

“real property, expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant”

Brownfields Opportunities



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MT Department of
Brownfields



The DEQ Petroleum Brownfields – 501 level class

- Two main topics prior to receiving your diploma
 - Eligibility Determination Process
 - A Brief History of the Universe (i.e. the life of a Petroleum BF site)

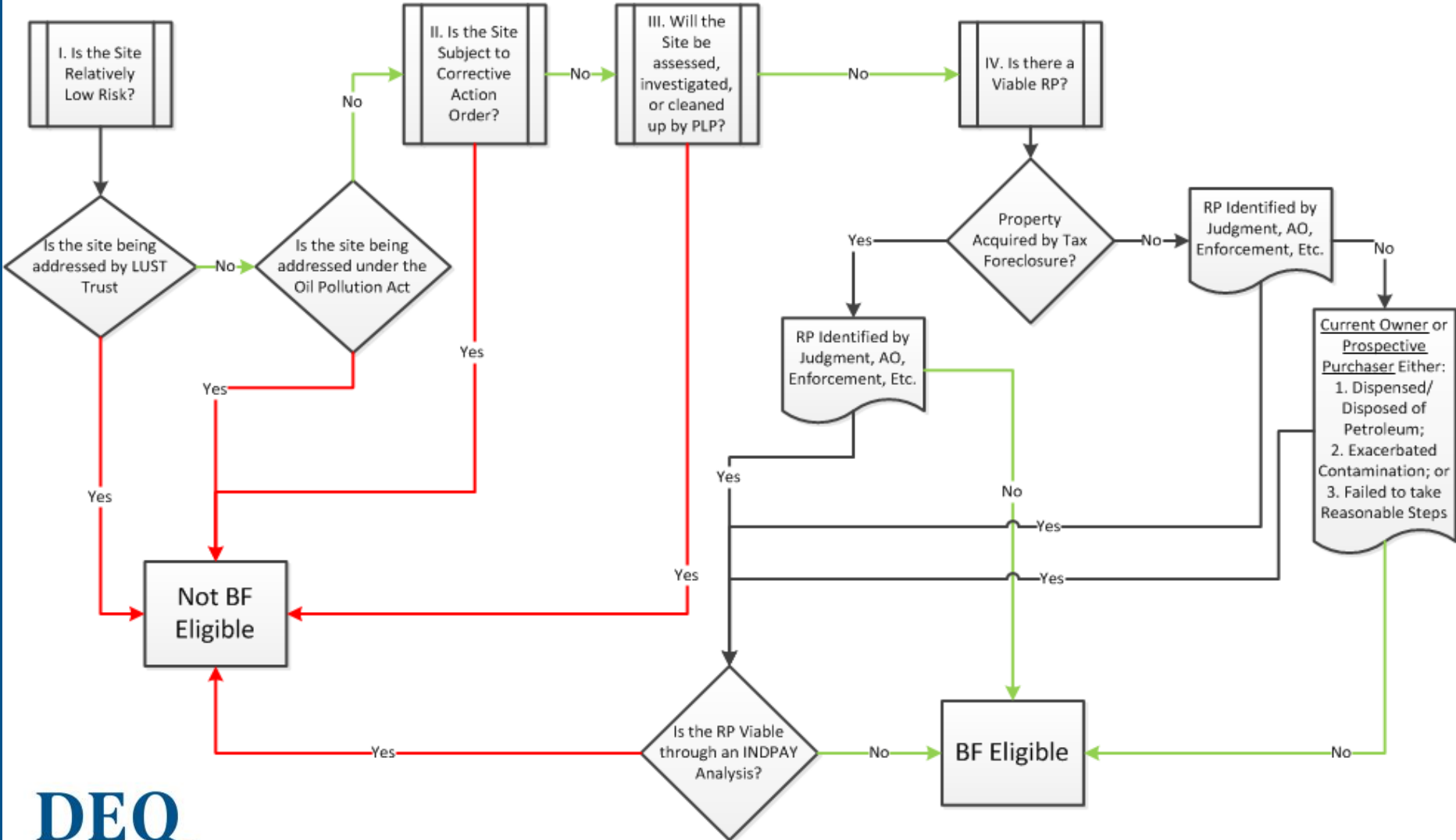
Montana DEQ's NEW Petroleum Brownfields Guidance Document

The federal government has provided statutory authority to the states to make Petroleum Brownfields determinations

- **Federal Guidelines 4 Main Criteria**

1. The Site is “relatively low risk”
2. The site is not subject to a corrective action order under RCRA §9003(h) or comparable state law (i.e. MUSTA)
3. The site will not be assessed, investigated, or cleaned up by a person that is potentially liable for cleaning up the site
4. There is no viable Responsible Party

MT Petroleum Brownfields Eligibility Determination Process



DEQ BF Eligibility Application

Montana Department of Environmental Quality Petroleum Brownfields Eligibility Determination Form*

Please check the box below indicating the type of Montana Brownfields grant being requested.

ASSESSMENT

CLEANUP

REVOLVING LOAN FUND (RLF)

DEQ BF Eligibility Application

Contact Person (This will be the point-of-contact for all DEQ correspondence regarding this application [e.g. EDA, City, County, non-profit, etc.])

Name: _____

Affiliation: _____

Mailing address: _____

E-mail address: _____

City and County: _____

Telephone number: _____

Fax number: _____

Application Submitted on behalf of: _____

Site/Project Location

Current site/business name: _____

Current owner and date of acquisition: _____

Was the site acquired through tax foreclosure, abandonment, quit claim, or equivalent government proceedings? _____

Immediate past owner and date of acquisition: _____

DEQ BF Eligibility Application

Previous site/business names or aliases: _____

Site address/location (please attach map): _____

City and _____

County: _____

Acreage: _____

Legal description: _____

Facility ID and Release ID numbers, if applicable: _____

Is the site currently dispensing petroleum or petroleum products? _____

Ownership Information

Has there been a reported release at this site? _____

If so, has DEQ requested a Remedial Investigation or Corrective Action Plan? _____

Has the current or past property owner applied for assistance from the Petroleum Tank Relief Compensation Fund (PTRCF)? _____

If eligible, what percent reimbursement has PTRCF allocated? _____

If the site is eligible, has the deductible been met? (Yes/No) _____

Please provide a detailed account of the use of the property under the current owner(s), with approximate dates (attach extra pages if necessary).

DEQ BF Eligibility Application - Criteria 1

The following Criteria are adopted directly from the *Environmental Protection Agency FY15 Guidelines for Brownfields Assessment Grants* document, page 47, Eligibility Criteria.

