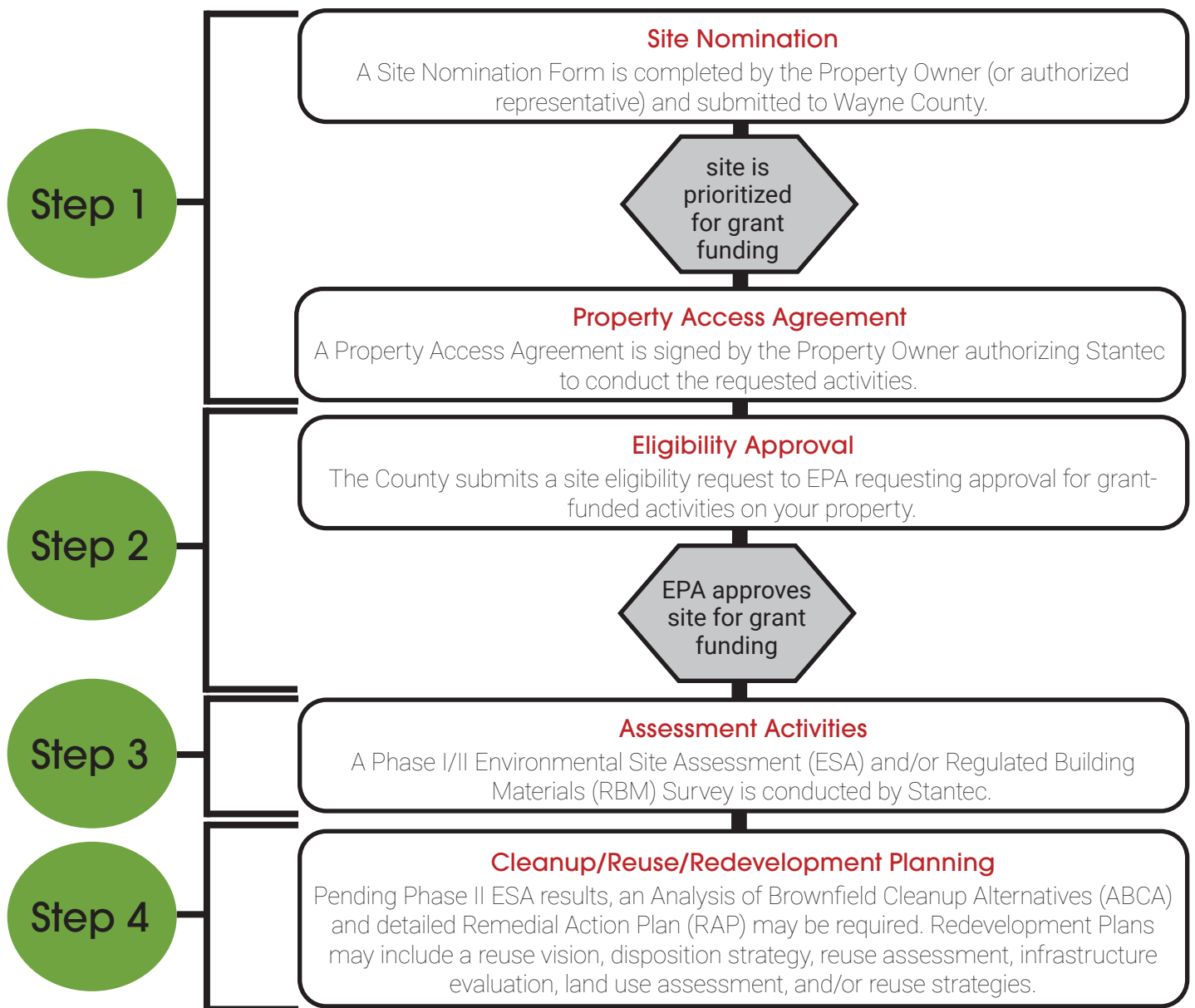


Process Guide for Property Owners & Stakeholders

Brownfield Site Reuse & Revitalization Program

Wayne County Coalition

This Process Guide provides an overview of key activities involved in the Brownfield Site Reuse and Revitalization Program. The Program is funded by a Brownfields Assessment Grant awarded by the U.S. Environmental Protection Agency (EPA) in 2020 to a Coalition led by Wayne County and supported by the Wayne County Regional Land Bank, Wayne Economic Development Corporation (WEDC), the Towns of Arcadia and Lyons, and the Village of Newark. The program is managed by the 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 assessment and cleanup planning process. Descriptions of each step are provided on the following pages.



Key Steps

1 Site Nomination & Property Access Agreement

Site Nomination Form

A Site Nomination Form is filled out by the property owner (or authorized representative) and submitted to Wayne County for review to confirm the property meets baseline eligibility and community benefit (or prioritization) criteria. Generally, to be considered eligible for grant funding, the following criteria must be met:

1. the property is vacant, underutilized, or undergoing transition;
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;
4. the property is not included on the EPA National Priority “Superfund” List, under enforcement action by the New York State Department of Environmental Conservation (NYSDEC), or targeted for any federal or state enforcement action; and
5. the property does not have a financially “viable” party (in particular, the current owner and/or immediate former owner) that caused or contributed to known or suspected contamination and/or who has a legal responsibility to perform the specific desired environmental assessment or remedial/reuse planning activities.

Properties that are nominated and meet the baseline eligibility criteria will be prioritized based on several factors, including greatest need and potential for community benefit. Site Nomination Forms can be obtained from <https://web.co.wayne.ny.us/brownfields/> or by emailing Ora Rothfuss (orothfuss@co.wayne.ny.us).

Note: Please let us know if your request for assessment activities is related to due diligence for a property transaction already underway as there may be options to submit an expedited eligibility approval request to EPA.

Property Access Agreement

Prior to initiating assessment activities, we must receive approval from you (in the form of a Property Access Agreement that will be provided for your review and signature), authorizing the environmental consultant (Stantec) to perform the requested activities on your property.

