

# IDEM announces Abandoned Tank Community Assistance Project

In late summer 1999, the Indiana Department of Environmental Management will open a community assistance project for closing abandoned underground storage tanks. The program will use state Petroleum Trust Fund money to a maximum expenditure of \$250,000 per year for the next two fiscal years (1999-2000 and 2000-2001). The monies will assist with the closure-in-place or removal of tanks that have been abandoned by former owners and are located on properties that are now the responsibility of local jurisdictions through tax default, liens or other actions.

Key aspects of the program are as follows:

- A tank must not have been installed or used by the local community.
- The tank owner must have stopped using the tanks and abandoned the property prior to December 22, 1993.
- The tank must meet the definition of regulated tanks even if it was abandoned before 1986, when registration requirements were in place.
- The closure or removal will cover only the tank, associated lines and

limited over-excavation in the pit area. Assistance will be a source removal action and not a complete site cleanup. If a high priority condition is identified, such as utility line impact, the site will be referred to other programs for potential further state remedial action and/or enforcement action against the responsible party.

- IDEM will provide technical advice to local jurisdictions in developing land treatment cells or disposing of contaminated soils not encompassed in the source removal.
- IDEM will not conduct full-site investigations through the abandoned tank community assistance program.
- Sites will be prioritized based on local need and potential redevelopment concerns.

Prioritization criteria will include use of the Net Assessed Value per Capita and Temporary Assistance for Needy Families poverty rate indicators. Seventy percent of the available funding will be used to assist communities of fewer than 35,000 people, and the remaining funds will be used to assist larger communities. The intent is to spread the use of the monies

statewide and to account for community funding ability. Multiple projects within a community will be eligible and should be prioritized according to the best interest of the community.

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"Local communities will be relieved to get this much-needed assistance when they're forced to take on the liability of abandoned tanks left behind by irresponsible parties."  
—Lori F. Kaplan, IDEM Commissioner

Lori F. Kaplan, formerly a deputy director at the Indiana Department of Natural Resources, assumed the top post at the Indiana Department of Environmental Management on April 12. See related story on page 5.

## Abandoned Tank Project

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- Soon IDEM will make available a form that local communities can use to apply for this assistance. There will be two application periods per year—September/October and March/April—and there is no application fee.
- State contractors, under the guidance of state project managers, will close or remove the tanks.
- Local jurisdictions include county governments, cities, towns, townships, and member groups, including economic development committees, school districts, fire departments, etc. Some entities may need to co-apply with the local community, depending on property ownership issues.
- Property and tank ownership records will be researched and reviewed for determination of potential responsible parties for long-term remediation needs.
- Local communities will be required to perform in-kind environmental projects to reciprocate this assistance, proposing projects as part of their applications. Activities that could qualify for consideration include development of a community recycling program; greenway development; brownfields redevelopment (especially on the site of the proposed tank closure project); community education projects; river/stream and bank cleanups; park development and other worthwhile projects. Each community's financial ability will be taken into consideration in evaluating the reciprocal project.

For further information concerning the Abandoned Tank Community Assistance Project, call Anne Black (800) 451-6027, press 0 and ask for ext. 308-3090, or (317) 308-3090, or e-mail [ablack@dem.state.in.us](mailto:ablack@dem.state.in.us). You may also contact Kyle Hendrix of the Brownfields Program.

## Current Activities

### New legislative initiatives aid, fund brownfields redevelopment

Recently enacted laws provide increased protection from liability for developers of abandoned gas stations and help subsidize underground storage tank remediation.

Senate Enrolled Act 66 exempts the owner of an underground storage tank from civil penalties if the tank is located on a brownfield and if the tank is brought into compliance within one year of purchase. To receive this protection, the owner may not have been the owner when the violation occurred and may not sell petroleum from the tank.

The Environmental Remediation Revolving Loan Program was amended by House Enrolled Act 1909 to authorize Indiana to forgive up to 20 percent of the loans it issues every year. These loans are prioritized to address issues concerning underground storage tanks and abandoned gas stations as well as

areas near child-care facilities or schools.