Criteria 1. Were Petroleum Products dispensed or disposed of at the site?

_____ 1.1 Is there reason to believe that petroleum products were dispensed, stored, or disposed of on or immediately adjacent to the property (i.e. gasoline, diesel, waste oil, heating oil, &c.)?

1.2 Describe the locations of any petroleum products that could have potentially been released to the environment (include a map as necessary): _____

DEQ BF Eligibility Application - Criteria 2

Criteria 2. The site must be of “relatively low risk” compared with other “petroleum-only” sites in the state.

_____ 2.1 As expressed in the Guidance document, is the site currently receiving or using LUST Trust Fund money?

_____ 2.2 Is the site currently subject to a response under the Oil Pollution Act?

If you answered “yes” to either of the questions above, the site is not of relatively low risk and is ineligible for Brownfields funding. If you answered “no” to both questions, please continue to Criteria 3.

DEQ BF Eligibility Application - Criteria 3

Criteria 3. The site must not be subject to any judgment, enforcement action, subject of a suit, or corrective action order issued under §9003(h) of the Solid Waste Disposal Act or comparable state law (i.e. MUSTA).

- ____ 3.1 Is there or has there been a judgment rendered in a court of law or an administrative order requiring any person to assess, investigate, or cleanup the site?
- ____ 3.2 Is there or has there been an enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or cleanup the site?
- ____ 3.3 Is there or has there been a citizen suit, contribution action, or third-party claim brought against the current owner that would, if successful, require the assessment, investigation, or cleanup of the site?

Describe the most recent environmental investigations at the site. Include date, investigation type, and results. This could include investigations for regulatory purposes or environmental assessments conducted to facilitate a property transfer.

DEQ BF Eligibility Application - Criteria 4a

Criteria 4. There is no viable Responsible Party/Parties (RP).

If this Determination is being submitted on behalf of a prospective owner for an Assessment, also complete Criteria 4c.1 - 4c.3 and submit a Letter of Intent (Appendix B). Please note that only actual owners of the subject property may receive Brownfields RLF or Cleanup funding.

Criteria 4a. Is there a RP?

- _____ 4a.1 Has a RP been identified by judgment, administrative order, or enforcement action?
- _____ 4a.2 Did the current owner dispense or dispose of, or own the subject property during the dispensing or disposal of, any petroleum or petroleum products at the site?
- _____ 4a.3 Did the current owner exacerbate contamination at the site?
- _____ 4a.4 Has the current owner taken reasonable steps with regard to contamination at the site?
- Please explain the reasonable steps undertaken: _____
- _____

If the answers to any questions in Criteria 4a.1 – 4a.3 are “yes,” then there is a RP for this site and viability must next be determined; please continue to Criteria 4b.

If the answers to all questions in Criteria 4a.1 – 4a.3 are “no” and Criteria 4a.4 is “yes,” then there is not a RP for this site.

DEQ BF Eligibility Application - Criteria 4b

Criteria 4b. If a responsible party has been identified, is that responsible party “viable” (i.e. financially capable of satisfying obligations under federal or state law to assess, investigate, or clean up the site)?

4b.1 Name of responsible party:

_____ 4b.2 If the RP is a business entity (e.g., corporation, partnership, or limited liability company) is it still active? (DEQ will verify this.)

_____ 4b.3 Has an ability to pay analysis been performed? Ability to Pay forms can be requested from DEQ to ensure that adequate information is submitted.

_____ 4b.4 If an ability to pay analysis has been performed, is the RP able to pay any cleanup costs?

If the answer to this question is “no”, the responsible party is **not viable. If the answer is “yes,” the responsible party is **viable** and the site is **not Brownfields eligible**.**

DEQ BF Eligibility Application - Criteria 4c

Criteria 4c should be completed for all Assessment Eligibility Determinations submitted on behalf of a prospective property owner.

____ 4c.1 Did the prospective owner dispense or dispose of, own the subject property, or have a business interest in the subject property, during the dispensing or disposal of, any petroleum or petroleum products at the site?

____ 4c.2 Did the prospective owner exacerbate contamination at the site?

____ 4c.3 How is the prospective owner taking reasonable steps with regard to contamination at the site? Please explain the reasonable steps undertaken: _____

DEQ BF App – Additional Information Required

- Applications must be submitted completely and accurately
- Narrative – Does it meet the intent of BFs?
- Consent for Entry signed by legal landowner
- Maps (Cadastral)
- Letter of Intent (if necessary)

Final Result

DEQ's Eligibility Determination is **LESS STRINGENT** than if the EPA were making the Determination because:

- DEQ only requires property owners to be **a single party removed** from an entity that dispensed or disposed of petroleum or petroleum products; **this includes prospective purchasers**
- LUST Trust could have been spent in the past
- DEQ only considers the viability of a current RP and not former owners
- SB355 will now permit EPA grantees to apply funds directly to the PetroFund co-pay without seeking reimbursement

