

# EPA Region 1

Voluntary Remediation Program (VRP)  
Connecticut Department of Environmental Protection (DEP)  
79 Elm Street  
Hartford, CT 06106-5127  
[www.ct.gov/dep/remediation](http://www.ct.gov/dep/remediation)

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## Program Overview

- Brownfields and Urban Sites Program
- Cost to Enter the Program: Varies
- Liability Relief Provisions
- Tax Incentives
- Licensed Environmental Professional Program

## Program

The Brownfields and Voluntary Cleanup Program (VCP) in Connecticut are conducted under several state remediation programs, and are managed by the Remediation Division. A brochure titled "Site Cleanup in Connecticut" (which was produced by CT DEP using a portion of its Brownfields Section 128(a) Response Program funding) provides an overview of the programs for site cleanup which are managed through the Remediation Division. All remediation programs in Connecticut utilize the same remedial goals—the Remediation Standard Regulations, at:

[www.ct.gov/dep/cwp/view.asp?a=2715&q=325028&depNav\\_GID=1626](http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325028&depNav_GID=1626).

- **Funding Source(s) for the Program:** State funds (approximately 65%) and federal grants (approximately 35%)
- **Cost to enter program or fees for service:** Varies; \$3,250 for Voluntary Remediation Program.
- **Sites Enrolled in VCP:** As of November 2010, more than 460 sites in Voluntary Response Programs.
- **Sites Completed under VCP:** As of November 2010, more than 34 sites completed under Voluntary Response Programs. Many other sites are remediated pursuant to mandatory State Laws.

## Financial Elements

### ASSESSMENT AND CLEANUP FUNDING

A variety of grants, loans, and technical assistance are available to assist with brownfields reuse projects. Office of Brownfield Remediation and Development: <http://www.ctbrownfields.gov/ctbrownfields/site/default.asp>  
[www.ct.gov/dep/cwp/view.asp?a=2715&q=324942&depNav\\_GID=1626](http://www.ct.gov/dep/cwp/view.asp?a=2715&q=324942&depNav_GID=1626)

### INCENTIVES

- Urban and Industrial Site Investment Tax Credit Program – Tax credit for corporate taxes on redevelopment projects in industrial areas.  
[www.ct.gov/ecd/cwp/view.asp?A=1101&Q=249842](http://www.ct.gov/ecd/cwp/view.asp?A=1101&Q=249842)
- Enterprise Zone Program – Incentives provide tax abatement for real estate improvements and deferral of higher taxes resulting from increased property values after project completion.  
[www.ct.gov/ecd/cwp/view.asp?a=1099&q=249766](http://www.ct.gov/ecd/cwp/view.asp?a=1099&q=249766)
- Housing and Historic Tax Credit Program – Provides financial incentives in the form of housing and historic tax credits.  
[www.cttrust.org/index.cgi/114](http://www.cttrust.org/index.cgi/114)

### LIABILITY RELIEF PROVISIONS

Two types of covenants not to sue are available for sites in Connecticut. A covenant not to sue is an agreement by the Commissioner that the Commissioner shall release claims related to pollution or contamination on or emanating from the property that resulted from a discharge, spillage, uncontrolled loss, seepage, or filtration on such property prior to the effective date of the covenant. One is instituted pursuant to section 22a-133aa of the Connecticut General Statutes (CGS) and one pursuant to section 22a-133bb.

In order to realize this benefit, the property must be remediated in accordance with the Department's Remediation Standard Regulations (RSRs) in effect on the effective date of the covenant, and any environmental land use restriction necessary to comply with the RSRs must be recorded on the land records and must remain in effect. [www.ct.gov/dep/cwp/view.asp?a=2715&q=324936&depNav\\_GID=1626](http://www.ct.gov/dep/cwp/view.asp?a=2715&q=324936&depNav_GID=1626)

**Abandoned Brownfield Cleanup Program** – allows new developers of certain brownfields to not incur liability to address pre-existing, off-site contamination as long as cleanup of on-site contamination continues, and migration of contamination from the site ceases.

<http://www.cga.ct.gov/2011/pub/chap578.htm#Sec32-9ll.htm>

Municipalities also have a variety of liability relief protections under various laws.  
<http://www.cga.ct.gov/2011/pub/chap578.htm - Sec32-9ll.htm>

**Licensed Environmental Professional Program** – DEP allows a Licensed Environmental Professional (LEP) to be responsible for the direct oversight of site investigation and remediation projects at many sites, in lieu of DEP reviews and approvals.  
[www.ct.gov/dep/cwp/view.asp?a=2715&q=324978&depNav\\_GID=1626](http://www.ct.gov/dep/cwp/view.asp?a=2715&q=324978&depNav_GID=1626)

## Program Elements

### METHODS/STANDARDS/CONTROLS

Remediation standard regulations (Regulations of Connecticut State Agencies [RCSA] 22a -133k -1 through k3) were adopted in January 1996. These regulations provide published numeric criteria for cleanup of soil, soil vapor, and ground water; permit use of background concentrations; allow site-specific conditions; and provide for the use of engineered controls and institutional controls that change cleanup requirements but ensure the long-term stewardship of the site. The Risk-Based Corrective Action (RBCA) process was used as a guide in developing the criteria.

