**Brownfield Proposal Template**

Brownfield sites all come with their own unique set of conditions and issues, and redevelopment plans complicate these issues further. You should rely on your DEQ project manager to guide you through the Brownfield Process to address specific issues at your site. This guide is by no means comprehensive, but is intended to be illustrative of how information should be laid out in your proposal. A consistent layout has a number of benefits both to the participants as well as to DEQ personnel and the public, including reduced review times, ensuring all required information is present, comparability between brownfield projects, and ease of understanding the conditions and risks associated with the site. Included in this template is a brief description of the information that should be present in each section of the proposal, a recommended format, an example table of contents and cover sheet, and a recommended list of appendices. If you have further questions or comments on this template you can contact the DEQ Brownfields section by calling (405)702-5100 and asking to be directed to the Brownfields Section.

**Brownfields Proposal**

to remediate the

*or*

for No Action Necessary

**Name of the Site**

of the

**Name of the District (optional)**

Address

(if no address is available Section, Township, Range or Lat/Long may be used)

City, County, State

to

**Obtain**

**A Certificate of Completion**

***or***

**A Certificate of No Action Necessary**

Pursuant to 27A § 2-15-01 et seq.

and OAC 252:221-1-1 et seq.

**Date**

Participants:

Contact Name, Position

Name of Organization

Address

City, OK Zip

Etc.

Prepared By:

Preparer Organization

Address

City, OK Zip

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1. Introduction

The introduction should be a summary of the groups that are participating in the project, the nature of the planned development, and note about whether cleanup will occur, a summary of what environmental site characterization has occurred and when and a statement to the effect that the participants are seeking liability relief for potential environmental impacts to the site.

1. Eligibility

There are several qualifications that a site and participant must meet to be considered eligible for the Brownfield Process. These are detailed in the Brownfield Rules. It is recommended you speak to your DEQ project manager to draft the language in the section, but a generally acceptable statement follows:

*“The DEQ has determined that the site participants are eligible under 27A § 2-15-104(D) and the property is an eligible response site under 42 USC 9601 §101(41). The participants entered into a Consent Order to characterize and if necessary clean up the property (OAC 252:221-3-1) on \_\_\_\_\_\_\_\_\_.”*

1. Current and Proposed Uses of the Site
   1. Current Use of the Site

A description of the use of the site directly prior to the new development use.

* 1. Current Use of Adjacent Properties

A summary of uses of property in the area. How far away from the site that is of interest will depend on the nature of the contamination on the site and the proposed future use of the site.

* 1. Current Use of Groundwater in the vicinity

A summary of the uses of groundwater in the vicinity, including use on the property itself. The distance from the site that needs to be addressed will be dependent on groundwater use on and around the site, and the nature and extent of contamination. Generally, a list of groundwater uses within half a mile of any contamination, and a note about the database you used to determine groundwater uses in the area.

* 1. Current Use of Surface Water

This section should include current use of onsite and downstream surface water bodies, and potential upstream sources of contamination, if relevant. As with groundwater, the distance from the site that needs to be addressed will be dependent on volume and flow rate of water sources, use of the water on and around the site, and the nature and extent of contamination.

* 1. Proposed Future Use of the site

This just needs to be a brief statement of whether redevelopment is planned and the future use (residential/commercial/industrial), unless the redevelopment is meant to support the remedy, e.g., a parking lot acting as a cap. If redevelopment will act as part of the remedy, make a note of that in this section then refer to the section in the cleanup alternative that discusses the proposed remedy.

1. Site Characterization
   1. Site Description and Historical Information
      1. Latitude/Longitude

The latitude and longitude of the main entrance of the site. If redevelopment will change the main entrance then note both.

* + 1. Legal Description

Legal Description as it appears on the deed. If the area covered by the Brownfield Certificate differs from the description on the deed then an official survey must be performed and included.