The Life of a Petroleum Brownfields Site

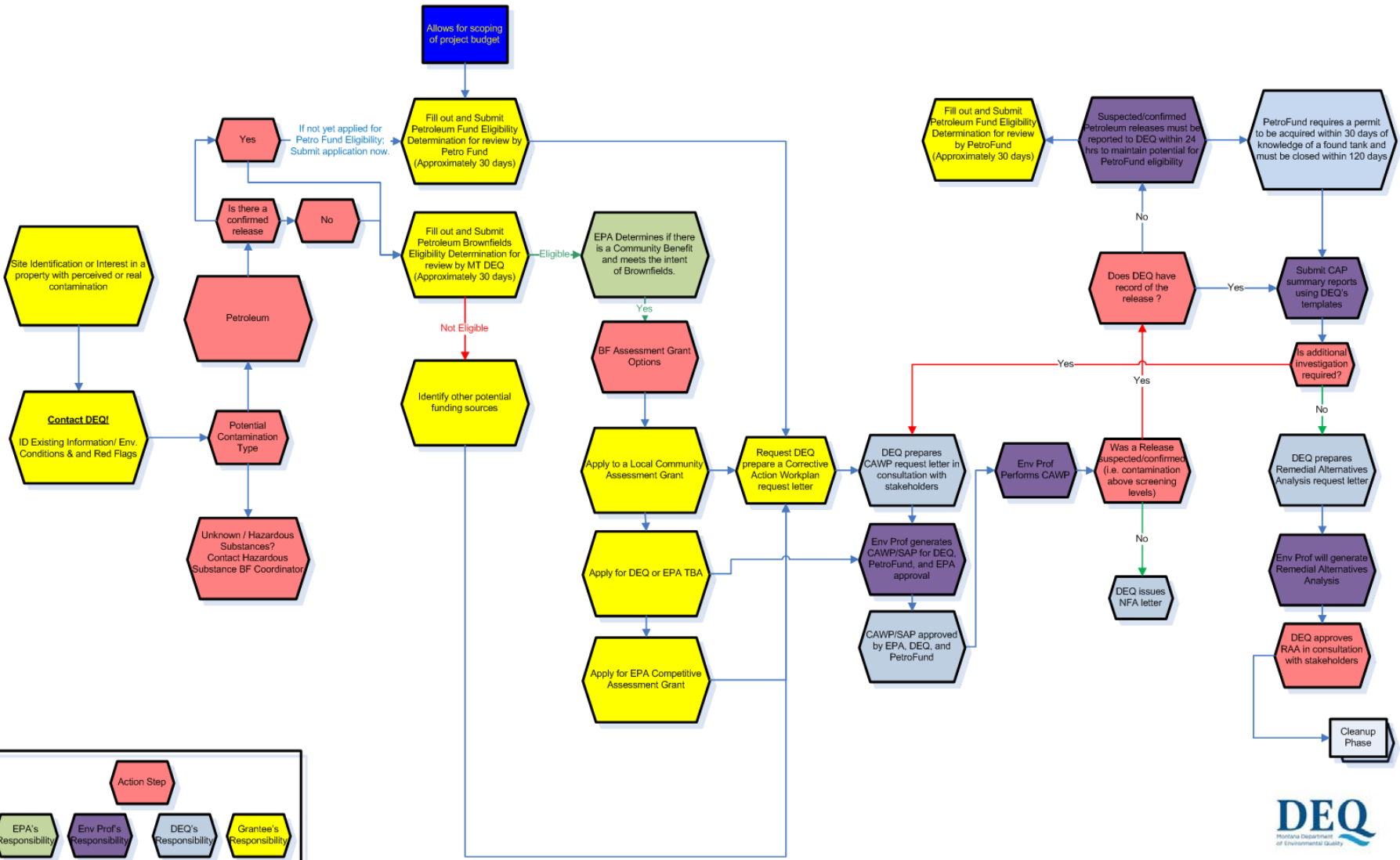


The Life of a Petroleum Brownfields Site

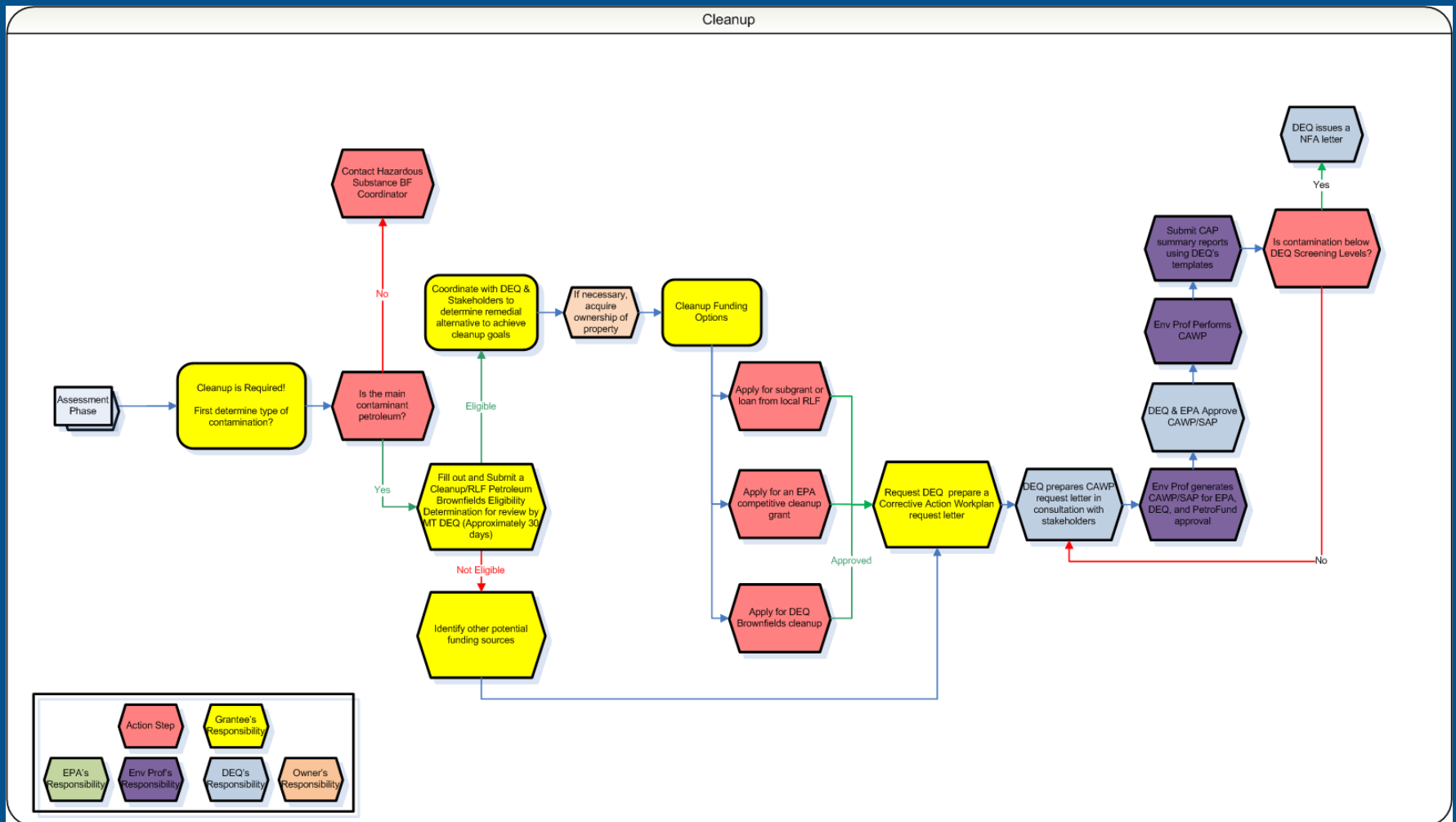


