

Petroleum Brownfields Eligibility

WESTERN AUTO

ROSE-TALBERT

**Jason Seyler, George Williams, & Cort Walsh
MT DEQ Brownfields Coordinators**

<https://deq.mt.gov/cleanupandrec/Programs/brownfields>

Roadmap

- What is Brownfields?
- Why Brownfields?
- What does Brownfields do?
- Brownfields Eligibility
- You, me, and the PTC

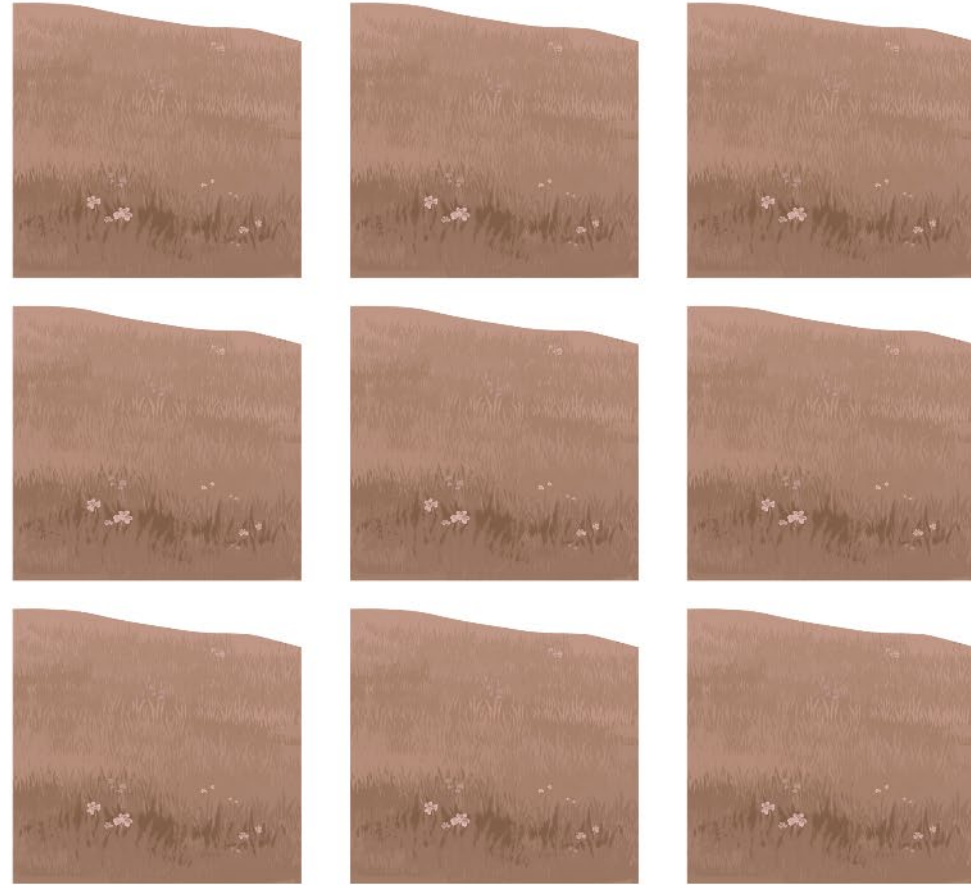
What is Brownfields? Where do I put the “s”?

Brown's field



VS

Brown fields



True or False

True or False

Brownfields is at the state level only.

False

True or False

Brownfields has the ability to work within CERCLA Superfund NPL sites.

True

True or False

If you contact DEQ Brownfields, they will come in and make you do even more regulatory stuff.

False

True or False

Brownfields can conduct assessments on behalf of parties that don't currently own the property

True

True or False

If a site is found Petrofund ineligible, it is also ineligible to receive petroleum brownfields funding.

False

True or False

Brownfields is literally the coolest program ever.

True

What is Brownfields?

EPA's official definition:

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

For the intent and purpose of this presentation:

“redevelopment” = expansion, redevelopment, or reuse of properties.

What is Brownfields?



