

Potentially Responsible Party (PRP) Perspectives on Superfund Site Reuse




Superfund
Redevelopment
Initiative

August 2015





Webinar Overview

- Welcome, Introduction to Reuse and SRI
 - Melissa Friedland, EPA SRI
 - EPA Perspectives on PRP Reuse
 - Hollis Luzecky, EPA OSRE
 - Calhoun Park Area Site Case Study
 - Thomas Effinger, SCANA Corporation
 - Chemical Commodities, Inc. Site Case Study
 - David Dassler, The Boeing Company
 - Midvale Slag Site Case Study
 - Kevin Murray, Holland & Hart LLP
 - Resources, Contacts and Questions
 - Melissa Friedland, EPA SRI
- 

SRI: Superfund Redevelopment Initiative

Working with communities and other partners in considering future use opportunities and integrating appropriate reuse options into the cleanup process



<http://www.epa.gov/superfund/programs/recycle/>



Midvale Slag

Kevin R. Murray
Holland & Hart LLP

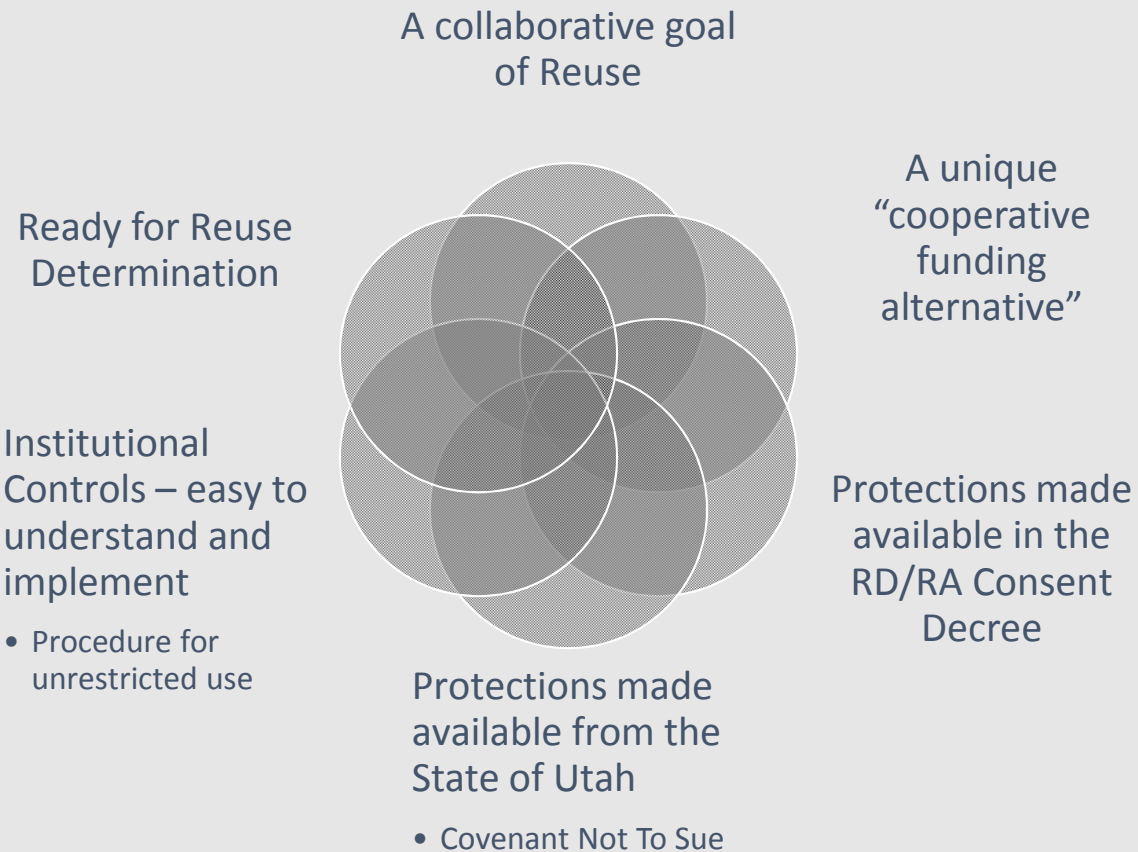


Midvale Slag Site, circa 1940



- 446 acres in Midvale, Utah
- OU1 226 acres, OU2 180 Acres
- From 1871 to 1958 five smelters processed lead and copper ore
 - Including arsenic trioxide for WWII
- The site was covered with blast furnaces, baghouses, smokestacks storage areas and rail lines