Political subdivisions must specify economic development goals in order to be eligible for loan forgiveness.

New legislation also allows the state increased latitude in providing grants for brownfields remediation and clarifies whether a party who caused contamination in the soil or ground water is eligible for certain Brownfields Program benefits. House Enrolled Act 1909 allows the state to provide grants for enterprise zones. The act also establishes that no entity that contributed to soil or ground water contamination is entitled to the benefits of the Brownfields Revitalization Zone Tax Abatement program.

Finally, Senate Enrolled Act 19 relaxes population restrictions on Community Revitalization Enhancement Districts.

## Questions and Answers

**Q:** Does IDEM conduct Brownfields Environmental Assessments at abandoned gas station sites?

**A:** Since the funding for BEAs conducted by the state comes from Superfund, the use of this service is prohibited at sites contaminated by petroleum products; the only exception is when the petroleum is comingled with other contaminants. Alternative funding includes the Indiana Brownfields Site Assessment Grants and Indiana Department of Commerce Community Planning Grants. These are state dollars not associated with Superfund. Also, the new Abandoned Tank Community Assistance Project is available starting in late summer 1999. It's designed to aid communities in their effort to clean up and redevelop abandoned tank sites by aiding local units of government, nonprofit groups and private entities in the closure of abandoned tank sites. For further information, see the cover story or contact Kyle Hendrix.

# Brownfield resources

The following list provides the primary sources of information from public and nonprofit sources, as well as some private sources, for brownfields information. Additionally, many of the Web sites provide links to other resources.

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## Organizations

### Federal

U.S. Environmental Protection Agency, Region 5: (800) 621-8431—Empowers states, communities and other stakeholders in economic development to work together in a timely manner to prevent, assess, safely cleanup and sustainably reuse brownfields. [www.epa.gov/brownfields/](http://www.epa.gov/brownfields/)

U.S. Department of Housing and Urban Development: Works with community organizations, the private sector, local and state governments and other federal agencies to stimulate reinvestment in communities by restoring brownfields sites to productive use. [www.hud.gov/bfields.html](http://www.hud.gov/bfields.html)

### Regional

The Great Lakes Regional Online Brownfields Information Network: An innovative Internet consortium for sharing information and enhancing communication about brownfields cleanup and redevelopment in the binational Great Lakes region. [www.glc.org/projects/robin/robinhome.html](http://www.glc.org/projects/robin/robinhome.html)

### State

Indiana Development Finance Authority: (317) 233-4332—Provides grants and loans to communities for brownfields redevelopment. [www.state.in.us/idfa/html/brownfields.html](http://www.state.in.us/idfa/html/brownfields.html)

Indiana Department of Environmental Management: (800) 451-6027, press 0 and ask for ext. 308-3131 or (317) 308-1313—Provides environmental assessments, comfort letters and grant and loan oversight and conducts workshops. [www.state.in.us/idem/oer/brownfields/index.html](http://www.state.in.us/idem/oer/brownfields/index.html)

Northern Indiana Center for Land Renewal: (219) 763-6303—A nonprofit organization established to stimulate cleanup and redevelopment of brownfields sites in Northwest Indiana. [www.brownfieldsnet.org/moreniclr.htm](http://www.brownfieldsnet.org/moreniclr.htm)

Indiana State Department of Health: (317) 233-7808—Focuses on the potential effect of brownfields contamination on human health. [www.state.in.us/isdh/programs/environmental/factsheets/bfhc.htm](http://www.state.in.us/isdh/programs/environmental/factsheets/bfhc.htm)

### Other

National Governors' Association: (202) 624-5357—Examines innovative state practices in brownfields redevelopment that encourage urban cleanup and revitalization. [www.nga.org/CBP/Activities/BrownfieldRedev.asp](http://www.nga.org/CBP/Activities/BrownfieldRedev.asp)

