

DEEP's Role in Brownfields Redevelopment - How Can We Help You?

Connecticut Brownfields Conference
May 17, 2016

Mark Lewis, Brownfields Coordinator
DEEP- Office of Constituent Affairs & Land Management

Former US Baird
Machine Co., Stratford



Now
Two Roads Brewing Company



Connecticut Department of Energy and Environmental Protection

Cleanup Boot Camp



Mark Lewis, Brownfields Coordinator
DEEP- Office of Constituent Affairs & Land Management



Connecticut Department of Energy and Environmental Protection

Cleanup Boot Camp

No Yelling



No Pushups

I Promise!



Chris Brown, Coordinator
DEEP- Office of Policy & Land Management



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Willimantic Thread Factory- J. Alden Weir- 1893



Our mills inspired 19th century landscape painters.
They remain a resource and a source of inspiration
today.



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What's a Brownfield?

- Definition: Any abandoned or underutilized site where redevelopment, reuse or expansion has not occurred due to the presence or potential presence of pollution in the buildings, soil or groundwater that requires investigation or remediation before or in conjunction with the redevelopment, reuse or expansion of the property (CGS § 32-760)
- Not every contaminated site is a brownfield

*Capewell Horsenail Factory
Hartford*



State Cleanup Requirements

- Remediation Standard Regulations (RSRs) (RCSA § 133k-1 to k-3) apply to all cleanups
- RSRs define clean-up endpoints, not why, how, or when to reach endpoints
- Cleanup / liability relief programs dictate how/when to reach endpoint

*Former Waterbury Industrial Commons, Waterbury
Groundbreaking for new manufacturing space
for King Industries
September 2015*



Brownfield Regulatory Programs

- Abandoned Brownfields Cleanup Program
 - CGS § 32-768
- Brownfields Remediation & Revitalization Program
 - CGS § 32-769
- Property Transfer Program
 - CGS § 22a-134
- Voluntary Remediation Programs
 - CGS § 22a-133x and § 22a-133y
- Urban Sites Remedial Action Program
 - CGS § 22a-133m

Somersville Mill, Somers



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Phase 1 Site Assessment

- Tells us where to look in later phases
- Existing & past uses of site
 - What did they do, & where?
 - Raw materials & wastes?
 - Identify RECs, “Areas of Concern” where contaminants may have been released
- Important for Federal & state due diligence
 - Limited shelf life- 6 months, may be updated if < 12 months old



Phase 2 Site Assessment

- Confirms presence/ absence of contamination in AOCs
- Sample collection- soil, groundwater, surface water, sediment, soil gas
- Possibly geophysics or other non- invasive methods



Phase 3 Site Assessment

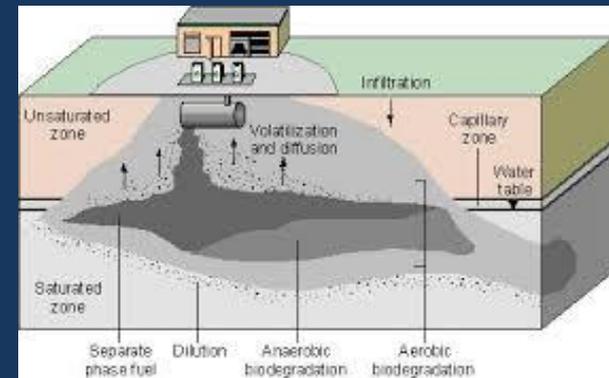
- Full site characterization
 - Exactly where is the contamination now in three dimensions?
 - Where is the contamination going in the future?
 - Is the contamination above a standard?
- Needed to determine remedial (clean- up) options

Copper staining in floor drain
Former Triangle Wire site, Griswold



Conceptual Site Model

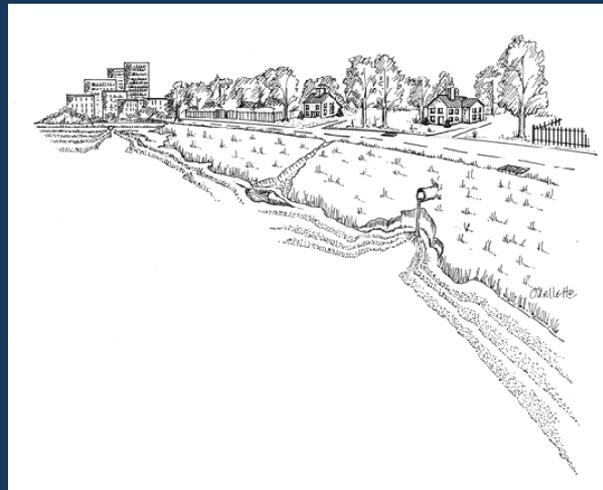
- Representation of what we think has happened at the site
- Could be maps & pictures, narrative (written explanation)
- A hypothesis- uses the scientific method
- Changes as we learn more
data gaps- what don't we know?



