BROWNFIELD TARGETED ASSESSMENT

APPLICATION GUIDANCE DOCUMENT

APRIL 2022

KANSAS DEPARTMENT OF HEALTH AND
ENVIRONMENT

BUREAU OF ENVIRONMENTAL REMEDIATION

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BROWNFIELD TARGETED ASSESSMENT
INFORMATION

KDHE, under a Cooperative Agreement with EPA, is conducting Brownfield Targeted Site Assessments (BTA) of publicly owned property, qualified privately owned property, and properties owned by not-for-profit organizations across the state. Often, local governments have acquired contaminated properties through foreclosure for back taxes, land donations, or may already own property they would like to sell for redevelopment purposes. It is sometimes difficult for local governments to find adequate funding to pay for environmental assessments (Phase I and Phase II Assessments for Due Diligence) prior to redevelopment. The BTA Program provides funding and technical assistance to assist communities in assessing properties. Often, it is the unknown condition of the environment that dissuades developers from considering properties, not actual contamination. Brownfields Targeted Assessments are reviewed and future decisions for the property are endorsed by both state and federal government.

What are brownfields?

The term `brownfields' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Why are environmental assessments important?

Environmental assessments determine if contamination is present, and to some extent, the significance of the impact present at a property. The assessment provides answers to many of the questions regarding potential cleanup costs and environmental liability associated with brownfield properties.

Why is redevelopment of brownfields important?

Redevelopment of brownfields potentially benefits the environment, the community, and industry by:

- preserving undeveloped greenspace
- cleaning up contaminated properties, thereby mitigating potential health risks
- recycling and utilizing preexisting infrastructure and services
- returning properties to tax rolls
- creating employment opportunities
What type of information is collected during the Phase I assessment?

The following information is collected during Phase I activities:
- **Records review** - a review of all state and federal records to identify any contaminated sites in the vicinity of the property. This review will also include identification of all physical characteristics of the property including geologic and topographic conditions. All historical uses of the property will be identified and all recorded land and title information will be collected.
- **Site reconnaissance** - the property, and adjacent properties, will be observed visually and physically. All evidence of current and historical facilities use will be documented.
- **Interviews with owners and occupants** - KDHE will conduct interviews with these individuals to obtain information indicating the recognized environmental conditions in connection with the property.

What type of sampling may be conducted during the Phase II assessment?

The following media may be sampled by KDHE during a Phase II assessment:
- soil
- sediment
- ground water
- surface water
- drums and other chemical waste containers
- tanks
- building materials (i.e. asbestos and lead paint)

What type of report is generated by KDHE?

KDHE, or KDHE’s contractors, will completed a Brownfields Targeted Assessment report to include, at a minimum, the following sections:
- Introduction
- Property Description
- Property History
- Soil Characteristics, Geology, and Hydrogeology
- Property Reconnaissance and Sampling
- Analytical Results
- Conclusion
- References
What if contamination is found on the property?

Should the assessment reveal contamination on the property, KDHE can determine an appropriate path forward or assist the applicant in determining how to proceed. KDHE may request a meeting with the applicant to discuss the following possibilities:

- Referral of the contamination to the appropriate BER program
- Addressing of the contamination by the applicant/developer through the Voluntary Cleanup Program
- Cleanup standards/goals/technologies
- Available funding mechanisms and/or federal Brownfields grants
- Redevelopment suitability regarding environmental issues (i.e. land use restrictions, nonresidential/residential redevelopment)
PART B

BROWNFIELDS TARGETED ASSESSMENT
APPLICATION INFORMATION

BEFORE COMPLETING THE APPLICATION, PLEASE READ THE FOLLOWING INFORMATION:

The Brownfields Targeted Assessment (BTA) is an excellent opportunity for units of government to obtain environmental information to assist in their redevelopment endeavors. KDHE’s goal is to assess communities in putting abandoned properties into productive reuse and to promote sustainable development/growth.

Preference will be given to properties with a proposed end use, which may allow flexibility in setting cleanup objectives, thus facilitating a quicker cleanup and redevelopment process. Properties with complete redevelopment plans or with a prospective purchaser currently under consideration will also be given preference. Applications providing the best evidence of a true need with community support have the best chance of being selected.

Who is eligible?
Any unit of government (city, town, county, municipality, not-for-profit organization, etc.) may submit a property for assessment. Private property owners are also eligible provided they have support from a local unit of government or non-profit organization.

What types of properties are eligible?
All types of properties may receive an assessment, with some exceptions. KDHE’s primary focus is on industrial and commercial properties; however, residential areas may be considered under special circumstances. Properties subject to enforcement action associated with environmental contamination are not eligible (Superfund sites, etc.). Units of government may petition for exceptions.