Before, an abandoned gas station



Today, a real estate office

Before, a former gas station



Today, a taproom

Before, a former gas station



Today, a local store

Before, an abandoned auto service station



Today, a Dairy Queen

Before, a gas station turned “green” field



Today, a furniture store

Before, a former gas station turned vacant lot



Today, a new Starbucks

Why Brownfields?

new development “greenfields”

vs

redevelopment “brownfields”

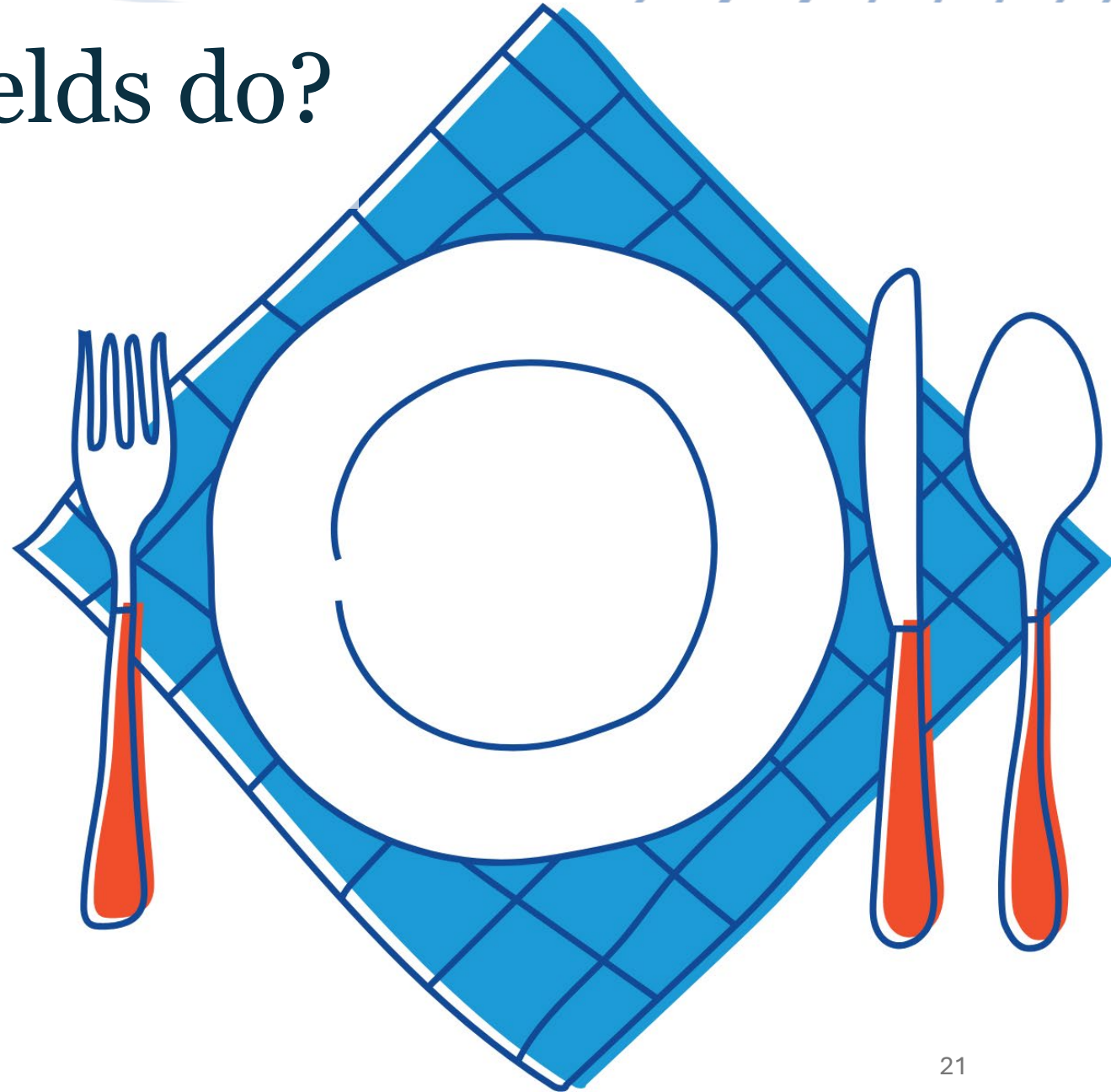


Why Brownfields?