Estimated Timeline: 1 week

2 Eligibility Approval

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 the County and Stantec for submittal to the EPA on your behalf to obtain approval for the requested grant-funded activities on your property.

Estimated Timeline: 2-4 weeks

3 Assessment Activities

Phase I Environmental Site Assessment (ESA)

A Phase I ESA is a research study intended to assess the environmental condition of a property and identify potential areas where petroleum or hazardous 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 physical samples to confirm if there are actual impacts to the property.

Purpose of a Phase I ESA:

- Assess potential impacts from petroleum or hazardous substances that may impede redevelopment.
- Establish baseline conditions for liability protection.
- Support property sale/acquisition activities.
- Provide documentation typically required by lenders to secure loans.

The Phase I ESA is comprised of the following:

1. **Site Visit and Interview:** After you sign the Property 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 typically take two hours to complete and interviews are generally limited to 30 minutes.
2. **Desktop Study:** Stantec will complete a comprehensive property background check that includes reviewing current and historical documents and regulatory databases to determine if any potential environmental concerns/RECs exist that may impact property reuse.
3. **Prepare 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 draft report will be provided to you and the EPA for comments prior to finalizing the document.

Shelf Life: 1 year (some components must be updated after 6 months)

Estimated Timeline: 6-12 weeks

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 if a release has occurred.
- Delineate the extent of contamination (if present).
- Support efforts to obtain regulatory closure from the state environmental agency.

The Phase II ESA is comprised of the following:

1. **Work Plan:** Stantec will prepare a Sampling and Analysis Plan (SAP) for submittal to EPA for approval prior to initiating sampling activities.
2. **Fieldwork:** After the SAP is approved, environmental samples (i.e. soil, groundwater, soil vapor, etc.) will be collected and analyzed. The study will characterize the type, distribution, and extent of petroleum or hazardous substances (if present).
3. **Prepare Report:** A Phase II ESA Report will be prepared to summarize the work performed, analytical results, and conclusions. A digital copy of the draft report will be provided to you and the Coalition for comments prior to finalizing the document.