[www.ct.gov/dep/cwp/view.asp?a=2715&q=325012&depNav\\_GID=1626](http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325012&depNav_GID=1626)

### CONTAMINANTS COVERED

These regulations require remediation of all substances that are part of a release (including petroleum, asbestos, lead from paint, and polychlorinated biphenyls (PCBs)). If numeric criteria are not provided in the regulations, criteria must be proposed and submitted to DEP and the Department of Public Health (DPH) for review and approval.

### INSTITUTIONAL CONTROLS (IC)

**IC Tracking, Oversight, and Monitoring:** Environmental land use restrictions (as prescribed in the remediation standard regulations) can be implemented with the land owner's consent, require the Commissioner's approval, are recorded on the land records, and are enforceable on future property owners.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state:

[www.ct.gov/dep/cwp/view.asp?a=2715&q=325018&depNav\\_GID=1626](http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325018&depNav_GID=1626)

## Program Highlights

Licensed Environmental Professionals (LEPs) are authorized to "verify" that an investigation has been performed at a specific property in accordance with prevailing standards and guidelines, and that pollution on such property has been remediated in accordance with Connecticut's Remediation Standard Regulations. The Connecticut Department of Environmental Protection (CTDEP) reserves the right to audit such verifications. To assist the LEPs in writing verification reports that identify how a site achieves compliance with the RSRs, the Verification Report Guidance Document was developed by DEP with support from the Environmental Professionals Organization of Connecticut (EPOC). The Verification Report Guidance Document and DEP's audit process were presented in a four-hour short course for both DEP and EPOC. DEP used a portion of its Section 128(a) Response Program funding to generate the guidance document and provide this training.

## Other Land Programs

### State Superfund Program

[www.ct.gov/dep/cwp/view.asp?a=2715&q=325022&depNav\\_GID=1626](http://www.ct.gov/dep/cwp/view.asp?a=2715&q=325022&depNav_GID=1626)

### Underground Storage Tank Petroleum Clean-Up Program

[www.ct.gov/dep/cwp/view.asp?a=2717&q=325322&depNav\\_GID=1652](http://www.ct.gov/dep/cwp/view.asp?a=2717&q=325322&depNav_GID=1652)

### Significant Environmental Hazard Program

[www.ct.gov/dep/cwp/view.asp?a=2715&q=324976&depNav\\_GID=1626](http://www.ct.gov/dep/cwp/view.asp?a=2715&q=324976&depNav_GID=1626)

Voluntary Response Action Program (VRAP)  
Maine Department of Environmental Protection (DEP)  
17 State House Station  
Augusta, ME 04333-0017  
[www.maine.gov/dep/rwm](http://www.maine.gov/dep/rwm)

**Contact(s):** Nick Hodgkins (VRAP)  
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207-287-7716

## VRAP Program Overview

- Cost to Enter the Program: \$500
- Technical assistance
- Liability Relief Provisions

## Brownfields Program Overview

- No Cost to Enter the Program
- Grant of Services for Assessments
- Remediation Assistance to Municipalities and Nonprofits

## Program

In 1993, the Maine Legislature established the Voluntary Response Action Program (VRAP). The VRAP allows applicants to voluntarily investigate and clean up properties to the Maine Department of Environmental Protection's (MEDEP) satisfaction, in exchange for protections from enforcement actions. The VRAP is intended to encourage the cleanup and redevelopment of contaminated properties within the state.

[www.maine.gov/dep/rwm/vrap/index.htm](http://www.maine.gov/dep/rwm/vrap/index.htm)

- **Funding Source(s) for the Program:** Federal grants
- **Cost to enter program or fees for service:** \$500 application fee and reimbursement of all staff costs.
- **Sites Enrolled in VCP:** As of October 2010, 71 sites are underway.
- **Sites Completed under VCP:** As of June 2010, 524 sites completed investigation and remedial action.

## Financial Elements

Funding for the VRAP is provided by the applicants. Applicants conduct and submit investigation reports, remedial work plans and remediation completion reports to the VRAP for review and approval. Cost for VRAP project managers time is billed to the applicant.

### BROWNFIELDS ASSESSMENT AND CLEANUP FUNDING

This program is funded through federal grants. Targeted Brownfields Site Assessment grants (contractor services) are available to municipalities, nonprofits or developers. Remedial grants are available for properties owned by municipalities and nonprofits.

### LIABILITY RELIEF PROVISIONS

The VRAP Offers Certificate of Completion (COC) for all pollutants identified in site assessment and cleanup to the program's satisfaction. Legal authorities include: strict, joint and several, and retroactive liability; orders for information; site access and remediation orders; administrative order authority; cost recovery; liens and super liens; and punitive damages of treble the state's costs. Sites that have been assessed and or remediated through the Brownfields Program have all of the information needed to enter the VRAP.