The Life of a Petroleum Brownfields Site

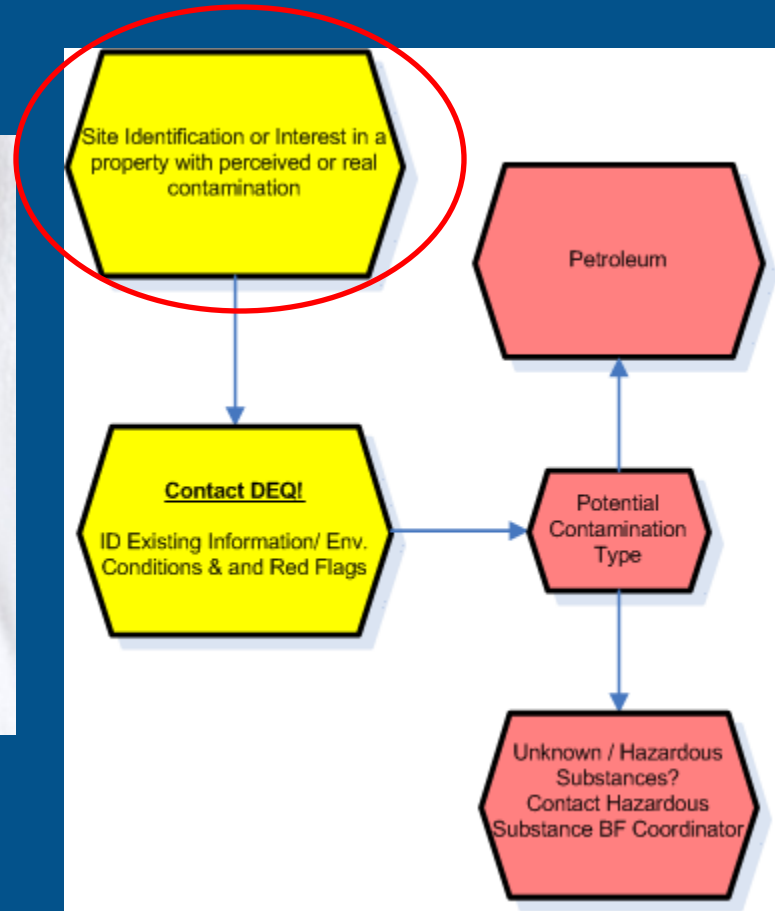
Assessment Phase



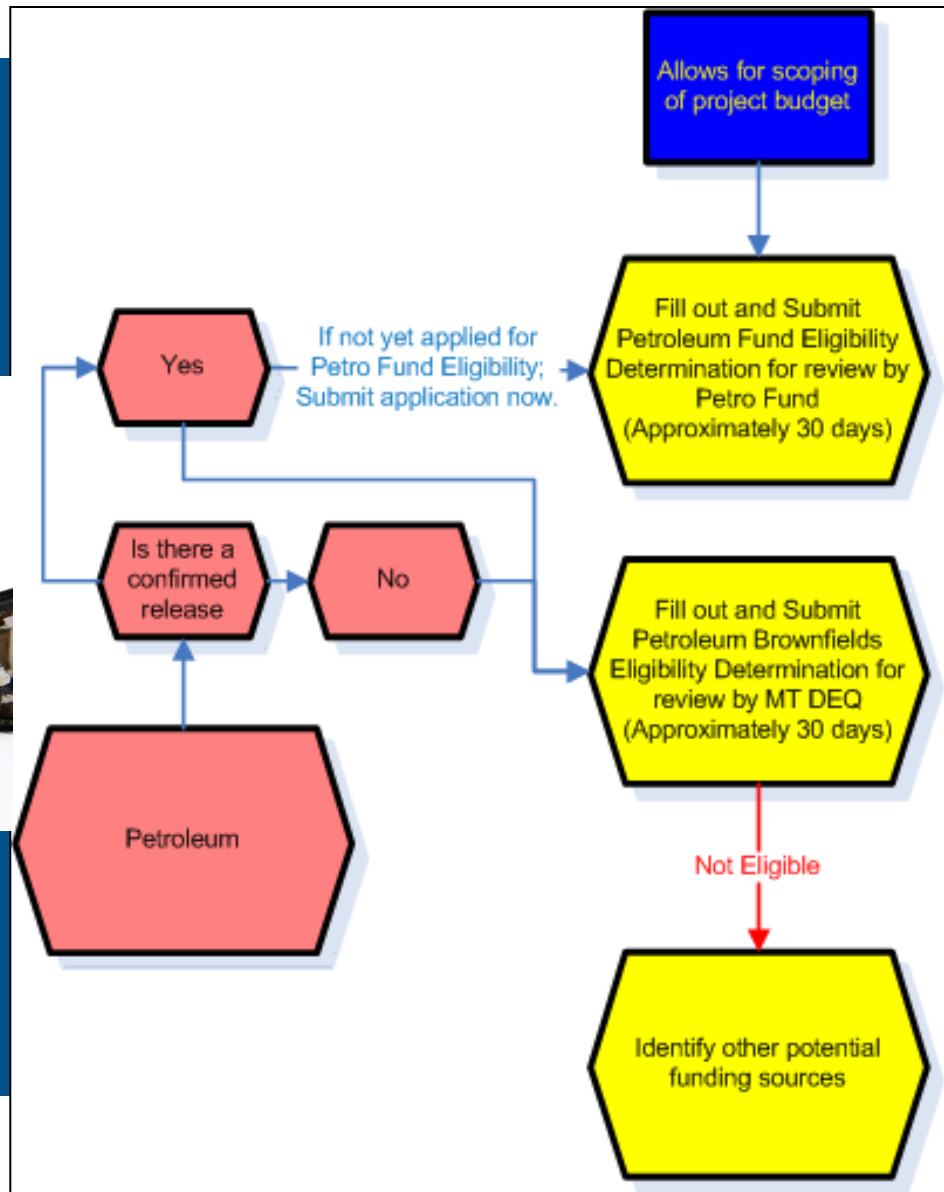
The Life of a Petroleum Brownfields Site



