrective Action Plan
CDBG	Community Development Block Grant
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (also known as Superfund)
CS, CSP	Contaminated Sites, or Contaminated Sites Program , ADEC
DBAC	DEC Brownfields Assessment and Cleanup (Services)
EPA	Environmental Protection Agency
EJ	Environmental Justice
ESA	Environmental Site Assessment
GIS	Geographic Information System
HAZWOPER	Hazardous Waste Operations and Emergency Response
HBM	Hazardous Building Material
IC	Institutional Control
IGAP	Indian General Assistance Program
IIJA	Infrastructure Investments and Jobs Act
IRA	Inflation Reduction Act
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
SPAR	Spill Prevention and Response Division, ADEC
TAB	Technical Assistance to Brownfields (Program)
TBA	Targeted Brownfields Assessment
TCTAC	Thriving Communities Technical Assistance Center
USC	United States Code
UST	Underground Storage Tank

Introduction

Brownfields in Alaska

Brownfields are abandoned, unused, or underused commercial properties that are hindered from 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.

Brownfield properties are found in every Alaskan city and borough—both urban and rural. These sites are typically old canneries, former lumber mills, dry cleaners, tank farms, local junkyards, abandoned mine sites, and many numerous other types of properties with different and varied histories. These sites may or may not be contaminated, but the threat alone of contamination may discourage their reuse.



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

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 to achieve their community's visions for these 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). This 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 US Environmental Protection Agency (EPA) estimates that there are over 450,000 brownfields across the country. Although it is unknown 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 and whose redevelopment is complicated by the possibility of contamination.

More specifically, CERCLA defines a "brownfield site" 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 contaminant." (42 USC§ 9601(39)). Meeting this definition is 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."

Background of EPA Brownfields Program

EPA's Brownfields Program began in the early 1990s to identify ways of encouraging environmental cleanup and preventing contaminated sites from either 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, EPA's Brownfields Program was granted new resources and authorities to encourage brownfields assessment, cleanup, and reuse.

EPA Brownfields Program Highlights*

- \$19.78 was leveraged for each \$1 EPA spent on brownfields and cleanup activities
- Over 193,887 jobs have been leveraged, or 10.6 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.

www.epa.gov/brownfields/brownfields-program-environmental-and-economic-benefits

The EPA Brownfields 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 Alaskan 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 US 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. Users across public and private spheres and even households, can generate or use products that cause contamination when improperly used, stored, or disposed of. Complicating matters, some contaminants even occur naturally in the environment. Many metals, for example, are commonly found in soil, groundwater, and surface water across Alaska.

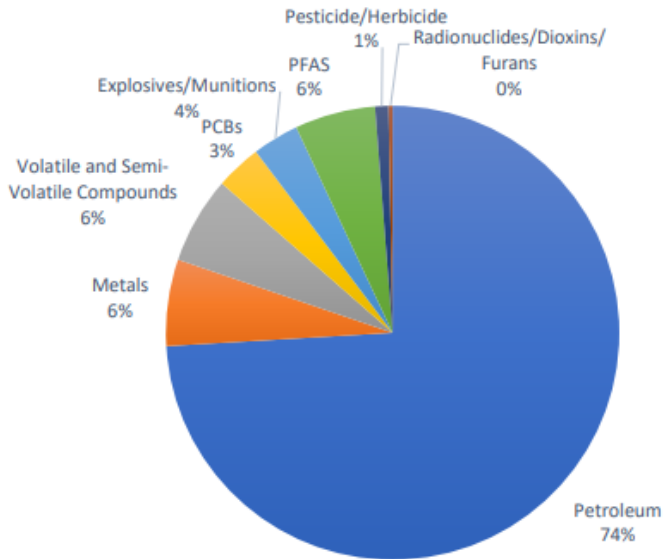
Resource:

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

<https://dec.alaska.gov/spar/csp/FAQ/contaminants>

Understanding both the natural environmental conditions at a site and its historical use can provide great clues as to what type of contamination to expect at a property.

- **Petroleum** is the most common contaminant in Alaska. Alaskans use a wide variety of petroleum products, including gasoline, diesel, 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.
- **Polychlorinated Biphenyls (PCBs)** are a group of man-made chemicals consisting 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



Petroleum contaminants are of concern at approximately 74 percent of all sites (brownfields and non-brownfields) tracked on the DEC Contaminated Sites Database.

Source: FY22 SPAR Annual Report.

- 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 air borne 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** exist naturally and 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.

ballasts), mainly produced between about 1930 until 1977. PCB contamination in Alaska mainly occurred from leaky transformers or the improper disposal of PCB oil on the ground. Another sneaky source of PCB contamination is in paint applied to the outside of some older buildings.

- Solvents** are commonly used as degreasers, paint strippers, paint and lacquer thinners, and in dry cleaning by a wide variety of both commercial and industrial facilities, and even in some households. Common solvents include acetone, toluene, xylene, kerosene, methylene chloride, tetrachloroethylene (PCE), ethanol, and methanol. Leaking tanks or containers, and improper disposal of solvents cause environmental contamination. Sources of solvent contamination can include dry cleaning facilities, paint shops, industrial plants, and auto and equipment repair shops.

Transportation and Disposal

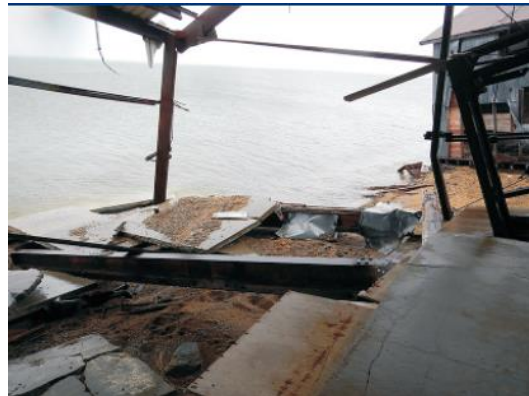
Hazardous substances and petroleum products are subject to DEC cleanup regulations (see *Laws and Regulations section* below). In addition, specific federal/state waste management and disposal requirements might apply depending on the contaminant or material. DEC's Solid Waste Program has developed material-specific information for common waste streams and issues. For more information, see: <https://dec.alaska.gov/eh/solid-waste/how-do-i-dispose-of/>

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

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 with 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.



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

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.

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

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

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

Infrastructure Investment and Jobs Act (IIJA) (2021): Also known as the Bipartisan Infrastructure Law (BIL), provided an additional \$1.5 billion over five years to the EPA Brownfields

Program on top of annual appropriations provided by Congress. Of the \$1.5 billion, \$1.2 billion would be provided through competitive grants (e.g., assessment, cleanup, multipurpose grants, etc.) and technical assistance (e.g., more targeted brownfields assessments), while \$300 million would supplement 128(a) funding for state and tribal response programs. While providing additional funding, BIL did not change other brownfields program requirements (including project eligibility), but was intended to increase programmatic capabilities, while emphasizing the need to consider climate change and environmental justice concerns when using brownfields funding.

Executive Order 14008 (Justice40)

With the signing of Executive Order 14008 in 2021, President Biden committed the Federal Government to ensuring that at least 40% of the benefits of certain federal investments impact historically marginalized and underserved communities. These investments include seven areas of interest: climate change, clean energy and energy transition, clean transportation, affordable housing, remediation of legacy pollution, workforce development, and the development of water and wastewater infrastructure, all of which are or can be related to brownfields! The Federal Government is transforming current programs and creating new ones for which brownfields projects could benefit. More information about Justice40 can be found at:

<https://www.whitehouse.gov/environmentaljustice/justice40/>.

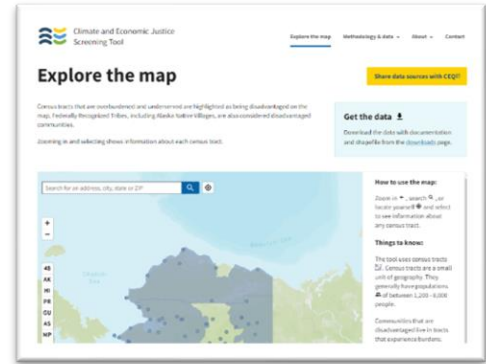
The *Climate and Economic Screening Tool* is a great geospatial mapping tool that uses census data to help identify areas that have been historically underserved and are overburdened by

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.

pollution. Note that the tool identifies all land within the boundaries of Federally Recognized Tribes and all Alaska Native Villages as disadvantaged, as part of previous treaties and through Consultation and Coordination with Tribal Nations.

