



DEQ's Brownfield and Prospective Purchaser Agreement Programs

Presentation to Oregon Environmental Quality Commission

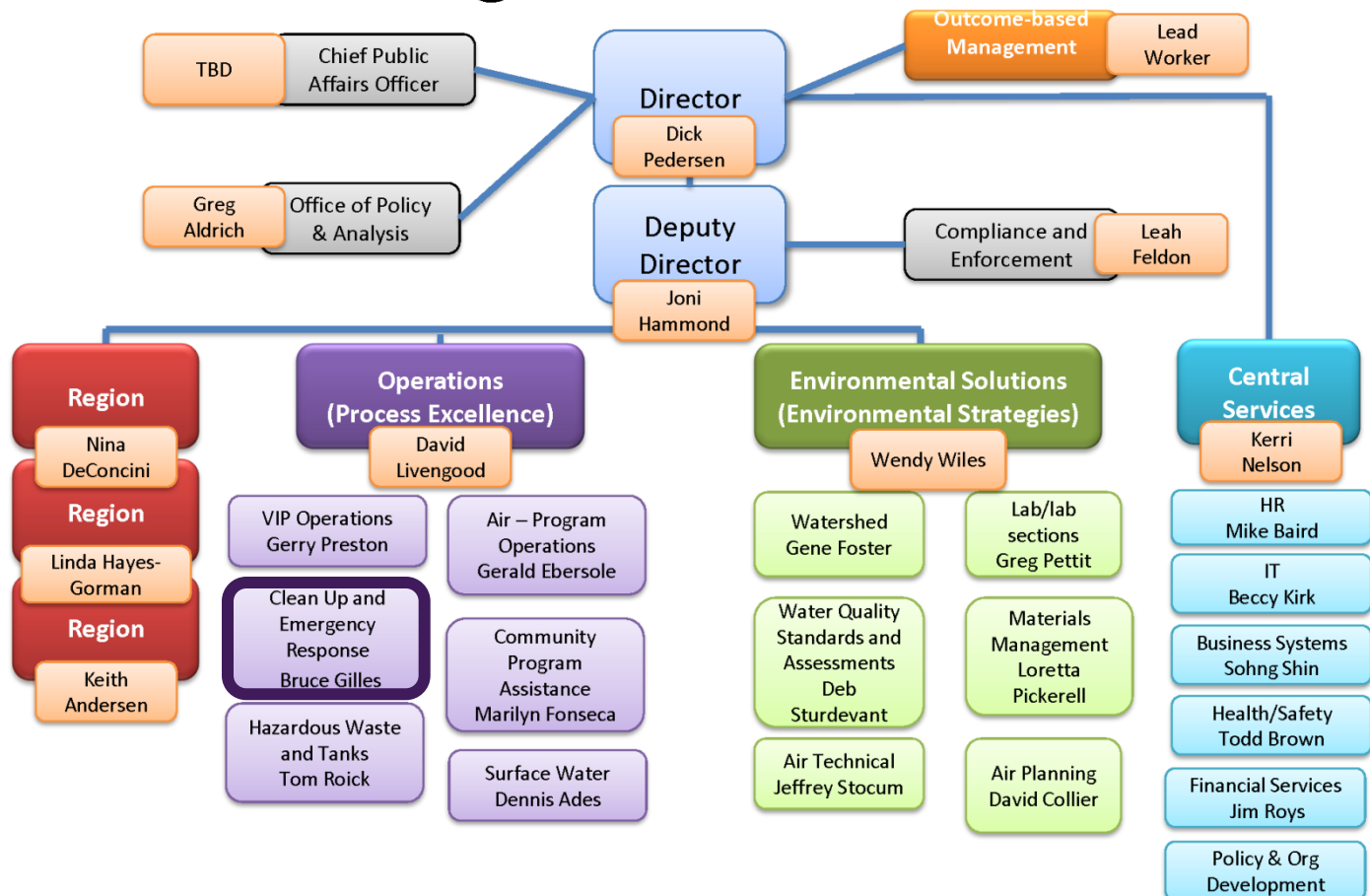
March 19, 2014

David Livengood, Interim Operations Administrator
Cheyenne Chapman, Legal Policy Analyst and PPA Coordinator



