

Show Me The Money!

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COLORADO

Division of Oil and Public Safety

Department of Labor and Employment



Petroleum Remediation Program

Presented by:
Michelle Howard

What we regulate:

- Amusement Rides
- Boilers
- Conveyances
- Explosives
- 811 Safety Commission

- **Petroleum**
 - Compliance
 - Remediation
 - Storage Tank Fund



Petroleum Storage Tanks we Regulate

- UST's **>110 gallons**

A few notable exemptions:

On-site heating oil tanks.

Farm tanks 1,100 gallons or less.

Process flow-through tanks.

- AST's between **660 and 39,999 gallons**

A few notable exemptions:

Tanks on farms or residential properties.

Tanks associated with oil or gas production.

On-site heating oil tanks.

Tanks at construction sites.

- LPG, CNG, and LNG tanks



Petroleum Storage Tank Fund (PSTF)

- Annual Registration fee \$35 per tank allows access to (PSTF), including tanks in temporary closure
- PSTF could potentially reimburse up to \$2 million for clean-up of a regulated petroleum release.



Eligibility to the Fund

Eligibility to the Petroleum Storage Tank Fund		Applicant Types					
		Tank Owner/ Operator	Orphaned Tank Owner	Abandoned Tank Owner	Property Owner	Lender	
						Prior to 9/30/95	After 9/30/95
Eligibility Criteria	\$10,000 deductible	X					
	Current or former tank owner/operator of the site where the release occurred	X					
	Releases discovered on or after 7/1/1989 and expenses incurred on or after 7/1/1989	X					
	Environmental Response Surcharge paid and not in default	X					
	Original claim >\$10,000	X					
	Tanks contain a petroleum product regulated by OPS	X					
	A release must have occurred that is at or above the levels that are required for cleanup by OPS	X	X	X	X	X	X
	Did not install tanks		X	X	X		
	Never operated tanks		X	X	X		
	Never leased tanks		X	X	X		
	No knowledge of release		X	X	X		
	Current or former owner acquired property prior to 6/3/92				X		
	Contamination originated from on-site PST*				X	X	X
	Contamination from abandoned on-site tank**		X	X			
	No knowledge of abandoned tank			X			
	Unidentified owner		X				
	Contamination discovered after 12/22/88		X	X	X	X	X
	Original loan date on or before 9/30/95					X	
	No relationship with lendee					X	X
	Foreclosure					X	X
Certificate of Eligibility***						X	

*If the tanks are no longer present on site, the applicant must have evidence of their previous existence.

**Discovery of contamination must occur during the applicant's property ownership.

***Certificates of Eligibility are granted to lenders providing loans to tanks owners where the original loan date is after 9/30/95 and they have performed a passing tightness test on the system or where they have performed a site assessment where no contamination is found and submitted the results to OPS.

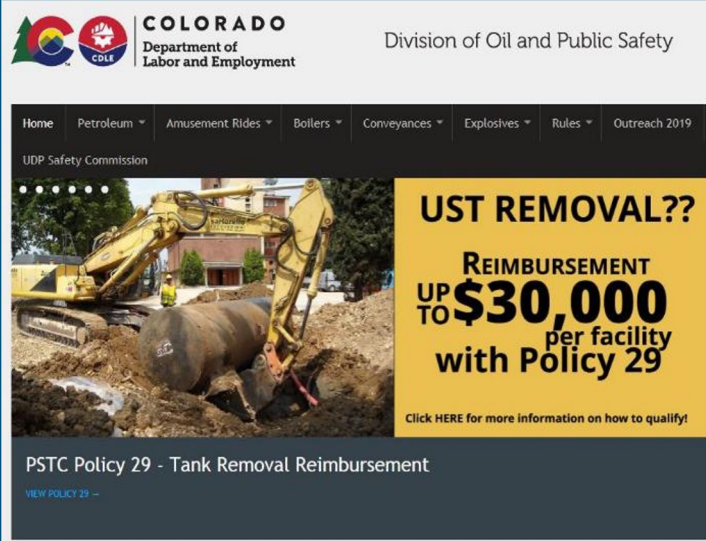
NOTES: This table and summary are provided for informational purposes only. Even if a potential applicant meets all criteria for the eligibility category as indicated by this table, it does not guarantee eligibility to the Fund. Eligibility determinations are made on a case-by-case basis in consideration of all facts related to that particular case.

Eligible applicants in the non-responsible party categories may request State Lead Clean Up.