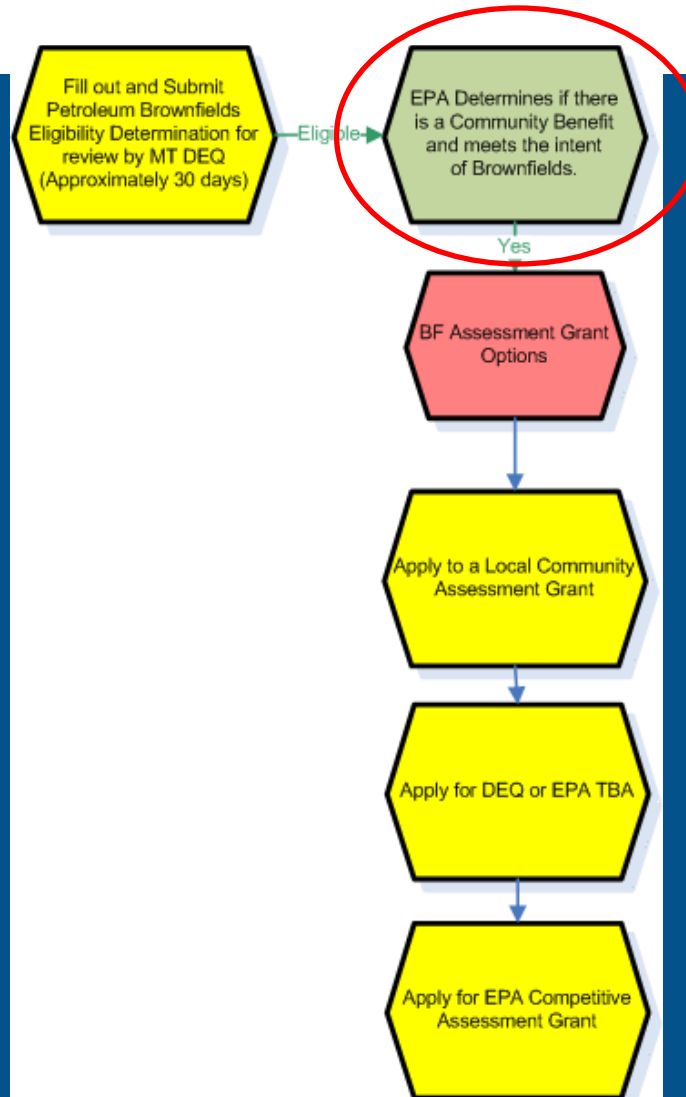
Infancy



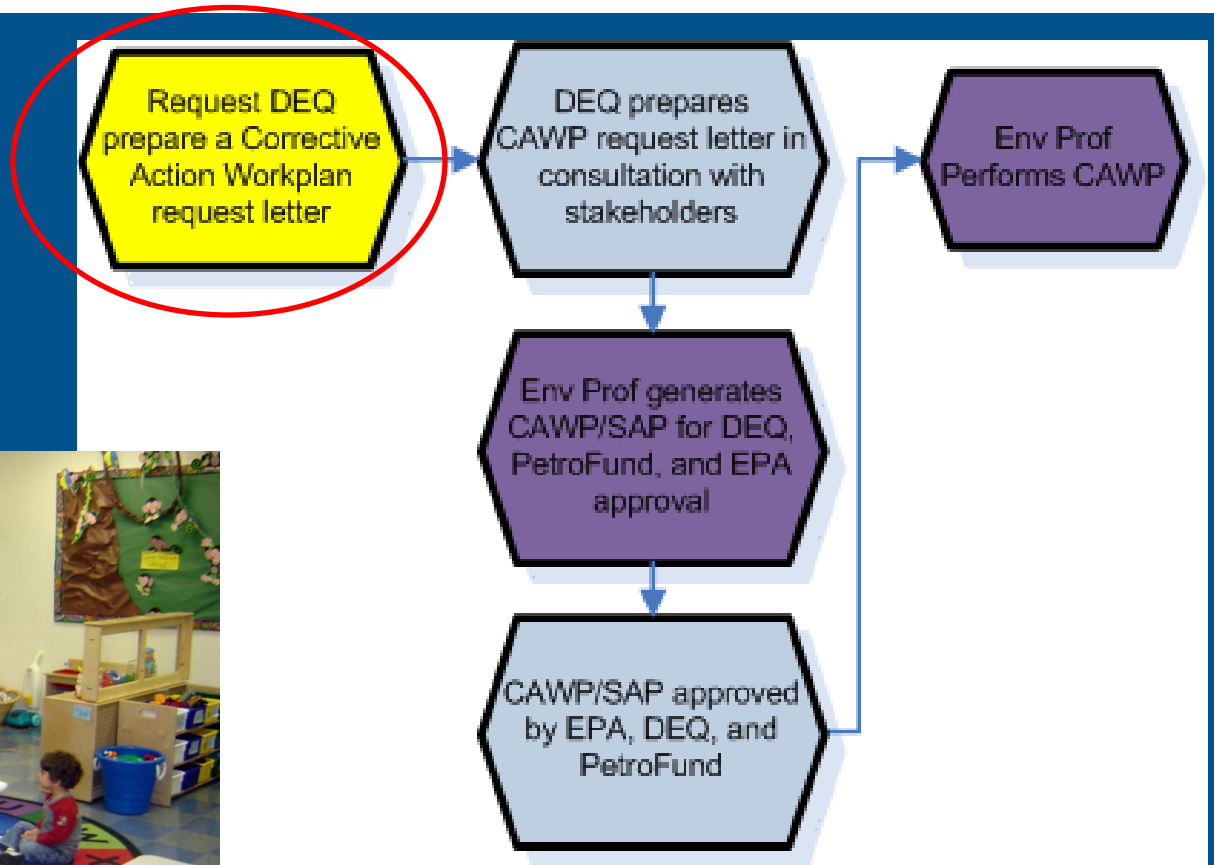
Teething



Learning to Walk



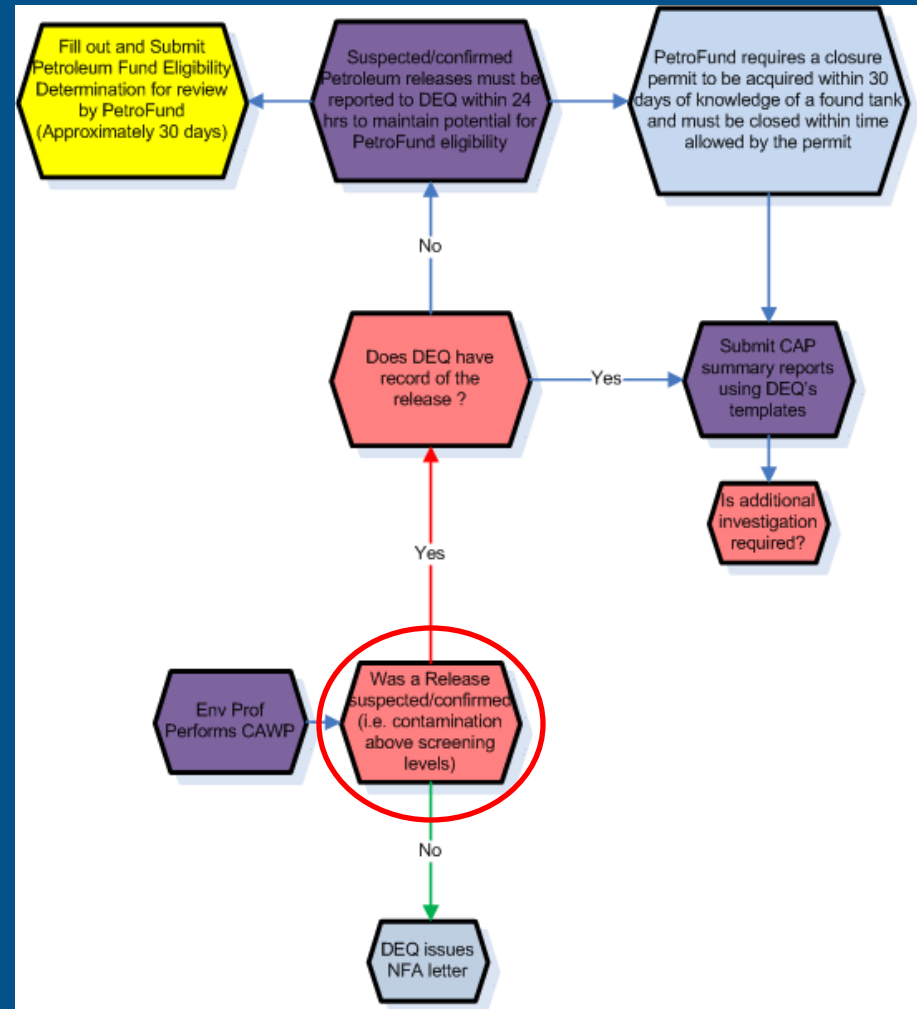
Preschool



Corrective Action Workplans

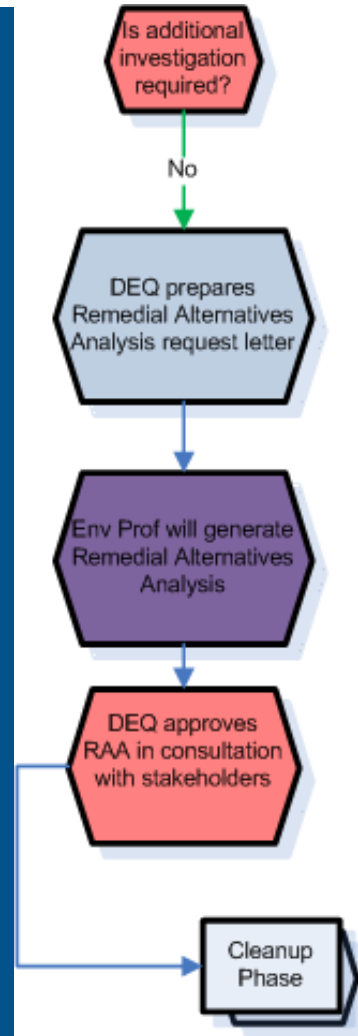
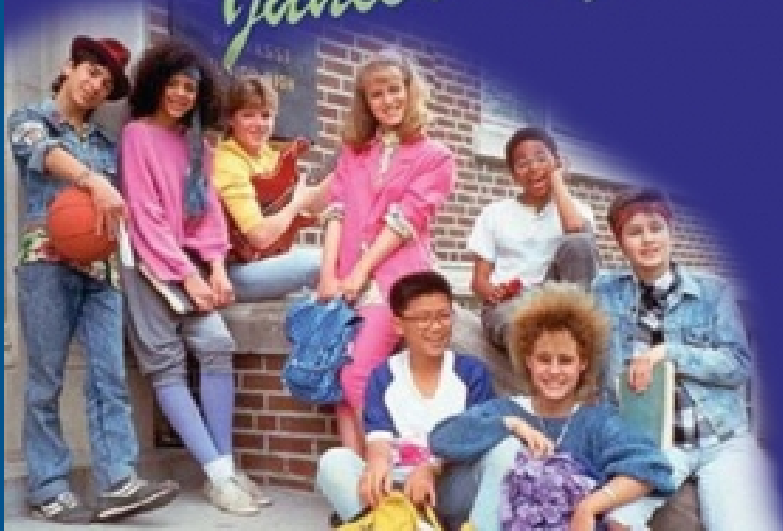
- DEQ will list tasks that meet DEQ standards
- If EP's CAWP has additional tasks that are in excess of DEQ standards
 - Must be listed separately from tasks that are in excess of DEQ standards
 - This will aid in determining reimbursable costs

Obedience School/Elementary



Junior High

DEGRASSI
Junior High




High School

"ROLL OVER"

$$R_y(\theta) = \begin{bmatrix} \cos\theta & 0 & -\sin\theta \\ 0 & 1 & 0 \\ \sin\theta & 0 & \cos\theta \end{bmatrix}$$

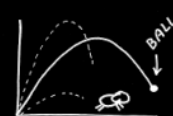
ROTATION



$$K = \frac{1}{2} I \omega^2$$

$$\vec{L} = I \vec{\omega}$$

"FETCH"