DEQ's Brownfield and Prospective Purchaser Agreement Programs

DEQ Organization Structure





DEQ's Brownfield and Prospective Purchaser Agreement Programs

Emergency Response and Cleanup Program
Innovative Approaches Accomplish:

- Brownfield Reuse
- Economic Development
- Green Remediation



DEQ's Emergency Response and Cleanup Program

ECSI

Environmental Cleanup Site Investigation Database

~5,000 sites

EPA – CERCLA

NPL

National Priority List

14

DEQ – R/RA

CRL

Confirmed Release List

~700



DEQ's Emergency Response and Cleanup Program

Environmental Cleanup Program

DEQ Annual Environmental Cleanup Report – 2014

Submitted to:

Governor John Kitzhaber

Oregon Legislative Assembly

Environmental Quality Commission

January 2014

Dick Pedersen, DEQ Director



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DEQ is a leader in
restoring, maintaining and
enhancing the quality of
Oregon's air, land and
water.

Links to:

- Annual Cleanup Report
<http://www.deq.state.or.us/lq/pubs/docs/cu/AnnualCUREporttoLegislature2014.pdf>
- Environmental Cleanup Site Information (EC SI) Database
<http://www.deq.state.or.us/lq/ecsi/ecsi.htm>
- Leaking Underground Storage Tank (LUST) Cleanup Site Database
<http://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp>
- Facility Profiler
<http://deq12.deq.state.or.us/fp20/>



DEQ Prospective Purchaser Agreement

Purpose of PPAs:

- Encourage cleanup and productive reuse of contaminated property
- Allow prospective purchasers and lessees to invest while limiting liability
- Liability limitation in exchange for substantial public benefit
- Legal document (agreement, order, judgment)
- Rights and obligations of PPA “run with the land”



DEQ Prospective Purchaser Agreement

PPA Requirements:

- Prospective Purchaser not currently liable
- Removal or remedial action is necessary to protect public health, environment
- Redevelopment or reuse will not make problem worse
- Substantial public benefit will result
 - ORS 465.327