Petroleum Storage Tank Committee (PSTC) Policy 29

- \$1 per gallon stored onsite, up to \$30,000 tank removal incentive for underground storage tanks
- Submit a 10 Day Notice of Intent Form
- Submit tank removal inspection
- 90-Days to Submit P.29 Reimbursement Form



The screenshot shows the Colorado Department of Labor and Employment website. The header includes the state logo, the CDLE logo, and the text "COLORADO Department of Labor and Employment" and "Division of Oil and Public Safety". The navigation menu includes "Home", "Petroleum", "Amusement Rides", "Boilers", "Conveyances", "Explosives", "Rules", and "Outreach 2019". The main content area features a photograph of a yellow excavator lifting a large black underground storage tank (UST) from a hole in the ground. To the right of the photo is a yellow box with the text "UST REMOVAL?? REIMBURSEMENT UP TO \$30,000 per facility with Policy 29". Below the photo and text is a link that says "Click HERE for more information on how to qualify!". At the bottom of the page, the text "PSTC Policy 29 - Tank Removal Reimbursement" is displayed, along with a link "VIEW POLICY 29 --".



Policy 29 Incentive Waiver

The \$10,000 deductible may be waived if a new release is found at the time of UST Removal and no new tanks are being installed



The screenshot displays the website for the Colorado Department of Labor and Employment, Division of Oil and Public Safety. The header includes the state logo, the CDLE logo, and the text "COLORADO Department of Labor and Employment" and "Division of Oil and Public Safety". A navigation menu lists: Home, Petroleum, Amusement Rides, Boilers, Conveyances, Explosives, Rules, and Outreach 2019. Below the menu is a "UDP Safety Commission" link. The main banner features a background of rolled-up US dollar bills. On the left, a silhouette of a person shouting into a megaphone is shown with a speech bubble that says "Apply for the 2019 Tank Removal Incentive!!". To the right, large text reads "OPS wants to HELP YOU SAVE \$10,000!". At the bottom of the banner, it says "2019 Tank Removal Incentive" and "VIEW THE INCENTIVE".



Petroleum Cleanup & Redevelopment Fund (PCRF)

- Established in 2014 from settlements and fines to address Remediation sites that are not eligible for the the PSTF undergoing redevelopment
- Voluntary program (reimbursement)
- Sites that are typical
 - Pre-1988 Releases
 - Other non-regulated UST petroelum sites.



PCRF Highlights



- No cost to apply
- Up to \$10,000 for tank removal minimum of \$2,000
- \$50,000 for assessment with a 10% match by the applicant
- Up to \$500,000 with a 50% match by the applicant

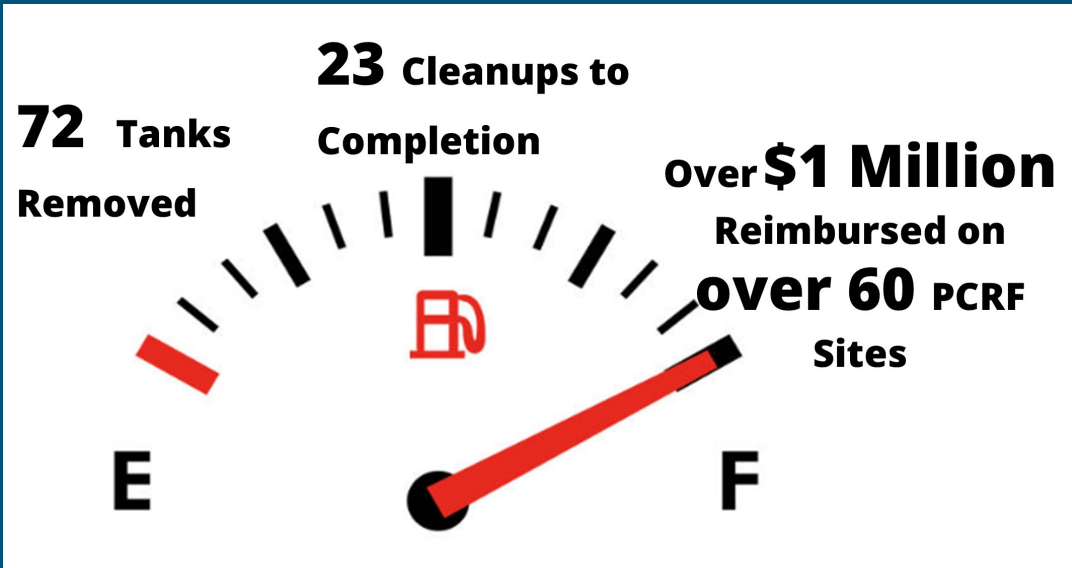


PCRF Application Process

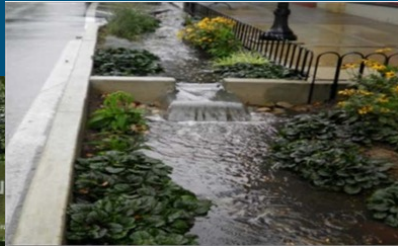
- ✓ Not Eligible to the PSTF
- ✓ Applicant Must own the Property
- ✓ Current or historic utilization of petroleum storage tanks.
- ✓ Describe future redevelopment/reuse of the property



Positive Impacts



Future of PCRFF?