### BROWNFIELDS REDEVELOPMENT AUTHORITIES (OR SIMILAR)

The state's voluntary program is an alternative to the state's regular cleanup program. Some monies are dedicated to fund the state's participation; participants pay a \$500 application fee and are charged for time spent by the state. Site owners are able to get full or partial liability releases depending on the cleanup work carried out at the site. Incentives for participation include getting sites back into economic use and getting a certificate from the state indicating that cleanup was completed to the state's satisfaction. MEDEP and the Maine Department of Economic and Community Development have partnered on a Revolving Loan Fund to assist developers with remedial costs at their properties.

## Program Elements

### **METHODS/STANDARDS/CONTROLS**

New cleanup guidelines are currently available and consider four separate exposure scenarios for soil contact: residential, outdoor commercial worker, construction/excavation worker, and recreational/park user. Alternatively, a site-specific goal may be established using the state's risk-assessment guidance document.

[www.maine.gov/dep/rwm/sops/index.htm](http://www.maine.gov/dep/rwm/sops/index.htm)

### **CONTAMINANTS COVERED**

All hazardous substances/wastes and petroleum.

### **INSTITUTIONAL CONTROLS (IC)**

IC Tracking, Oversight, and Monitoring: ICs are part of most certifications at VRAP sites. All institutional controls are completed and recorded at the registry of deeds pursuant to the states' Uniform Environmental Covenants Act (UECA).

- **IC Tracking:** VRAP receives copies of the recorded UECA's.
- **IC Oversight:** Maine has no official IC oversight.
- **IC Monitoring:** VRAP audits a small number of ICs on annually.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

[www.maine.gov/dep/rwm/data/remdescriptanddata.htm](http://www.maine.gov/dep/rwm/data/remdescriptanddata.htm)

## Program Highlights

The Town of Lisbon is located along the banks of the Sabattus and Androscoggin Rivers which supported the town's early industry and farming. In 2009 the town began researching possibilities for the reuse of a former schoolhouse property which had been unoccupied for seven years. The Brunswick Housing Authority, a nonprofit agency, whose goal is to provide safe, quality, and affordable housing for eligible persons in need of assistance, was approached about redeveloping this property into housing. The town submitted a Brownfields Assessment application to MEDEP. Through this program, Phase I and Phase II environmental assessments were completed with funding from an American Recovery and Reinvestment Act (ARRA) grant. The results of the investigations determined that asbestos, lead based paint, and numerous containers of chemicals were located throughout the building. After the assessment phase was completed, the property was entered into the MEDEP VRAP and MEDEP provided cleanup funding through its Section 128(a) Response Program grant to remove the hazardous materials from the property. Through the Neighborhood Stabilization Program, the town secured \$2.4 million to assist in the construction and redevelopment of the building. The building will be redeveloped into a 12-unit senior housing facility with two community rooms and a laundry room while keeping the historic nature of the building.

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## Other Land Programs

### **Municipal Landfill Remediation Program**

[www.maine.gov/dep/rwm/landfillclosure/index.htm](http://www.maine.gov/dep/rwm/landfillclosure/index.htm)

### **Underground Storage Tanks Program**

[www.maine.gov/dep/rwm/ust/index.htm](http://www.maine.gov/dep/rwm/ust/index.htm)

# Massachusetts

Brownfields Program  
Massachusetts Department of Environmental Protection (MassDEP)  
Bureau of Waste Site Cleanup  
One Winter Street, 6<sup>th</sup> Floor  
Boston, MA 02108  
[www.mass.gov/dep/cleanup](http://www.mass.gov/dep/cleanup)

**Contact(s):** Catherine Finneran, *Brownfields Coordinator*  
[catherine.finneran@state.ma.us](mailto:catherine.finneran@state.ma.us)  
617-556-1138

## Program Overview

- Brownfields Program
- Cost to Enter the Program: Annual Compliance Fees
- Liability Relief Provisions
- Tax Incentives
- Environmental Insurance
- Licensed Site Professionals (LSPs)

## Program

The Commonwealth of Massachusetts is committed to the cleanup and redevelopment of brownfields properties as a way to stimulate the economy and promote environmental protection goals. State brownfields program incentives are available to buyers, and sometimes sellers, of contaminated property provided there is a commitment to cleanup and redevelopment.

[www.mass.gov/dep/cleanup/brownfie.htm](http://www.mass.gov/dep/cleanup/brownfie.htm)

- **Funding Source(s) for the Program:** Federal grants and the state general fund. Funding from the Section 128(a) Response Program grant is used to support the Massachusetts Waste Site Cleanup and Brownfield Programs.
- **Cost to enter program or fees for service:** Annual Compliance Fees are assessed each year for each site reported to MassDEP until a site is permanently remediated. In addition, permit fees apply to some waste site cleanup submittals.
- **Sites Enrolled in VCP:** As of January 2011, 40,780 release notifications were made to MassDEP, with about 3,600 still active. Approximately 1,400 new releases enter the program each year.
- **Sites Completed under VCP:** As of January 2011, 35,360 releases were closed out. Beginning in 2002, the number of cleanups per year has surpassed the new notifications.