U.S. Conference of Mayors: (202) 293-7330—Promotes comprehensive brownfields legislation, including liability relief, federal funding resources and empowerment of state and local governments. [www.usmayors.org/USCM/brownfields/](http://www.usmayors.org/USCM/brownfields/)

The Center for Land Renewal: (717) 541-1980—Addresses policy issues and provides guidance to action affiliates (see Northern Indiana CLR above). [www.brownfieldsnet.org/moreclr.htm](http://www.brownfieldsnet.org/moreclr.htm)

The Institute for Responsible Management, Inc.: (732) 296-1960—Charts and facilitates brownfields transformation focusing on the EPA's Brownfields Pilots. [www.instrm.org/](http://www.instrm.org/)

Northeast-Midwest Institute—Conducts conferences and forums and publishes papers and books relating to brownfields. [www.nemw.org/brownfields.htm](http://www.nemw.org/brownfields.htm)

## Publications

Brownfield News—A national magazine that tracks the developments associated with brownfields; industry experts report on developments in the brownfields market and each issue focuses on a city or region's brownfields programs. [www.brownfieldnews.com/](http://www.brownfieldnews.com/)

Brownfields EPA Pilots News—A quarterly newsletter for and about the EPA's brownfields pilot program. It is published by the Institute for Responsible Management, Inc. [www.instrm.org/bfnews/bfnews.htm](http://www.instrm.org/bfnews/bfnews.htm)

The Brownfields Report—Published twice monthly, discusses how cities, counties, states and the federal government are tackling the hundreds of thousands of brownfields sites throughout the United States, changing regulations that provide incentives, the EPA's pilot program, and other innovative solutions. [www.TheBrownfieldsReport.com/](http://www.TheBrownfieldsReport.com/)

Brownfields Bulletin—IDEM bulletin published quarterly. To get on the mailing list, call (800) 451-6027, press 0 and ask for ext. 3-1044, or (317) 233-1044. [www.state.in.us/idem/oer/brownfields/index.html](http://www.state.in.us/idem/oer/brownfields/index.html)