Elements of Success



1997 relations strained and project is stalled

Work to bring Landowner, EPA, UDEQ and Midvale together

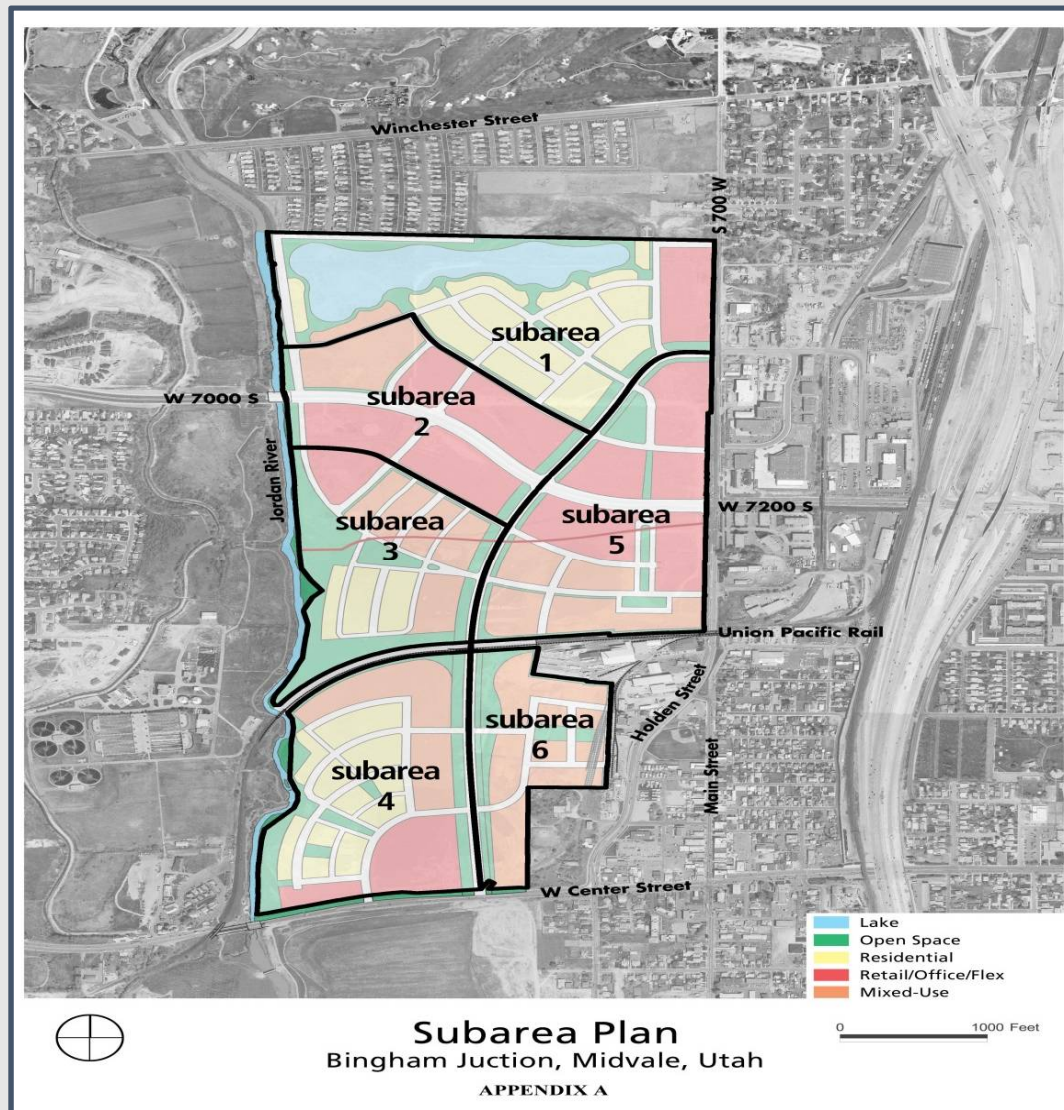
- Landowner and EPA work to understand reuse
- Bingham Junction Reuse Assessment published
- Ultimately not used, but brought the group together