BALL

$$x = (v_0 \cos \alpha_0) t$$

$$y = (v_0 \sin \alpha_0) t - \frac{1}{2} g t^2$$


$$v_x = v_0 \cos \alpha_0$$





$$v_y = v_0 \sin \alpha_0 - g t$$

AIR RESISTANCE

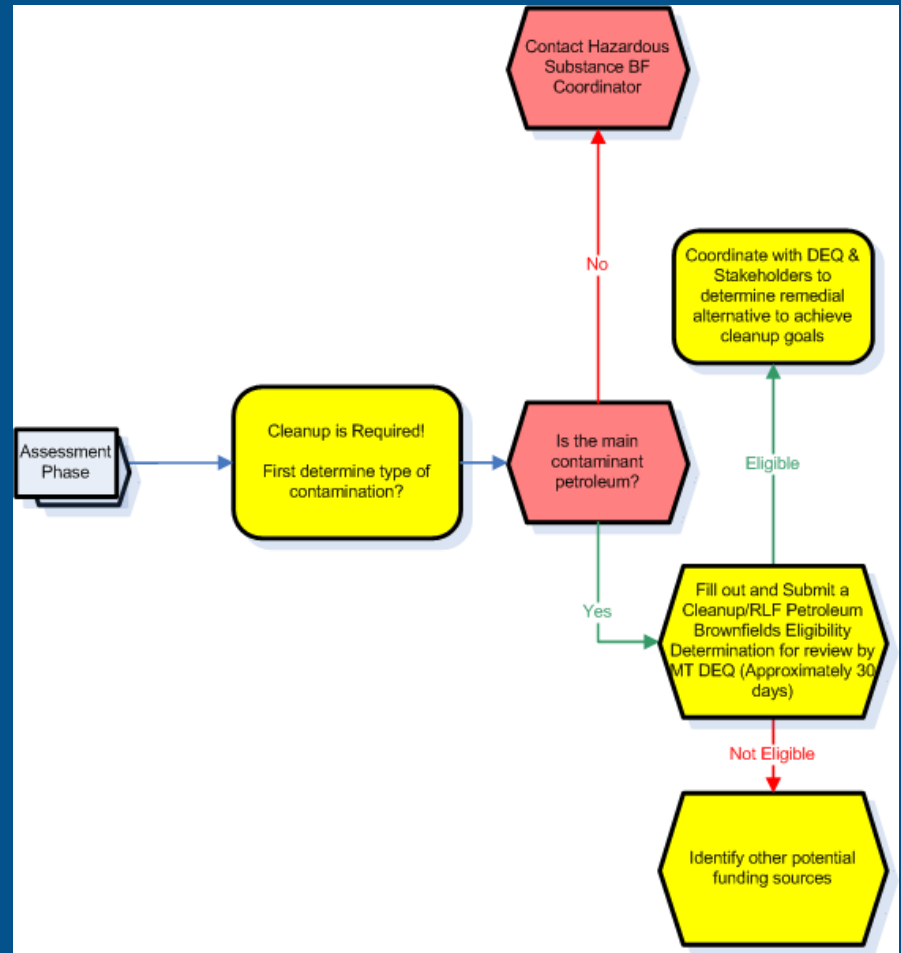
$$m \dot{v}_x = -c \sqrt{v_x^2 + v_y^2} v_x$$

$$m \dot{v}_y = -mg - c \sqrt{v_x^2 + v_y^2} v_y$$

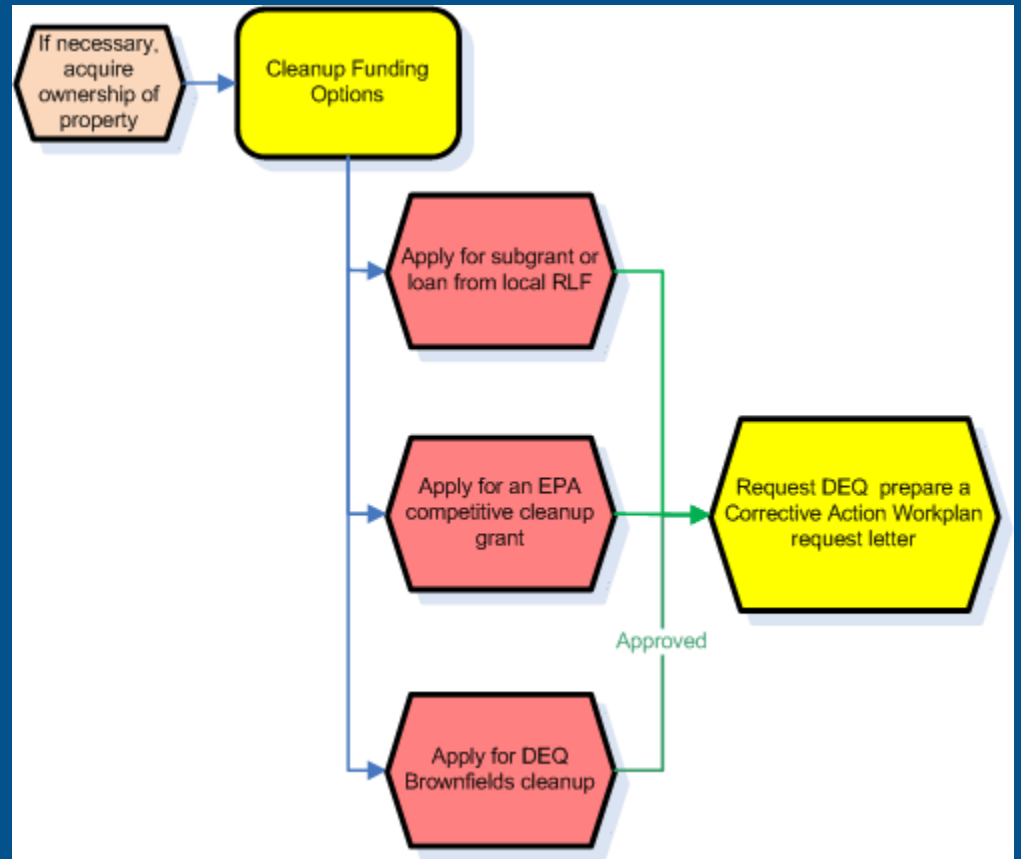
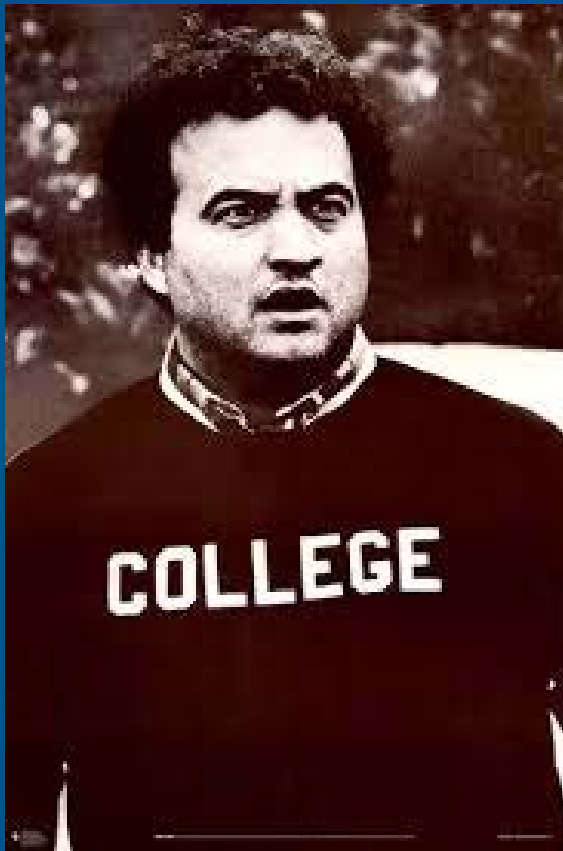


