

# Brownfields, ANCSA Contaminated Lands, and What You Can Do



## LEO Webinar - May 21, 2019

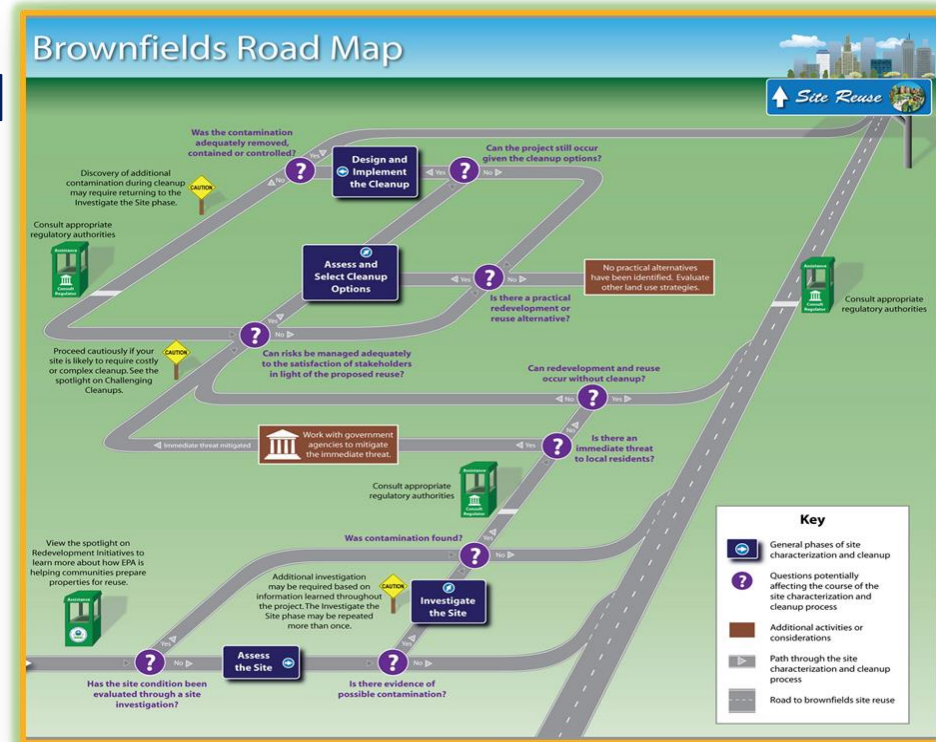
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# Presentation Road Map

- Brownfields Introduction
- How to Spot Contaminated Lands / Why it is important
- ANCSA Contaminated Lands History
- BUILD Act
- What you can do
- Resources



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# What is a Brownfield?

“Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or **potential** presence of a hazardous substance, pollutant, or contaminant.” \*Public Law 107-118(H.R. 2869)

The perception of contamination keeps properties from being redeveloped. Once the “stigma” is gone, properties can be **returned to productive use.**



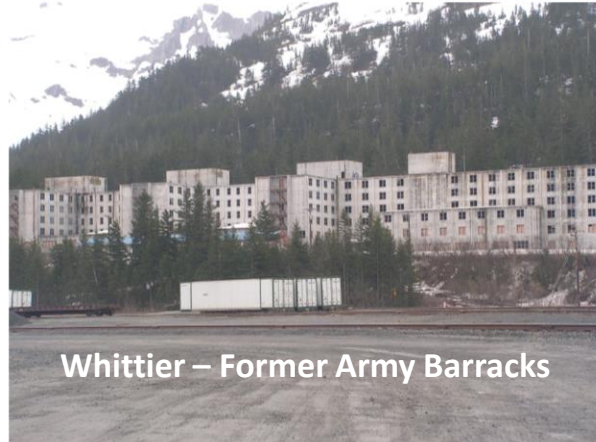
# What types of Alaskan properties could be brownfields?