DEEP General Cleanup Authority

Based on pollution to “Waters of the State”

- CGS § 22a-432 – Creating or maintaining a source-Order to polluter or landowner responsible
- CGS § 22a-433 – Maintaining a source- Order to landowner that didn't cause but is maintaining pollution



DEEP Enforcement Tools

- Notices of violation
- Consent order (respondent must agree)
 - May or may not include monetary penalty
 - Not subject to appeal (voluntary)
- Unilateral order
 - May or may not include monetary penalty
 - Subject to appeal
- Attorney general referrals
 - For injunctive relief, cease & desist, monetary penalty
- Criminal referral- Chief State's Attorney
- EPA referral



Spill Reporting

CGS § 22a-451 - Reporting of new spill

- Initial report by telephone to 24/ 7 hotline
- Follow- up with written report
- Initial response by DEEP Emergency Response & Spill Prevention Division
- Addresses immediate threat- not RSR cleanup
- Ongoing cases may be referred to Remediation Division

*Overturned oil tanker, South Windsor
October 2014*

Photo from www.nbc30.com



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Significant Environmental Hazards

CGS § 22a-6u

- Triggered by contaminants well above RSR criteria in soil, groundwater, soil vapor, or explosion hazard
- Seven types of hazards trigger notification
- Consultant must notify client & site owner
- Owner must notify DEEP
- DEEP can require actions to mitigate short-term risk
 - may or may not be to RSRs



Property Transfer Program

- CGS § 22a- 134 to 134- 134d
- Triggered by “transfer of establishment” (complex definition)
 - 28 exemptions- eminent domain, mortgage & tax lien foreclosure, inheritance, family transfer, stock transfers, ABC, BRRP, municipal liability relief
- ECAF filed with enrollment form & initial \$3250 fee.
 - Additional fee at final cleanup if DEEP oversight
 - Usually LEP oversight
- 50% municipal discount on fee
- Fee waived if getting state brownfields \$



Voluntary Remediation

- CGS § 22a-133x
 - ECAF filed with enrollment form
 - \$3,250 fee (waived if getting state brownfields \$)
 - Usually LEP oversight, sometimes DEEP oversees
- CGS Section 22a-133y
 - Must be GB or GC groundwater, not under order or stipulated judgment
 - LEP does Phase 2 and 3 and submits final cleanup report
 - LEP submits RAP before remediation starts



Hockanum Mill, Vernon



RCRA Corrective Action

- 238 sites in Connecticut that handled, stored, treated hazardous waste
- Some overlap with property transfer program
- EPA has goals each fiscal year
- Important to DEEP too- grant funding
- Differences from state cleanup program:
 - Ecological risk assessment always required
 - More public participation
 - Some administrative differences



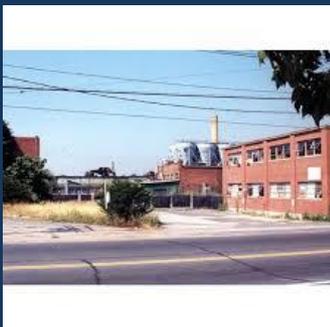
Superfund Program

– Federal Superfund (15 sites)

- Sites on EPA “National Priority List” cleaned up under EPA supervision
- EPA seeks state concurrence on remedy
- State laws & regulations frozen at time of remedy selection
- EPA can do removal actions at non- NPL sites, but can’t use EPA brownfields \$ at same time

– State Superfund (13 sites)