<https://screeningtool.geoplatform.gov/en/#3/63.8/-155.41>



Inflation Reduction Act (IRA) (2022): The IRA includes incentives for renewable energy development on brownfields. Specifically, a bonus 10% credit is available to certain qualifying renewable energy projects if installed within an “energy community,” which includes brownfields sites.

[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

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

- 380. Final reporting requirements and site closure
- 385. Appeals
- 390. Waiver or modification
- 395. Interference with cleanup prohibited
- 396. Local control

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

Chapter 78—Underground Storage Tanks

Underground Storage Tanks (18 AAC 78.005 - 18 AAC 78.100)

- 1. 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. This can impact 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.



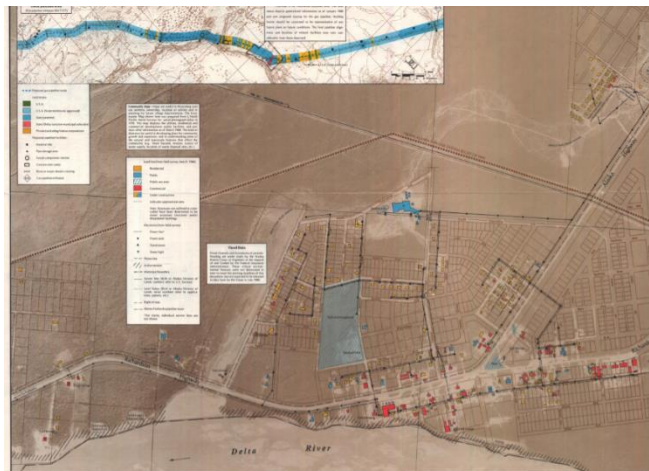
*Before and After, Heinz Dump site,
Gakona*

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.iuneau.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 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)

mrddata.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.

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.



Screengrab of Alaska Open Data Geoportal Homepage

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 start. 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 ESAs 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.

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.



Screening for Lead, Trespass Shooting Range, Delta Junction

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 Contaminated Sites Program (CSP), a cleanup workplan must 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 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.



Excavation of Petroleum Contaminated Soil, Discovery Campus, Kasaan

Post Cleanup and Reuse

Post cleanup obligations depend on 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 protection, 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 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 environmental consultant will help define the problem and develop solutions that are protective, in compliance with environmental regulations, and cost effective. Environmental 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 you previously managed?
- How similar are previous projects to yours?
- Are you qualified to perform the full scope of work you require, or would you need to team with another company?
- Who serves as your subcontractors for services such as excavation, monitoring well installation, laboratory analysis, or other services?
- Who would be the project manager?
- What is your experience working with DEC or other regulating agencies? Do project staff meet DEC’s requirements for “qualified environmental professional” and “qualified sampler?” (18 AAC 75.333). 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?

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

- What potential impact would the project have on customers, neighbors, or traffic and how would these impacts be mitigated?

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.

Obtaining Training and Certification

TRPs may wish 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 Job Training Program—Job Training 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 from the Contaminated Sites Program (CS) 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
Talkeeta*

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:

- It is required by Alaska law! (Alaska Statute (AS) 46.03.755; 18 AAC 75.300; 18 AAC 75.325).
- 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 the 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 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 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.

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 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:

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.

- 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 federal and state 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)

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

- The State
- Municipalities
- Native Villages
- Private Parties

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.

[Liability Relief under Alaska State Law](#)

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)

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

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.

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

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 EPA. As of June 2022, there are 23 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.

These requirements must be met regardless of whether states or tribes are applying under normal Section 128(a) annual appropriations or through Bipartisan Infrastructure Law funding.

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.

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

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. Generally, if there is a response action under the DEC’s cleanup rules, that 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 the 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), that 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 participation⁸ (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

Other STRP Priority Topics

Since 2021 and the availability of BIL funding, EPA has highlighted environmental justice and climate change as priority focus areas and, consequently, has requested applying TRPs address how their brownfields programs would consider environmental justice and climate change.

Environmental Justice

The EPA describes environmental justice (“EJ”) as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Fair treatment means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies. For purposes of administering its 128(a) program, EPA states the term “underserved community” refers to a community with environmental justice concerns and/or vulnerable populations, including low-income citizens, communities of color, and tribal and Indigenous peoples.

The EPA aims to address environmental justice issues through:

- Supporting meaningful community engagement and involvement of residents.
- Partnering with community-based organizations.
- Offering equitable access to amenities such as health clinics and grocery stores.
- Reusing brownfield sites for greenspace, such as urban gardens and parks.
- Discussing and considering local climate risks and promoting community resilience against climate change.
- Including climate-resilient features in your reuse plan.
- Identifying, reducing or removing community features that contribute to health disparities.
- Implementing policies or strategies to prevent or minimize the displacement of residents and businesses potentially resulting from brownfields redevelopment.
- Ensuring access to affordable housing.
- Creating jobs with living wages.
- Establishing first-source hiring ordinances, such as efforts to employ low-income residents.
- Working with and helping to expand minority- and women-owned businesses.

The EPA has new grants funded through the Inflation Reduction Act to provide financial and technical assistance to overburdened and underserved communities. Funding opportunities can be found here: <https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>.

To help communities address and incorporate EJ issues into grant applications, the EPA has chosen 16 Thriving Communities Technical Assistance Centers (TCTACs) to help underserved

populations apply for and effectively manage federal grants. For Region 10, these TCTACs are the Willamette Partnership and the University of Washington.

More information about TCTACs can be found at the following links:

- EPA TCTAC program: <https://www.epa.gov/environmentaljustice/environmental-justice-thriving-communities-technical-assistance-centers#region10>
- Willamette Partnership: <https://willamettepartnership.org/ej-tctac/>
- University of Washington: <https://deohs.washington.edu/cehe/>

Climate Adaptation

EPA also recognizes that climate change exacerbates existing pollution problems and environmental stressors impacting the nation's land, air, and water and the people who depend on them. Further, overburdened and underserved communities and individuals are particularly vulnerable to these impacts, including low-income communities and communities of color, children, the elderly, Tribes, and indigenous peoples. Consequently, EPA requests TRPs provide information regarding how their programs consider potential climate change impacts as part of their 128(a) funding requests.

Alaskans experience a warming and changing climate at an accelerated rate compared to our counterparts in the Lower 48. Due to the remoteness of some contaminated sites and the already high costs for assessment and cleanup work, climate resilience and adaptation measures may not be an immediate priority or believed to be difficult to implement. However, given that many members of vulnerable populations live close to brownfields and other contaminated sites, community leaders should evaluate potential climate change impacts when planning for how a site is addressed and reused. Some considerations could include whether to prioritize addressing those sites that are potentially affected by climate change impacts in the near future, how adaptive strategies can be incorporated into reuse plans to help ensure the property is able to be reused as envisioned, among others.

For example, communities can use brownfields assessment funding to conduct climate vulnerability assessments in order to identify how susceptible a site is to potential climate change impacts and inform the appropriate next steps and timing for addressing. In addition, communities that have multiple brownfields/contaminated sites can take a holistic, community-wide approach to how to prioritize assessment and cleanup activities, taking into account current and projected climate-related impacts (e.g., frequency and severity of major storms, reduced permafrost, increased frequency of wildfires, etc.) in light of the goals (health, safety, environmental, economic, etc.) of the community.

Learn more about Climate Adaptation and the Brownfields process in EPA's Climate Smart Brownfields Manual: <https://www.epa.gov/land-revitalization/climate-smart-brownfields-manual>.

