

# Reuse at Removal Action Sites in EPA Region 7

Andrew Gieseke, EPA On-Scene Coordinator

# Introduction to EPA's Emergency Response

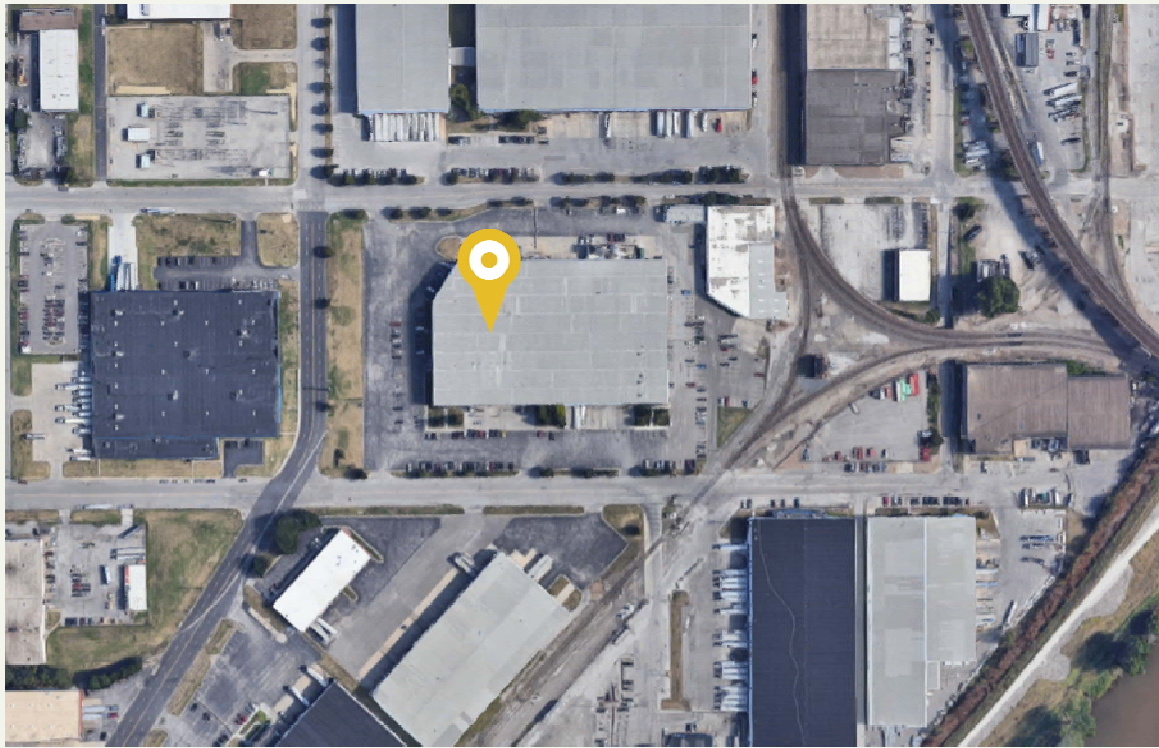


# Removal Actions in the Kansas City Area





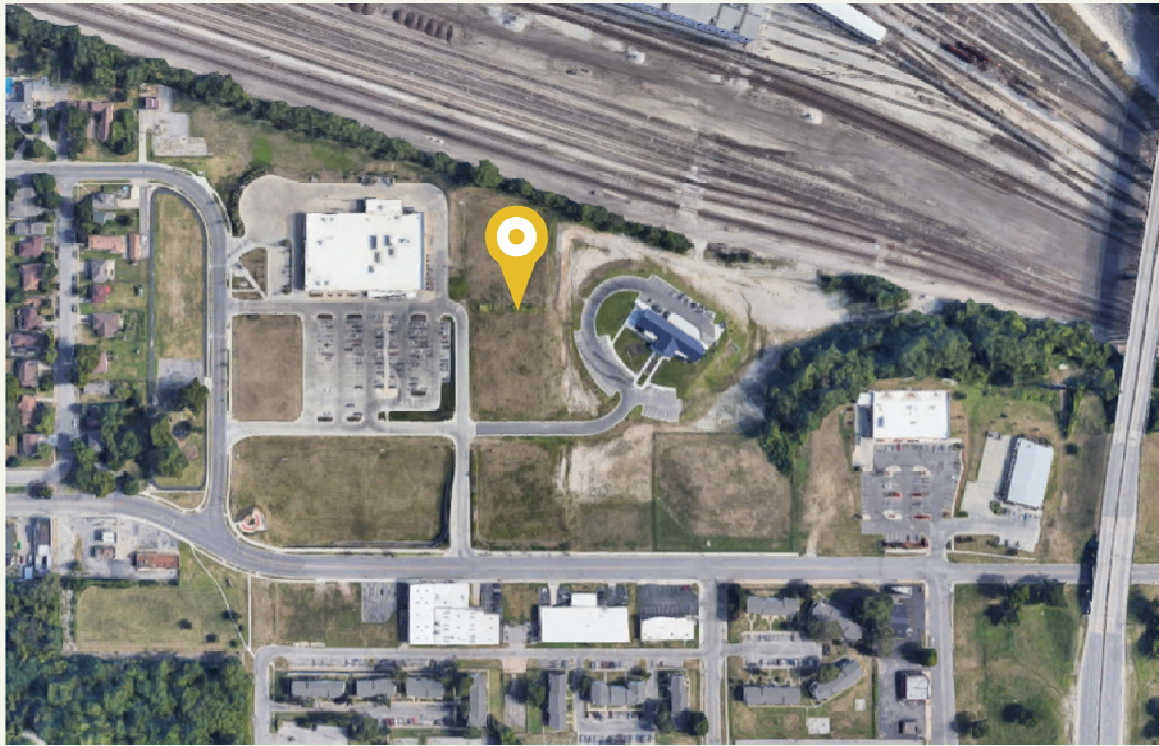
# Osage Metal Company



# Osage Metal Company



# Kansas City Structural Steel



# Kansas City Structural Steel



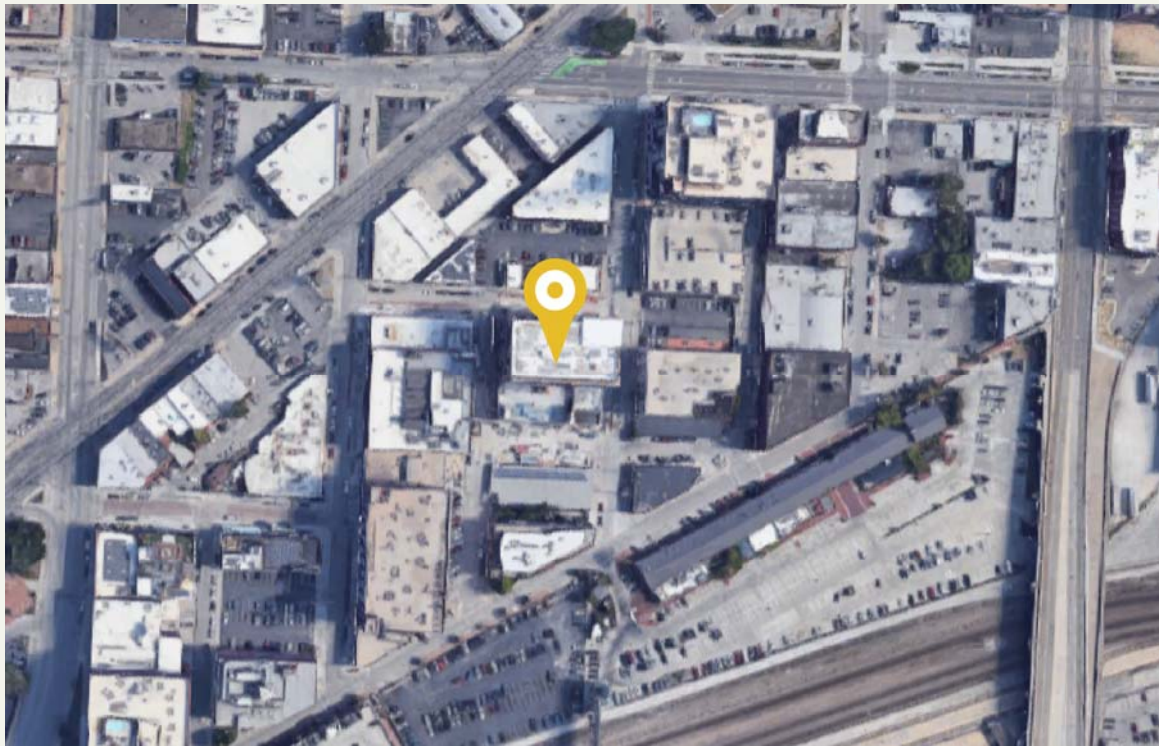


# Kansas City Structural Steel





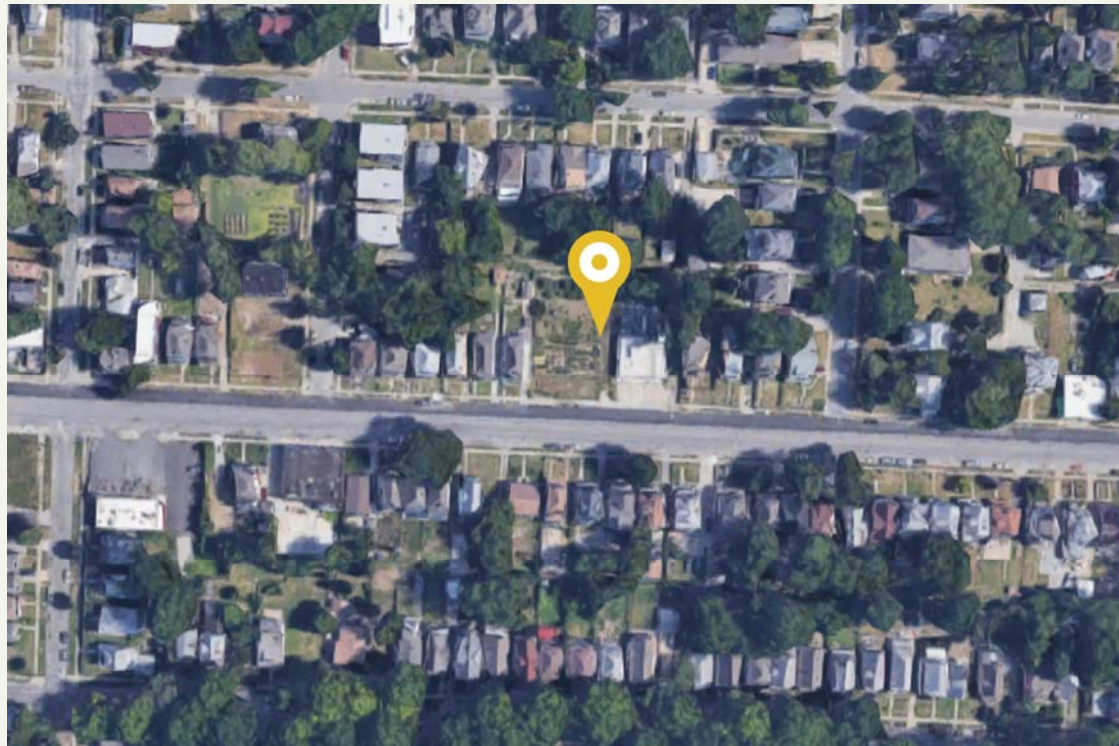
# PCB Inc. – Missouri



# PCB Inc. – Missouri



# St. John Drum





# St. John Drum



# Lessons Learned



Cooperation and coordination across multiple parties is often critical.

Non-public service uses (e.g., commercial, retail or residential) are often dependent upon market conditions.