Funding now the biggest obstacle



Bingham Junction Master Plan 2000





Collaboration/Cooperation Continues

Status of the settlement fund

- Landowner estimates \$16 million
- EPA estimates \$35 million
- Either way \$ is an issue

Proposed use of the fund as payment during private party lead

- Fixed fee contract with remedial contractor
- EPA engages expert
- Insurance is written to cover the delta

The logjam is seemingly broken





Developers Hate Uncertainty



Paragraph 89 of the RD/RA CD

- *“a purchaser that acquires an ownership or other interest in any real property located within the Site after certification of construction completion . . . Shall be considered a Bona Fide Purchaser meeting the statutory definition of ‘bona fide prospective purchaser’ set forth in . . . Of CERCLA”*

Eliminating Uncertainty

Grant of Access to UDEQ, and Covenant Not to Sue



- *UDEQ's covenant not to sue extends to persons acquiring a legal interest in any portion of the site so long as*
 - Not directly responsible
 - Notice is given
 - Purchaser assumes certain obligations
 - Purchaser complies with RD/RA CD

And Next . . .



Institutional Controls

- Article IX of the RD/RA CD grants Midvale City the right to enforce ICs
- Institutional Controls Ordinance
 - Developers are used to dealing with the municipal building department – and moving dirt
- Very Clear
 - Well prohibition
 - Material segregation (effort to return material to original excavation)
 - Maintenance of covers
 - Site Plan Approval

More Suspenders

Ready For Reuse Determination

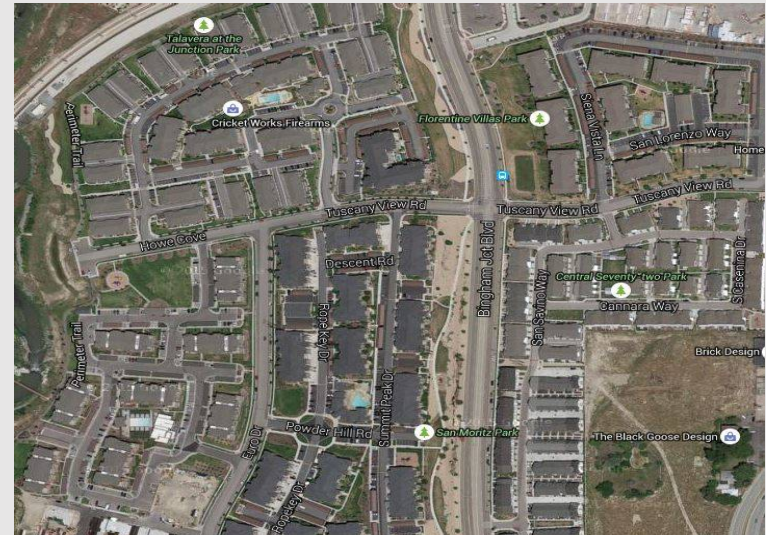
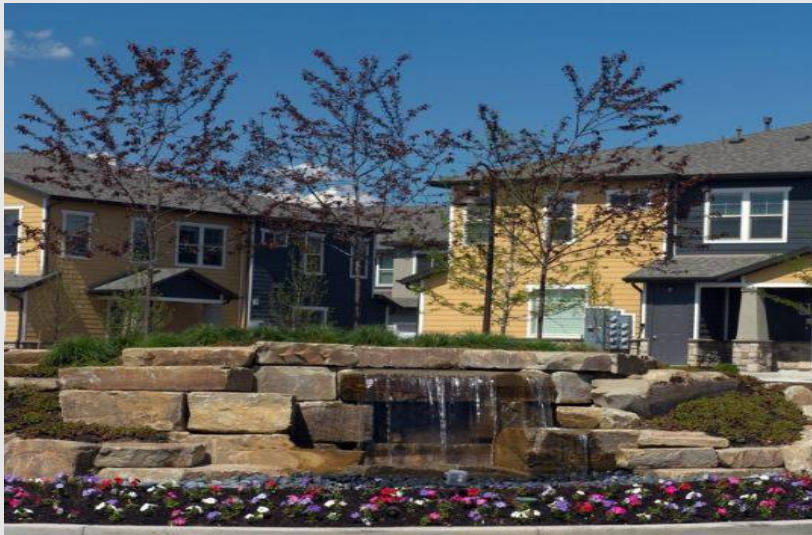
- The RfR states that EPA has determined that the Midvale Slag Site is ready for commercial and residential reuse
 - It is an EPA technical determination
 - The site is protective of human health and the environment
- RfR provides potential uses of a site with clear information about the environmental status of the property and the actions needed to maintain the integrity of the remedy