Alaska's Tribal Response Programs

List of Current Tribal Response Programs

As of 2023, there are over 20 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/

Association of Village Council Presidents

<https://www.avcp.org/natural-resources/>

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/

Chilkat Indian Village

<https://chilkat-nsn.gov/natural-resources-services/>

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/

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.sitkatribes.org/

www.sitkatribes.org/pages/brownsfield

Yakutat Tlingit Tribe

yakutattingittribe.org/

yakutattingittribe.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

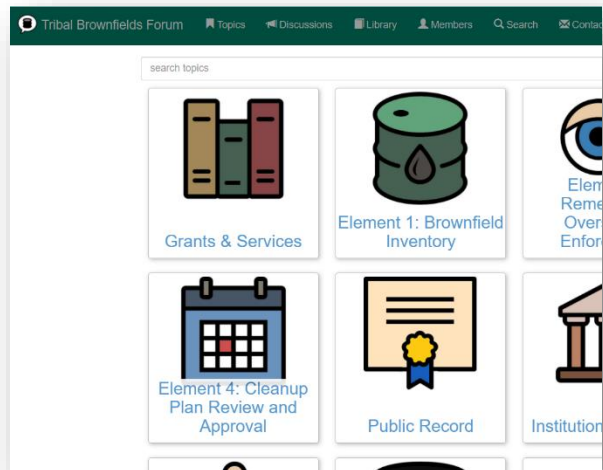
ANTHC and Kansas State University's Tribal TAB Program have jointly developed a webinar series that provides suggestions for how to establish and enhance your 128(a) program.

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

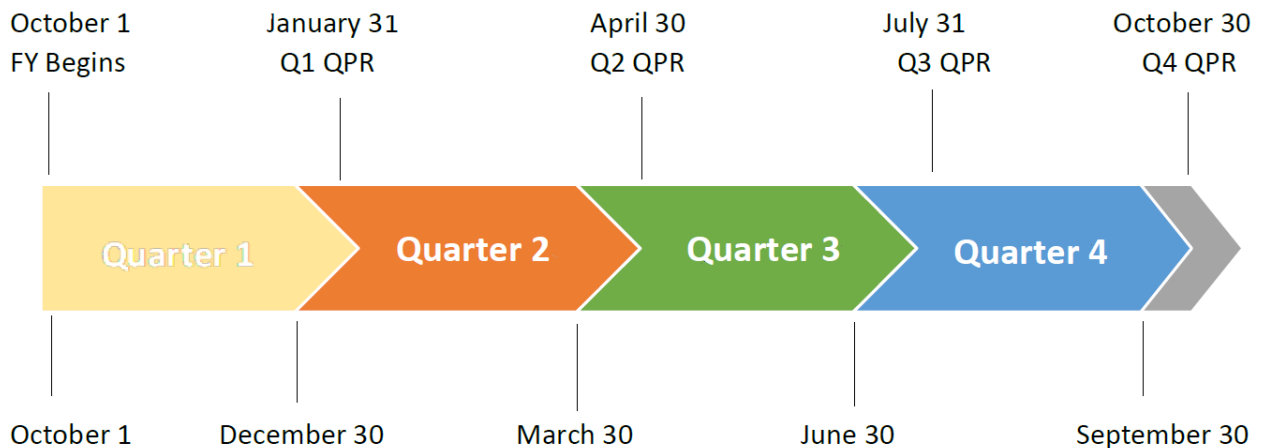
- www.tribalbrownfields.org/en/brownfields



Screengrab of Tribal Brownfields Forum

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 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.

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

DEC Brownfields Program

Overview

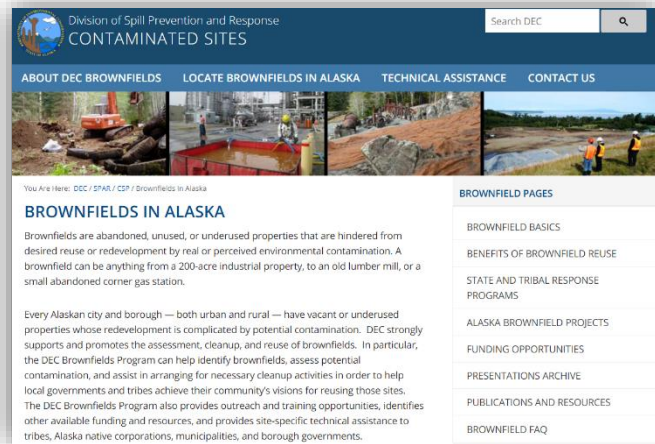
Since 2001, the DEC Brownfields Program has worked with local governments, tribes, and community stakeholders to assess, cleanup, and reuse brownfields to improve the environmental, economic, and social well-being of their communities. Recognizing the unique opportunities and challenges inherent to Alaska's 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.

Contact the DEC Brownfields team at:

Dec.brownfields@alaska.gov

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.



Screengrab of DEC Brownfields Website



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.

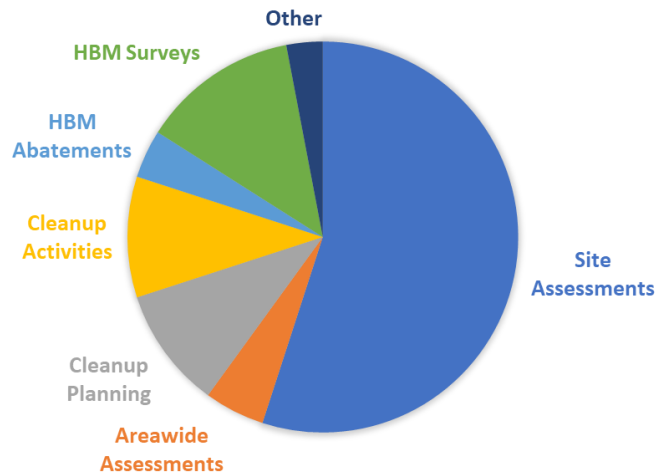
Eligible Applicants

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.

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

TYPES OF DBAC SERVICES PROVIDED (PERCENTAGES)



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.

Application Assistance

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

Evaluation Criteria

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

Project Needs – 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

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/

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

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

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

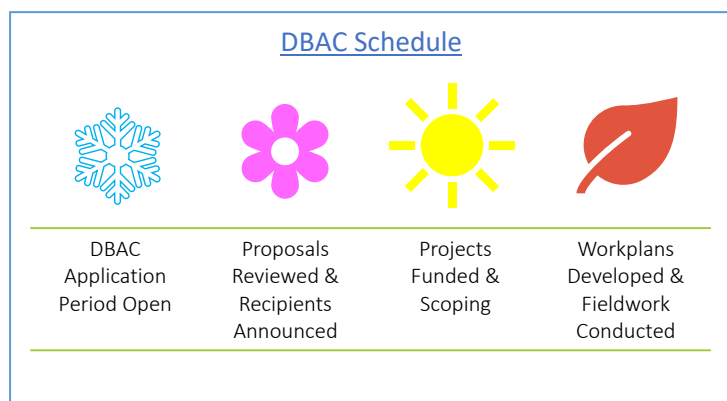
Viability of Reuse Plan - Plans for sustainable development are well thought out and documented, indicating a likelihood of the project’s success. Funding from additional sources to continue work at this site has been procured or is being sought. The applicant has the resources and plan to ensure the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

Projects receiving brownfields funding are subject to specified eligibility requirements established in statute and EPA guidance. Whether a project is eligible for brownfields funding is ultimately up to EPA, although DEC can also help with this determination. Project eligibility depends on several site-specific factors, including the contaminants at issue, when the property was contaminated, and who is responsible for the contamination. Contact EPA or DEC regarding any questions related to project eligibility.

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.

Assessment Grants

Project Eligibility and ANCSA

Millions of acres were conveyed under the Alaska Native Claims Settlement Act, including hundreds of properties that may have been contaminated prior to conveyance. These properties may be eligible for brownfields funding depending upon site-specific circumstances. See EPA's fact sheet on Brownfields Eligibility at ANCSA Conveyed Contaminated Sites, which is included in the Appendix.