## Lessons Learned cont.



Public service uses may be accommodated more readily than non-public service uses following cleanup.

Non-profit organizations can be catalysts in spurring redevelopment.





# Reuse Navigation Guide

**Superfund Removal Program**  
Reuse Navigation Guide  
EPA Region 7  
June 2020

Contaminated site reuse is a key focus area for EPA. This guide is a tip sheet for On-Scene Coordinators (OSCs) on how to integrate reuse considerations into the Superfund removal process.

**Site Discoveries**

- When sites are discovered or referred, consider if there is any reuse potential and/or interest in reuse by the site owner.
- Notify management and the Region 7 Redevelopment Navigation Team (RNT) OSC Liaison of sites with reuse potential for assistance with screening sites and initiating cross-program discussions on potential reuse opportunities.

**Site Assessment**

- Consider potential future uses as part of the site assessment process and encourage future use to be considered in the Engineering Evaluation/Cost Analysis (EE/CA), if applicable.
- Engage early with site owners and local officials to identify potential reuse opportunities based on site features, ownership, and future anticipated usage. The RNT can provide OSCs with support on engaging communities in site reuse discussions.
- Discuss any site reuse questions with management and the RNT OSC Liaison or the Region 7 Superfund Reuse Initiative (SRI) Coordinator. The RNT can provide support for cross-program coordination and resources.