- ❖ August 8th - \$500,000 can be transferred back to PCRFF from the PSTF!!
- ❖ Excited to Continue Acceptance of Applications!



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**THE BIPARTISAN
INFRASTRUCTURE LAW
& BROWNFIELDS
REDEVELOPMENT**



**Christin Russell, U.S. EPA Region 8
Brownfields Project Manager**

A Brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or *potential* presence of a hazardous substance, pollutant, or contaminant.



THE BIPARTISAN INFRASTRUCTURE LAW (BIL)/ INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA)

- ❖ Provides \$1.5 billion in additional Brownfields funding
 - \$ 1.2 billion in additional project grants over 5 years (three-fold increase in grant funding)
- ❖ The largest single investment in US Brownfields infrastructure
- ❖ With the objective of creating **154,000 jobs** and stimulating **\$30 billion** in public/private funding
- ❖ Increased funding for non-competitive brownfield assessments
- ❖ Increased funding for non-competitive site assessments, site design, and financial planning technical assistance

BROWNFIELDS PROGRAM GRANTS

- ❖ Additional grant programs offering a total of **\$1.2 billion in new Brownfield grants over 5 years**
- ❖ EPA competitive grants solicitations normally begin in October each year, please visit: <https://www.epa.gov/brownfields/types-epa-brownfield-grant-funding>
- ❖ Infrastructure-specific grant solicitations will likely continue for three more years

MULTIPURPOSE GRANTS

- ❖ For local governments, states, tribes and nonprofits to plan, assess and cleanup sites
- ❖ No cost share with BIL/IIJA funding
- ❖ Applicant must hold fee simple title for property identified for cleanup
- ❖ Up to \$800k/grant

ASSESSMENT GRANTS

- ❖ For local governments, states, tribes and nonprofits to determine extent of contamination and plan revitalization at brownfield sites.
- ❖ No cost share
- ❖ Up to \$1M for Coalitions & \$500k for Community-wide
- ❖ Up to \$2M/grant for states and tribes

CLEANUP GRANTS

- ❖ For local governments, states, tribes and nonprofits to clean up contamination at brownfield sites.
- ❖ No cost share
- ❖ Single site or multiple site grant options
- ❖ Must be owner and not responsible for contamination
- ❖ Applicants may request \$500k, \$1M, or \$2M
- ❖ Potential for higher grant dollars in next year's solicitation

REVOLVING LOAN FUND GRANTS

- ❖ For local governments, states, tribes and nonprofits to provide loans and subgrants for the cleanup of contamination and revitalization of brownfield sites.
- ❖ No cost share with BIL funding
- ❖ Up to \$1M/grant for new grantees
- ❖ Existing grantees may be eligible for supplemental grants

JOB TRAINING GRANTS

- ❖ Funding for nonprofits, local governments, community colleges, and other eligible organizations to recruit, train, and place unemployed and under-employed residents of areas affected by the presence of brownfield sites
- ❖ No cost share
- ❖ Up to \$500k/grant



TARGETED BROWNFIELD ASSESSMENTS (TBAs)

- ❖ EPA provides environmental assessments and cleanup planning free of charge to communities and non-profits.
- ❖ Phase 1/Phase 2 site assessment and cleanup planning
- ❖ Applications accepted year-round with [easy online form](#)
- ❖ Significant increased TBA funding available
- ❖ A great way for new communities to get involved in brownfields

LAND REVITALIZATION TECHNICAL ASSISTANCE

- ❖ Direct technical assistance from EPA for existing brownfield projects.
- ❖ Assistance includes community visioning and engagement, site design, market studies, and project financial planning
- ❖ Applications accepted year-round with assistance from EPA project managers
- ❖ Significant increased funding for land revitalization technical assistance

Actions to take advantage of these historic revitalization opportunities

- ❖ Identify possible brownfield sites for assessment and cleanup
- ❖ Utilize EPA's TBA program: <https://www.epa.gov/brownfields/forms/region-8-targeted-brownfields-assessments>
- ❖ Consider applying for grant funding & visit our Brownfields page for more helpful information: <https://www.epa.gov/brownfields>
- ❖ Reach out to EPA partners, including the Technical Assistance to Brownfields Program at Kansas State at <https://www.ksutab.org/> and Hazardous Materials Training and Research Institute at <https://brownfields-toolbox.org/>
- ❖ Attend the 2023 National Brownfields Training Conference this August: <https://brownfields2023.org/>



Christin Russell, U.S. EPA Region 8

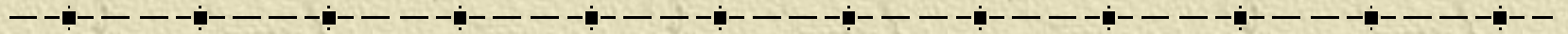
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<https://www.epa.gov/brownfields/r8>



SHOW ME THE MONEY!