* + 1. Current Conditions/Historical Conditions

Summary of current and historical uses of the site, including the name and types of industries on the property and what hazardous substances may have been used or stored on site, any environmental permits, or listing in environmental databases, violations of environmental laws, response actions (such as fires or accidents) etc., on the site. A statement about actions of current property owner, i.e., the investigation and intent to remediate, on the site should be included.

* 1. Environmental Setting
     1. General

Temperature, climate, weather in winter and summer. Wind directions seasonally. Average temps, average rainfall, average evaporation rate, any current weather issues such as drought or flooding. Can include sunshine amounts, temperature and weather extremes. Name of area if the area has a distinctive district name, general past use of area. Transportation routes through the area. Nearest schools/day cares/playgrounds. Wetlands, or any other sensitive environments. Oil and gas production on site, dumps, landfills, impoundments.

* + 1. Topography

Elevation, direction of slope, changes in topography over time.

* + 1. Geology

Major geologic provinces, sediment and sedimentary rocks, geomorphic provinces, soil types, major and minor aquifers.

* + 1. Hydrology
       1. Surface Water

Impoundments, water storage, ponds, standing water, storm water management systems, movement to ground water or surface flow.

* + - 1. Flood Plains

Position in relation to FEMA floodplains.

* + 1. Utilities

Underground utilities that cross the site with locations and depths, whether they’re in active use, whether redevelopment with result in relocation.

* + 1. Area Resources

This should be a brief discussion about resources that are used in the area such as agricultural use, use of groundwater (direction of flow, depth to groundwater, local uses), use of surface water, whether these resources are up gradient or down gradient, and whether the site might impact the resources.

* + 1. Nearby Sensitive Environments

This should be a summary of nearby occupants or environments that could be particularly sensitive to contamination from the site. Examples of this include wetlands, as an ecological example, and day care centers, as a human health example.

* 1. Results of Environmental Investigation

Short summary of environmental sampling events: how many, when, what sampling methods were requested, what contaminants of concern (COC) were found, weather conditions on site during sampling, areal and vertical delineation of contamination. In sections below, a more detailed summary should include what contamination was found for each section, or a note explaining why that media was not investigated. This would also be the section where background levels should be established and discussed for COCs.

* + 1. Soil
       1. Impacts on site
       2. Delineation of Potential Off-Site Migration
       3. Impacts to Neighboring Properties
       4. Closest Public Water Supplies
       5. Nearest domestic wells
       6. Movement of COCs to groundwater
    2. Groundwater
       1. Impacts on site
       2. Delineation of Potential Off-Site Migration
       3. Impacts to Neighboring Properties
       4. Closest Public Water Supplies
       5. Nearest domestic wells
       6. Other nearby wells that would create a large drawdown
    3. Surface Water
       1. Impacts on Site
       2. Delineation of Potential Off-Site Migration
       3. Impacts to Neighboring Properties
       4. Downgradient Water Intakes
    4. Impacts to Indoor Air
       1. Impacts on Site
       2. Delineation of Potential Off-Site Migration
       3. Impacts to Neighboring Properties
       4. Potential for vapor intrusion into human occupied structures

1. Risk Evaluation

Risk Evaluations should follow the DEQ Risk Based Decision Making Policy (FAQ sheet available at <http://www.deq.state.ok.us/factsheets/land/SiteCleanUp.pdf>) and include a summary of redevelopment plans for the site, which receptors will be located on the site and nearby, location information, general site description (e.g. industrial area, warehouse area, sensitive environment), and a summary of contaminated media, and remedial goals. Each section below should evaluate all potential pathways and either address whether a complete receptor pathway is present or specifically explain why the pathway is incomplete. If a receptor category will not be present on the site, a statement to that fact and explaining what controls will be in place to ensure these receptors won’t be present, can take the place of that subsection.

