

Durham EPA Brownfield Assessment Program

Frequently Asked Questions

General Questions

What is a brownfield?

Brownfields are "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." Brownfields blight communities across the country, inhibiting economic development and contaminating the environment. Brownfield sites include unproductive and abandoned textile mills, service stations, industrial facilities, and chemical processing plants. By cleaning up these properties, local governments can protect the environment, spur economic growth, and create jobs.

What is the purpose of this grant project?

The purpose of this grant is to assess the level and nature of environmental contamination at selected brownfield sites and conduct planning for the cleanup and reuse of the properties. By assessing contaminated properties in Durham, the City is quantifying the risks involved in redeveloping the properties to encourage property owners and developers to cleanup the sites and put them back into productive use.

Will the grant pay for the cleanup of the sites?

This grant will not pay for the actual cleanup and redevelopment of the site. While the EPA offers separate cleanup grants to assist with cleanup activities, property owners and developers are often eager to invest in the redevelopment activities in order to put the site back into productive use.

Questions for Community Members

How will the community benefit from the redevelopment of these properties?

The cleanup and redevelopment of brownfield sites create productive properties, removes blight, protects the environment and often leads to the creation of new jobs.

How can I get involved?

The City of Durham is actively seeking the involvement of community partners and citizens in the implementation of the EPA Brownfields Assessment Project. There are four ways to get involved with this initiative: 1) Identify Sites - Tell the City of any brownfield sites in the area you know about; 2) Help Prioritize Sites - Let the City know what brownfield sites you feel are most important for the community to redevelop; 3) Assist in Planning - Share your vision for what should happen at the high-priority sites; and 4) Stay Informed - Keep up to date on project activities. These can be accomplished by visiting the project web site and attending scheduled community meetings.

Questions for Property Owners

What is a Brownfield?

EPA defines brownfields 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.” By determining what is present on a property and, if needed, cleaning up the property to minimize the hazard, the suitability of the property for redevelopment is increased. This also improves and protects the environment.

What is a Brownfields Assessment Project?

There are more than a thousand brownfields assessment projects across the country with each funded initially at \$200,000 over a three-year period by the U.S. Environmental Protection Agency. The funds are to be used to bring together property owners, community groups, investors, lenders, developers, and other affected parties to address environmental site assessment and cleanup planning issues.

What is the EPA's involvement?

The Brownfield Assessment Project is NOT a regulatory program. These projects are a mechanism/tool to promote economic development. EPA involvement is typically limited to review of work plans and general program oversight.

What does the program offer property owners?

Participation in the Durham Brownfield Program by the private sector is voluntary. The program helps move properties towards redevelopment by conducting environmental site assessments and identifying/removing the environmental risk/uncertainty associated with the property. With the funds from the EPA, the City will now be able to pay for environmental site assessment activities on properties where the current owner or prospective purchaser is unwilling and/or unable. Program participation is particularly helpful where a property is perceived to have an environmental problem, although one may not actually exist. Participation in the program is not mandatory; that is, if the City identifies your property as a potential Brownfield site you do NOT have to participate. In addition, not all properties are eligible for participation under the program, and funding is limited for assessing these properties.

Why would property owners want to participate?

Participation in a Brownfields project brings resources to the property owners and prospective purchasers that facilitate re-development. The project can help clarify environmental concerns and plan redevelopment to address real or perceived environmental issues. If your property is selected, project-provided services might include (1) All Appropriate Inquiries (Phase I and Phase II Environmental Assessments) and (2) Clean-up/redevelopment Planning.

What are All Appropriate Inquiries?

EPA's definition of All Appropriate Inquiries is "the process of evaluating a property's environmental conditions and assessing potential liability for any contamination." All Appropriate Inquiries requirements are applicable to any party who may potentially claim protection from CERCLA (also known as Superfund) liability as an innocent landowner, a bona fide prospective purchaser, or a contiguous property owner. Parties who receive grants under the EPA's Brownfields Grant program to assess and characterize properties must comply with the All Appropriate Inquiries standards. Evaluations conducted under these standards must be conducted or updated within one year prior to the date of acquisition of a property. Further, if these evaluations are conducted more than 180 days prior to the acquisition date, certain aspects of the inquiries must be updated. Parties must comply with the requirements of the All Appropriate Inquiries Final Rule, or follow the standards set forth in the ASTM E1527-05 Phase I Environmental Site Assessment Process.

What is a Phase I and Phase II Environmental Site Assessment?

The primary goal of a Phase I Environmental Site Assessment is to make an "appropriate inquiry into previous ownership and use of the property consistent with good commercial or customary practice." A Phase I Environmental Site Assessment is generally performed by the current owner or prospective purchaser. This is a vital part of commercial and industrial property transactions where potential liability is a concern and is most often required by lenders and attorneys prior to finalizing a real estate transaction. Phase I Environmental Site Assessments are conducted according to guidelines established in the American Society for Testing & Materials (ASTM) Standard Practice for Environmental Site Assessment (E 1527) and EPA's All Appropriate Inquiries Rule. There are four primary components to the Phase I Environmental Site Assessment: Records Review, Site Reconnaissance, Interviews, and Report Preparation. The Phase I Environmental Site Assessment report will include a statement as to evidence of recognized environmental conditions. Phase I Environmental Site Assessments do not include sampling or chemical analysis of soil, groundwater or other media. Where concerns are identified, recommendations for Phase II Environmental Site Assessment activity are generally included in the report.

Phase II Environmental Site Assessments include site-specific sampling and chemical analyses to characterize the occurrence, distribution, nature and extent of hazardous compounds in soil and groundwater at a property. Phase II Environmental Site Assessments generally provide the necessary information needed to determine if cleanup activities are warranted on the property.

If I am a property owner and I participate what happens if environmental contamination is found?

The answer to this question depends on the historical activities at the site, potential contaminant sources, types of contaminants and the regulatory agency that would have jurisdiction over the site. The City has specialists who will consult with property owners to answer this question BEFORE testing is conducted. This way a property owner knows exactly what the ramifications are if indeed contamination is found and helps them make an informed decision before authorizing testing on a site.

Who will pay for the cleanup if contamination is found?

The owner of the property is typically responsible for cleanup. However, there are reimbursement programs and mitigation strategies that can be used in certain situations. In addition, EPA offers low interest loans to private property owners for the cleanup of contamination. The City's environmental specialists will assist property owners in developing a strategy (including cost mitigation) to address cleanup before testing is conducted.

What activities are included in cleanup/redevelopment planning?

The primary goal of this effort is to identify potentially applicable cleanup alternatives and to estimate the nature, extent, duration, and cost of implementing selected cleanup alternatives at the site. This task will provide property owners and prospective purchasers with a general description of potential cleanup alternatives and approximate cost to complete these activities. In addition, cleanup decisions are often times based on the proposed end use of the site (residential, commercial) and how the proposed redevelopment (buildings, parking lots) limits access to onsite contamination. It is not uncommon for cleanup costs to be significantly reduced as a result of these efforts.

What if redevelopment opportunities are not identified?

Although specific redevelopment opportunities do not necessarily need to be spelled out in detail before some work is performed, a general plan for generating redevelopment opportunities is typically needed to obtain EPA approval to spend grant funds on assessment work. In addition, the City will seek to prioritize sites for funding under this project, based on the site's redevelopment potential and plans.

I am an interested property owner, who do I contact for more information?

Please contact Summer Alston, Economic Development Specialist, with the City of Durham's Office of Economic and Workforce Development at 919-560-4965 (phone) or summer.alston@durhamnc.gov (email).