- Abandoned tank farms
- Old BIA schools
- Formerly Utilized Defense Sites (FUDS)

Tununak – Former Tank Farm



Kwethluk – Burned Community Center



Whittier – Former Army Barracks

Newtok – Old BIA School



# How to Spot a Brownfield / Contaminated Site

- Discolored and stained soil
- Odors
- Absence of birds/animals
- Minimal plant life /distressed vegetation
- Erosion
- Paint chips
- Water- Sheen, foul smell/taste, turbidity



# Impacts of Brownfields - Why identify and reuse?

## **Environmental Benefits**

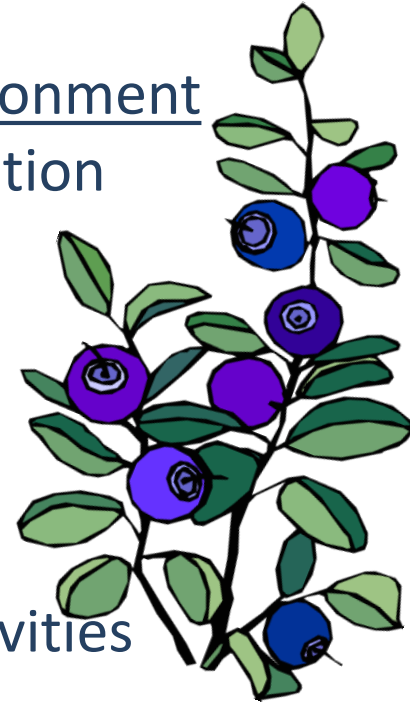
- contaminant removal protects health and environment
- protects adjacent land from contaminant migration

## **Economic Benefits**

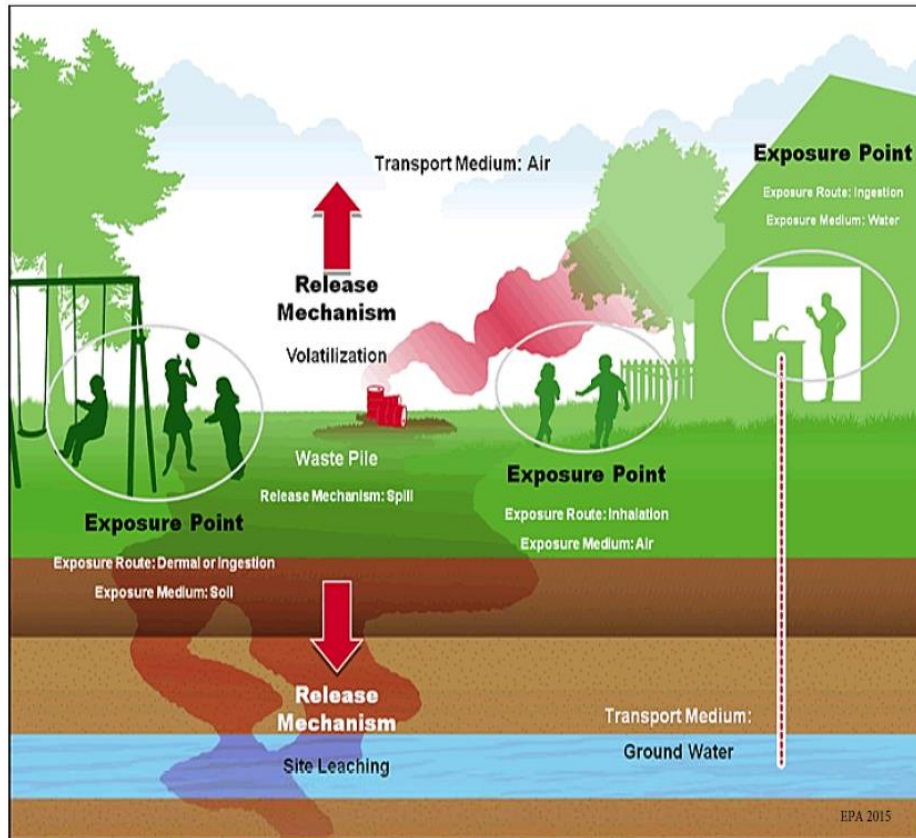
- increase employment opportunities
- raise value of neighboring properties