Shelf Life: Indefinite (+/- changes in site conditions, sampling methods, regulations, etc.)

Estimated Timeline: 6-12 weeks

Regulated Building Materials (RBM) Survey

A RBM survey involves a physical study where samples of potentially hazardous building materials are collected and tested to confirm if regulated substances are present. Surveys can be conducted concurrently with a Phase I/II ESA (if desired).

Purpose of a RBM Survey:

- Determine if asbestos containing materials (ACM), lead-based paint (LBP), Polychlorinated Biphenyls (PCBs), or other hazardous substances are present in building materials.
- Evaluate regulations that apply to the disturbance or disposal of confirmed hazardous materials before undertaking a building remodel, renovation or demolition.

The RBM survey is comprised of the following:

1. **Work Plan:** Stantec will prepare a SAP for submittal to EPA for approval prior to initiating sampling activities. (Note: A cursory review of exterior and interior building conditions may be necessary to aid in developing a sampling strategy.)
2. **Fieldwork:** After the SAP is approved by EPA, building material samples will be collected and submitted to a laboratory for analysis.

- 3. Prepare Report:** The RBM Survey Report will be prepared to summarize the work performed, testing results and conclusions. A digital copy of the draft report will be provided to you and the Coalition for comments prior to finalizing the document.

Shelf Life: Indefinite (+/- changes in site conditions, sampling methods, regulations, etc.)

Estimated Timeline: 6-12 weeks

4 Cleanup/Reuse Planning

Analysis of Brownfield Cleanup Alternatives (ABCA)

An ABCA is an analysis of remedial options and methods potentially capable of achieving the required level of cleanup.

Purpose of an ABCA:

- Evaluate technical and economic feasibility of cleanup alternatives with reuse plans and redevelopment strategies.
- Evaluate and select preferred alternative.
- Support efforts to apply for an EPA Cleanup Grant (if the property is owned by a non-profit or public entity).

An ABCA is comprised of the following:

- 1. Prepare Report:** A digital copy of the draft report will be provided to you, the Coalition, NYSDEC, and EPA for comments prior to finalizing the document.

Shelf Life: Indefinite (+/- changes in site conditions, sampling methods, regulations, etc.)

Estimated Timeline: 6-8 weeks

Remedial Action Plan (RAP)

A RAP is a detailed plan to implement the preferred remedial option to achieve the required level of cleanup.

Purpose of a RAP:

- Detailed implementation plan for selected cleanup alternative.
- Detailed cost estimate for selected cleanup alternative.
- Support efforts to apply for an EPA Brownfield Cleanup Grant.

A CAP is comprised of the following:

- 1. Prepare Plan:** A digital copy of the draft plan will be provided to you, the Coalition, NYSDEC, and EPA for comments prior to finalizing the document.

Shelf Life: Indefinite (+/- changes in site conditions, sampling methods, regulations, etc.)

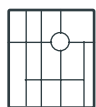
Estimated Timeline: 6-8 weeks

Reuse/Redevelopment Planning

Revitalizing brownfields sites can be most successful when the community has a vision and action plan in place that defines its long-term goals and opportunities for property reuse/development. Planning activities that focus on brownfield reuse/redevelopment are eligible for funding under the EPA Brownfields Assessment Grant. This could include Area-Wide Planning (AWP) for a particular neighborhood or a site-specific planning for individual brownfield sites.

Purpose of a Reuse/Redevelopment Plan: These planning activities are intended to proactively advance the reuse/redevelopment of brownfield sites within the community by examining existing site conditions, engaging stakeholders, exploring reuse opportunities, and defining an action plan for implementation.