Who reviews the application?
Both KDHE and EPA review the applications. Applications from all units of government, regardless of size or geographic location, will be given equal consideration. Applications should be clear, concise, and provide sufficient detail for KDHE to compare the merits of each and decide which applications best support the intent of the program. KDHE will prioritize the properties to receive an environmental assessment based on the applications best meeting the criteria.

How are the applicants notified?
Selected applicants will receive a confirmation letter within three weeks of the receipt of the application. A meeting or teleconference with be held with the applicant, explaining what the project will consist of and the respective responsibilities of each party. KDHE intends to actively work with the applicant to meet the community’s needs. Applicants who are not selected will also be notified in writing; however, all applications are kept on file for later considerations.
**Who obtains access to the property?**

Included in this BTA application guidance is the “Consent For Access To Property” form. If the BTA applicant does not own the property being assessed, the applicant must have this form signed by the property owner and attached as part of the application (form can also be downloaded from online BTA application). If the BTA applicant is the property owner, the BTA application form serves as the access agreement. Therefore, the “Consent For Access To Property” form does not need to be signed.

**What services may the unit of government need to provide?**

Federal funds are currently used to pay for Brownfield Targeted Assessments; however, KDHE may ask the respective unit of government to provide “in-kind” services. These services may consist of surveying the property, assisting KDHE in the proper disposal of soil and ground water generated during the assessment, and gaining access to neighboring properties.

**How long will the assessment take once the application is approved by EPA?**

Upon approval of the application, assessment activities will be initiated within 30 days. The average time for completion of a BTA (both Phase I and Phase II assessment) is approximately 3 to 4 months from the date the application is received until the report is submitted to the EPA for approval. Time frames may be expedited depending on the work load and other issues.
PART C
BROWNFIELDS TARGETED ASSESSMENT APPLICATION – KANSAS ENVIRONMENTAL INFORMATION MANAGEMENT SYSTEM (KEIMS)

In June 2021, KDHE began accepting BTA applications online, through the Kansas Environmental Information Management System (KEIMS).

What is “KEIMS”? KEIMS is the new online data management system built to improve communication, enable sharing of site information, and increase the ease and accessibility of business conducted between various regulatory programs within KDHE and the regulated community. KEIMS can be accessed by both internal users (state employees) and external user (site owners, consultants, etc.) to create and manage applications, submissions, and even payments. This combining of multiple databases in the Division of Environment will create efficiencies to benefit both state employees, the regulated communities, and the public.

How to access the BTA application? Any potential applicant will need to create a KEIMS account, in order to access the BTA application. To set up an account, visit the webpage: https://keims.kdhe.ks.gov/nsuite/ncore/external/home

These instructions are for new BTA requests for new properties that are not existing KDHE sites. If you are requesting an updated BTA for an existing site, please contact the Brownfields Coordinator (785) 296-5519, prior to completing these steps and submitting an application.

Once the new account is created, click on “Browse Forms”
Click “I want to start a new application”

Start New Form

What kind of form are you looking for?

I want to start a new application

Search for “brownfields” in the filter box on the right-hand side and the BTA application should be listed. Click “Begin”
If this is a new site, select “Create New Site” from the dropdown menu under Select Site and, after naming the new site, click “Begin Submission”

This should take you to the first page of the BTA application. If there are any issues with accessing the application or while completing and submitting the application, please contact the Brownfields Coordinator at (785) 296-5519.
**PART D**

**CONSENT FOR ACCESS TO PROPERTY**

The person signing below gives permission to the Kansas Department of Health and Environment (KDHE) to enter onto the property described below for the purpose of conducting Phase I Site Reconnaissance and/or Phase II soil/water sample collection on the day/s of ________________________________.

Permission is granted to KDHE, and to its employees, agents, assigns, or contractors to enter this property in order to carry out the above activities pursuant to K.S.A. 65-3453 *et seq.*

This permission is being granted by or on behalf of the (circle one):

owner tenant

of this property. KDHE has assured the person signing below that upon completion of the work specified above, KDHE materials and equipment will be removed from the property and the property restored as nearly as reasonably possible to the condition it was in at the time KDHE began work at the Site.

**ACCESS IS GRANTED FOR PROPERTY AT:**

SITE NAME__________________________________________________________________

ADDRESS OR LEGAL LOCATION:______________________________________________

CITY:________________________________________________________________________

__________________________________ _____________
Signature     Date

__________________________________
Print name of person signing

__________________________________
(Company name, if applicable)

__________________________________
(Title, if signing for a business)