**Public Comments**

- For sites with actions over 120 days, consider reaching out to the RNT for assistance in conducting interviews as part of the Community Involvement Plan, or for support in sharing information on reuse opportunities at public availability sessions.
- Inform stakeholders about the opportunity to provide input on future site use during a public comment period.

**Removal Actions**

- When drafting Action Memos or Administrative Orders on Consent (AOCs), make a note to the file on current and future land use of the site when applicable.
- Touch base with management, Counsel, RNT OSC Liaison, and/or the SRI Coordinator on the path for the removal action and any potential cross-program and reuse linkages.
- Share information with the RNT OSC Liaison or SRI Coordinator on reuse activities at the site or reuse opportunities identified during the removal action, especially if the action scope changes.

**Closeouts and Site Controls**

- Notify the SRI Coordinator if calls are received from parties interested in reusing the completed site.
- Contact Counsel if questions are received on potential institutional control changes.

**Why Consider Reuse?**

Across the Agency, the Superfund program is working to integrate reuse considerations into cleanup decisions to protect human health and the environment and put contaminated properties back into productive use.

Reusing cleaned up Superfund removal properties can help reinvigorate communities, improve water quality, preserve green space, and protect endangered habitats.

**What Types of Sites?**

Potential reuse is site dependent and may depend on site type, ownership, and location.

Types of sites that may be most conducive to reuse are:

- Commercial
- Industrial
- Abandoned Properties
- Bank-Foreclosed
- City-Owned
- Innocent Landowner
- Community Locations

**Tips and Reminders**

- Removal and reuse activities can run on parallel paths. Reuse activities should not slow down the pace of a removal action.
- EPA should refrain from overpromising reuse resources or conducting reuse activities that improve the site for the responsible party.
- Cities and counties may have land banks that could identify properties with enhanced reuse potential.
- If a FOIA or other inquiry is received on Phase I assessments at the site, reach out to the SRI Coordinator as there may be potential reuse interest at the site and they can follow up with the requestor.
- When OSCs receive calls either directly or on the Spill Line from a prospective purchaser, contact the SRI Coordinator.

See back for reuse resources and tools

Have additional Superfund site reuse questions?

Region 7 Superfund Redevelopment Initiative Coordinator    Region 7 Redevelopment Navigation Team OSC Liaison  
Tonya Howell, 913-551-7589    Andrew Gieske, 913-551-7024

**ON-SCENE COORDINATOR (OSC) RESOURCES: Applicable throughout the removal process**

- Redevelopment Toolkit:** Provides guides and tools to help a community through each stage of the contaminated site redevelopment process. Click [here](#) to access the toolkit. POC: [David Doyle](#), 913-551-7667.
- Brownfields Program:** Provides community engagement resources, visioning activities, and assistance with identifying potential Brownfields linkages. POC: [Charlie Zolty](#), 913-551-7710.
- Superfund Redevelopment Initiative (SRI):** Provides resources including ready for reuse determinations, redevelopment partnerships, return-to-use seed support, and technical support to address site-specific redevelopment issues. Click [here](#) for more information. POC: SRI Coordinator [Tonya Howell](#), 913-551-7589.
- Office of Community Revitalization:** Provides assistance to communities on sustainable tools and practices (Smart Growth). Click [here](#) for more information. POC: [David Doyle](#), 913-551-7667.
- Office of Research and Development:** Provides technical support and research for Superfund remediation, restoration and revitalization. POC: Region 7 ORD Superfund and Technology Liaison [Rob Weber](#), 913-551-7918.

**LEGAL RESOURCES: Applicable throughout the removal process**


If an OSC is contacted by a potential site purchaser, EPA has three primary categories of legal tools available to assist with navigating Superfund site purchasing. POC: [Kristen Nator](#), 913-551-7450.