Planning Activities to Initiate Brownfield Revitalization: The following planning-related activities may support reuse/redevelopment objectives on specific brownfield sites. *(Note: This is a consolidated list, whereas, additional activities may be allowed under the grant pursuant to County and EPA approval.)*



Site-Specific Planning:

- Explores reuse and redevelopment opportunities for individual sites.
- Typically involves site evaluation, community visioning, conceptual planning, and an implementation strategy to redevelop the property.



Market Study:

- Explores the current demographic and market conditions for a defined area and identifies its development-related opportunities and challenges.
- Can help define which land uses and development types would be successful on a particular brownfield site and within specific neighborhood locations.



Infrastructure Evaluation:

- Examines the current utility and transportation infrastructure that serves a particular brownfield site/neighborhood.
- Identifies potential improvements that are needed to support property reuse/development.



Site Disposition Strategy:

- Establishes a framework for deciding how to transfer a brownfield site in a manner that provides value to the seller and buyer and supports site goals for sustainable reuse and remediation.
- Framework includes an analysis of pros/cons that help characterize risks associated with the range of brownfield site transfer options.
- Evaluates and compares disposition alternatives for the brownfield site, such as property sale, ground-lease, or lease with option-to-purchase.

Shelf Life: Indefinite (+/- changes in site conditions, community priorities, adopted plans, etc.)

Estimated Timeline: 6-8 weeks

Frequently Asked Questions

Which sites are eligible for grant funds?

In general, the property must be potentially impacted by petroleum or hazardous substances, underutilized or undergoing transition, and meet the following criteria:

- Exhibits high potential for redevelopment and/or other opportunities to benefit the community.
- Is not included on the EPA National Priority "Superfund" List, under enforcement action with NYSDEC, or targeted for federal/state enforcement.
- Does not have a financially "viable" party (in particular, the current owner and/or immediate former owner) that caused or contributed to known or suspected contamination and/or who has a legal responsibility to perform the specific desired environmental assessment or remedial/reuse planning activities.

How long is grant funding available?

Grant funding is committed through September 2023 and is available for approved sites on a first-come first-served basis.

Will the grant pay for cleanup activities?

No. Under this program, grants funds can be used to conduct assessments and develop cleanup plans but cannot be used to implement a cleanup plan.

Can I be reimbursed for previous assessment activities?

No. Grant funds are not retroactive and cannot reimburse you for past assessment or related activities.

Are grant funds given to me to pay for the consultant?

No. The grant is administered by Wayne County who will pay the consultant (Stantec) directly for approved assessment and/or related activities on your property.

Do I enter a contract with the environmental consultant?

No. If your property is approved for grant funding, you will be required to sign a Property Access Agreement that permits the County's consultant team (led by Stantec) access to the site to perform the requested activities.

Will an assessment affect my property value?

It depends. An assessment itself does not directly affect property value. Property values are often negatively 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 (or lack thereof) on a property. For properties with little to no contamination, this knowledge may increase marketability. For sites with significant contamination, having an assessment completed using EPA funding removes this as a potential cost to be paid for by the property owner or an interested buyer as part of their due diligence process. Having assessments completed can help to better position properties for grants or tax incentives that can be used to pay for cleanup and support redevelopment.

Is the project limited to a specific area?

The project will prioritize properties located in Arcadia, Lyons, and Newark. As appropriate, the Coalition may consider other publicly- and privately-owned sites outside of these areas and within Wayne County to further community goals.

How will decisions be made on whether work at a specific site will be funded?

In general, all sites that are nominated will be given consideration for funding. Upon receipt of a nomination form, an initial review will be conducted by the Coalition and EPA to determine whether the site is a good fit for the program (based on its potential to support economic, environmental, or community goals), as well as whether it is likely to meet the EPA site eligibility requirements. Sites/projects will also be evaluated on the likelihood that they will be deemed eligible for use of funding, the certainty of securing site access to perform assessment activities, and other factors.

How do I obtain additional information?

For more information or to nominate a site for grant funding, please contact us or visit our project webpage: <https://web.co.wayne.ny.us/brownfields/>

Contact Information

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