## **Social Benefits**

- improve community health, safety & security
- provide opportunity for traditional lifestyle activities



# Contamination Effects on Health



## EXPOSURE ROUTES:

- INHALATION
- INGESTION (EATING OR DRINKING)
- DERMAL (ABSORPTION THROUGH THE SKIN)

## AMOUNT OF HARM DEPENDS ON:

- THE TOXICITY OF THE CONTAMINANT
- THE EXPOSURE ROUTE
- THE AMOUNT OF THE CONTAMINANT (DOSE)
- LENGTH OF EXPOSURE



# Contamination Effects on Health

## **PETROLEUM**

**COMMON SOURCES:** TANK FARMS AND PIPING, HOME HEATING OIL TANKS

### **IN THE ENVIRONMENT:**

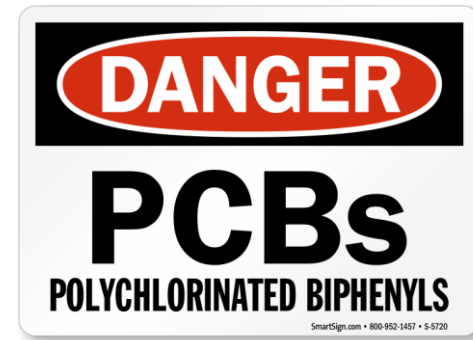
- MAY EVAPORATE,
  - MAY ATTACH TO SOIL OR SEDIMENT
  - MAY BE CARRIED TO SURFACE WATER
  - MAY BE CARRIED TO GROUNDWATER
  - DEGRADE NATURALLY WHEN EXPOSED TO OXYGEN, SUNLIGHT AND SOIL BACTERIA
- \* PETROLEUM DEGRADES SLOWLY IN ALASKA DUE TO COLD TEMPERATURES, WINTER SNOW COVER

### **CONCERNS:**

\* *DIFFERENT TYPES OF PETROLEUM HAVE DIFFERENT TYPES OF HEALTH EFFECTS*

*ACUTE EXPOSURE:* HEADACHES, NAUSEA, SKIN IRRITATION

*CHRONIC EXPOSURE:* CANCER



## ***POLYCHLORINATED BIPHENYLS (PCBS)***

**COMMON SOURCES:** ELECTRICAL EQUIPMENT AND HYDRAULIC FLUIDS, LIGHT BALLASTS

### **IN THE ENVIRONMENT:**

- STRONGLY ATTACH TO PLANTS, SOIL AND SEDIMENT
- CAN MIGRATE SLOWLY TO GROUNDWATER AND SURFACE WATER
- CAN MIGRATE BY EVAPORATION AND RESETTLING THROUGH RAIN OR SNOW
- CAN MIGRATE THROUGH DUST
- VERY PERSISTENT IN ENVIRONMENT AS SUN, OXYGEN AND BACTERIA DO NOT EASILY BREAK THEM DOWN

### **CONCERNS:**

- CHRONIC EXPOSURE: CANCER



# Contamination Effects on Health



## **SOLVENTS**

**COMMON SOURCES:** AUTO AND EQUIPMENT REPAIR SHOPS, DRYCLEANERS

### **IN THE ENVIRONMENT:**

- MAY EVAPORATE
- READILY DISSOLVES IN GROUNDWATER
- SOME DEGRADE NATURALLY WHEN EXPOSED TO OXYGEN, SUNLIGHT AND BACTERIA
- SOME ARE PERSISTENT
- SOME DEGRADE INTO MORE TOXIC CONTAMINANTS