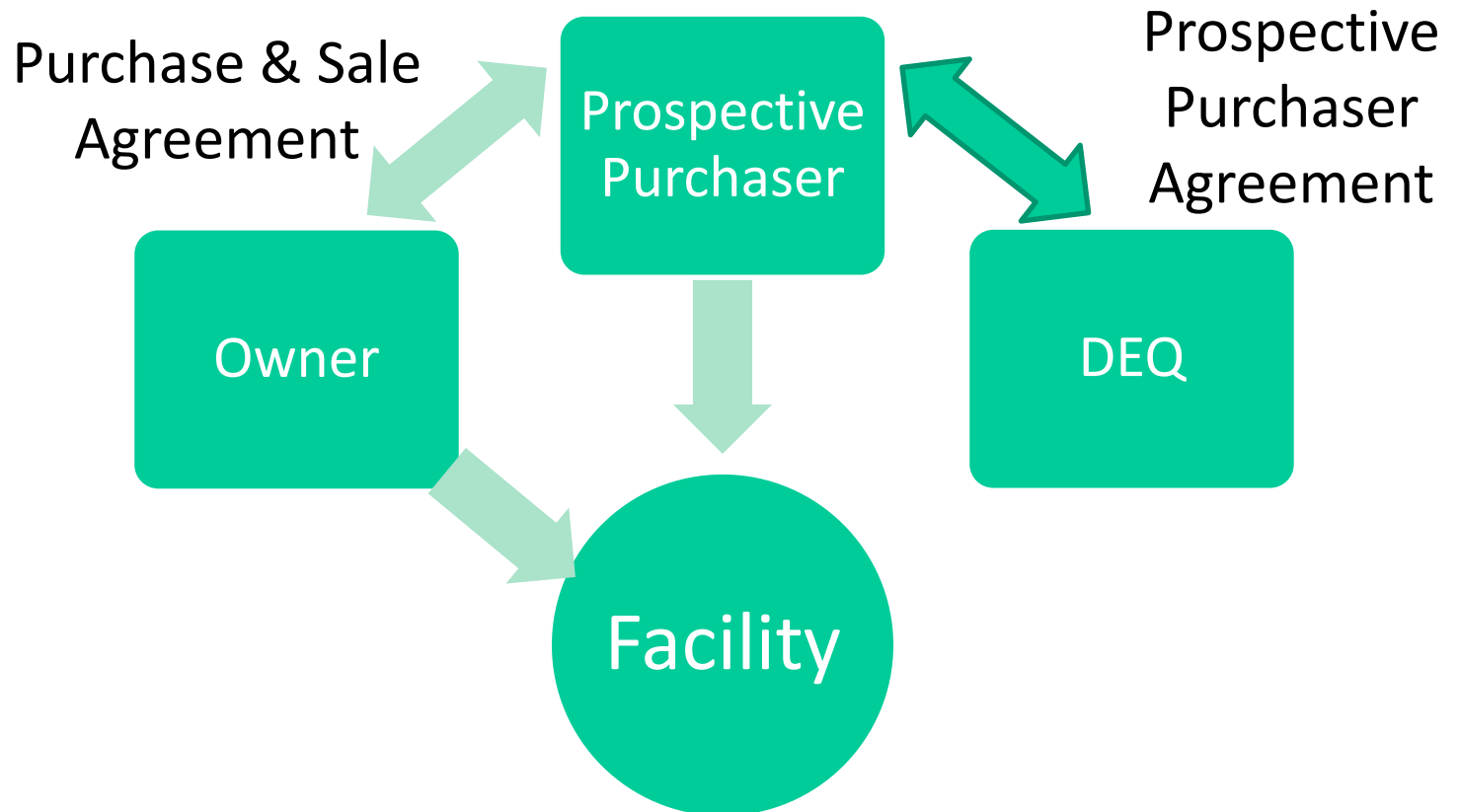
DEQ Prospective Purchaser Agreement

Focus on Substantial Public Benefit:

- Funding for cleanup at facility
- Cleanup (remedial actions) at facility
- Reuse of vacant or abandoned industrial or commercial facilities
- Development by nonprofit or government for any important public purpose
 - ORS 465.327(1)(d)



PPA Relationships





PPA Process Overview

Pre-Application

PPA Process Starts

PPA Negotiation

PPA Finalized

Project Completed

PPA Application
Cost Recovery
Deposit

PPA #
PPA Type
Applicant
Project Name

Region
PM
Cleanup
Q-time #
Project #

ECSI
LUST

Technical Work

Legal Policy Work

PPA Prepared

Notice to
Secretary of
State

Date of
Publication

Public
Comment
Period

PPA Finalized

PPA Signed

Final Public
Notice or
Media Release

PPA Recorded

PPA
Implementation
and tracking
requirements
begin

Project
Management

Progress
Reports

Proposed
Certification of
Completion

Public Notice
and Comment

Final
Certification of
Completion

• What are best practices for pre-application communications?

• What are best practices for reviewing and accepting PPA Applications?

• What are best practices for “setting up” a new PPA?

• What are best practices for communicating between Regions and Headquarters?

• How can we best define role(s) of Project Manager, PPA Coordinator, whether standard or varied by PPA?

• What are best practices for developing a PPA work plan/scope of work and negotiating terms and conditions with prospective purchasers?

• What are best practices for PPA project reporting, completion, and file retention?



PPA Case Study: 4th Main, Hillsboro

- Brownfield Reuse
- Economic Development
- Public-Private Partnerships





PPA Case Study: MC Chuckwagon, Lakeview

- Downtown District and Community Development
- Historic Preservation
- Tourist Attraction