* 1. Residents
     1. Surface Soil and Water
     2. Subsurface Soil and Groundwater
     3. Air
  2. Indoor Industrial Workers
     1. Surface Soil and Water
     2. Subsurface Soil and Groundwater
     3. Air
  3. Outdoor Industrial Workers
     1. Surface Soil and Water
     2. Subsurface Soil and Groundwater
     3. Air
  4. Construction/Remediation/Utility Workers
     1. Surface Soil and Water
     2. Subsurface Soil and Groundwater
     3. Air
  5. Ecological Receptors
     1. Surface Soil and Water
     2. Subsurface Soil and Groundwater
     3. Air
  6. Recreational Receptors
     1. Surface Soil and Water
     2. Subsurface Soil and Groundwater
     3. Air
  7. Trespassers
     1. Surface Soil and Water
     2. Subsurface Soil and Groundwater
     3. Air

1. Proposal for Cleanup (or No Action Necessary)

**If the proposal is for No Action Necessary, there is no discussion of cleanup alternatives**.

If a cleanup of the site is being proposed then a recommended 3 alternatives should be evaluated, of which at least one should be a proposal for no action. One of these alternatives will be your preferred remedy. The summary should include the pre-remediation goals/cleanup levels that are being requested and the basis for using those levels, and cleanup options should evaluate effectiveness, implementability, and cost. A proposed explanation of evaluation parameters is below:

“*The Effectiveness of a remedial action alternative involves its ability to meet the objectives of the overall project. Criteria considered in evaluating the effectiveness of alternatives are:*

* *The degree to which the toxicity, mobility, and volume of contamination is expected to be reduced.*
* *The degree to which a remedial action option, if implemented, will protect public health and safety and the environment over time.*
* *Any adverse impacts on public health and safety and the environment that may be posed during the construction and implementation period until completion of site cleanup.*
* *Compliance with applicable or relevant and appropriate requirements.*
* *Long term protectiveness.*

*The Implementability of the alternative involves a determination whether the alternative is a practical solution for addressing the cleanup of contaminants at the Site. Factors associated with the implementabilty of the alternative considered are:*

* *The technical feasibility of constructing and implementing the remedial action option at the Site,*
* *The availability of materials, equipment, technologies and services required to conduct the remedial action alternative,*
* *The administrative feasibility of the remedial action alternative, including activities and time needed to obtain any necessary licenses, permits or approvals; any applicable federal or state rules and regulations, including risks to threatened or endangered species; and the technical feasibility of recycling, treatment, engineering controls, disposal or naturally occurring biodegradation; and the expected time frame required to achieve the necessary cleanup of the site, and*
* *State and community acceptance.*

*The Cost of the alternative should be estimated for the following, if applicable:*

* *Capital costs including direct and indirect costs*
* *Initial costs including design and testing costs*
* *Annual operation and maintenance costs*”
  1. Cleanup Alternatives
     1. Alternative 1 – No Action
        1. Technical Feasibility
        2. Economic Feasibility
        3. Reliability and Protectiveness
        4. Engineering and Institutional controls
     2. Alternative 2
        1. Technical Feasibility
        2. Economic Feasibility
        3. Reliability and Protectiveness
        4. Engineering and Institutional controls
     3. Alternative 3
        1. Technical Feasibility
        2. Economic Feasibility
        3. Reliability Protectiveness
        4. Engineering and Institutional controls
  2. Preferred Alternative Plan

This section is a discussion of the preferred option, why it was chosen over the other options, and should include any regulatory requirements specific to the alternative. Additionally, this section should discuss potential releases from the property during remediation and what steps will be taken to prevent exposure to remediation workers and nearby off site receptors.

* 1. Potential for Redevelopment to Impact Remedy

This section should include a discussion of how the redevelopment could impact the remedy and what steps will be taken to protect the remedy during redevelopment and during future use.

