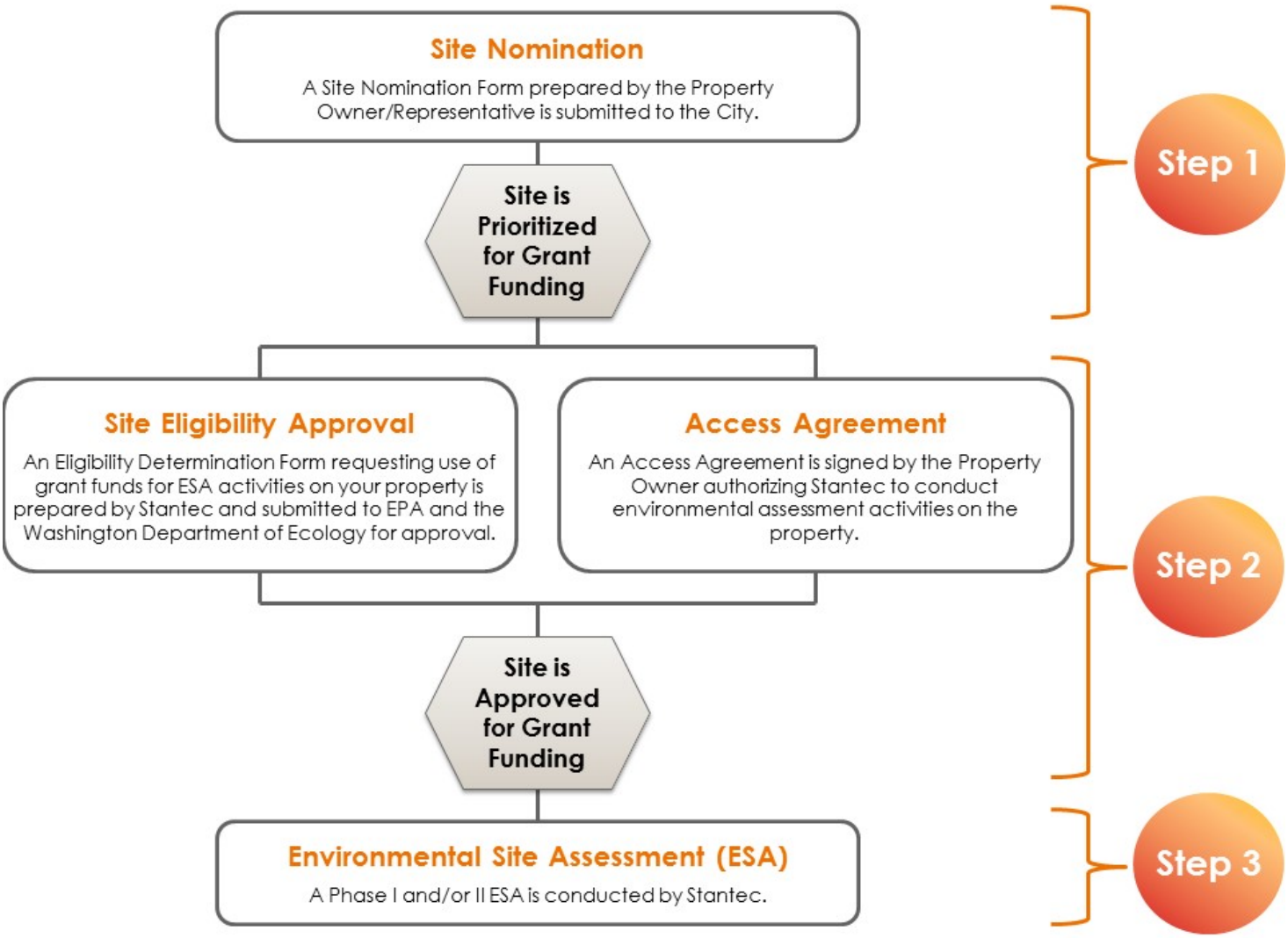
Process Guide for Property Owners & Stakeholders

This Process Guide was developed to provide an overview of the key steps and activities involved in the Site Reuse & Revitalization Program. The program is funded by a U.S. Environmental Protection Agency (EPA) Brownfields Assessment Grant awarded in 2018 to the Carbon County. The program is managed by Carbon County with support from an environmental consulting team led by Stantec Consulting Services Inc. (Stantec).