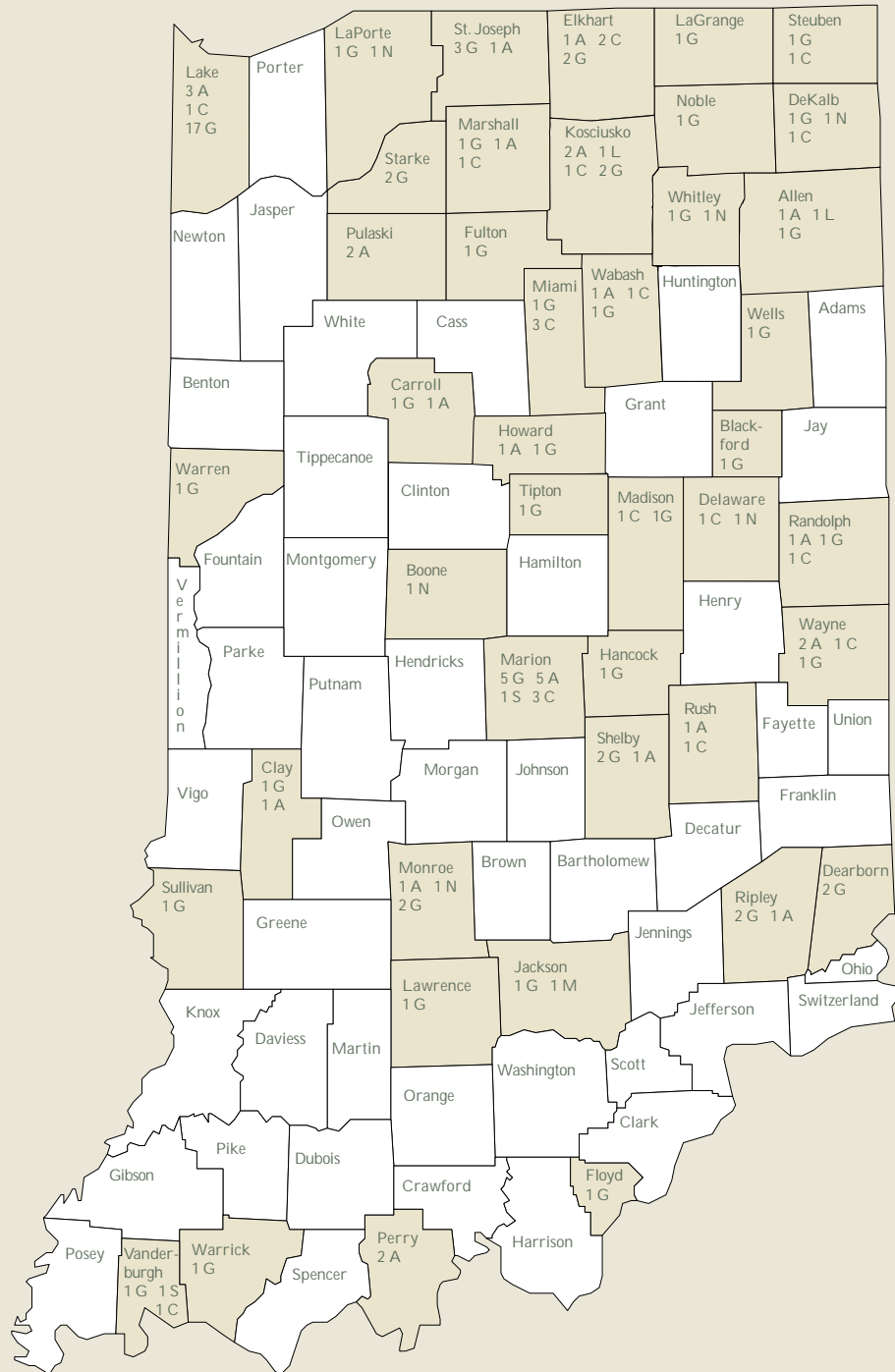
# IDEM Brownfields Program Services Provided

- \* Brownfields Environmental Assessments
- \* Comfort letters
- \* Site Status letters
- \* No Further Action letters
- \* Grants
- \* Loans
- \* Miscellaneous

**Key:**

- A = Assessments
- C = Comfort letters
- S = Site Status letters
- N = No Further Action letters
- G = Grant Sites
- L = Loan Sites
- M = Miscellaneous

\*This map includes services that are in progress as well as those already completed.



## Brownfields Program Score Card

**22** Assessments completed



**54** Grants awarded



**20** Comfort letters issued



**2** Loans awarded



**1** Site Status letter issued



**3** No Further Action letters issued



## In Brief

### **Governor names Kaplan new IDEM commissioner**

Lori F. Kaplan, former deputy director of DNR's Bureau of Water and Resource Regulation, succeeded Indiana Department of Environmental Management Commissioner John M. Hamilton on April 12.

"Lori brings a wealth of hands-on experience in regulatory affairs to the job and should have a smooth transition," Gov. Frank O'Bannon said. "She already has established a reputation for working well with state, local and federal officials, community leaders and environmentalists in protecting Indiana's natural resources.

"She is a strong believer in protecting our natural resources for future generations. Her background makes her a great fit for IDEM," the governor added.

Kaplan, of Indianapolis, said she is excited and honored by the opportunity to be more active in environmental regulation and policy-making, and eager to meet the challenges facing the agency.

Prior to her current position, Commissioner Kaplan was DNR's chief legal counsel, and before joining state government, she practiced law with the Indianapolis law offices of Linda L. Pence. Kaplan earned her law degree from Indiana University School of Law and her undergraduate degree from the University of Illinois.

IDEM enforces state and federal environmental law, including the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act and Superfund amendments.