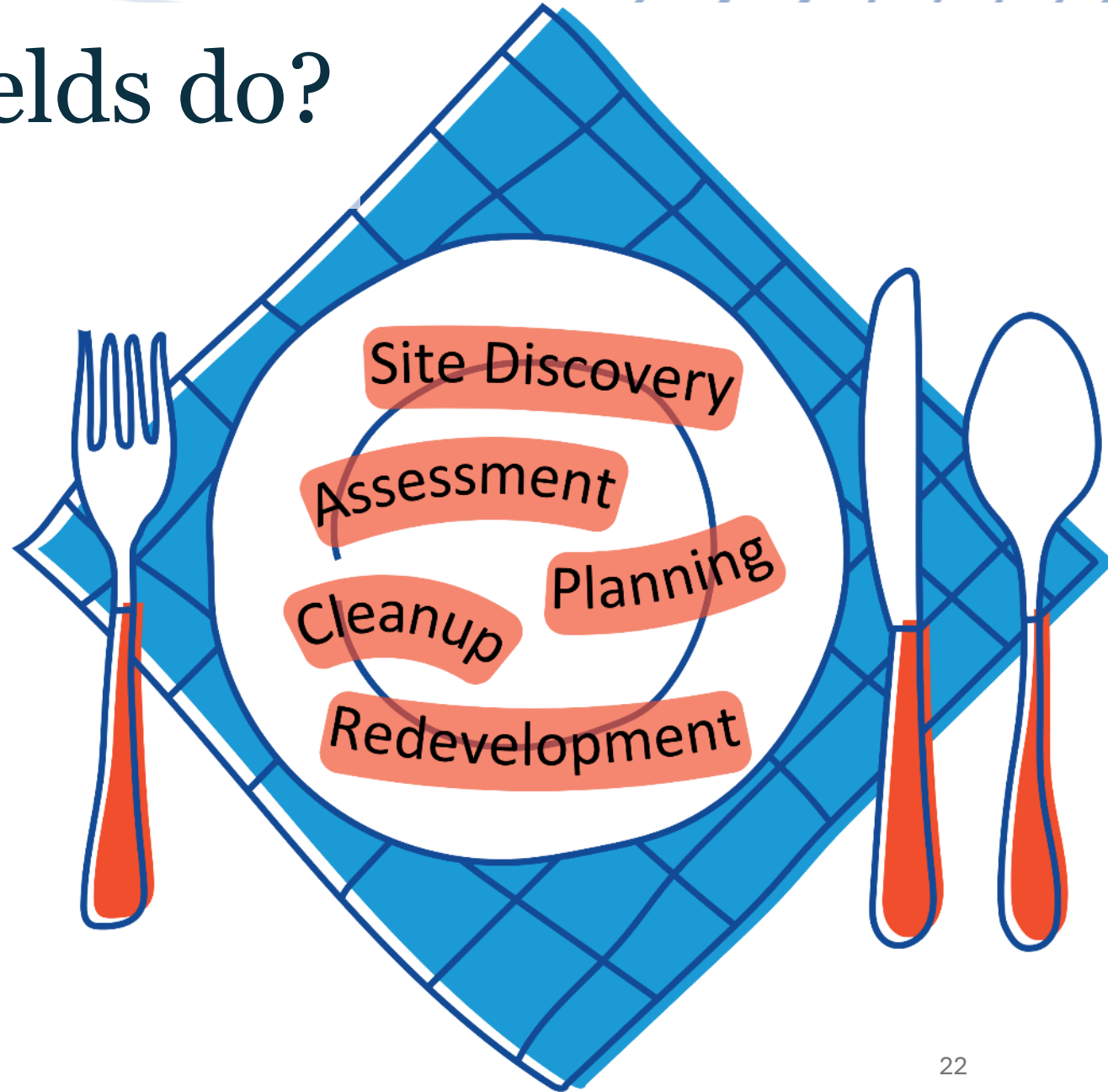
Brownfields can help communities revitalize these underutilized properties



What does Brownfields do?



What does Brownfields do?



What does Brownfields do?