### **CONCERNS:**

**ACUTE EXPOSURE:** DIZZINESS, LIGHTHEADEDNESS. MEMORY LOSS, LIVER DAMAGE, COMA OR DEATH MAY OCCUR IF EXPOSURE IS SEVERE

**CHRONIC EXPOSURE:** CANCER

## **METALS**

**COMMON SOURCES:** BATTERIES (LEAD AND MERCURY), GASOLINE AND PAINT (LEAD), MINING (MERCURY) \*SOME NATURALLY OCCUR

### **IN THE ENVIRONMENT:**

- CAN BE FOUND IN SOILS
- CAN BE FOUND DISSOLVED IN LIQUIDS
- PERSISTENT

### **CONCERNS:**

- OVEREXPOSURE: NERVOUS SYSTEM DISORDERS, BRAIN DAMAGE, KIDNEY DAMAGE, BLINDNESS AND DEATH
  - \* SOME SYMPTOMS ARE REVERSIBLE IF DETECTED SOON ENOUGH
  - \* ANY METAL CAN BE HARMFUL TO PLANTS, ANIMALS AND PEOPLE IF THE EXPOSURE IS HIGH ENOUGH AND THE METAL IS IN A FORM THAT CAN BE ABSORBED

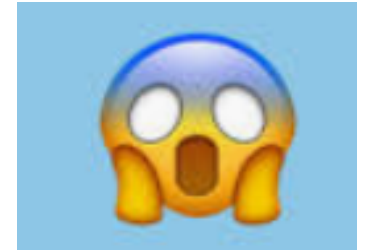


**FOR SPECIFIC CONTAMINANT INFORMATION:**

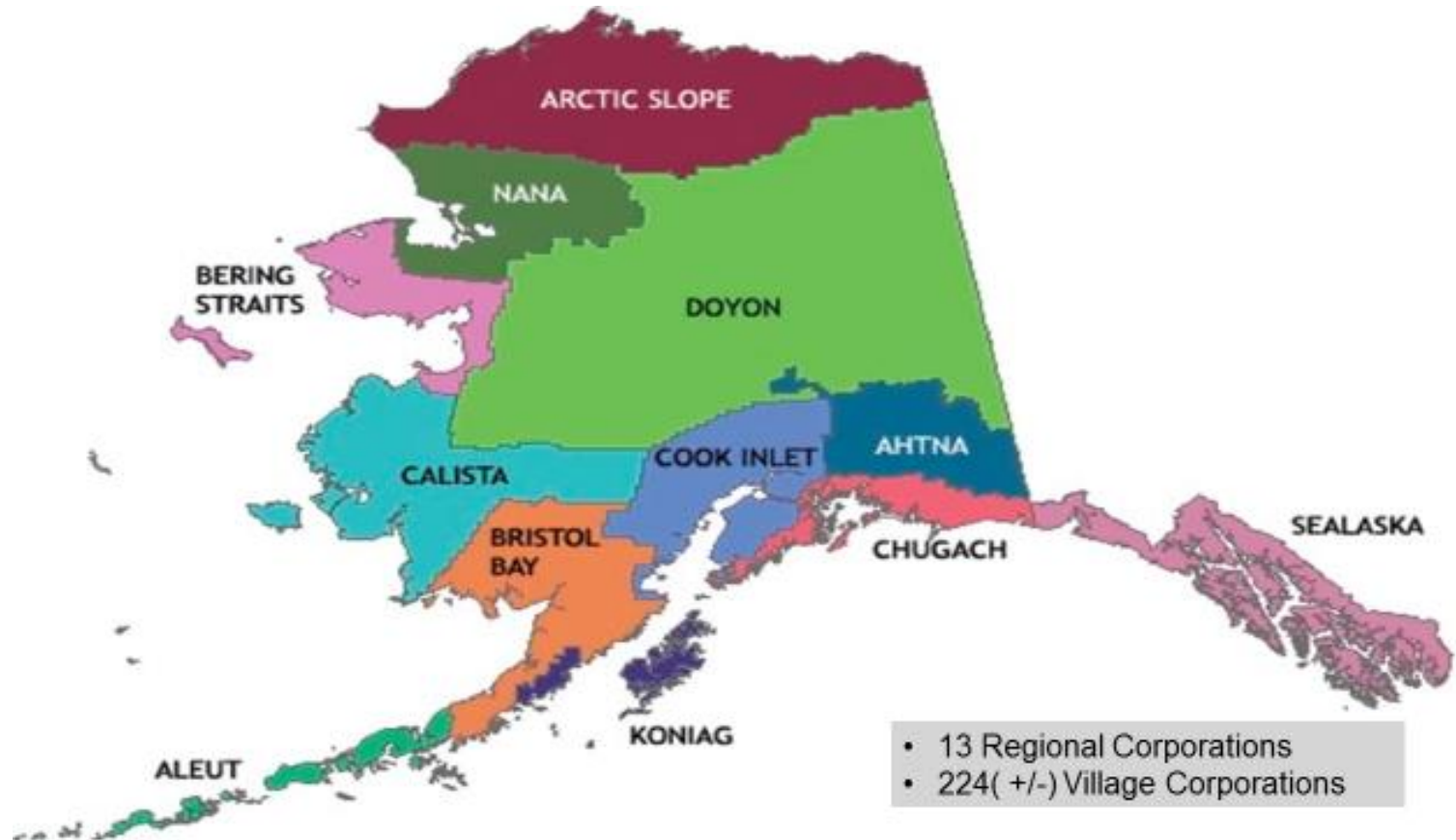
<https://www.atsdr.cdc.gov/toxfaqs/index.asp>