1. Proposed Engineering or Institutional Controls
   1. Description of Engineering and Institutional Controls

This section should include a description of engineering and/or institutional controls that will be implemented to control the remedy and how the controls will be protected from disruption by redevelopment or future use of the site and what dangers the controls could present to future occupants of the site. This should include a discussion of how the controls will be maintained long term, who will be responsible for maintaining the controls, and who will be financially responsible for the maintenance. As a general policy DEQ prefers layers of institutional controls, which can include deed notices/restrictions, city ordinances, state regulations, etc.

If no controls are being proposed a statement to that fact should be provided.

* 1. Potential for Redevelopment to Impact Controls

This should include a discussion about the likelihood that redevelopment (including air releases during construction) will impact the controls on the site and what steps will be taken to protect the remedy.

* 1. Proposed Plan for Financial Assurance for long term stewardship of Engineering Controls

If a proposed plan has ongoing obligations that will require maintenance, monitoring or supervision, a plan for financial assurance must be provided.

1. Proposed After Action Monitoring
   1. Type of Monitoring

Needs to include the COCs, the methods, Standard Operating Procedures (SOP), and who will be responsible for the monitoring.

* 1. Frequency

A schedule for the monitoring including how to determine when monitoring will be stopped, or what would trigger additional clean up actions.

* 1. Potential for Redevelopment to Impact Monitoring

A statement about the likelihood of redevelopment to impact the monitoring including; damaging the monitoring stations, recontaminating the site, or restricting access to monitoring locations and steps that will be taken to prevent these issues.

* 1. Proposed Plan for Financial Assurance of After Action Monitoring

If a proposed plan has ongoing obligations that will require maintenance, monitoring or supervision then a plan for financial assurance needs to be provided explaining how associated costs will be covered.

1. Public Review and Comment
   1. Time period for Comment

Proposed language for this section:

“*The purpose of this document is to inform the public that the participant has performed site characterization, risk evaluation, and has filed a Brownfield Proposal for [No Action Necessary Determination] [Remediation] with the DEQ. The DEQ reviewed the brownfield proposal for compliance with the Brownfield Voluntary Redevelopment Act [27A O.S. Section 2-15-101 et seq.] and the rules of the DEQ OAC 252:221. The participants have performed these actions to receive liability relief from CERCLA as provided by 27A O.S. Section 2-15-101 et seq.*

*Issuance of the Certificate will resolve (insert name of participant)’s civil and administrative liability to the DEQ for historical contamination on the surface of the Site (27A O.S. §2-15-108(A)), and this protection extends to future lenders, lessees, successors or assigns (27A. O.S. §2-15-18(B)). The protection remains in effect as long as the property is in compliance with the Certificate of No Action Necessary/Completion and any post-certification conditions or requirements specified in the consent order, Records of Decision for the Site, and/or the Brownfield Certificate. The release of liability from administrative penalties and any civil actions authorized by the Oklahoma Brownfields Voluntary Redevelopment Act does not apply to pollution that occurs outside the scope of the consent order or the certificate, pollution caused or resulting from any subsequent redevelopment of the property, or existing pollution not addressed during the project.*

*The Site is an Eligible Response Site as defined by the 2002 Brownfield Amendments to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 as documented in a [****date of approval of site by EPA or relevant statutory exclusion****,* ***ask your DEQ project manager for help with this section****]. Therefore, the issuance of the Certificate also bars the U.S. Environmental Protection Agency from pursuing actions at the Site under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9628 (b)(10)).*

*Comments on this proposal will be accepted from the public for twenty working days after the issuance of the plan (OAC 252:221-3-5). DEQ will consider comments and concerns from the public in its final determination, and the will prepare a response to comments in the final approval or denial of the plan. DEQ, at the request of concerned citizens, may hold a public forum to address relevant environmental concerns before final determination. Comments should be submitted in writing to:”*

* 1. All comments on this proposal and any request for a public forum to discuss the project should be in writing and sent to:

Name

Section-Division

Address

Email address

* 1. Questions about the proposed cleanup or the technical aspects of this proposal should be directed to:

Name

Company

Address

* 1. Repository

Name

Location in Building

Address