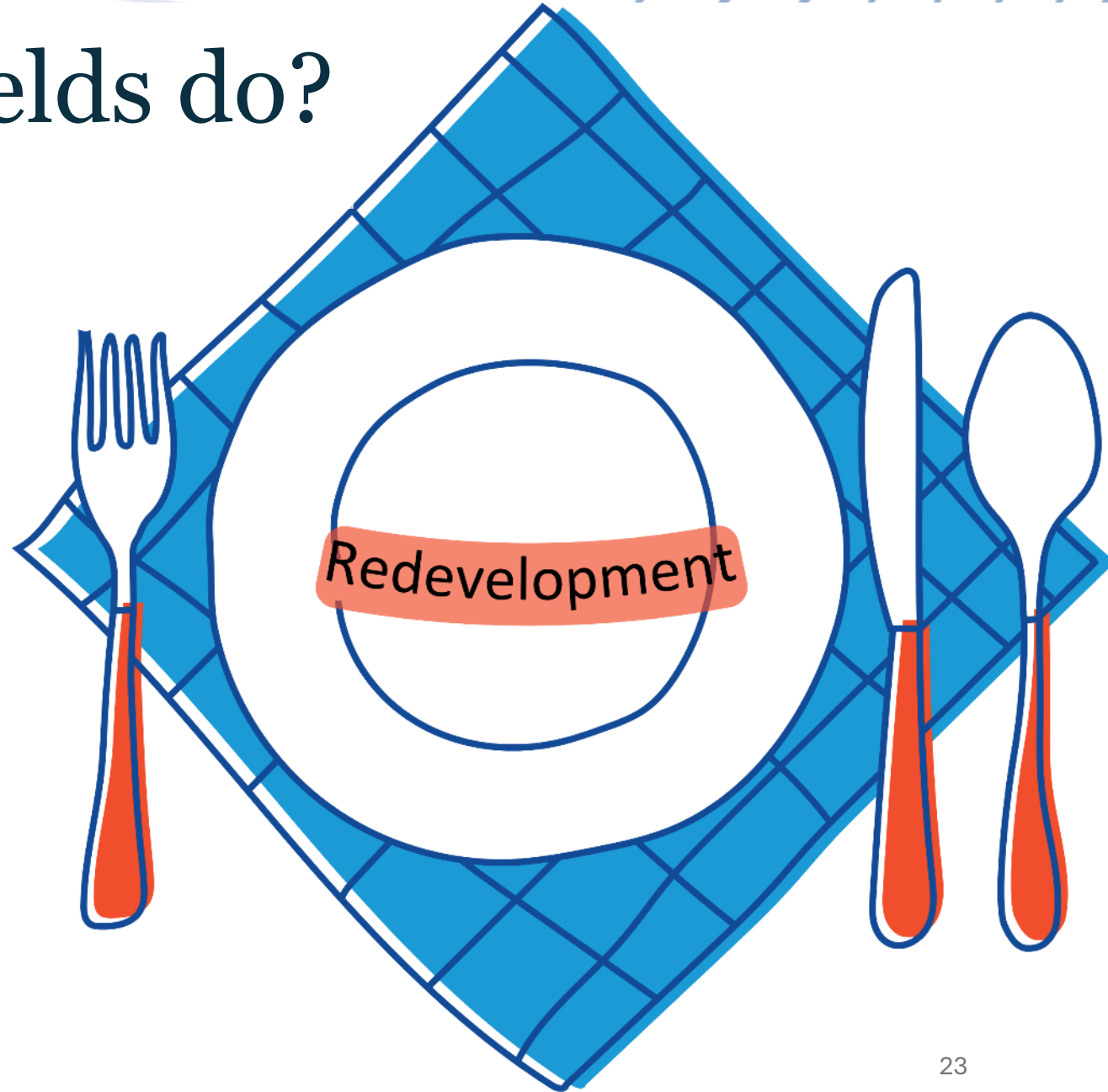


Site Discovery

Assessment

Planning

Cleanup





Eligibility

Site Eligibility Requirements

- No viable responsible party (under the Montana Brownfields definition)
- Work cannot be done on behalf of said responsible party
- Not be subject to corrective action under the Resource Conservation and Recovery Act (RCRA)
- Not currently be funded by the leaking underground storage tank trust fund (LUST Trust)

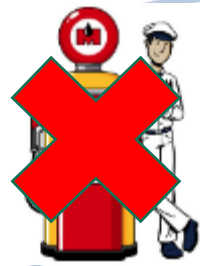
EPA Responsible Party Brownfields Definition

The Small Business Liability Relief and Brownfields Revitalization Act of 2002 amended CERCLA (Superfund)

EPA's Responsible Party definition:

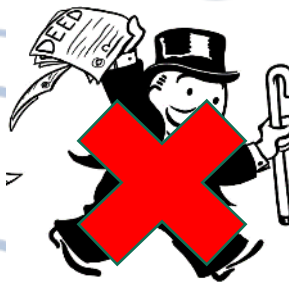
“current and immediate past owner cannot have dispensed petroleum products”

This is known as the two-removed rule.



NO

Original Owner



NO

Current Owner



YES

New or Perspective Purchaser

EPA Responsible Party Brownfields Definition

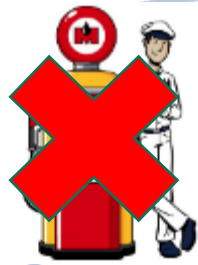
“Please note that states may, but are not required to, use this guidance to determine whether sites contaminated by petroleum or petroleum products are eligible for brownfields grant funding. States may apply their own laws or regulations, if applicable, to eligibility determinations under this section.”