2023 Colorado Brownfield Conference

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Colorado Department of Public Health and
Environment (CDPHE)

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What I Will Talk About

- ✦ Voluntary Cleanup Program (VCUP); many assistance monies are linked to VCUP

- ✦ State Assistance Monies; Phase I's, Cleanup Grants, Revolving Loan Fund, State Tax Credits

Environmental Soil Testing

- More than 2,100 samples
- More than 1,100 bores



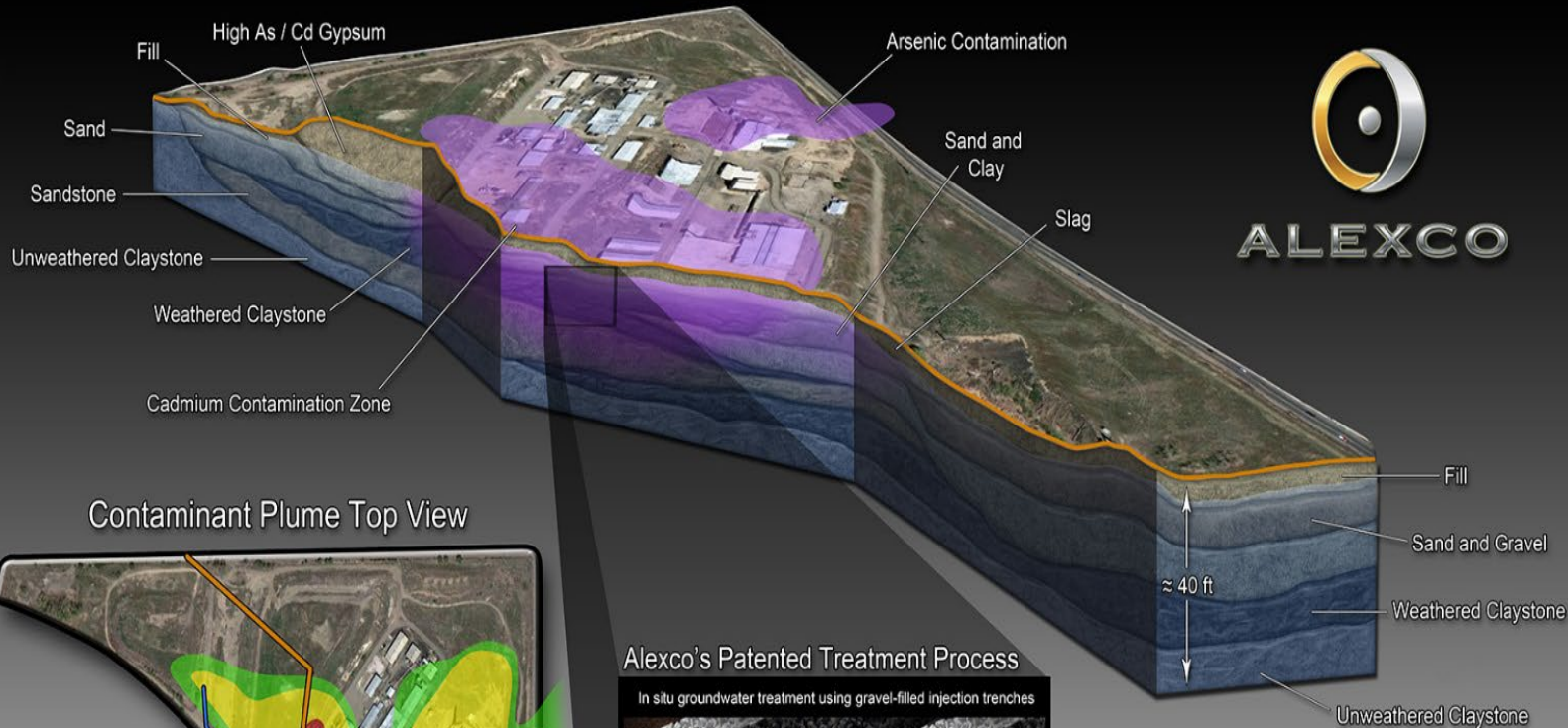
Actual Debris Removed



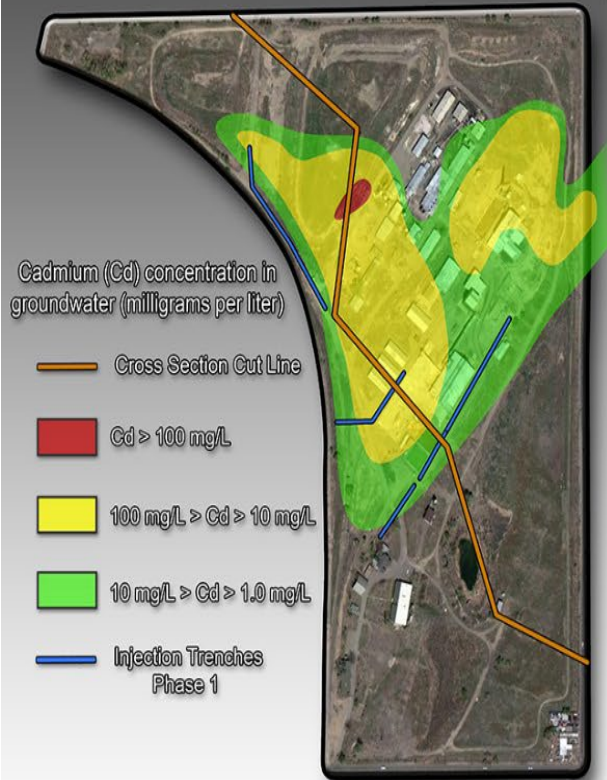
RESOURCE GEOSCIENCE, INC.
Consulting Environmental Engineers and Earth Scientists
719-635-0229