The department's nearly 1,000 employees write guidelines and issue permits for sanitary landfills, hazardous waste facilities, wastewater treatment plants, air pollution control systems, and the construction and operation of systems supplying the public with drinking

water, clean up hazardous waste sites, and head up a number of innovative programs, including ones to promote pollution prevention and brownfields redevelopment.

### **Community initiatives**

An organized effort is important to successful brownfields redevelopment. In this issue, Flora's working group is highlighted.

The Flora Town Council formed a Brownfield Working Group earlier this year. The group held two meetings in February to identify potential brownfield sites, prioritize them, and submit an application for an Indiana Brownfields Site Assessment Grant through the Indiana Development Finance Authority for their highest priority site. Both meetings were well attended and the findings of the working group were well received by the town. Flora was awarded a grant in March for the Old Flora School. A Brownfields Environmental Assessment will also be performed in conjunction with grant-funded assessment work for this site.

Many communities have formed brownfield working groups to address redevelopment. If your community has done so, IDEM wants to hear from you so we can share with others your lessons learned and your successes. Please contact Tracy Concannon.

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### Issues

## **Brownfields and Voluntary Remediation programs: What's the connection?**

The objective of the Brownfields Program is to identify and mitigate environmental issues that impede the economic growth of Indiana

communities and to provide tools to improve environmental and economic health for Indiana citizens. The program offers technical and financial assistance, and education and outreach assistance in various forms. Major activities include the following:

- Environmental assessments,
- Review and oversight of grant assessment activities,
- Review and oversight of loan assessment and remediation activities,
- Comfort and Site Status letters, and
- Community workshops.

The objective of the Voluntary Remediation Program is to clean up contaminated property, which may or may not be identified as a brownfield. VRP provides a means to cleanup through a voluntary agreement with IDEM that ultimately results in a legal release of liability through the Certificate of Completion from IDEM and Covenant Not to Sue from the governor's office.

Though separate programs, Brownfields and VRP are both voluntary and may be used in conjunction or cooperation with each other. For example, Brownfields Program assessment activities use VRP criteria. A brownfield property needing remedial action would be required to comply with applicable state and federal cleanup standards that are designed to protect human health and the environment, and the property may be referred to VRP for remediation, which the Brownfields Program may support through its various funding services. VRP sites identified as brownfields may be referred to the Brownfields Program when remediation is not the sole objective or for possible funding. Different from other regional states whose brownfields and voluntary programs are integrated, Indiana prides itself on these two distinct, successful IDEM programs.



Brownfields Bulletin is published quarterly by the Indiana Department of Environmental Management to inform local government officials, local business representatives and local interest groups about brownfields redevelopment initiatives and success stories from within and beyond the state. A brownfields

site is an industrial or commercial property that is abandoned, inactive or underutilized due to actual or perceived environmental contamination. IDEM's overall mission is to make Indiana a cleaner, healthier place to live. IDEM's brownfields initiative helps communities remove barriers for sustainable growth.

Comments and ideas are welcome; e-mail the IDEM Brownfields Program section chief, Dana Reed Wise. To get on the mailing list, call (800) 451-6027, press 0 and ask for ext. 3-1044, or call (317) 233-1044.

### IDEM Brownfields Program Staff

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### Who Can Help

Technical and educational assistance  
 Indiana Department of Environmental Management  
 Brownfields Program Staff (listed right)  
 P.O. Box 6015  
 Indianapolis, IN 46206-6015  
[www.state.in.us/idem/oer/brownfields/index.html](http://www.state.in.us/idem/oer/brownfields/index.html)

Financial assistance  
 Indiana Development Finance Authority  
 Greta Hawvermale, Program Manager  
 One N. Capitol, Suite 320  
 Indianapolis, IN 46204  
 (317) 233-4332  
 e-mail: ghawvermale@idfa.state.in.us  
[www.state.in.us/idfa/html/brownfields.html](http://www.state.in.us/idfa/html/brownfields.html)

IDEM's toll-free number: (800) 451-6027, press 0 and ask for a person by name or number, or dial direct.

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 Brownfields Program

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