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

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 <ul style="list-style-type: none"> • Up to \$500,000 Assessment Coalition <ul style="list-style-type: none"> • Up to \$1,500,000 • EPA encourages the lead entity to partner with two or more entities with limited capacity Community-Wide Assessment Grants for State and Tribes <ul style="list-style-type: none"> • Up to \$2,000,000 	EPA awards cleanup grants at three levels: <ul style="list-style-type: none"> • \$500,000 • \$2,000,000 • \$5,000,000 	Community-wide within one Target Area <ul style="list-style-type: none"> • Up to \$1,000,000
Period of Performance	4-5 years	4 years	5 years

*Source: US EPA Webinar, FY2021 Brownfields Grants Guidelines. Access November 15, 2023.

https://www.epa.gov/system/files/documents/2023-09/fy24-guideline-outreach-presentation_day-1-ma-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:

1. **Center for Creative Land Recycling (CCLR):** The EPA Region 10 TAB provider
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
 - General Contact: info@cclr.org
 - As of November 2023, CCLR staff contacts include:
 - Joelle Greenland, joelle.greenland@cclr.org
 - Tamara Cardona-Marek, tamara.cardona-marek@cclr.org
 - Joy Britt, joy.britt@cclr.org
2. **Currently Unawarded (as of Nov 2023):** EPA National Tribal TAB provider
 - At the time of publication, EPA was evaluating applications from organizations interested in serving as the national Tribal TAB provider beginning in 2024. Once a new national tribal TAB provider is selected, that information will be found here: <https://www.epa.gov/brownfields/brownfields-technical-assistance-and-research#TAB>

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.

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

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

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, ANCSA Contaminated Lands Program

- <https://www.epa.gov/r10-tribal/contamination-ancsa-conveyed-lands#grants>

Environmental Protection Agency, Office of Environmental Justice and External Civil Rights

- <https://www.epa.gov/aboutepa/about-office-environmental-justice-and-external-civil-rights>

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

[X](#)

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, 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

Kasaan Library, Kasaan

The Kasaan Library serves as both a library and a part-time elementary school classroom and is housed in a modular unit owned by the Southeast Island School District (SISD). Constructed in 1977, before the EPA ban on asbestos-containing material (ACM) was instituted, the building was suspected of being thoroughly contaminated with ACM.

The Organized Village of Kasaan reached out to DEC in 2019 and requested the undertaking of a hazardous building material (HBM) survey of the library through its DEC Brownfields Assessment and Cleanup (DBAC) program. During the survey, samples were taken from walls, floorings, ceilings, and mastic adhesives in several rooms. Twenty-two samples contained asbestos above the National Emission Standards for Hazardous Air pollutants (NESHAP) standards (i.e., greater than 1 percent asbestos).

In 2020, DEC issued an Analysis of Brownfields Cleanup Alternatives (ABCA) for public comment, recommending asbestos abatement and proper disposal of ACMs. The following year, asbestos abatement of the building was conducted through the DBAC program. Staff donned appropriate personal protective equipment (PPE), including powered air purifying respirators (PAPR) masks that were properly fitted for individuals. A heating, ventilation, and air conditioning (HVAC) system was employed to control



the indoor environmental health. The building site was closed off and sealed in a containment area. Following removal, 255 bags (768 square feet) of ACMs were packaged and shipped to Anchorage for proper disposal.

After abatement activities concluded, the community of Kasaan remodeled the building and began safely reusing it as a safely operating preschool for resident children.

Highlights

- Former library and elementary school suspected to have ACMs.
- Awarded multiple DEC Brownfields Assessment and Cleanup services, including an HBM survey (2019), cleanup planning (2021), and asbestos abatement (2021).
- 255 large trash bags of ACMs abated and disposed of offsite.
- Property redeveloped as a preschool

For more info, see the [Contaminated Sites Database](#), File No. 1515.38.005

“The building is clean of all asbestos and is now being used as a preschool classroom. It is a blessing to know that our children can learn in an environment that is not going to cause any harm to them now, or in the future! We count the cleanup as a big success.”

- LaNeice Congdon, Organized Village of Kasaan

Polaris Hotel, Fairbanks

The Polaris Hotel, Fairbanks' tallest building, was built in 1952 with an annex added in 1973. Originally an apartment building, it was converted into a hotel until closing in 2001 following a significant flooding event. The building was abandoned in 2002 and the City of Fairbanks (COF) foreclosed on the property due to unpaid taxes. The building experienced significant vandalism and structural damage over time. Health, safety, and environmental concerns were raised given the age and deteriorated state of the building.

In 2017, the COF received a Targeted Brownfield Assessment grant from the EPA to conduct widespread testing for ACM, polychlorinated biphenyls (PCB), lead, and other metals. Several contaminants were confirmed throughout the building, but additional testing was needed to delineate the extent of contamination.

Beginning in 2020, DEC granted several DBAC services to the COF, including additional assessment activities, a hazardous building materials (HBM) survey, a Health and Safety Evaluation, universal waste disposal, a data gap analysis, and cleanup planning. Sampling was conducted in the summer of 2021 and confirmed the presence of asbestos, mold, mercury, PCBs, and lead that would inhibit the reuse of the building. The COF concluded contaminant removal and demolition was the only viable option. However, due to disposal regulations, all PCB-contaminated materials would have to be shipped out of state for disposal, significantly increasing project costs.

Work provided by DEC through the DBAC program directly assisted Fairbanks in securing \$10 million in appropriations from the EPA to oversee the demolition and disposal of the building. In the summer of 2023, COF began demolition and the safe removal of contaminants. Once complete, COF plans to redevelop the property into a multi-use building containing shops, apartments, and other office spaces to enhance downtown Fairbanks while encouraging economic growth for the city.

Highlights

- Was an apartment building and then a hotel for 50 years, closed after flooding.
- Awarded an EPA Targeted Brownfield Assessment (2017) and DBAC services (2020, 2022)
- DBAC services included assessment activities, a hazardous building materials (HBM) survey, Health and Safety Evaluation, universal waste disposal, data gap analysis, and cleanup planning.
- DBAC services helped secure \$10 million in appropriations to complete the demolition in 2022
- Site to become multi-use city center building with stores and apartments.

For more info, see the [Contaminated Sites Database](#), File No. 102.38.206

“The DEC grant provided the basis and foundational understanding of the Polaris contamination problem. With data gathered using that funding, we were able to write a Work Plan that eventually was approved by the EPA and resulted in obtaining the complete funding to deconstruct the building that has become a dangerous blight on the city of Fairbanks.”

- Robert Pristash, City of Fairbanks

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.

DEC first conducted assessment activities at the site in 2009. In 2016, DJTA received a Target Brownfields Assessment (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 to prevent the metals from leaching.

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



Delta Junction Trespass Shooting Range (2009)

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

See the [Contaminated Sites Database](#), File No. 120.38.017 for more information

“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



Design for Delta Junction Riverwalk Park

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.

DEC 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 contractor, 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

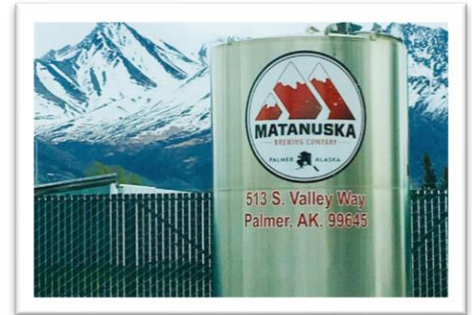
The Mat-Maid Block was once the industrial and commercial heart of the Matanuska Valley. Continued redevelopment of this legacy site is key to a community vision for a vibrant, mixed-use district with quality amenities, open space and destinations that reflect the City's history and local culture."

- 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

Resource List

All resources accessed on June 1, 2023.

ALASKA RESOURCES

Department of Environmental Conservation

BROWNFIELDS-SPECIFIC 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`](https://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/

National Tribal provider:

<https://www.epa.gov/brownfields/brownfields-technical-assistance-and-research#TAB>

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

Appendix

Region 10 Eligibility Fact Sheet



EPA - Region 10 Brownfields Site Eligibility Worksheet

(Updated: 12/5/17)

This worksheet is intended for EPA Region 10 Brownfields Cooperative Agreement Recipients (referred to as "grantee") as an aid for determining site eligibility. Brownfields funding can only be used on sites that meet the definition of a Brownfield. While this worksheet outlines many factors to be considered in determining eligibility, it does not capture all requirements. As an optional aid, grantee's may submit the completed form to their EPA Brownfields Project Officer. EPA will review the determination and may require additional information. You may contact your Project Officer if you have any questions.

Grantee name:

Date submitted to EPA:

Grant #:

Date of proposed work:

Grant type:

- Assessment
 Cleanup
 Revolving Loan Fund
 State & Tribal Response Program

Activity requested:

- Phase I
 Phase II
 ABCA
 Cleanup
 Other

Explain if other:

Known or Suspected Contaminant(s):

- Hazardous Substance(s)
 Petroleum
 Commingled

If the site has both hazardous substances and petroleum contamination that is commingled (i.e. not easily distinguishable), select the "commingled" box as well as the predominant contaminant. If the contamination is in distinguishable areas, then select both types of contamination.