Advanced Placement Obedience Training

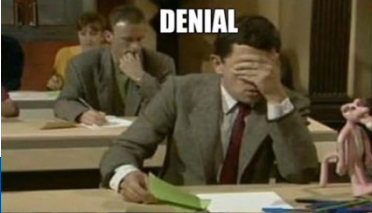


College

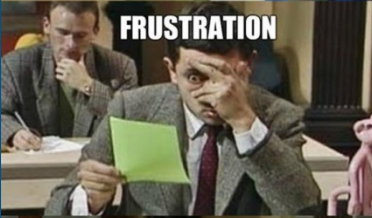


SEVERAL STAGES OF TAKING AN EXAM UNPREPARED

DENIAL



FRUSTRATION



THE "DO RANDOM STUFF THE ANSWER MIGHT COME TO ME" STAGE



CHEATING ATTEMPT



DESPERATION

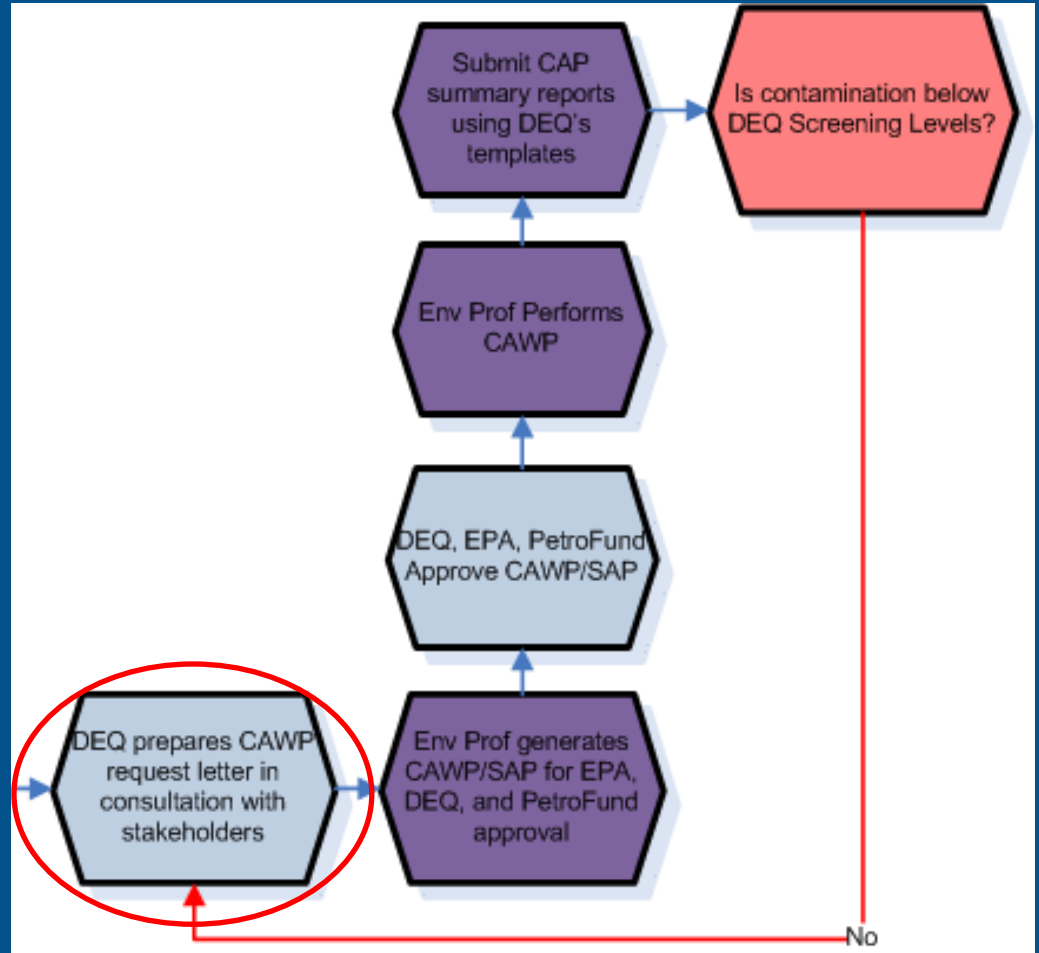


DEPRESSION AND REGRET

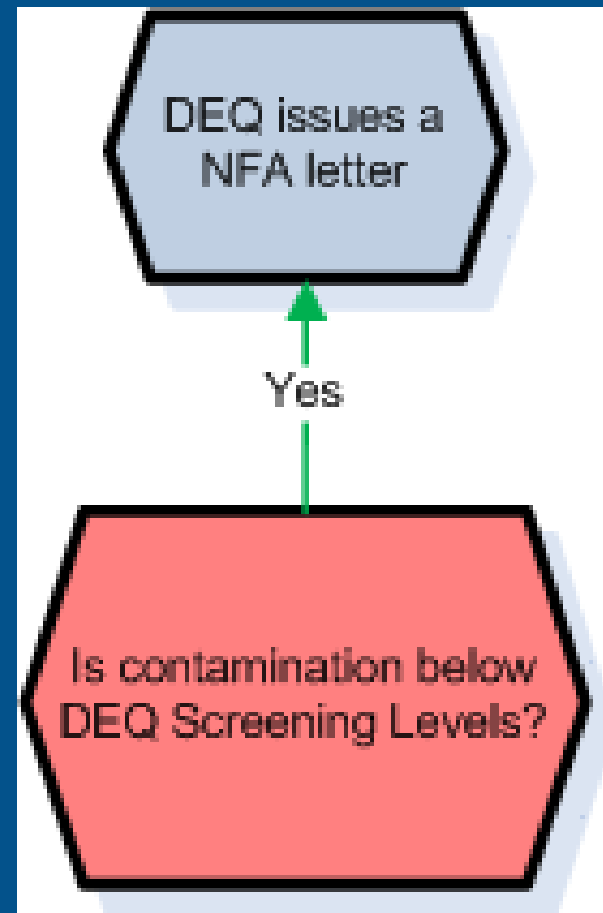


more funny stuff at FUNNYASDUCK.NET

Final Exams



The Graduation



¿Questions?

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