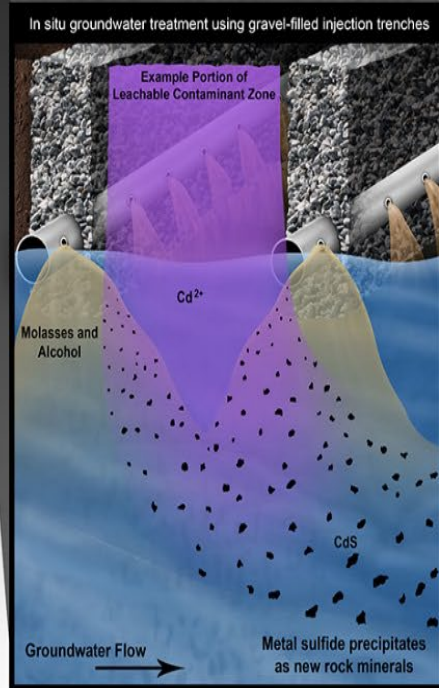
ALEXCO



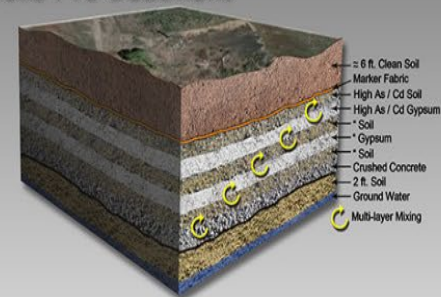
Contaminant Plume Top View



Alexco's Patented Treatment Process



Soils Pre-treatment

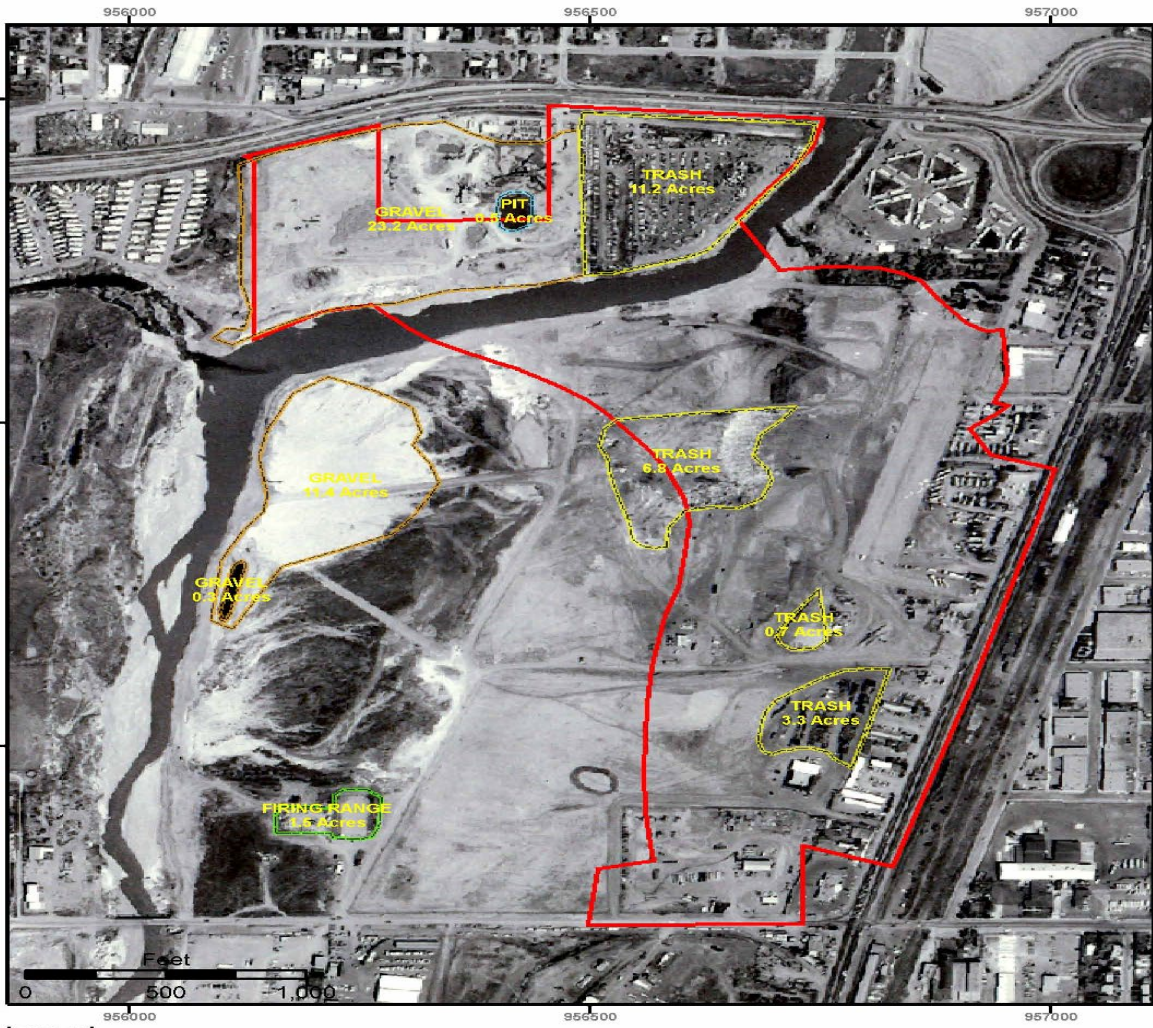


Chemistry Explanation

Arsenic, cadmium, and zinc are precipitated in the groundwater soil matrix as metal sulfide crystals through the injection of sugars and alcohols. These newly formed rock minerals will not re-dissolve even if exposed to acidic rainfall.