Section A - Basic Site Information

Please attach a map of the site to assist with the determination.

A.1) Property Name:

A.2) Property Address:

A.3) City:

State:

Zip Code:

A.4) Cross street (if applicable):

A.5) State Facility # (if applicable):

A.6) Tax Lot Number(s) and County:

A.7) Site Description (acreage, dimensions, GPS coordinates, etc):

A.8) Who is the current property owner?

A.9) Describe your relationship with the owner and their role in the work to be performed:

No relationship; providing assistance to community

A.10) Does the grantee have access to, or an access agreement for, this property?

Yes No

Copy of signed agreement attached

If no, explain how & when access will be acquired:

A.11) Explain why you want to assess/clean-up this property. What is the desired reuse? Is there a prospective purchaser interested in the property? Is the transaction time sensitive? Include any other details that you believe to be relevant.

A.12) Describe the type of activities that have been conducted on the property and indicate generally when such activities took place. Identify when and how the site became/may have been contaminated; with what substance(s); the part(s) of the site that are contaminated; and, describe previous known uses. If the land has been vacant for many years or contamination is only suspected, explain why you think it needs assessment or cleanup:

SECTION B - General Eligibility

Complete this section for each site regardless of contamination type.

B.1 - Sites Not Eligible for Funding by Statutes

a) Is the property listed on the National Priority List (NPL) or identified as part of a larger Superfund site under a different name?

Yes No

b) Is this property located within the boundaries of Superfund site? *If yes, or unsure, check with your Project Officer to determine whether or not it is a contributor.*

Yes No

c) Is the facility subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA?

Yes No

d) Is the facility subject to the jurisdiction, custody, or control of the US Government? (Land held in trust by the US government for an Indian tribe *is* eligible)

Yes No

e) Is any of the work being performed in order to comply with any federal environmental requirements?

Yes No

B.2 - Sites Only Eligible for Funding with a Property Specific Determination by EPA

NOTE: The following special classes of properties require a "Property-Specific Determination" from EPA to be eligible. EPA's approval of a Property-Specific Determination will be based on whether or not awarding a grant will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes.

a) Is the site/facility subject to a planned or ongoing CERCLA removal action?

Yes No Unsure

b) Has the site/facility been subject to an order or consent decree, or issued a permit by the U.S. or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA)), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SWDA)?

Yes No Unsure

c) Is the site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))?

Yes No Unsure

d) Is the site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle of RCRA and is subject to closure requirements specified in a closure plan or permit?

Yes No Unsure

e) Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?

Yes No Unsure

f) Is the site currently receiving funding for remediation from the leaking Underground Storage Tank (LUST) Trust fund?

Yes No Unsure

SECTION C - Hazardous Substance/Commingled Sites

Complete this section based on your response to "known or suspected contaminant" on page 1. Skip to Section D if the property is a petroleum site.

C.1 - Grantee

a) Does the grantee own the site?

Yes No

NOTE: Grantees may assess (or cleanup if a 128(a) State Response Program) hazardous substance/commingled sites which they do not own where there is substantial public benefit or other compelling reason to use public funds for the assessment, even when the owner could be considered a potential responsible party. In such cases EPA recommends documenting the rationale for doing so.

b) Has the grantee ever leased, used, or accessed, or otherwise conducted or directed activities on the property?

Yes No

i) Have any of these activities contributed to contamination?

Yes No

c) Did the grantee generate or transport any waste brought to the site?

Yes No

NOTE: Grantees cannot use EPA funds to conduct assessment or cleanup activities at sites where they operated, generated, or transported hazardous substances.

d) Is the grantee affiliated with the liable, or potentially liable party?

Yes No

Explain if you answered "yes" to questions b-d:

C.2 - CERCLA Liability Defense

Complete this section only if the grantee owns the property. If the grantee does not own the property, skip to section "D" or "E" as appropriate.

NOTE: Because current owners of contaminated property are potentially liable under CERCLA, the grantee must demonstrate that they are not a liable party by establishing that they meet the requirements of one of the liability protections or defenses set forth in CERCLA. For more information on these liability protections, please refer to the Brownfields Law, the April 2009 Fact Sheet entitled: "EPA Brownfields Grants, CERCLA Liability and All Appropriate Inquiries," (<https://www.epa.gov/brownfields/brownfields-all-appropriate-inquiries>) and the March 6, 2003 EPA guidance entitled Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchaser, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA ("Common Elements") (<http://www2.epa.gov/sites/production/files/documents/common-elem-guide.pdf>). Grantees may also call the Regional Brownfields Contact listed in Section VII with questions about eligibility.

a) If the grantee owns the property, indicate whether one of the following bases for determining that the grantee is not potentially liable as an owner under Section 107(a) of CERCLA applies.

- The grantee is a recognized tribal government entity and is not a "person" under the definition of CERCLA.
- The grantee acquired the property without knowledge of contamination (Innocent Landowner - CERCLA §101(35)(A)(i)).
- The grantee satisfies Bona Fide Prospective Purchaser (BFPP) protection (CERCLA §§101(40) and 107(r)).
- The grantee satisfies contiguous property owner protection for migrated contamination (CERCLA §107(q)).
- The grantee is a state or local government entity that acquired the property involuntarily through bankruptcy, tax delinquency, abandonment, or by exercising its power of eminent domain (Innocent Landowner - CERCLA §101(35)(A)(ii)).

Explain how the grantee qualifies for the defense selected above:

All Appropriate Inquiry (AAI)

b) Has the owner conducted AAI?

- Yes No

c) When was the property acquired?

d) What is the date of the Phase I report?

Phase I "Shelf Life"

For properties acquired on 11/1/06 or later, one of the following must apply:

- 1) The Phase I was conducted within 180 days prior to property acquisition; OR*
- 2) The Phase I was conducted within 1 year AND an updated report is dated within 180 days prior to acquisition.*

e) Indicate which Phase I standard was used to conduct AAI?

- ASTM e1527-05 or ASTM e1527-13 (sites purchased after 12/31/13)
- ASTM E2247-08 (sites purchased on 3/23/09 or later & qualify as Forestland/Rural)
- ASTM e1527-05 (sites purchased between 11/1/06 and 12/31/13)
- ASTM e1527-00 or 1527-05 (sites purchased between 11/1/05 and 11/1/06)
- ASTM e1527-97 or 1527-00 (sites purchased between 5/31/97 and 11/1/05)
- Pre-5/31/97 purchaser standard as outlined in CERCLA§101(35)B)(iv)(I)

Reasonable Steps and Continuing Obligations

f) Has the owner taken reasonable steps with respect to hazardous substance releases?

- Yes No

Reasonable steps are actions taken to:

- Stop any continuing releases;
- prevent any threatened future release;
- prevent or limit exposure to any previously released hazardous substance

g) Has the owner complied with all land use restrictions and institutional controls since acquiring the property?

- Yes No Not applicable

h) Has the owner provided full cooperation, assistance, and access to persons that are authorized to conduct response actions?

- Yes No Not applicable

i) Has the owner complied with information requests and administrative subpoenas?

- Yes No Not applicable

j) Has the owner complied with providing legally required notices?

- Yes No Not applicable

Explain:

SECTION D - Petroleum Contamination Sites

Complete this section if you selected petroleum under "known or suspected contaminants" on page 1. Skip to Section E if your site is not a petroleum site.

Do you have a State determination letter attached?

- Yes No

NOTE: All petroleum sites need a written determination of eligibility by the State Environmental Agency or EPA based on the answers to Section D. Please answer these questions AND attach the State determination. The determination must address the petroleum eligibility criteria outline in the brownfields grant guidelines. States may apply their own laws and regulations to make the petroleum site determination; if they do so, please provide their determination and rationale.

D.1 - "Relatively Low Risk"

The State or EPA will have to determine that this site is of "Relatively Low Risk" compared to other petroleum-only sites in the State. Two key questions for this determination follow:

a) Have Leaking Underground Storage Tank funds been expended at this site?

- Yes No Unknown

b) Have Federal Oil Pollution Act response funds been expended at this site?