- Program not highly active



*Raymark Site, Stratford
mid 1990s, left; today, right*



DEEP Remediation Division Districts

North Central District

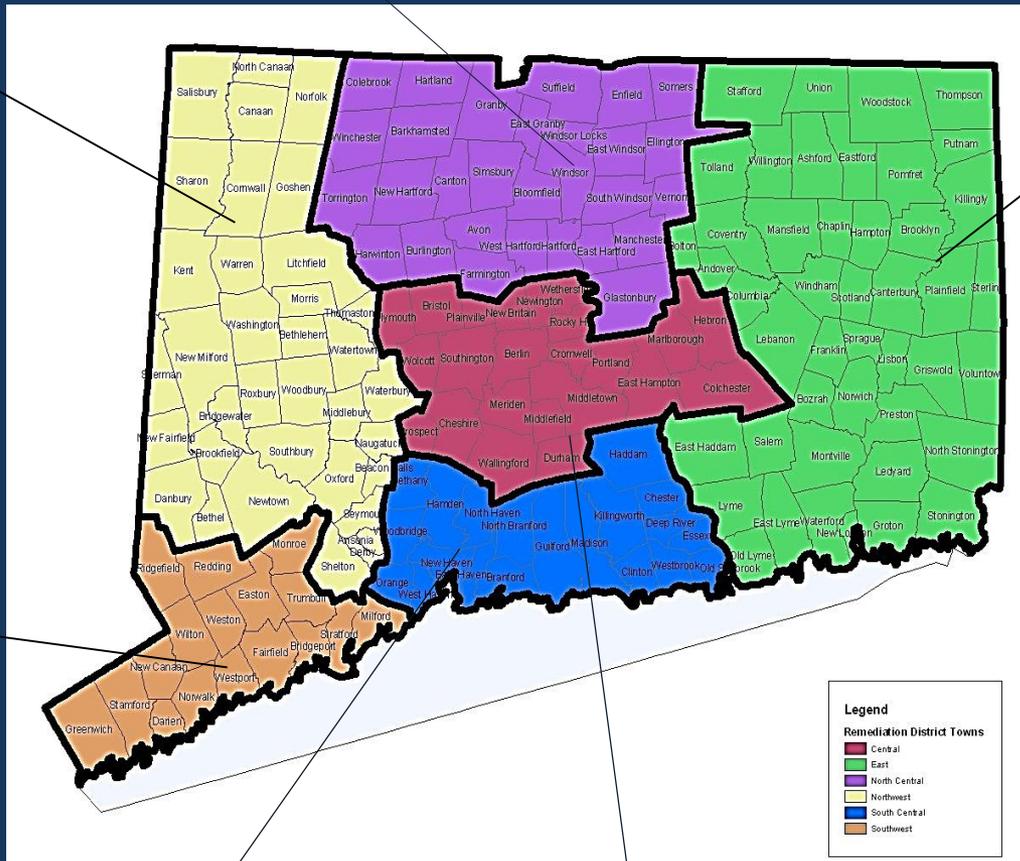
Robert (Rob) Robinson
(860) 424-3775

Northwestern District

Patricia (Pat) DeRosa
(860) 424-3501

Eastern District

Bill Warzecha
(860) 424-3776



Coordination & Support

Jacques Gilbert (acting)
(860) 424-3336

Petroleum Cleanup Fund

Jacques Gilbert
(860) 424-3336

Southwestern District

Peter Hill
(860) 424-3912

South Central District

Tom RisCassi
(860) 424-3781

Central District

David Ringquist
(860) 424-3573

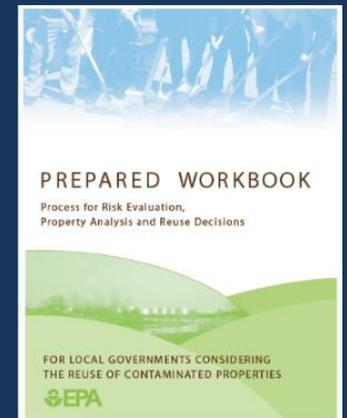
Flood Management Certifications

- **CGS Section 25-68b through 25-68h**
- Required for State funded projects. State agency applies
- Critical activities (housing, schools, hospitals, hazardous waste facility) must be above 500 year flood elevation, must have dry entry/ exit above 100 year flood elevation
- Other activities must be 1 foot above 100 year flood elevation
- Exemption for mills located on brownfields
- Talk to DEEP very early in project



CT DEEP Web-enabled PREPARED Workbook

- Designed for municipalities
- Guided tour of brownfields redevelopment process
- Worksheets document each step
- Connecticut first state to web-enable PREPARED Workbook (Joint CT DEEP/ EPA Region 1 Project)
- Not a CT DEEP or EPA requirement
- Available on DEEP website- Search for PREPARED Workbook



DEEP Support for EPA Brownfields Grants

- “Petroleum Determinations”
 - Required if using EPA money for “petroleum only” sites
 - DEEP looks at current and immediate past owner
 - Are they liable for petroleum?
 - Are they financially viable”?
 - If liable and viable, site can’t use EPA \$
- Guidelines for both at http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489004&deepNav_GID=1626.

*Stanley P. Rockwell Company
Homestead Ave., Hartford*



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DEEP Support for EPA Brownfields Grants

- “State Letters”
 - EPA grant application must include DEEP letter acknowledging application
 - Get your application to us early
- Guidelines at http://www.ct.gov/deep/cwp/view.asp?a=2715&q=489004&deepNav_GID=1626.



*Wade's Garage
Stratford*



Success – Past and Future

- State and Federal Agencies have been working with municipalities on Brownfields since 1992
- Partnerships have yielded great success
- Connecticut is interested in more success with municipally-sponsored or endorsed projects



Remington Rand - Middletown

10 businesses now leasing space



Bryant Electric / Industrial Redevelopment – Bridgeport

New Businesses

- Akdo Intertrade Inc.
- Chaves Bakery II Inc.
- Carr's Ice Cream LLC
- Modern Plastics, Inc.



Killingly Commons – Killingly



Former 1,000,000 ft² glass factory

CBRA \$1.5M Tax Increment
Financing



Now a major regional retail center



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Goodwin College – East Hartford



**Site of Phase One
River Campus Development
Circa 1980**

- CBRA \$3M PILOT
- State grant \$2.25M
- USEPA – 3 Cleanup Grants (\$200K each)
- Leveraged over \$20M in private investment
- Former petroleum tank farm



Occum Park – Norwich

Former factory destroyed in 1988 fire



- Two State grants \$2.1 M
- Local funding \$200,000

Redeveloped into Riverside Park



2008 Real Estate Exchange Award
for Community Development



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What do You See?



This?



Or this?

Proposed city boat launch at former oil terminal – Norwich



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Questions?

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Environmental Protection

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