



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
September 9, 2021

Department Administration

Director Approval David Cowan/John Garris

AGENDA ITEM Consider authorizing City Staff to submit a Brownfields Grant request for the east portion of the proposed Central Park Sports Complex.

SUMMARY RECOMMENDATION Authorize submittal.

BACKGROUND The Kansas Department of Health and Environment (KDHE) administers a program that uses Federal funds to conduct environmental assessments of properties. These assessments are useful in development of properties into productive reuse. As the project for construction on the new Central Park is ongoing, having this information will ensure the area is developed responsibly.

SUGGESTED MOTION I move to authorize City Staff to submit a Brownfields Grant request for the east portion of the proposed Central Park Sports Complex.

SUPPORTING DOCUMENTS Example Application

BROWNFIELD TARGETED ASSESSMENT

APPLICATION PACKAGE



**KANSAS DEPARTMENT OF HEALTH AND
ENVIRONMENT
BUREAU OF ENVIRONMENTAL REMEDIATION
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PART A

***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.

I. INTRODUCTION

A. 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.

B. 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.

C. 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

II. KDHE ASSISTANCE

A. 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.

B. 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)

C. What type of report is generated by KDHE?

KDHE, or KDHE's contractors, will complete 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

D. What if contamination is found on the property?

Should the assessment reveal contamination on the property, KDHE will request a meeting with the applicant to discuss the following possibilities:

- removal options
- identification of the actual discharger
- participation in KDHE's Voluntary Cleanup Program where the applicant can pursue cleanup if necessary prior to redevelopment and can receive a No Further Action Determination for the property
- cleanup standards/goals/technologies
- available funding mechanisms
- 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 and concise, follow the criteria (indicated in Part C), 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 will 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 package 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. 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

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)

PART D

***BROWNFIELDS TARGETED ASSESSMENT
APPLICATION FORM***



**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BROWNFIELDS TARGETED ASSESSMENT
APPLICATION FORM**

Use only for Sites within Kansas



SECTION 1: Applicant Information				
Applicant Name:				
Organization:				
Address:				
Contact Person:				
Phone:		Fax:		Email:
Type of Eligible Applicant:				
City	County	Tribe	Not-for-Profit	Private (must have a letter of support)
Other (please describe):				
IS APPLICANT OR ANY OTHER PARTY UNDER ORDER FROM EPA OR KDHE TO CONDUCT SITE ASSESSMENT AND/OR CLEANUP?				
YES (Describe Below)		NO	UNKNOWN	
Briefly describe involvement/role of KDHE in enforcement and/or oversight of assessment/cleanup of candidate site:				

SECTION 2: Proposed Site Information		
Name/Title of Site/Facility:		Street Address:
City:	State: KS	Zip:
Current Use of Site/Facility (if any):		
Number of Parcels:		Size of Site In Acres:

SECTION 3: Current Site Ownership:		
Name:		
Address:		
City:	State:	Zip:
Phone:		
If property is not owned by applicant, the applicant must secure access to the property by having the appropriate property access form signed by the property owner. The property access form is included in the Brownfields Targeted Assessment Package.		

SECTION 4: Site History			
PAST SITE USES (Residential, Commercial, Industrial, Greenspace)			APPROXIMATE DATES:
BUILDINGS ON SITE (List office, store, guard house, etc):	SQUARE FOOTAGE	MULTI-STORY <small>(check if yes)</small>	CONDITION (usable, gutted, razed, etc.)

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BROWNFIELDS TARGETED ASSESSMENT
APPLICATION FORM**

Use only for Sites within Kansas

SECTION 4: Site History (cont.)		
PRIOR SITE ASSESSMENT ACTIVITIES:	NONE	UNKNOWN
Describe Conclusions of prior site assessment activities (or attach relevant portions of report(s)). If reports are unavailable, identify consultant, client, and approximate date of study.		

SECTION 5: Future Site Activities			
SITE ASSESSMENT NEEDS: Describe difficulties related to perceived contamination that have hindered reuse of the property.			
ANTICIPATED FUTURE USE:			
RESIDENTIAL	RECREATIONAL	COMMERCIAL/RETAIL	INDUSTRIAL
OTHER: Describe applicant's proposed reuse, redevelopment or expansion plan:			
DESCRIBE ANY FINANCIAL OR PUBLIC INTEREST INCENTIVES PLANNED TO SPUR DEVELOPMENT AND/OR CLEANUP AND PROPOSED FUNDING SOURCES: (Tax incentives, etc.) <i>This program is for site assessment only, cleanup money is not being offered as part of this program.</i>			

Signature:	Date:
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PLEASE RETURN FORM TO:
SETH METTLING, Brownfields Coordinator
Kansas Department of Health and Environment
Bureau of Environmental Remediation
1000 SW Jackson, Suite 410
Topeka, Kansas 66612
785-296-5519
or email: Seth.Mettling@ks.gov