- Yes No Unknown

D.2 - "A Site for Which there is No Viable Responsible Party"

The State or EPA will have to determine that there is no viable responsible party using the following criteria.

a) Was the site last acquired through tax foreclosure, abandonment, or equivalent government proceedings?

- Yes No

b) Has a responsible party been identified through:

i) a judgment rendered in a court of law or an administrative order that would require any party to assess, investigate, or cleanup the site?

- Yes No

ii) a filed enforcement action brought by federal or state authorities that would require any party to assess, investigate, or cleanup the site?

- Yes No

iii) a citizen suit, contribution action or other 3rd party claim against the current or immediate past owner, that would, if successful, require that party to assess, investigate, or clean up the site?

- Yes No

Explain if you answered "yes" to any of the above:

c) Has the current owner done any of the following:

i) Dispensed or disposed of petroleum or petroleum product at the site?

- Yes No

ii) Owned the property during the dispensing or disposal of petroleum product at the site?

- Yes No

iii) Exacerbated the contamination at the site?

Yes No

iv) Taken reasonable steps with regard to contamination at the site?

Yes No

Explain if you answered "yes" to any of the above:

d) Who is the immediate past owner?

e) Has the immediate past owner done any of the following?

i) Dispensed or disposed of petroleum or petroleum product at the site?

Yes No

ii) Owned the property during the dispensing or disposal of petroleum product at the site?

Yes No

iii) Exacerbated the contamination at the site?

Yes No

iv) Taken reasonable steps with regard to contamination at the site?

Yes No

Explain if you answered "yes" to any of the above:

f) Based on the above, for purposes of brownfields funding, is there a responsible party?

Yes No

Explain:

g) If answer to f) is yes, is that party viable (has adequate financial resources to pay for assessment of the site)?

Yes No

Explain:

The petroleum site is ineligible if there is a viable responsible party. If there is no responsible party, or if there is a responsible party who is not viable, continue.

D.3 - "Cleaned Up By a Person Not Potentially Liable"

The State or EPA must also determine that the site will be cleaned up by a person not potentially liable. This applies to cases where the grantee is not the current owner.

a) Has the grantee ever:

i) Exacerbated the contamination at the site?

Yes No

Explain:

ii) Dispensed or disposed of petroleum or petroleum product at the site?

Yes No

Explain:

iii) Explain how the grantee/applicant took "reasonable steps" with respect to the contamination:

D.4 - Sites Not "Subject to a RCRA Corrective Action Order"

a) Is the site "subject to any order issued under Sec. 9003 (h) of the Solid Waste Disposal Act?"

Yes No

Explain if "yes":

SECTION E - Site Eligibility Determination

Complete your eligibility determination based on the information you provided.

Grantee Determination

- The Site is eligible for EPA Brownfields Funds.
- The Site is not eligible for EPA Brownfields Funds.
- The Site is eligible for EPA Brownfields Funds but requires EPA Property-Specific Determination.

If requiring a property-specific determination, explain why Brownfields financial assistance is needed and how it will protect human health and the environment and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways undeveloped property, other recreational property, or other property used for nonprofit purposes:

Name: _____ Organization: _____

Date: _____

List any attachments that are being included to support your determination:

EPA Review Results

- EPA accepts the grantee's determination that the site is eligible for brownfields funds.
- EPA has determined that the site is not eligible for Brownfields funds.
- The site would be excluded from the definition of a Brownfields site in 101(39)(B) but EPA has determined the site is eligible for funding per 101(39)(C) based on the information provided by the requestor.
- EPA does not have sufficient or appropriate information to accept the grantee's determination.

Comments:

EPA Project Officer:

Date: _____

EPA Staff Enforcement Screen

Confirmed non-contributor to a Superfund site

Date: _____

TBA Questionnaire

**EPA REGION 10
TARGETED BROWNFIELDS ASSESSMENT (TBA)
APPLICATION**

This application is for requesting environmental site assessment and technical assistance services from the EPA Region 10 Brownfields Program. Please respond to each item below completely so that we may give your application full consideration. If you have any questions, please contact Molly Vaughan, EPA Region 10 TBA Coordinator, at Vaughan.Molly@epa.gov or 907-271-1215.

1. APPLICATION SUBMISSION DATE:

2. ORGANIZATION: Organization name and address, type of eligible entity (public entities and non-profit organizations are eligible).

3. REQUESTOR CONTACT INFORMATION: Name, email address, phone number.

4. SITE NAME & LOCATION: Name, address, additional location identifiers if known (e.g., tax lot number, township/range, or lat/lon), and site acreage. Please attach a site map that indicates the site's location in the community, adjacent land uses, and areas of known or suspected contamination.

5. CURRENT SITE OWNERSHIP: Is the property is owned by the applicant? If yes: When did the applicant acquire the property, and how was it acquired (by foreclosure or other means, etc.)?

If the property is not owned by the applicant: Who is the current owner (name, address, email address, and telephone number)? When did the current owner acquire the property?

6. SITE ACCESS: Will the site owner provide access to EPA and their contractor to come onto the property to conduct the assessment, including collecting samples? For properties that are not owned by the TBA applicant, does the applicant have legal permission to enter the property to conduct site assessment activities or a plan to get such permission? Please explain. Note, a signed access agreement from the property owner will be required prior to EPA moving forward with the TBA.

7. PREVIOUS OWNER: Who owned the property before the current owner (name, address, email address, telephone number)?

8. SITE HISTORY: Provide a brief summary of the site's history, including past uses of the site, owners and operators, and potential or known contamination issues.

9. PRIOR SITE ASSESSMENT ACTIVITIES: If prior site assessments have been conducted, please describe the conclusions (or attach "conclusion" section of report(s)). If reports are unavailable, identify consultant, client, and the approximate date of the study. If no prior site assessments have been conducted, or if it is not known, please indicate.



10. POTENTIAL CONTAMINANTS: Based on what you know about the site's history, do you believe the primary potential contaminants are a) petroleum products; b) hazardous substances (e.g., chemicals, metals, asbestos, PCBs etc); c) a mix of petroleum and other contaminants; or d) something else (mold, methamphetamine, mine tailings)? If the site contains petroleum and hazardous substance contaminants that are co-mingled and not easily distinguishable, please also identify the predominant contaminant.

11. REGULATORY HISTORY: Is the applicant or any other party under order from EPA or State agency to conduct site assessment and/or cleanup at the site? If the answer to this question is yes, please describe.

Briefly describe the involvement of the state environmental agency (e.g., WDOE, ODEQ, ADEC, IDEQ) in enforcement and/or oversight of assessment and cleanup activities at the site. Please provide the name, email address, and telephone number of a state agency site contact, if applicable.

12. REDEVELOPMENT POTENTIAL: Provide a brief discussion of the redevelopment potential of the property and the importance of the property to the community. Is there a clear need for revitalization (e.g., significant deterioration or significant environmental justice issues)? How will the public benefit from this assessment? Is the project consistent with other economic redevelopment initiatives?



13. MUNICIPAL COMMITMENT AND ADEQUATE RESOURCES: Is there a strong local government commitment, either financially or through commitment of resources, for other components of the project? Does the site have strong development potential as demonstrated by past or present interest by a developer?

14. FOR PRIVATELY OWNED SITES: Did the current owner conduct or allow activities that may have resulted in its contamination? Is the current owner unwilling or unable to conduct an assessment? What cost-sharing reimbursement mechanisms may be feasible for this site? For example, provision of in-kind services; reduction in the purchase price of the property; commitment to pay for, or conduct, or contribute to cleanup activities.

15. SITE CLEANUP: Are there mechanisms and/or resources available for adequate site cleanup? Please note, EPA TBA funds cannot be used for cleanup.



16. SITE ASSESSMENT NEEDS: Specify site assessment services being requested.

Phase I Environmental Site Assessment – includes background review of past uses and historical records and a site inspection, and meets ASTM 1527-13/1527-21 standard for All Appropriate Inquiry.

Phase II Environmental Site Assessment – includes sampling activities to identify the types and concentrations of contaminants and the areas of contamination to be cleaned up.

Analysis of cleanup options and cost estimates based on future uses and redevelopment plans.

Other – Please explain below.

Explanation of Site Assessment Services Requested: Please provide information about the time frame in which the work needs to be done, as well as indicate anything else you would like us to know about the site assessment services you are requesting. If you marked “Other,” please explain.