## Financial Elements

### ASSESSMENT AND CLEANUP FUNDING

A variety of grants, loans, and technical assistance are available to assist with brownfields reuse projects. The main source of state funding for assessment and cleanup is through the Brownfields Redevelopment Fund administered by MassDevelopment.

[www.mass.gov/dep/cleanup/bffund.htm](http://www.mass.gov/dep/cleanup/bffund.htm)

### INCENTIVES

- Brownfields Tax Credit Program
- Municipal Tax Abatement Program
- Economic Development Incentive Program (EDIP)
- State Historic Tax Credit  
[www.mass.gov/dep/cleanup/brtxinc.htm](http://www.mass.gov/dep/cleanup/brtxinc.htm)

### LIABILITY RELIEF PROVISIONS

The Massachusetts Brownfields Act established statutory liability relief for certain parties undertaking brownfields projects. A Brownfields Covenant Not to Sue Program is available through the Massachusetts Office of the Attorney General for some projects that are not eligible for statutory protection, and commit to cleanup and redevelopment.

[www.mass.gov/dep/cleanup/bfliab.htm](http://www.mass.gov/dep/cleanup/bfliab.htm)

### ENVIRONMENTAL INSURANCE

The Brownfields Act created the Brownfields Redevelopment Access to Capital (BRAC) Program, which backs loans with state subsidized, volume discounted environmental insurance.

[www.mass.gov/dep/cleanup/bfins.htm](http://www.mass.gov/dep/cleanup/bfins.htm)

## **BROWNFIELDS REDEVELOPMENT AUTHORITIES (OR SIMILAR)**

**Brownfields Support Team Initiative** – In May 2008, Lieutenant Governor Timothy Murray announced the Brownfields Support Team Initiative to help communities clean up contaminated sites and prepare them for redevelopment.

[www.mass.gov/dep/cleanup/brownfie.htm#bst](http://www.mass.gov/dep/cleanup/brownfie.htm#bst)

## **Program Elements**

### **METHODS/STANDARDS/CONTROLS**

A risk-based regulatory program is in place; the regulations are set forth in the Massachusetts Contingency Plan.

[www.mass.gov/dep/cleanup/laws/regulati.htm](http://www.mass.gov/dep/cleanup/laws/regulati.htm)

### **CONTAMINANTS COVERED**

Any oil or hazardous material (OHM) released to the environment is covered, including common contaminants such as petroleum, asbestos (in soil), volatile organic compounds (VOCs), semi-VOCs, metals, PAHs and polychlorinated biphenyls (PCBs), perchlorate, research department explosive (RDX), and high melting explosives (HMX).

### **LICENSED SITE PROFESSIONALS (LSPS)**

Those private parties who are financially responsible under MA law for assessing and cleaning up confirmed and suspected hazardous waste sites must retain a licensed Hazardous Waste Site Cleanup Professional to oversee the assessment and cleanup work.

[www.mass.gov/dep/cleanup/licensed.htm](http://www.mass.gov/dep/cleanup/licensed.htm)

### **INSTITUTIONAL CONTROLS (IC)**

Activity and Use Limitations (AULs), and deed notices/restrictions are used and are filed at county land record offices (Registry of Deeds).

- **IC Tracking:** AULs are tracked through publicly available databases, as well as GIS and KML/KMZ files.
- **IC Oversight:** The state has a Long-Term Stewardship goal and conducts periodic follow-up inspections.
- **IC Monitoring:** There is a state legislative mandate to audit all sites with AULs. An unfavorable audit may re-open cleanup.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

[www.mass.gov/dep/cleanup/sitesloc.htm](http://www.mass.gov/dep/cleanup/sitesloc.htm)

## **Program Highlights**

MassDEP constantly works to enhance and improve its waste site cleanup program. Some efforts include development of the Institutional Control Tracking System, which is a dual effort with EPA Headquarters to develop a public electronic institutional control (IC) tracking system. MassDEP has also completed an evaluation of the previous standards and regulations regarding petroleum in GW-1 (drinking water areas) that resulted in a revision of the standards, subsequent wide distribution of those standards, and trainings to understand and identify the changes in the standards. The last process improvement involved the Indoor Air Workgroup which undertook a review of recent information on background indoor air concentrations and updated the numerical standards for indoor air. The workgroup established background indoor air levels, and plans to publish an up-to-date, comprehensive guidance that consolidates all previous guidance on the topic. EPA Section 128(a) Response Program funding has been critical to sustaining MassDEP's waste site cleanup program and the many initiatives listed above.