- Bona Fide Prospective Purchaser Status:** In any commercial property transaction, purchasers may qualify as a BFPF for liability protection. It is a self-implementing program and no EPA involvement is necessary. The purchaser should consult the "Common Elements" guidance on what pre- and post-acquisition steps are necessary to qualify as a BFPF. For more information, click [here](#).
- Comfort/Status Letters:** EPA can transmit a comfort/status letter regarding a site, informally or formally, that lets the inquirer know EPA's involvement with a site, the status of the site, and what reasonable steps may be necessary moving forward. These letters may be quickly issued by EPA, often in less than a week. Comfort/status letters are also discussed in the Common Elements guidance.
- Prospective Purchaser Agreements/BFPF Doing Work Agreements:** EPA and DOJ may enter into formal agreements with a purchaser and provide a formal covenant not to sue. These agreements may take months to negotiate and finalize, and require adequate consideration by the purchaser, such as performing work. Updated guidance is forthcoming.


**Removal Site Reuse in Action: PCB Inc. - Missouri Site**

The PCB Inc. - Missouri Site in Kansas City, Missouri, is a notable example of how reuse can be a part of Superfund removal sites. The site consisted of the floor-by-floor dismantling of a 7-story building that had been contaminated by PCBs, and the subsequent excavation of PCB-impacted soils. A total of 19,048 tons of building debris and soil were removed from the site and disposed of appropriately. The site is now the home of Arterra, a 12-story luxury residential tower that includes first-floor retail.


BEFORE




AFTER



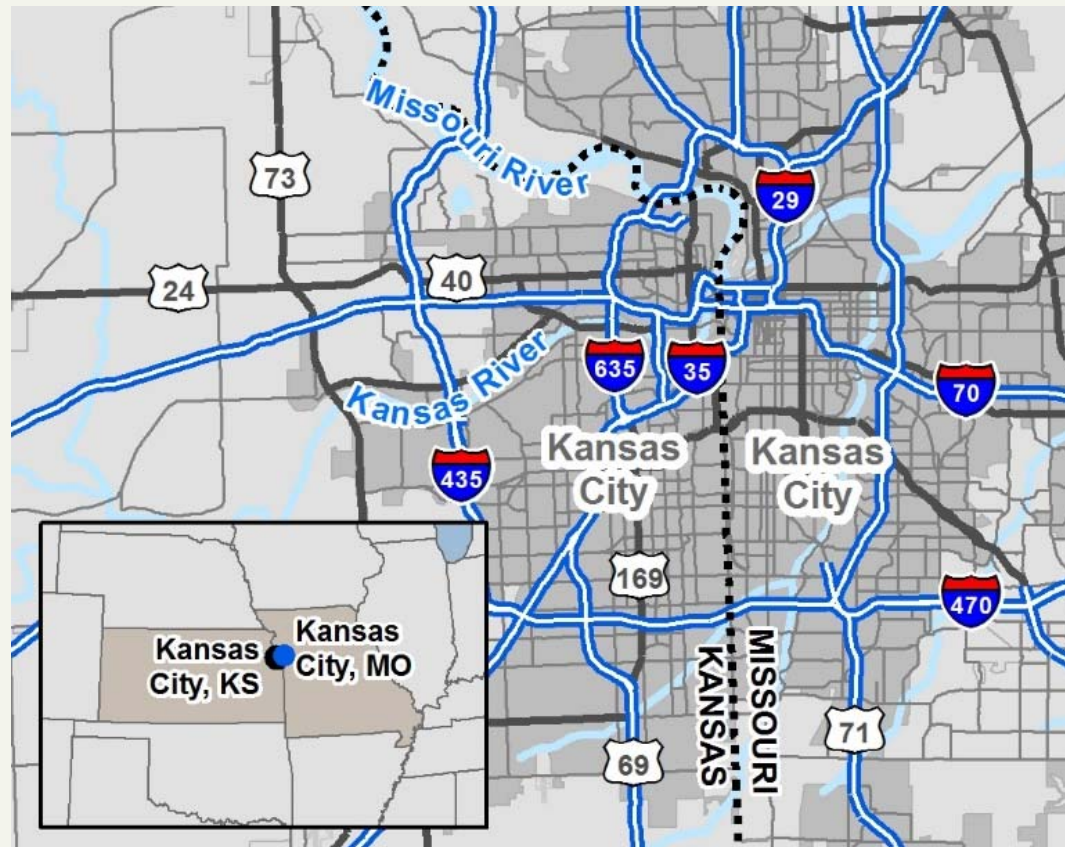
BEFORE



AFTER



# Conclusion



# Contact Information

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Superfund - Emergency Response and Removal

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