17. NEED FOR EPA ASSISTANCE: Please describe why an EPA Targeted Brownfields Assessment is necessary for the site’s redevelopment.

SUBMIT COMPLETED FORMS TO:

Molly Vaughan, EPA Region 10 Targeted Brownfield Assessment Coordinator

Vaughan.Molly@epa.gov

907-271-1215

<https://www.epa.gov/brownfields/targeted-brownfields-assessment-requests-region-10>



ANCSA Fact Sheet

Alaska Native Claims Settlement Act (ANCSA) Conveyed Contaminated Sites Eligibility for EPA Brownfields Funding

This fact sheet is intended to help guide whether ANCSA conveyed contaminated sites may be eligible for EPA Brownfield funding, but EPA and/or Alaska Department of Environmental Conservation (ADEC) will determine the eligibility of each site and applicant depending on the facts of each case.

CERCLA defines a “brownfield site” 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 contaminant.”

CERCLA also identifies three additional types of properties that are specifically eligible for funding:

1. Sites contaminated by controlled substances;
2. Sites contaminated by petroleum or a petroleum product; and
3. Mine-scarred lands.

CERCLA prohibits EPA brownfields grant funds from being used at certain sites, including the following:

1. Sites listed or proposed for listing on the National Priorities List;
2. Sites subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA;
3. Sites that are subject to the jurisdiction, custody, or control of the U.S. government; and
4. Sites for which the brownfields grantee could be found liable for the contamination at the property. *See CERCLA §101(39)(B) and CERCLA §101(20)(E).*

Specific considerations when evaluating eligibility of contaminated sites that were conveyed under ANCSA:

For sites that are contaminated primarily with hazardous substances:

Alaska Native Village Corporations and Alaska Native Regional Corporations that acquired title to property from the U.S. Government under the Alaska Native Claims Settlement Act are excluded from CERCLA’s definition of “owner/operator” and are therefore exempt from CERCLA liability for any previous contamination at the property provided that the Alaska Native Village Corporation or Alaska Native Regional Corporation did not cause or contribute to the contamination. Entities that satisfy these conditions are eligible for a Brownfields Grant. *See CERCLA §101(20)(E).*

Site-specific eligibility determination from EPA required, following standard process for determining eligibility for Brownfields funding.

For sites that are contaminated primarily with petroleum products:

Conveyance of a site under ANCSA can be considered to be an “equivalent government proceeding” for the purposes of determining whether a responsible party exists for a petroleum-contaminated site:

“A petroleum-contaminated site may be determined to have no responsible party if the site was last acquired (regardless of whether the site is owned by the applicant/recipient) through tax foreclosure, abandonment, or equivalent government proceedings, and the site meets the criteria in (1) below:

1. No responsible party has been identified for the site through:
 - a) an unresolved judgment rendered in a court of law or an administrative order that would require any party (including the applicant/recipient) to conduct the activities (including assessment, investigation or cleanup) proposed in the grant proposal/submitted as part of a site eligibility determination;
 - b) an unresolved enforcement action by federal or state authorities that would require any party (including the applicant/recipient) to conduct the activities (including assessment, investigation, or cleanup) proposed in the grant proposal/submitted as part of a site eligibility determination; or
 - c) an unresolved citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner for the site that would, if successful, require the activities (including assessment, investigation, or cleanup) proposed in the grant proposal to be conducted/submitted as part of a site eligibility determination.”
- See [Information on Sites Eligible for Brownfields Funding under CERCLA § 104\(k\)](#).

Site-specific petroleum eligibility determination letter from ADEC and eligibility determination from EPA required, following standard process for determining eligibility for Brownfields funding.

Additional Information & References:

EPA Brownfields Frequently Asked Questions (See Question #8 “Are all brownfield sites eligible to receive EPA grant funding for assessment and cleanup?”) -
<https://www.epa.gov/brownfields/frequently-asked-questions>

EPA Region 10 – Contamination on ANCSA Conveyed Lands
<https://www.epa.gov/r10-tribal/contamination-ancsa-conveyed-lands>

Information on Sites Eligible for Brownfields Funding under CERCLA § 104(k)
<https://www.epa.gov/brownfields/information-sites-eligible-brownfields-funding-under-cercla-ss-104k>

FY2023 Cleanup Grant Guidelines (See Threshold Eligibility Criteria III.B.12.a.i.(2))
<https://www.epa.gov/grants/fy23-guidelines-brownfield-cleanup-grants>

EPA Multipurpose, Assessment, Revolving Loan Fund, and Cleanup (MARC) Frequently Asked Questions
<https://www.epa.gov/brownfields/frequently-asked-questions-about-multipurpose-assessment-rlf-and-cleanup-grants>

DBAC Application



Application for DEC Brownfield Assessment & Cleanup (DBAC) Services (2023-2024)

Application period: November 15, 2023 through February 15, 2024

Background:

DEC provides site-specific technical support through its DEC Brownfields Assessment and Cleanup (DBAC) program. Depending on the needs of a specific project, DBAC services can include anything from environmental site assessments to cleanup planning to some cleanup activities. DBAC awards are provided as services, not grants; for selected projects, DEC will conduct and manage the project, including selecting an environmental contractor and completing necessary paperwork on behalf of the applicant. For background information regarding DBACs, please refer to DEC's DBAC Fact Sheet:

<https://dec.alaska.gov/spar/csp/brownfields/assessment-cleanup/dbac-fact-sheet/>

Instructions:

Please answer all questions and provide as much information as possible, as this application will provide the tools necessary to determine if your project is eligible for Brownfield services. If you have any questions regarding the application or eligibility, please do not hesitate to contact DEC Brownfield staff to discuss. Additionally, Brownfield staff can also review your draft application prior to final submittal to evaluate eligibility and completeness.

The following DBAC application is organized as follows: Section 1: Basic Site Information; Section 2. General Eligibility Criteria; and Section 3. Evaluation Criteria. All questions should be filled out to the best of the applicant's ability.

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Submission Requirements

A completed application must be received no later than **5 p.m. AST on Thursday February 15, 2024**. Applications should be submitted to:

DEC Brownfields Team
dec.brownfields@alaska.gov
 Subject Line: DBAC Application

If you have any questions or unable to submit an application electronically, please contact dec.brownfields@alaska.gov.

Request for Application Meeting

Potential applicants for DEC Brownfields Assessment & Cleanup services are **highly encouraged** to have a meeting with DEC Brownfield Staff concerning their application. Early communication will allow participants to receive technical assistance and allow time to address any deficiencies in the application. Our goal is to assist you in completing a comprehensive and successful application! Further, please go through the checklist below to ensure the application has all the necessary information and requirements.

DBAC Application Submittal Checklist

Before submitting your DBAC request form, please check the following items are complete: Did you answer **each** question?

- If required, did you attach a **letter from the property owner** granting access to the site, if the owner is different from the applicant?
- If applicable, did you attach **past environmental reports** about the site?
- Did you attach a **site map or aerial photograph** of the site with the information requested and any other photos available?
- Did you identify a **primary contact** for the life of the DBAC project?
- Did you attach a **letter of support** from each team member?
- Did you attach documentation demonstrating the **viability of the reuse or redevelopment plan**?
- Did you attach documentation demonstrating that there is **community support and benefit** for the project?

After reviewing your application, DEC may have clarifying questions to help in its evaluation. May DEC contact you should it have additional questions?

- Yes No

SECTION 1: BASIC SITE INFORMATION

Applicant:

Name:

Address:

TRP/IGAP EPA Project Officer (if applicable):

Owner (if different from applicant):

The owner of the property must allow DEC access to the site. If the applicant is different from the owner, written consent will be required from the owner to secure access for DEC and its contractors to conduct the assessment. Please attach a letter from the property owner granting access to the site if required

Name:

Address:

Is the owner of the property:

- Private City/Public Native Corp Tribe

Is the property expected to change ownership in the near future?

- Yes No

Site Name:

Site Location:

Address:

Legal Description (If known):

Section:

Range:

Latitude:

Township:

Tax lot number(s):

Longitude:



Site History:

When was this property acquired by the current owner?

How was this property acquired by the current owner?

Did the current owner complete a Phase I/Phase II Environmental Site Assessment prior to acquisition?

 Yes

 No

Previous ownership history (if known):

Approximate acres or square footage:

How many buildings or structures are on the property?

