



CITY OF SACRAMENTO BROWNFIELD SITE ASSESSMENT PROGRAM

This document outlines a process for the City of Sacramento (City) to select a limited number of Brownfields sites in California that will receive services to conduct Brownfield Site Assessment Program. The selection procedures provide the City with a method to evaluate candidate sites and ensure that the sites are eligible to participate in the program. Selected sites will receive investigation services conducted by City's contractor under Economic Development Department (EDD) staff oversight. Applicants will need to submit the information identified in this document in order to be considered for this program.

BACKGROUND

In July 2009, the City was awarded \$400,000 in grant funds from the U.S. Environmental Protection Agency (U.S. EPA). The grant will fund activities designed to encourage Brownfields redevelopment in Sacramento.

Under the grant \$328,000 has been allocated to conduct site assessments at no cost to the applicant. The funds are used as an opportunity to gain more information about a site's condition, which can directly affect decisions on property acquisition or cleanup strategy. Once a site has been selected, EDD staff and the applicant will discuss the proposed activities, which may include: preparation of a sampling plan, conducting field work, and/or preparation of an investigation report. EDD will prepare a site specific scope of work and issue a work order for their investigation contractors to follow. Using these funds does not preclude a public or private entity from participating in other U.S. EPA, or Cal/EPA, grant funded programs.

ELIGIBILITY CRITERIA

The EDD have developed eligibility criteria to ensure sites meet the grant requirements and the work can be completed within the grant cycle. Information submitted to EDD will be evaluated and those sites not meeting these criteria will not be considered further under this program.

SITE ASSESSMENT PROGRAM INFORMATION

In order to be eligible for services under the Site Assessment program, the applicant can be:

- a public agency;
- a school district;
- a redevelopment agency;
- a non-profit organization; or
- a for-profit organization

DEFINITIONS:

- 1. Brownfield:** U.S. EPA's definition comes from the 2002 federal legislation and codified in 42 U.S.C. 9601. With certain legal exclusions and additions, the term "Brownfields" means *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* and may include petroleum hydrocarbon releases.

Sites ineligible to receive U.S. EPA grant funds include:

- sites with ongoing or planned U.S. EPA directed removal actions;
- sites proposed or listed on the National Priority List (NPL);
- federally owned properties;
- sites under enforcement actions; and,
- active sites subject to RCRA corrective action.

Typical examples of Brownfields sites include former industrial and manufacturing facilities or gas stations.

- 2. Environmental Due Diligence:** Environmental due diligence during commercial real estate and transactions can include Phase I and Phase II Environmental site assessments. Such assessments are often undertaken in the United States to avoid liability under the Comprehensive Environmental Response, Compensation, and Liability Act, commonly referred to as the "Superfund law".
- 3. All Appropriate Inquiries (AAI):** "All appropriate inquiries" is the process of evaluating a property's environmental conditions and assessing potential liability for any contamination. The AAI final rule is effective on November 1, 2006—one year after being published in the Federal Register. Until November 1, 2006, both the standards and practices included in the final regulation and the current interim standards established by Congress for all appropriate inquiries (ASTM E1527-00) will satisfy the statutory requirements for the conduct of all appropriate inquiries. All appropriate inquiries must be conducted or updated within one year prior to the date of acquisition of a property. If all appropriate inquiries are conducted more than 180 days prior to the acquisition date, certain aspects of the inquiries must be updated.
- 4. Phase I Environmental Site Assessment (ESA):** This includes an examination of relevant records, interviews with owners, past owners and neighbors and an inspection of the property in order to identify recognized environmental conditions. Based on the findings of a Phase I, a property owner or other interested party may follow with a Phase II. Standards for performing a Phase I site assessment have been promulgated by the US EPA and are based in part on ASTM in Standard E1527-05. A typical Phase I scope includes:
 - Performance of an on-site visit to view present conditions (chemical spill residue, die-back of vegetation, etc) ; hazardous substances or petroleum products usage

(presence of above ground or underground storage tanks, storage of acids, etc.); and evaluate any likely environmentally hazardous site history.

- Evaluation of risks of neighboring properties upon the subject property
- Review of Federal, State, Local and Tribal Records out to distances specified by the ASTM 1528 and AAI Standards (ranging from 1/8 to 1 mile depending on the database)
- Interview of persons knowledgeable regarding the property history (past owners, present owner, key site manager, present tenants, neighbors).
- Examine municipal or county planning files to check prior land usage and permits granted
- Conduct file searches with public agencies (State water board, fire department, county health department, etc) having oversight relative to water quality and soil contamination issues.
- Examine historic aerial photography of the vicinity.
- Examine current United States Geological Survey (USGS) maps to scrutinize drainage patterns and topography.
- Examine chain-of-title for Environmental Liens and/or Activity and Land Use Limitations (AULs).

5. **Phase II ESA:** This report uses the information in the Phase I to select locations for environmental sampling in areas of concern, in order to confirm suspected contamination. It is an "intrusive" investigation which collects original samples of soil, groundwater or building materials to analyze for quantitative values of various contaminants. This investigation is normally undertaken when a Phase I ESA determines a likelihood of site contamination. The most frequent substances tested *are petroleum hydrocarbons, heavy metals, pesticides, solvents, asbestos and mold.*

Candidate sites will need to meet the following eligibility criteria:

1. **Brownfields status:** Sites must meet the U.S. EPA definition of a "Brownfields" site.
2. **Current ownership:** A petroleum-contaminated property applying for a Phase II assessment must not be owned by a responsible party.
3. **Site access:** Sites should be readily accessible to EDD staff and the City's contractor for the purpose of performing Site Assessment fieldwork (e.g., on-site reviews, interviews of persons knowledgeable regarding the property history, soil borings, monitoring well installation, or sampling). The applicant must include written authorization from the landowner, allowing site access and the landowner may be asked to sign a formal site access agreement (see application). The site should be cleared of excess vegetation and/or any other physical barriers that would impede the collection of samples under the Site Assessment.
4. **Limits to the Project Scope:** Federal guidelines prohibit any site from receiving more than \$200,000 in funds or services under this grant. Due to the number of applications received and the limitation of available funding, actual Phase I Site Assessment grants will generally be awarded in the range of \$3,000 to \$10,000 and

Phase II Site Assessment grants have generally been awarded in the range of \$50,000 to \$100,000.

SELECTION PROCESS

The following selection process will be used by the agencies to select the sites.

1. Applicants should contact EDD staff listed in the document to determine if the site is eligible and discuss the content for the application package. Any sites not meeting the eligibility criteria will be eliminated from further consideration.
2. An application package for each candidate site should be completed following the guidelines included in this package. The completed application package, including a description of the project, must be submitted to one of the designated EDD staff listed in this document.

ONCE A SITE IS SELECTED

Each applicant will be notified of the results of the selection process as indicated in the Schedule of Activities. U.S. EPA will be notified of the projects that have been identified to receive services under the Site Assessment Program and given an opportunity to verify the projects are eligible to receive funding through the grant. The City will initiate a scoping meeting with the applicant and the designated contractor to determine the specific scope of work. Information submitted in the application will be used to develop a Work Plan that will outline the activities, deliverable and time frames. Completion of project based will be based on project scope and activities.

For an electronic copy of this application, please contact:

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For more information regarding City's Brownfields Program, please visit our web site at: <http://www.cityofsacramento.org/econdev/>