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## **Other Land Programs**

### **Hazardous Waste Management**

[www.mass.gov/dep/toxics/hazmatma.htm](http://www.mass.gov/dep/toxics/hazmatma.htm)

### **Underground Storage Tanks Program**

[www.mass.gov/dep/toxics/ust/index.htm](http://www.mass.gov/dep/toxics/ust/index.htm)

# New Hampshire

Brownfields Program  
New Hampshire Department of Environmental Services  
P.O. Box 95  
Concord, NH 03301-0095  
<http://des.nh.gov>

**Contact(s):** H. Keith DuBois  
[keith.dubois@des.nh.gov](mailto:keith.dubois@des.nh.gov)  
603-271-2987

## Program Overview

- Brownfields Program
- Cost to Enter the Program: \$750 application fee/\$4,500 participation fee
- Liability Relief Provisions
- Tax Incentives
- Grantee Assistance Program

## Program

The New Hampshire Brownfields Program encourages the redevelopment of contaminated properties through a variety of approaches that address the uncertainty and liability concerns associated with brownfields sites. These approaches include: the Brownfields Covenant Program, Brownfields Assessment Program, Brownfields Cleanup Revolving Loan Fund, and the the Department of Environmental Services (DES)/Grantee Brownfields Partnership.

<http://des.nh.gov/organization/divisions/waste/hwrb/sss/brownfields/index.htm>

- **Funding Source(s) for the Program:** Hazardous Waste Cleanup Fund (HWCF) (20%) and federal grants (80%)
- **Cost to enter program or fees for service:** \$750 application fee and a \$4,500 participation fee for the Brownfields Covenant Program.
- **Sites Enrolled in VCP:** As of November 2010, 52 sites have enrolled in the program.
- **Sites Completed under VCP:** As of November 2010, 25 sites have completed the program.

## Financial Elements

### ASSESSMENT AND CLEANUP FUNDING

A variety of grants and loans are available to assist with brownfields reuse projects.

<http://des.nh.gov/organization/divisions/waste/hwrb/sss/brownfields/categories/grants.htm>

### INCENTIVES

- "Qualified holder" provisions of hazardous waste and petroleum statutes provide protection to lenders and municipalities (for tax deeding).
- Brownfields sites are exempt from state hazardous waste generator fees.
- Municipalities can abate taxes at brownfield sites.

### LIABILITY RELIEF PROVISIONS

- Program offers a No Further Action (NFA) letter (when active remediation measures were not required), a Certificate of Completion (COC), a Certificate of No Further Action (when active remediation measures were required to achieve closure), and a Covenant Not to Sue (CNTS).
- State law provides for strict, joint, and several liabilities. The state is authorized to issue administrative orders, including those for information, site access, and site cleanup.

### BROWNFIELDS GRANTEE ASSISTANCE PROGRAM

In an effort to help New Hampshire grantees maximize the effectiveness of their grant dollars and the success of their efforts, DES established a policy of assigning a staff geologist or engineer to serve as a brownfields grant liaison. The liaison works closely with the grantee to provide technical assistance with implementing the grant work plan. Assistance includes review of draft work scopes and reports prior to submittal of formal reports.

<http://des.nh.gov/organization/divisions/waste/hwrb/sss/brownfields/grantee.htm>

## Program Elements

### METHODS/STANDARDS/CONTROLS

Risk characterization and management policy includes a three-tiered risk-based approach. Contaminant-specific generic soil and ground water cleanup standards are provided in table form; alternatives can be developed based upon site-specific information.

<http://des.nh.gov/organization/divisions/waste/hwrp/sss/brownfields/categories/rules.htm>

### CONTAMINANTS COVERED

Petroleum, asbestos, lead paint, and polychlorinated biphenyls (PCBs) are all covered.

### INSTITUTIONAL CONTROLS (IC)

Activity and Use Restrictions (AURs) are used when the risk characterization depends upon the restriction of site activities and uses to achieve or maintain protection of human health and/or environment. After completion of active remedial measures, a ground water management permit (an institutional control itself) is typically issued to monitor ground water quality until it meets standards.

- **IC Tracking:** Requires responsible parties (RPs) to submit draft Notices of Activity and Use Restriction to DES. Groundwater use is addressed under Groundwater Management Permits and a Notice of Groundwater Management Permit is recorded in the chain of title for each property located within the permit Groundwater Management Zone. Copies of Recorded Notices of Activity and Use Restriction and Notices of Groundwater Management Permit bearing the County Registry of Deeds stamp are required. Final recorded Notices of Activity and Use Restrictions, and Groundwater Management Permits are on the OneStop database for public access.
- **IC Oversight:** DES reviews and approves all draft Notices of Activity and Use Restrictions prior to recordation in the chain of title for a site.
- **IC Monitoring:** DES does not currently have a program for monitoring compliance with Notices of Activity and Use Restrictions. However, DES is considering instituting a trial monitoring program in the future. RPs and subsequent site owners are required to submit self-certification forms to DES on an annual basis to demonstrate continued compliance and awareness of the Notice of Activity and Use Restriction. Non-compliance with the conditions of a Notice of Activity and Use Restriction is grounds for requiring active remedial actions and termination of the Notice of Activity and Use Restriction.