What is the condition of each of the buildings and structures on the property?

Has the site had any previous assessment activities?

 Yes

 No

If yes, what kind of assessment activities have been done?

 DBAC

 Targeted Brownfield Assessment

 Other

Is this site currently listed on DEC's Contaminated Sites database?

 Yes

 No

If yes, please list the DEC file number:

Site name:

*** Please attach full reports from previous assessment work if the site is not already on the DEC Contaminated Sites database***



Contamination – Known or Perceived:

What are the known or suspected contaminant(s) at the site?

- Hazardous Substances Petroleum Hazardous Building Materials

How was the property previously used? (mark all that apply)

- Tank farm
- Landfill (permitted or un-permitted)
- Dump site
- Gas Station
- Dry Cleaner
- Mining Operations
- Underground Storage Tank (UST)
- Above Ground Storage Tank (AST) Drums
- Military activities
- Other:

If known, list the source(s) and location(s) of known or perceived contamination:

Briefly describe how and when this site may have become contaminated:

Do you know who may have caused any contamination?

- Yes No

If yes, please list here:



What steps has the landowner or community taken to safeguard against the known or suspected contamination?

Is this site currently being used? If yes, describe how it is being used?

Please identify any specific problems limiting reuse:

Site Location:

Please provide a map(s) of the proposed project area and vicinity. This should be composed of aerial photograph(s) showing the location of the site in relation to the community with a circle around any areas of known or suspected contamination. Please attach any other available photos for the site, as these can be useful to envision the project. If assistance with this is needed, do not hesitate to contact DEC at dec.brownfields@alaska.gov.

- Project area/vicinity map(s) included
- Project area photographs included



SECTION 2: GENERAL ELIGIBILITY CRITERIA

Is the site or facility owned or under the control of the federal government?

Yes* No

*If the property is owned or under the control of the federal government, the site is not eligible for services.

Is or has the site or facility been owned by the State of Alaska when contamination occurred?

Yes* No

*If the State of Alaska is a responsible party, the project may not be eligible for DBAC funding.

To your knowledge, has the site or facility received funding for remediation from the Leaking Underground Storage Tank (LUST) Trust Fund?

Yes* No

*If the site has received funding from the LUST Trust Fund, the site or facility may not be eligible for services unless certain additional criteria are met.

Is the applicant directly responsible for the contamination on the property?

Yes* No

*If yes, this site may not be eligible for brownfields services.

Is the current owner responsible for contamination on the property?

Yes* No

*If yes, this site may not be eligible for brownfields services.

Do you have a reuse plan that will provide a benefit to your community?

Yes No*

*If no, this site is not eligible for brownfields services.

If any of the above indicate that the site or facility is not eligible, contact DEC to discuss prior to continuing your application. Eligibility is a site-specific determination and may still be possible depending upon the applicant, project, and site history. We are happy to talk with you – we want to help you submit a successful DBAC application! Email the DEC Brownfields Team at:

dec.brownfields@alaska.gov



SECTION 3: EVALUATION CRITERIA

1.) Project Needs:

What services are you seeking?

Assessment

Cleanup Planning

Cleanup

Describe to the best of your ability what your project team believes the needed environmental assessment or cleanup activities are:

Please describe any local resources or individuals that are available to assist with the DBAC work being requested. (Some things to consider: our contractors doing assessment or cleanup work often require local assistance with site visits, setting up interviews with those knowledgeable about the site, lodging, excavation equipment, and local transportation; site work often requires heavy equipment, heavy equipment operators or Qualified Environmental Samplers (as defined in 18 AAC 75.333).)

2.) Project Team:

Form a project team of at least three individuals (preferably from more than one organization) to ensure continuity beyond this effort and coordination for success of the overall project. List the names and contact information of each individual or organization below and attach a letter of support from each team member. **Please note: Environmental field work is often conducted during the summer. Please designate one member of your project team as the primary contact for the life of the project who can answer questions for DEC or their contractors as they arise. An inability to communicate with the community may cause project delays or even cancellation of a project.**

Primary Contact:

Team member:

Team member:

Additional Team members:



3.) Viability of the Reuse and Redevelopment Plan:

Please describe the reuse plan (Reuse plans can include housing, commercial development, creation of a recreation area, preservation of green space, restoration of subsistence use, etc.):

Have you sought, are you currently seeking, or are you planning to seek funding for **completing the reuse plan** after the site has been assessed and/or cleaned up? If so, please describe your strategy for funding the reuse plan:

Please list any resources currently available for the redevelopment phase of the project (such as equipment, labor, in-kind services, or funding etc.):

Attaching documentation such a business plan, a community plan, planned reuse drawings, proposals for grant funding, or items such as loan applications etc. helps to demonstrate that the reuse plan is well developed and will help this application score higher

4.) Public Benefit:

Please describe how the planned reuse is a benefit to your community. (Some things to consider creation of jobs, preservation of historical or culturally significant property, location for community activities or education, preservation or restoration of subsistence habitat, reuse or recycling of materials or infrastructure, cost savings for the community, etc.)



Does this project benefit a community that has been historically underserved? If so, please describe:

This description can be based on lived experience/anecdotal support or by using environmental, demographic, or socioeconomic data. For example, applicants may use EJScreen, which is EPA's mapping and screening tool for considering demographic/environmental information.

What are there environmental, safety, or public health considerations that make it important to address this property as soon as possible? For example, is the property threatened by erosion or anticipated climate change impacts within the next few years? Is the property a current or imminent threat to the health and safety of the community? Please describe:

5.) Community Support:

Please describe how communitywide support for this work has been documented (Such as: resolutions, community plans, public meetings where the site was discussed; letters of support from other community members; etc.)

Please note that community support must be documented and any resolutions, community plans, public meeting notes, letters of support from other community members, etc. should be submitted as an attachment to this application

6.) Project Cost:

Do you have any information regarding how much the assessment or cleanup project will cost? (If a previous assessment has been conducted, a cost estimate for future work may have been included.)

Yes

No

If yes, please indicate the estimated amount and what year this was determined:

General estimates are acceptable. Please be aware that the scope of the requested work must both be within the funding limits set forth by the EPA and be within our funding capacity. Please contact DEC to discuss further.



Bonus Points:

Does the reuse plan call for green building or habitat preservation?

Yes

No

Is the site of historical or cultural significance?

Yes

No

Does the reuse plan call for the use of alternative energy?

Yes

No

If you answered “Yes” to any of the Bonus questions above, please describe further:

Disclaimer

Under no circumstances does an award of DBAC services imply that DEC accepts liability for any contamination that may exist at the site, nor is DEC responsible for any necessary cleanup of hazardous substances that may be found at the site. Liability for contamination on a property is specifically addressed in Alaska Statute (AS) 46.03.822, which outlines those who are liable for the release of a hazardous substance. The general liability categories include: (1) those with an ownership interest in the property; (2) those in control of the substance at the time of the release; or (3) those who arrange for disposal or transport of the substance.

Brownfield work focuses on clarifying environmental concerns associated with property for which there is no known viable responsible party. By applying for a DEC Brownfield Assessment or Cleanup, it should be clear to all parties associated with a request that the work requested of DEC is designed to identify, clarify, and in some cases, remediate environmental hindrances that currently impede the continued use, proposed use, redevelopment, or sale of a property. Work conducted by DEC may result in identifying a property as a contaminated site, and require the site be listed on DEC’s Contaminated Sites Database. With listing comes the requirement of potentially responsible and liable parties to address cleanup of contamination in accordance with regulatory requirements.



DEC Brownfield Assessment and Cleanup Award Process



November - February - Application Submittal to DEC

February/March - Application review by DEC, including evaluating projects/applicants for eligibility



March/April – DEC contacts applicants with questions and updates regarding application status

April/May – DEC submits preliminarily-selected DBAC projects to EPA Region 10 for project eligibility determinations



April/May – DEC begins notifying eligible projects of DBAC award selections

May/June – Community Kick-off meeting with DEC



May/June - DEC builds scope of work for project **June/**

July - Scope of work issued to contractor for cost bid **June/**

July - Work awarded to contractor and planning begins



Summer/Fall – Field work done on site

Fall/Winter – Report on field work developed



Fall/Winter – Report Finalized



Fall/Winter – Community Wrap up meeting with DEC