Soils pretreatment combines metals-contaminated soils and metals-contaminated gypsum with lime and crushed concrete. The lime and concrete cause reactions that reduce the leachability of the metals, thereby enhancing the performance and longevity of the groundwater treatment process.





- Legend**
- Gravel Operation
 - Gravel Pit
 - Trash / Debris
 - Firing Range
 - VCUP Boundary



Areas of Concern - 1974
Sheridan Redevelopment Area

Job: 5647	Date: 8/2005	Figure: 6
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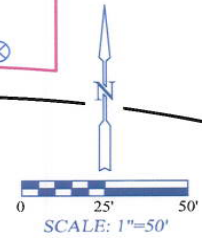
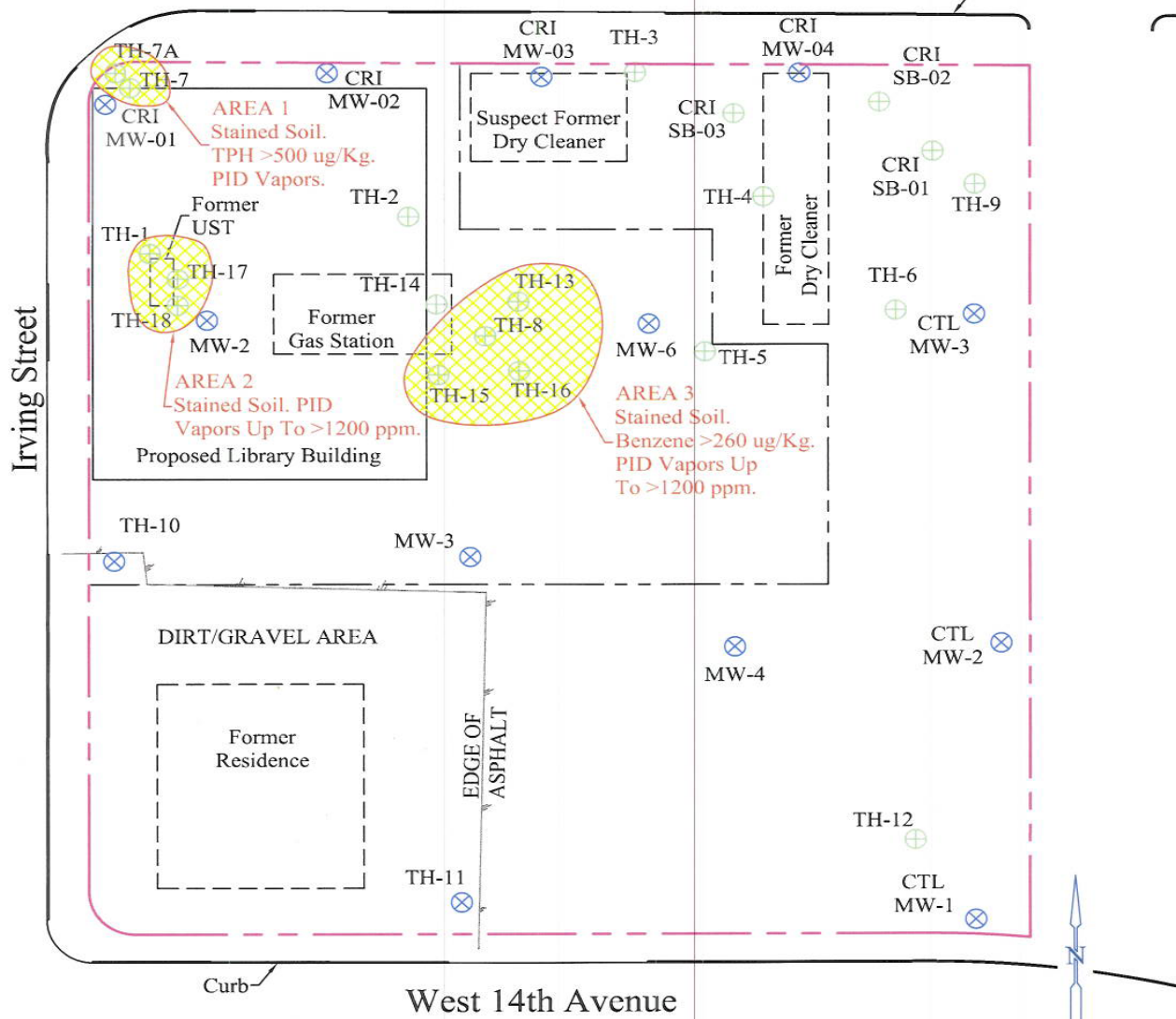
Why Did VCUP Come About?