<http://des.nh.gov/organization/divisions/waste/hwrp/sss/brownfields/controls.htm>

The following Web address is a direct link to the state's public database that maintains an inventory of sites, site maps, and institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www2.des.state.nh.us/OneStop>

## Program Highlights

Dating back to the 1800s, the Brown Paper Company conducted a pulp and paper mill operation, including supporting railroad operations located on the east side of the Androscoggin River in Berlin. To revive this blighted area, the New Hampshire Department of Environmental Services (DES) provided the City of Berlin technical assessment services through its Section 128(a) Brownfields State Response Program grant. The grant funding enabled the city to conduct Phase I and Phase II environmental assessments on the property and address soil and ground water contamination likely associated with historic activities. Anticipated development outcomes from this project include a riverfront walk and additional recreational trails. DES is currently providing cleanup planning assistance through the Brownfields Coalition Assessment Grant.



*The New Berlin District Courthouse Building*

Brown Paper Company also operated one of the first industrial research and development facilities on the west side of the river immediately south of the Northern Forest Heritage Park. DES has been working with the Northern Forest Heritage Park and Tri-County Community Action Program, Inc. to assess and clean up the former Research and Development site since 2000. CERCLA 128(a), state funding, and funding from the Brownfields Coalition Assessment Grant were used to fully assess the site. The east wing and exterior soils were remediated in the summer and fall of 2010 using state funding, a cleanup sub-grant from DES' Brownfields Cleanup Revolving Loan Fund, and an EPA Cleanup Grant awarded to Tri-County Community Action program, Inc. Northern Forest Heritage Park is in the process of renovating the interior of the east wing building to house a park visitor's center, museum space, and park offices. Cleanup of the west wing building is on hold pending additional funding.

## Other Land Programs

### Asbestos Management

<http://des.nh.gov/organization/divisions/air/cb/ceps/ams/index.htm>

### Underground Storage Tanks Program

<http://des.nh.gov/organization/divisions/waste/orcb/ocs/ustp/index.htm>

# Rhode Island

State Site Remediation and Brownfields Program  
Rhode Island Department of Environmental Management  
235 Promenade Street  
Providence, RI 02908-5767  
<http://www.dem.ri.gov>

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401-222-2797

## Program Overview

- Brownfields Program
- Cost to Enter the Program: \$1,000
- MOA with EPA Region 1
- Liability Relief Provisions
- Tax Incentives
- Economic Development Corporation (EDC)

## Program

The Rhode Island Site Remediation and Brownfields Programs regulates and provides technical oversight for the investigation and remediation of releases of hazardous waste or hazardous material to the environment; ensures that those investigations and remedial activities are conducted in a consistent manner that adequately protects human health and the environment; and enforces regulations regarding the proper remediation of Resource Conservation and Recovery Act (RCRA) Corrective Action sites.

<http://www.dem.ri.gov/programs/benviron/waste/topicrem.htm>

- **Funding Source(s) for the Program:** Federal grants and General State Fund
- **Cost to enter program or fees for service:** The only fee is the \$1,000 Remedial Action Approval fee which is required of all projects that fall under the Remediation Regulations.
- **Sites Enrolled in VCP:** As of November 2010, 847 sites were in active investigation, remediation or monitoring stages of the program.
- **Sites Completed under VCP:** As of November 2010, 782 sites have completed the Voluntary Cleanup Program.

## Financial Elements

### ASSESSMENT AND CLEANUP FUNDING

A variety of grants and loans are available to assist with brownfields reuse projects.

<http://www.dem.ri.gov/brownfields/financial/index.htm>

### INCENTIVES

**Enterprise Zone Business Tax Credit:** Any business filed as a C-corporation with a certified business facility within a state-designated Enterprise Zone or a Federally-designated Enterprise Community in Rhode Island may qualify for a state business tax credit equal to 75% of the total wages paid to employees living in an enterprise zone or 50% of wages paid to workers not living in an enterprise zone.

- Rhode Island Economic Development Corporation (RIEDC): RIEDC - Enterprise Zones - Application & Certification  
<http://www.riedc.com/business-services/enterprise-zones/application-and-certification>
- RI General Law  
<http://www.rilin.state.ri.us/Statutes/TITLE42/42-64.3/INDEX.HTM>
- Historic Preservation Investment Tax Credits: The Rhode Island Historic Preservation and Heritage Commission administers both the federal and the new state tax credit programs.  
[http://www.rihphc.state.ri.us/pdfs\\_zips\\_downloads/credits\\_pdfs/hpitc\\_pdfs/hpitc\\_regs08-10-20.pdf](http://www.rihphc.state.ri.us/pdfs_zips_downloads/credits_pdfs/hpitc_pdfs/hpitc_regs08-10-20.pdf)

### LIABILITY RELIEF PROVISIONS

Under state law, all responsible parties (RP) are strictly, jointly, and severally liable for remediating the site. The remedial liability is retroactive in the sense that liability attaches when a site is determined to be contaminated without regard to when the site became contaminated or whether the activity that caused the contamination was legal at the time it occurred.

### BROWNFIELDS REDEVELOPMENT AUTHORITIES (OR SIMILAR)

The state Economic Development Corporation (EDC) in coordination with DEM administers a Brownfields Cleanup Revolving Loan Fund. EDC acts as the financial program manager and DEM acts as the site manager. Sub-grants are available to nonprofits and municipalities under the RLF, and loans are available to all interested parties.