2000 plus jobs

Taxable value went
from approximately
\$3 Million to
\$309 Million

The program has
worked seamlessly





For More Information, Contact:



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Tools and Resources

EPA United States Environmental Protection Agency

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Superfund Redevelopment Quick Finder

Reuse Awards	Videos/Multimedia	Measuring Superfund Redevelopment
Redevelopment Economics	Ready for Reuse Determinations	Reuse Technical Reports
Community Support	Redevelopment Partnerships	Alternative Energy
In-Depth Case Studies	Sustainability	Education
Quarterly Webinar Series	Site-Specific Reuse Support	Return to Use

Superfund Redevelopment Initiative

Highlighting Superfund Reuse Success

Site Reuse Spotlights:

New! Historic Preservation of the Tar Creek (Ottawa County) Superfund Site by the Quapaw Tribe of Oklahoma (PDF) (1 pg, 678K, About PDF)

The Quapaw Tribe of Oklahoma leads cleanup efforts at the Tar Creek (Ottawa County) Superfund site, while preserving historically significant structures.

New! Reuse of the York County Solid Waste Landfill Site Provides Recreational Facilities and Green Space (PDF) (1 pg, 162K)

Hopewell Township and the local solid waste authority have successfully incorporated a former landfill at the York County Solid Waste Landfill Superfund site into a recreational park and wildlife area.

[Previous Site Reuse Spotlights](#)

Superfund Redevelopment in the News

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Redevelopment Partnerships

Across the United States, communities, government agencies, private sector companies, non-profits and other organizations are working to transform their Superfund sites into valuable local assets. Integrating reuse into the cleanup process helps to:

- Inform cleanup decisions at a site to ensure a remedy matches the intended end use of the property.
- Protect remedies in the long term through stewardship and maintenance of the property and implementation of appropriate institutional controls.
- Open the door for local economic revitalization by attracting businesses, jobs and clientele to the area.
- Provide important social benefits such as ecological and recreational resources and community-gathering spaces.

SRI is committed to helping communities by sharing examples of how communities and stakeholders have obtained the resources necessary to help them achieve their site reuse goals. This website provides information about resources, tools and opportunities that stakeholders can access through SRI and collaborating programs:

- Opportunities for Communities** - Discover what resources are available to help communities reclaim Superfund sites for beneficial use and explore the experience of those communities in reusing Superfund sites.
- Opportunities for Organizations** - Learn about organizations that have worked with EPA to promote mutually beneficial reuse outcomes and how their experiences might apply to other sites.
- Opportunities for the Private Sector** - Explore how private sector companies can play a pivotal role in Superfund site redevelopment and the lessons learned at a number of Superfund sites.
- Success Stories** - Read case studies and view videos describing how EPA has worked with communities and other organizations to promote reuse.
- Presentations** - View presentations made by SRI and other key groups and organizations that describe how they worked together to achieve reuse.



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