- ✦ Banks: Provide Loans Without Fear of Superfund Liability
- ✦ Help Frustrated Landowners Deal With Perceived Environmental Problems By Providing an Agency To Address them
- ✦ Mechanism for Private Sector to Deal With Environmental Problems in Timely Fashion

How Is The Program Set UP

- ✦ Submit an Application with Fee
- ✦ Very Similar to Phase I and Phase II
- ✦ Site Must Be Fully Characterized (soil, groundwater, indoor air)
- ✦ Either the Site Needs to Be Cleaned or It Doesn't
- ✦ Applicant Does Work Overseen By their Own Qualified Environmental Consultant

West Colfax Avenue



LEGEND

	Property Line
	MW-3 Groundwater Monitoring Well
	SB-01 Soil Boring/Test Hole
	Proposed Library Lot

PETROLEUM IMPACTED SOILS

NEW AVONDALE DEVELOPMENT

SEC COLFAX AVE. & IRVING ST.

PROJECT: 060

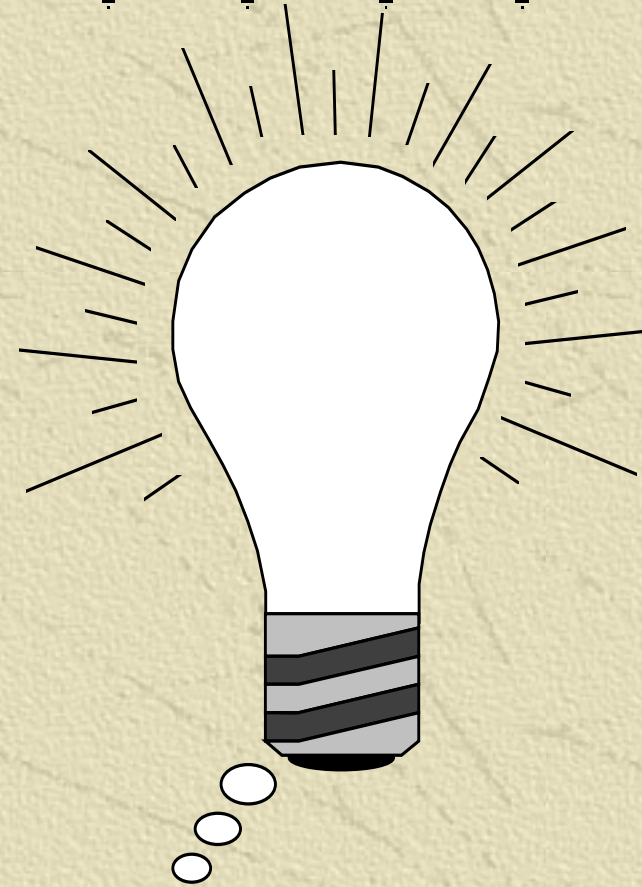
DATE: 2/8/11

DRAWN: S.R.S.

CHECKED: T.O.M.

How Does VCRA Help You Redevelop Contaminated Sites?