<http://www.riedc.com/business-services/site-selection/brownfield-sites>

## Program Elements

### METHODS/STANDARDS/CONTROLS

The Remediation Regulations were amended on February 24, 2004. The public hearing for revisions to the 2004 Remediation Regulations is scheduled for January 20, 2011. The proposed changes include the following: 1) Revised capping requirements on arsenic-only sites. The standards for Residential and Industrial/Commercial Direct Exposure Criteria of 7.0 mg/kg will remain the same; 2) Environmental Land Usage Restriction (ELUR) requirements for residential properties shall change; and 3) Addition of Environmental Justice requirements with respect to Public Notices will be added to Regulations for the first time.

<http://www.dem.ri.gov/pubs/regs/regs/waste/remreg04.pdf>

<http://www.dem.ri.gov/programs/benviron/waste/pnremreg.htm>

### CONTAMINANTS COVERED

Petroleum and polychlorinated biphenyls (PCBs) are included under the Remediation Regulations. Lead-based paint from industrial/commercial properties also are covered under the regulations, but only in cases where they are in the environment and not still on a structure. Lead-based paint contamination at residential properties falls under the jurisdiction of the Department of Health.

### INSTITUTIONAL CONTROLS (IC)

Rhode Island supports the use of Environmental Land Usage Restrictions (ELURs) on properties when warranted. Annual ELUR compliance self-monitoring is required. In addition, DEM's Office of Waste Management has been auditing a percentage of the properties that have ELURs since 2005. Benefits of institutional controls are that more sites are being cleaned and reused. Community concerns are being addressed by mandatory public notice requirements at various points during investigation and remedy selection and there are additional Public Notice requirements on sites in Environmental Justice areas.

- **IC Tracking:** ELURs are recorded on the deeds of the properties and their presence is tracked in a database maintained by DEM. The self-monitoring and audits are also tracked in the database. Properties not in compliance are issued progressive enforcement documents.
- **IC Oversight:** DEM provides oversight on all remediation projects, which includes reviewing plans for engineered caps and ELURs.
- **IC Monitoring:** DEM audits a percentage of all sites with ELURs every year since 2005 and has required annual self monitoring of the ELURs by property owners since approximately 1999.

The following Web address is a direct link to the state's Congressional mandated Brownfield lists, which includes a list of sites remediated during the last year and a list of sites expected to be remediated during the coming year.

<http://www.dem.ri.gov/brownfields/documents/#pubrecrd>

The following link is a GIS system that maps sites.

<http://www.dem.ri.gov/maps/index.htm>

## Program Highlights

A 20-acre former industrial area was redeveloped into the Woonsocket Middle School Campus, the largest middle school campus in New England. With the support of EPA and the Rhode Island Department of Environmental Management (RIDEM), the City of Woonsocket successfully implemented a proactive public outreach strategy to address school siting and environmental justice concerns in a forthright and transparent manner. RIDEM used Section 128(a) Response Program funding to assist with the characterization of the property. The EPA, RI Economic Development Corporation and RIDEM Brownfield programs using 128(a) money provided almost \$2 million in brownfields grant funding for assessment and cleanup of the property, as well as oversight and feedback. Results of environmental assessment activities revealed that substantial contamination was present throughout the property. Cleanup costs to ensure that the school was safe totaled approximately \$6 million. The project schedule was met while staying under budget and the campus opened for occupancy in January 2010.



*The New Woonsocket Middle School Campus*

## Other Land Programs

### Underground Storage Tank Management Program

<http://www.dem.ri.gov/programs/benviron/waste/topictan.htm>

### Waste Management Facilities Program

<http://www.dem.ri.gov/programs/benviron/waste/topicwfm.htm>

### Superfund and Department of Defense Program

<http://www.dem.ri.gov/programs/benviron/waste/topicffp.htm>

Redevelopment of Contaminated Properties Program (RCPP)  
Vermont Department of Environmental Conservation (DEC)  
103 South Main Street  
Waterbury, VT 05671-0404  
[www.anr.state.vt.us/dec/wmd.htm](http://www.anr.state.vt.us/dec/wmd.htm)

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802-241-3888

## Program Overview

- Brownfields Program
- Cost to Enter the Program: \$500
- MOA with EPA Region 1
- Liability Relief Provisions
- Tax Incentives
- Environmental Insurance

## Program

The Brownfields Reuse and Environmental Liability Limitation Act (BRELLA) or Brownfields Program, provides participants with a broad release from state liability in exchange for cleanup of a contaminated property. Participation in BRELLA is open to prospective purchasers and innocent current owners, provided that they did not cause or contribute to the contamination and are not affiliated with any entity that caused or contributed to the contamination.

[www.anr.state.vt.us/dec/wastediv/SMS/brownfields-home.htm](http://www.anr.state.vt.us/dec/wastediv/SMS/brownfields-home.htm)

- **Funding Source(s) for the Program:** Federal grants (75%), the state general fund (23%), and state cleanup funds (2%)
- **Cost to enter program or fees for service:** All applicants must pay a non-refundable application fee of \$500.
- **Sites Enrolled in BRELLA:** As of March 2011, there were 19 active projects enrolled in BRELLA.
- **Sites Completed under BRELLA:** As of March 2011, 12 projects had received Certificates of Completion (COC) through BRELLA and four projects withdrew or had been removed from BRELLA.