PPA Case Study: Minto Island, Salem

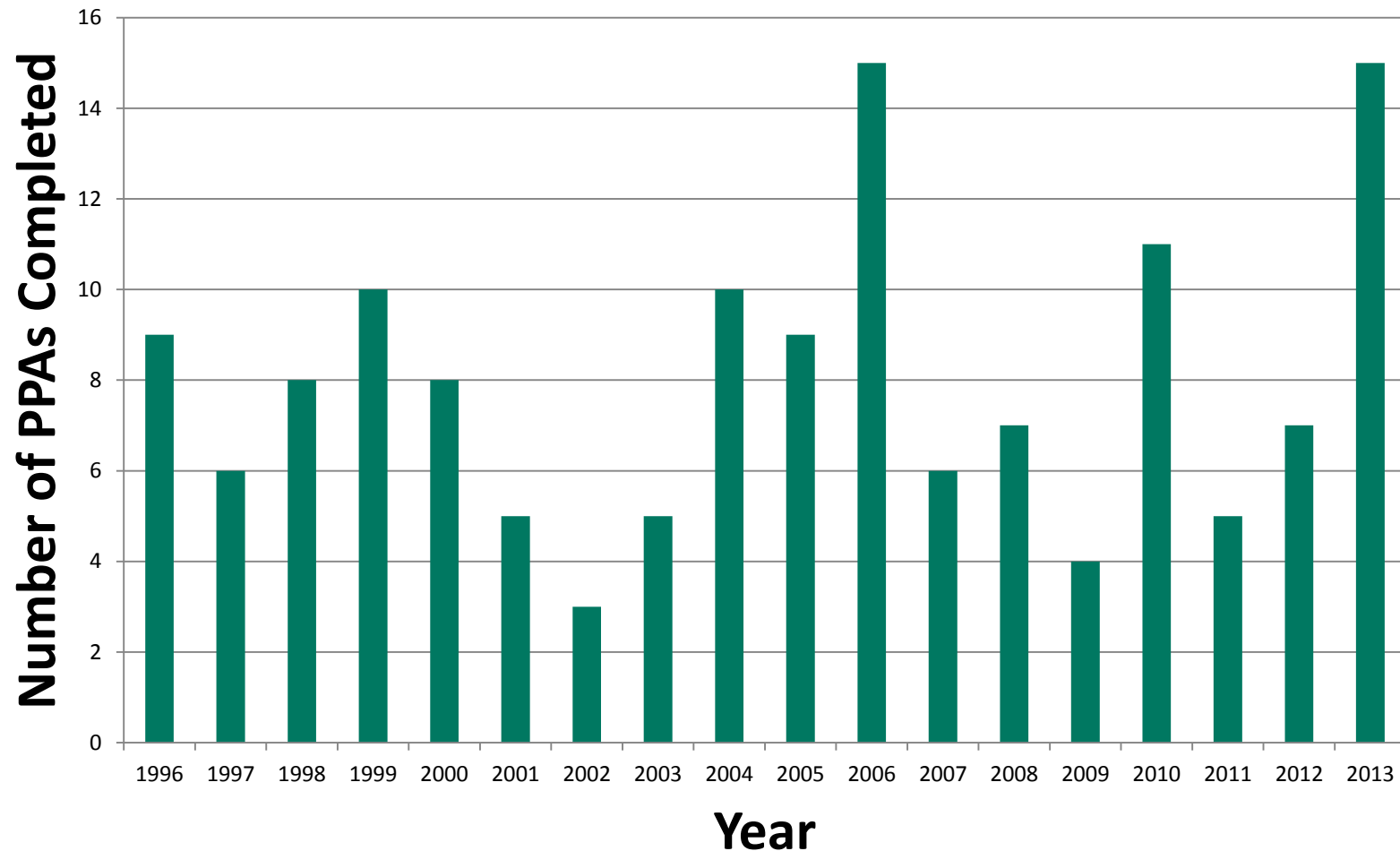


- Natural Resource Mitigation
- Public Recreation
- Repurposing Legacy Sites



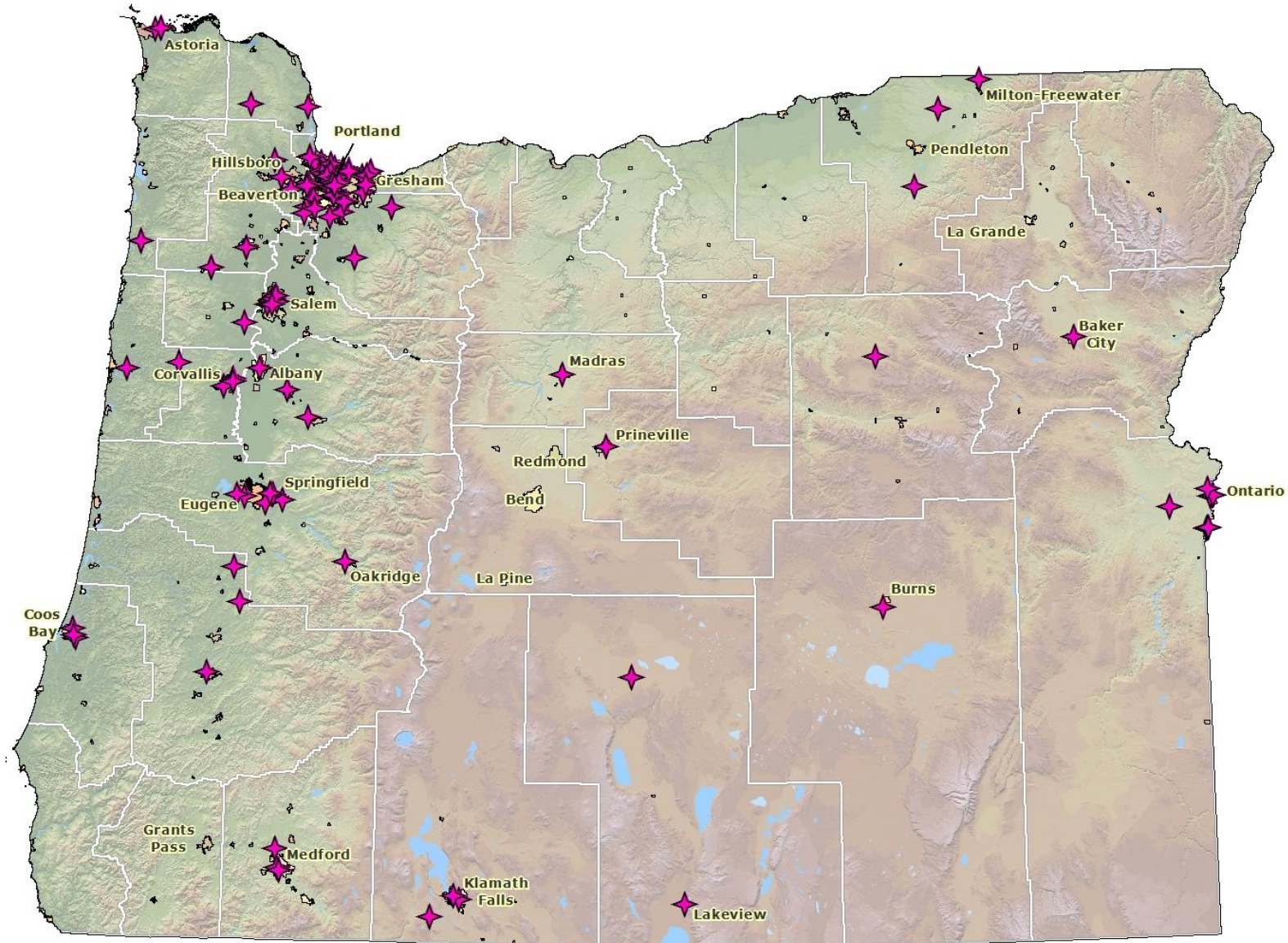


PPA Program History





PPA Program Statewide





PPA Program and Innovations

- Statewide – Urban & Rural
- Scalable – Small & Large, Simple & Complex
- Multi-purpose – Public & Private Partners
- Sustainability Oriented – Reuse & Repurpose
- Complements – Toxic Reduction Strategies
- Opportunities – Green Remediation Options
- Outcome Based – Results Oriented



PPA Program and Innovations

Green Remediation Policy

- “DEQ’s Cleanup Programs will promote, support and implement more sustainable practices that lessen the overall environmental impacts of investigation and remediation projects.”
- <http://www.deq.state.or.us/lq/cu/greenremediation.htm>



PPA Program and Innovations

Incorporating green remediation language into our contracts

In performing environmental cleanup work for DEQ “Contractor shall seek to promote, support and implement sustainable practices that lessen the overall environmental impacts of investigation and remediation projects...”



PPA Program – How to Access

- Regional Solutions Teams
 - <http://www.oregon.gov/DEQ/Pages/rst.aspx>
- DEQ Brownfields Program
 - <http://www.deq.state.or.us/lq/cu/brownfields/index.htm>
- DEQ Prospective Purchaser Agreements
 - <http://www.deq.state.or.us/lq/cu/ppa.htm>



Contact Information

Thank You!

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And Special Thanks To:

Bruce Gilles, Emergency Response and Cleanup Manager
Gil Wistar, Cleanup Site Assessment and Brownfields
Annette Dietz, Cleanup Coordinator