- ✦ 45 Day Application Review
- ✦ Allows Cleanups Suitable for Proposed Land Use (Risk-Based)
- ✦ Protection Under MOU with EPA (after Certified & Notice)
- ✦ Truly Voluntary
- ✦ Staff Available for Discussing Preliminary Plans



Types of Submittals

✦ No Action Determination

✦ Voluntary Cleanup Plan

No Action Determination (NAD)

- ✦ Sites Do Not Pose a Risk Under Proposed Land Use
- ✦ Risk Pathways Have Been Evaluated
- ✦ Contaminated Aquifer Situation

Voluntary Cleanup Plan

- ✦ Risk-Based Cleanup
- ✦ Evaluate Risk Pathways
- ✦ Risk Assessment for Some Cases
- ✦ Materials Management Plans
- ✦ Self-Certification

Specific Exclusions

- ✦ Underground Storage Tank Sites (Post December 1988)
- ✦ RCRA Treatment Storage or Disposal (TSD) Facilities and Corrective Action Sites (Post 1980)
- ✦ Listed or Proposed NPL Sites
- ✦ Site Subject to Orders Under the Clean Water Act



What Does It Take?

- ✦ Voluntary Cleanup Program
(<https://cdphe.colorado.gov/hm/voluntary-cleanup>)
- ✦ \$2,000 Review Fee
- ✦ One Bound Hard-Copy and one E-copy

What Do You Get?

No Action Determination Approval:

Based upon the information submitted...it is the opinion of the CDPHE that no further action is required to assure that this property, when used for the purposes identified in the No Action Petition, is protective of existing and proposed uses and does not pose an unacceptable risk to human health or the environment.

What Do You Get (cont.)

Voluntary Cleanup Approval:

Based upon the information submitted...it is the opinion of CDPHE that upon completion of the Voluntary Cleanup Plan no further action is required to assure that this property when used for the purposes identified in the Voluntary Cleanup Plan, is protective of existing and proposed uses and does not pose an unacceptable risk to human health or the environment.

What Do We Get?

- ✦ Sites Cleaned Up that Normally Would Not Be Addressed
- ✦ Provide Protection of Public Health and Environment
- ✦ Foster Transfer, Redevelopment and Reuse of Contaminated Properties



Results:

- ▣ User Friendly Mechanism for Redevelopment of Contaminated Properties
- ▣ Tools to get the job done!





**I CAN'T
KEEP
CALM
I'M
GREEK**

State Brownfield Tax Credits

- ✦ Up to \$525,000; Rural areas up to \$675,000; 40% of first \$750K, 30% of 2nd \$750K; Rural 50% of first \$750K, 40% of 2nd \$750K
- ✦ Must be enrolled in VCUP
- ✦ Due to fiscal note, you **must** coordinate at time of application; first come, first served.
- ✦ Work must be completed by December 31, 2024; State will have to reauthorize program for post 12/31/2024

How To Apply for Tax Credits

- ✦ You have to notify VCUP at the time of the application with a letter showing the amount of applicable remediation costs to be placed on a list and when work will be completed (year for the fiscal note).
- ✦ As long as funds are available (\$3Million fiscal note for each year), you will be placed on an approved amount list.
- ✦ Must meet with project officer and time of submittal.

Phase I State Assistance

- ✦ Only Municipalities and Non-Profits can apply.
- ✦ Joint ventures involving municipalities and for profit can be eligible.
- ✦ If in the process of buying a property, make sure the Phase I is performed within six months prior to purchase to be considered a Bonfide Prospective Purchaser; *this is linked to Federal monies.

State Cleanup Grants

- ✦ The state has up to \$250,000 in cleanup grant monies.
- ✦ Municipalities and Non Profits eligible.
- ✦ Grants are graded upon benefits to the environment, exposure pathways, end use of the property, benefits to the community.
- ✦ First come first served. Notifications dates varies upon amount of financing available.

Brownfields Revolving Loan Fund

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- ✦ As a public-private partnership, the Colorado Brownfields Revolving Loan Fund encourages the cleanup of unused or underused contaminated properties by offering financing with reduced interest rates, flexible loan terms and flexibility in acceptable forms of collateral.

Brownfields Revolving Loan Fund (continued).

- ✦ All cleanups financed through the fund must have previous approval under the Voluntary Cleanup Program. The Colorado Housing and Finance Authority serves as financial manager for the Revolving Loan Fund, but doesn't vote on where to allot the fund.

Current Funding Available

- ✦ Currently we have ~\$6.5 Million available
- ✦ Private entities can apply!
- ✦ All loans go through the Colorado Housing Authority for financial approval.
- ✦ All projects must have an approved VCUP to be eligible for funding.
- ✦ Short term loans (typically 2-5 years), to deal with remediation before you can get a construction loan.

References

✦ **VCUP & Tax Credit Questions:**

✦ Fonda.Apostolopoulos@state.co.us

✦ **Targeted Brownfield Assessment Questions:**

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✦ **Revolving Loan Fund Questions:**

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✦ **State Cleanup Grant Questions:**

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