## Financial Elements

### ASSESSMENT AND CLEANUP FUNDING

A variety of grants, loans and technical assistance are available to assist with brownfields reuse projects.

[www.anr.state.vt.us/dec/wastediv/SMS/RCPP/Loans\\_Grants.htm](http://www.anr.state.vt.us/dec/wastediv/SMS/RCPP/Loans_Grants.htm)

### INCENTIVES

- Tax incentives for rehabilitation of existing properties in designated "downtown" areas; not specific to brownfields, but contaminated properties are eligible.
- Participants in BRELLA are exempted from the state's hazardous waste transport tax for hazardous waste that is being removed from the brownfield site in connection with the cleanup.

### LIABILITY RELIEF PROVISIONS

The Environmental Liability Limitation Program provides participants with a COC upon implementation of a state approved Corrective Action Plan. The COC effectively releases the property owner from state liability, which release may only be rescinded in limited circumstances, such as fraud or hazardous material releases which occur subsequent to the cleanup.

<http://www.anr.state.vt.us/dec/wastediv/SMS/RCPP/Liability-Limitation.htm>

### ENVIRONMENTAL INSURANCE

The Brownfields Revitalization Fund can provide grants to assist with the purchase of environmental insurance in connection with implementation of a state-approved work plan.

### BROWNFIELDS REDEVELOPMENT AUTHORITIES (OR SIMILAR)

**Economic Development** - The Brownfields Initiative combines the economic development expertise of the Agency of Commerce and Community Development (ACCD) with the environmental experience of the Agency of Natural Resources (ANR).

<http://economicdevelopment.vermont.gov/Programs/BrownfieldInitiative/tabid/118/Default.aspx>

## Program Elements

### METHODS/STANDARDS/CONTROLS

Cleanup standards/screening values are set in State Rules or guidance documents. Ground water standards are located in the Vermont Groundwater Rule; Surface Water Standards are the Vermont Surface Water Quality Standards. Soil, sediments and indoor air/soil gas values are located within the Remediation of Contaminated Properties document.

Risk assessment at sites is allowed using the EPA Risk Assessment Guidance (RAGs) and will need approval from the Vermont Department of Health.

[www.anr.state.vt.us/dec/wastediv/SMS/RCPP/Cleanup-Stand-Guid.htm](http://www.anr.state.vt.us/dec/wastediv/SMS/RCPP/Cleanup-Stand-Guid.htm)

### CONTAMINANTS COVERED

Volatile Organic Compounds (VOC), semi-VOCs, metals, polychlorinated biphenyls (PCBs), asbestos releases not associated with building materials.

The Department of Health has jurisdiction on lead and asbestos abatement. Agency of Agriculture has jurisdiction over pesticides.

### INSTITUTIONAL CONTROLS (IC)

**IC Tracking, Oversight, and Monitoring:** Annual reporting/monitoring is required for sites with an IC.

The following Web address is a direct link to the state's public database that maintains an inventory of sites, maps sites, and/or tracks institutional controls. This link also provides additional information regarding contaminated sites in the state.

<http://www.anr.state.vt.us/dec/wastediv/SMS/hazsites.htm>

## Program Highlights

ReSOURCE, a Nonprofit Community Enterprise is expanding its successful social enterprise and innovative training programs by redeveloping a brownfields property in Barre. The former Buttura & Gherardi Granite Artisans building is being redeveloped to create office and training spaces. The Vermont Department of Environmental Conservation (DEC) provided \$11,000 in Section 128(a) Response Program Funding for environmental assessment and contributed technical assistance to the developer and the multi-stakeholder team. Heavy metals, PAHs, and petroleum contaminated soil, as well as several thousand gallon underground storage tanks (UST) and asbestos containing materials were identified during the environmental assessment. Cleanup of contaminated soil is nearly complete and the USTs will be removed in spring 2010. This brownfields reuse project will incorporate green features and create new opportunities for Barre's struggling workforce. The revitalized facility will enable ReSOURCE to create employment, provide job skill training to low-income youth who have dropped out of school, protect the environment by reusing hundreds of tons of materials that would otherwise end up in landfills, and relieve poverty by providing low-cost and free goods to low-income people in rural central Vermont.



*Artist's Rendition of the ReSOURCE Office and Training Building*

Cleanup funding (\$33,334) was provided by an EPA Revolving Loan Fund grant managed by ACCD. A *Certificate of Completion*, a liability limitation closure letter issued through Vermont's *Brownfield Reuse and Environmental Liability Limitation Act* codified at 10 V.S.A. §6641-§6656 was issued to ReSOURCE in July 2010.

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## Other Land Programs

### Hazardous Waste Management Program

<http://www.anr.state.vt.us/dec/wastediv/rcra/rcrahome.htm>

### Underground Storage Tanks Program

<http://www.anr.state.vt.us/dec/wastediv/ust/home.htm>

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