The figure below outlines the key steps involved in the Environmental Site Assessment (ESA) process. Detailed descriptions of each step are provided on the following pages.



Disclaimer: Although this project has been funded wholly or in part by the EPA, the contents of this document do not necessarily reflect the views and policies of the EPA.

Para solicitar información en español contáctese alyce.fierro@ci.bremerton.wa.us.

KEY STEPS

Below are descriptions of the steps required to obtain grant funding for ESA activities.

1 Site Nomination

A Site Nomination Form prepared by the property owner/representative is submitted to the County for review to confirm the property meets baseline eligibility criteria. Generally, to be considered eligible for grant funding, the following criteria must be met:

1) the property is vacant or underutilized,
2) the property has potential impacts from petroleum or hazardous substances,
3) the property exhibits high potential for redevelopment and/or other opportunities to benefit the community, and
4) the property is not included on the EPA National Priority "Superfund" List, under a Consent Decree, or targeted for any federal or state enforcement action.

Properties that are nominated and meet the baseline eligibility criteria will be prioritized based on several factors, including greatest need and potential for economic development. Site Nomination Forms can be obtained by emailing Rita Vigor at rita.vigor@carbon.utah.gov

2 Site Eligibility Approval & Access Agreement

Site Eligibility Determination Request

The information provided on your Site Nomination Form will be used to prepare a Site Eligibility Determination Request ("ED Request"). The ED Request will be prepared by Stantec and submitted on your behalf to the EPA and the State of Utah to obtain approval for using grants funds for Environmental Site Assessment (ESA) activities on your property.

Estimated Timeline: 2-4 weeks

Note: Please let us know if your request for an ESA is related to due diligence for a property transaction already underway as there may be options to submit an expedited ED Request.

Access Agreement

Prior to initiating ESA activities, we must receive approval from you (in the form of an Access Agreement that will be provided for your review and signature), authorizing our environmental consultant (Stantec) to perform ESA activities on your property. The Access Agreement can be completed while waiting for site eligibility approval.

Estimated Timeline: 1-2 weeks

3 Environmental Site Assessment (ESA)

PHASE I ESA

A Phase I ESA is a research study intended to assess the environmental condition of a property and identify potential areas where substances may have been released. A Phase I ESA determines if any recognized environmental conditions ("RECs") exist on the property; however, it does not involve collecting environmental samples to confirm if there are actual impacts to the property.

Purpose of a Phase I ESA:

- liability protection under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA);
- support property acquisition decisions;
- assess potential impacts from petroleum or hazardous substances;
- typically required by lenders to secure financing; and
- typically completed within 6 months of commercial or industrial property transactions and bank or Small Business Administration (SBA) loan applications.

Estimated Value: $5,000 | Estimated Timeline: 1-2 months

The Phase I ESA is comprised of three parts:

Part 1 – Site Visit and Interview (or Survey): After you sign the Access Agreement, Stantec will schedule a site visit and interview(s) with the property owner, current occupant(s), and/or other authorized representatives who are knowledgeable about the site. Site visits take an average of 2 hours and interviews are generally limited to 30 minutes. In situations where an in-person interview is not feasible, Stantec will conduct phone interviews and/or provide a survey form.

Part 2 – Desktop Study: Stantec will complete a comprehensive property background check that includes reviewing historical documents and regulatory databases to determine if any potential environmental concerns/RECs exist that may impact property reuse.

Part 3 – Final Report: A Phase I ESA Report will be prepared to summarize the findings of the site visit, interviews, and desktop study. A digital copy of the report will be provided for your review and comments prior to finalizing the document.

NEXT STEPS:

If ***no RECs are identified***, additional action is not necessary.