(Section 1.3.2, Page 3)



MT DEQ Responsible Party Brownfields Definition

- No active gas stations
- Historic gas stations must be repurposed as a different use than as a fuel dispensing operation
- No “two removed” criteria
- A prospective purchaser is eligible



NO

Original Owner



YES

Current Owner

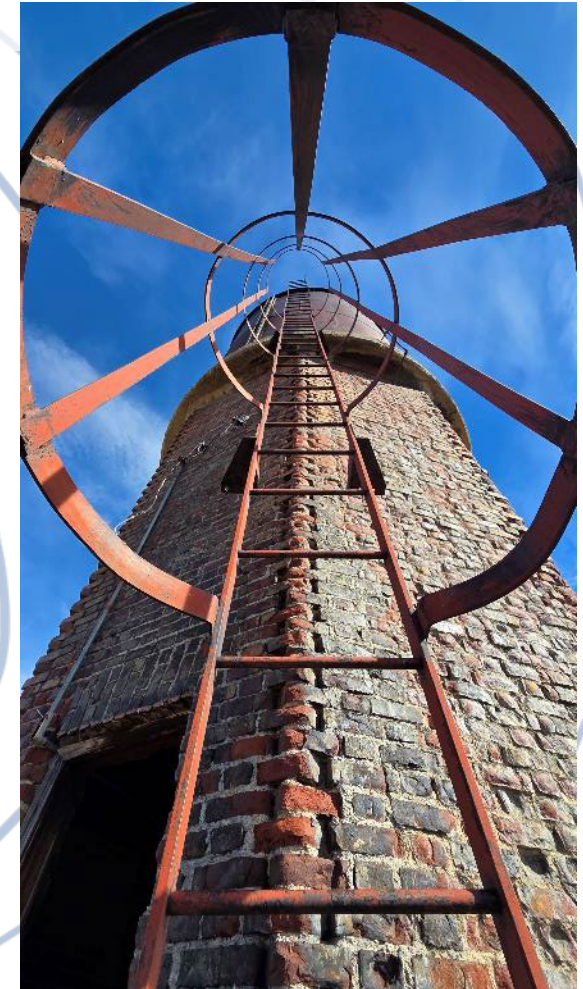


YES

New or Perspective Purchaser

Eligibility process: What do you need?

- Submit:
 - DEQ Petroleum Brownfields Eligibility Application
 - Signed Access Agreement with the **current owner**
 - Property deed



You, me, and the PTC

Where we overlap

- Contamination!
 - Both deal with Petroleum
- Funding!
 - Brownfields can be one of the funding mechanisms for site cleanup



Funding

Planning, Environmental Assessment, and Cleanup Assistance

The State of Montana has two primary funding sources:

- Federal funds
- State funds

State Funds –
\$200,000 per year for
2 years



EPA's Montana Statistics



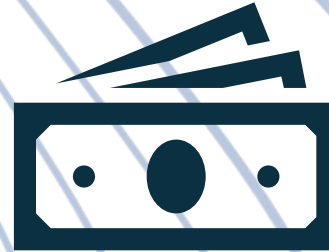
811

properties
assessed



162

properties
cleaned up



\$636

million
leveraged



4,461

jobs
created



George Williams

George.williams@mt.gov

406-541-9014



Cort Walsh

Cortney.walsh@mt.gov

406-444-6639

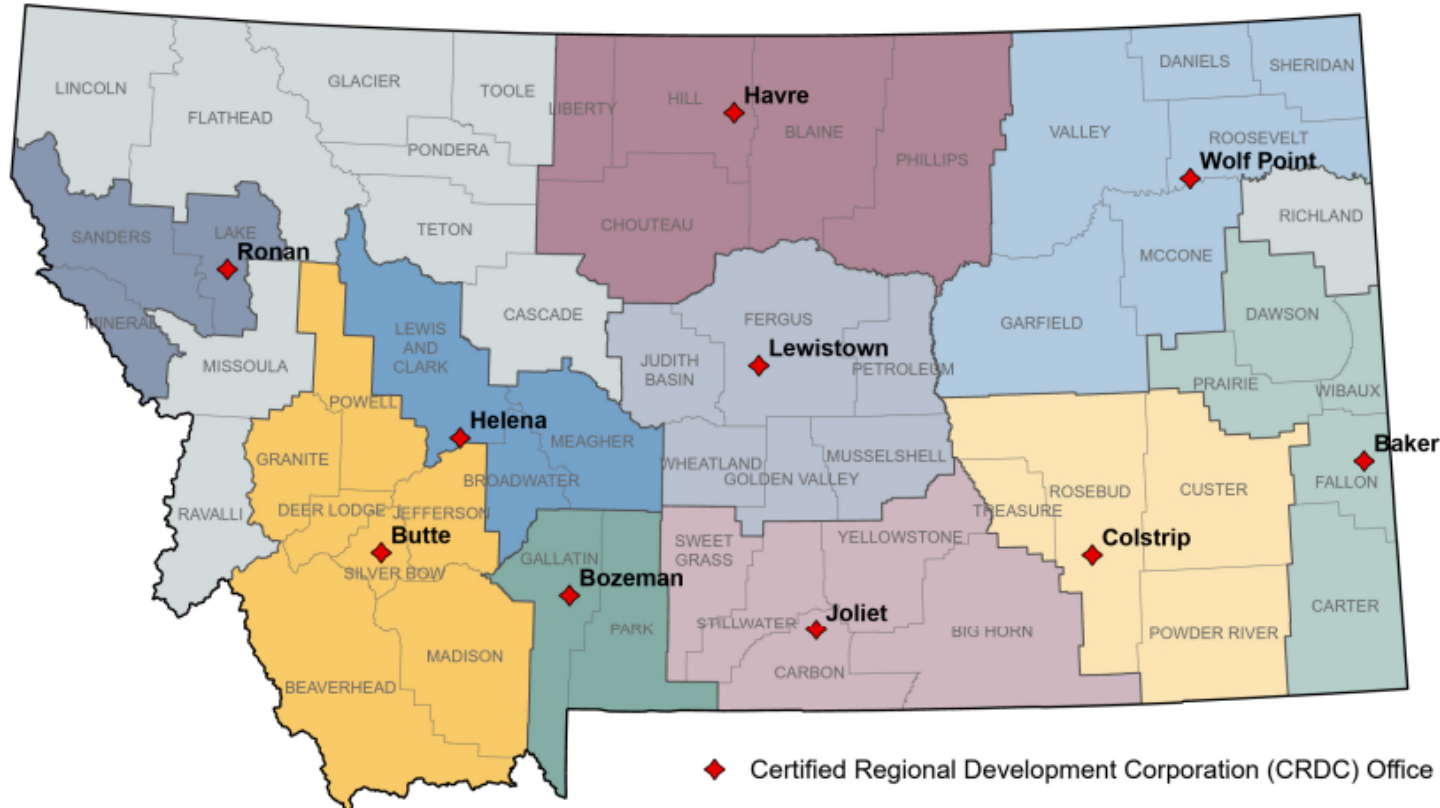


Jason Seyler

jseyler@mt.gov

406-444-6447

Certified Regional Development Corporation



◆ Certified Regional Development Corporation (CRDC) Office

Bear Paw Development Corporation Havre - 406-265-9226	Great Northern Development Corporation Wolf Point - 406-653-2590	Montana Business Assistance Connection, Inc. Helena - 406-447-1510	Southeastern MT Development Corporation Colstrip - 406-748-2990
Beartooth Resource Conservation & Development Area, Inc. Joliet - 406-962-3914	Headwaters Resource Conservation & Development Area, Inc. Butte - 406-723-4349	Prospera Business Network Bozeman - 406-587-3113	Locally Managed
Eastern Plains Economic Development Corporation Baker - 406-853-6471	Lake County Community Development Corporation (dba Mission West Community Development Partners) Ronan - 406-676-5901	Snowy Mountain Development Corporation Lewistown - 406-535-2591	



Revolving Loan Funds (RLF)



What should you look out for?

- Legacy spill sites with no responsible party
- Sites with dilapidated or vacant buildings
- Someone wants to buy the site
- Someone is interested in knowing the extent of contamination
- Developer interest
- A local government has acquired the property

What should I do when I think I have a site that would be a good fit for Brownfields?

Contact any of us at DEQ
Brownfields!

This QR code brings you directly to
our website

Our general email is:
deq.brownfields@mt.gov



Thank you for your time! Questions?

To submit scenario-specific questions or any additional questions, please use this QR code to submit your question directly to the DEQ Brownfields team for follow up

deq.brownfields@mt.gov