If ***RECs are identified***, Stantec will discuss the findings and provide recommendations for performing a Phase II ESA that will confirm if any environmental impacts exist on the property. If a Phase II ESA is recommended and you provide approval to proceed, Stantec will discuss the pros and cons associated with potential outcomes.

PHASE II ESA

A Phase II ESA involves a physical study where environmental samples are collected and analyzed to characterize the type, distribution and extent of substances in the environment (if present).

Purpose of a Phase II ESA:

- evaluate the findings of the Phase I ESA (if RECs are identified);
- determine whether a release has occurred;
- delineate the extent of confirmed contamination; and
- support efforts to obtain regulatory closure from the State.

Estimated Value: $25,000-$50,000 | Estimated Timeline: 2-3 months

The Phase II ESA is comprised of three parts:

Part 1 – Work Plan: If you would like to move forward with a Phase II ESA, Stantec will prepare a Sampling and Analysis Plan (SAP) for your review and approval prior to submitting the document to EPA.

Part 2 – Fieldwork: After the SAP is approved by EPA, environmental samples (i.e. soil, groundwater, sediment, soil vapor) will be collected and analyzed. The study will characterize the type, distribution, and extent of potentially hazardous substances (if any) in the environment.

Part 3 – Final Report: A Phase II ESA Report will be prepared to summarize the work performed, analytical results, and conclusions. A digital copy of the report will be provided for your review and comments prior to finalizing the document. Information collected during a Phase II ESA is typically not reported to regulatory agencies unless environmental impacts above acceptable regulatory levels are identified (in which case, the owner may be required to report the results). However, in most cases (~99%), Phase II ESAs do not trigger EPA involvement or any other type of enforcement action. In rare situations (~1% of cases), a condition of immediate threat to human health and the environment may trigger reporting.

NEXT STEPS:

If ***contamination is below applicable regulatory limits***, **additional** action is not necessary.

If ***contamination exceeds applicable regulatory limits***, Stantec will discuss the findings and available options. A summary of cleanup options, costs and risks can be included in the Phase II ESA Report or under a separate cover, depending on your preference.

FREQUENTLY ASKED QUESTIONS

What are the program's timeline and requirements?
Grant funding is committed until September 2021 and can be used to conduct ESAs and related activities on eligible sites.

Will an ESA affect the value of my property?
No. An ESA will quantify the amount of contamination (if any), but the assessment itself does not affect property value.

How can this assistance enhance the value of my property?
Property values are often affected by uncertainty regarding site history and the financial and legal risks of potential environmental impacts. ESAs allow property owners to quantify the amount of contamination on a property (if any). For properties with little to no contamination, this knowledge may increase marketability. For sites with significant contamination, property owners can realize increased value through cleanup, tax incentives and reduced liabilities.

Will an ESA trigger a requirement that I take action?
In rare cases, Phase II ESA results may trigger an enforcement action with the state environmental agency and/or state or regional public health agency. If the Phase II ESA identifies environmental impacts above acceptable regulatory levels, the owner may be required to report the results. In most cases (~99%), a Phase II ESA does not trigger any enforcement action. In rare situations (~1% of cases), a condition of immediate threat to human health and the environment may trigger an enforcement action. If a Phase II ESA is recommended and you provide approval for the work, Stantec will discuss the pros and cons associated with potential outcomes of a Phase II ESA.

Will I have control over the work done through this program?
You have the right to stop participation in the program at various phases of the assessment process. You will be asked to grant property access to Stantec (the environmental consultant who will perform all work as directed). You will receive final reports throughout the assessment process.

Is the project limited to a specific area?
The project will prioritize commercial and industrial properties located in the cities of East Carbon, Helper, Price and Wellington. The County may also consider sites outside the target areas and in unincorporated portions of the County, as appropriate, to further local economic goals.

What's the catch?
There is no catch and participation is voluntary! Phase I/II ESA and related activities can be conducted on eligible sites using grant funds. Submit a Site Nomination Form (described under Step 1 of this *Process Guide*) to find out if your property is eligible for grant funding.

CONTACT INFORMATION

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Stantec