# Impacts of Brownfields - Why DON'T we identify and reuse?

- Lack of Knowledge – about possible health issues or site itself
- Don't know what to do about it
- Don't have capacity or support
- Fear
- Time and RESOURCES...



# ANCSA Contaminated Lands – Brief History



# ANCSA Contaminated Lands



White Alice Communication Site  
Northeast Cape St. Lawrence Island



Naval Arctic Research Lab Barrow

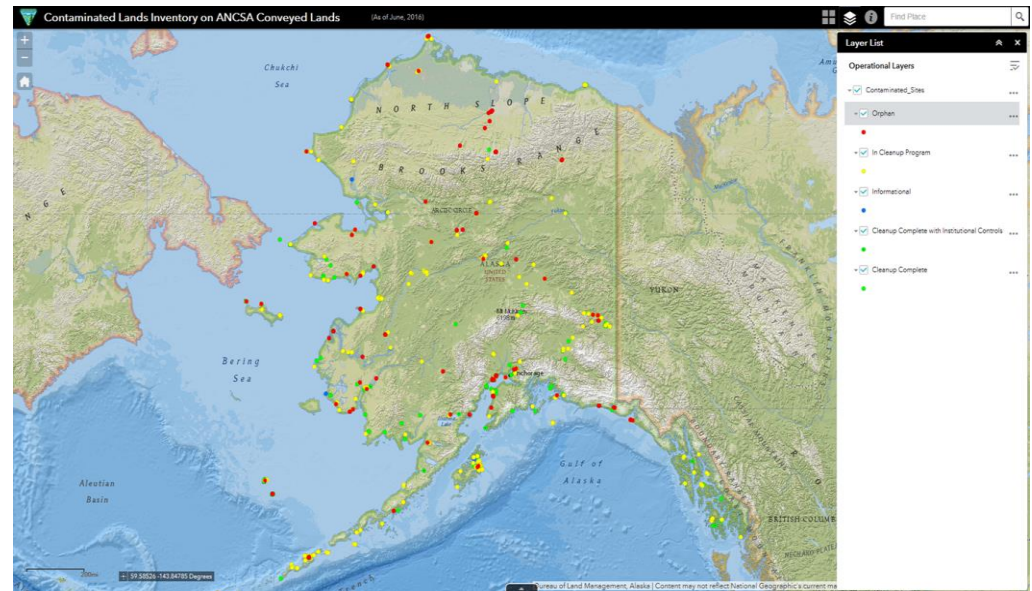


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# 2016 BLM Report to Congress

## Recommendations:

1. ADEC should finalize the comprehensive inventory and implement a remedial action process
2. Establish a formal contaminated lands working group
3. Initiate site clean-up process



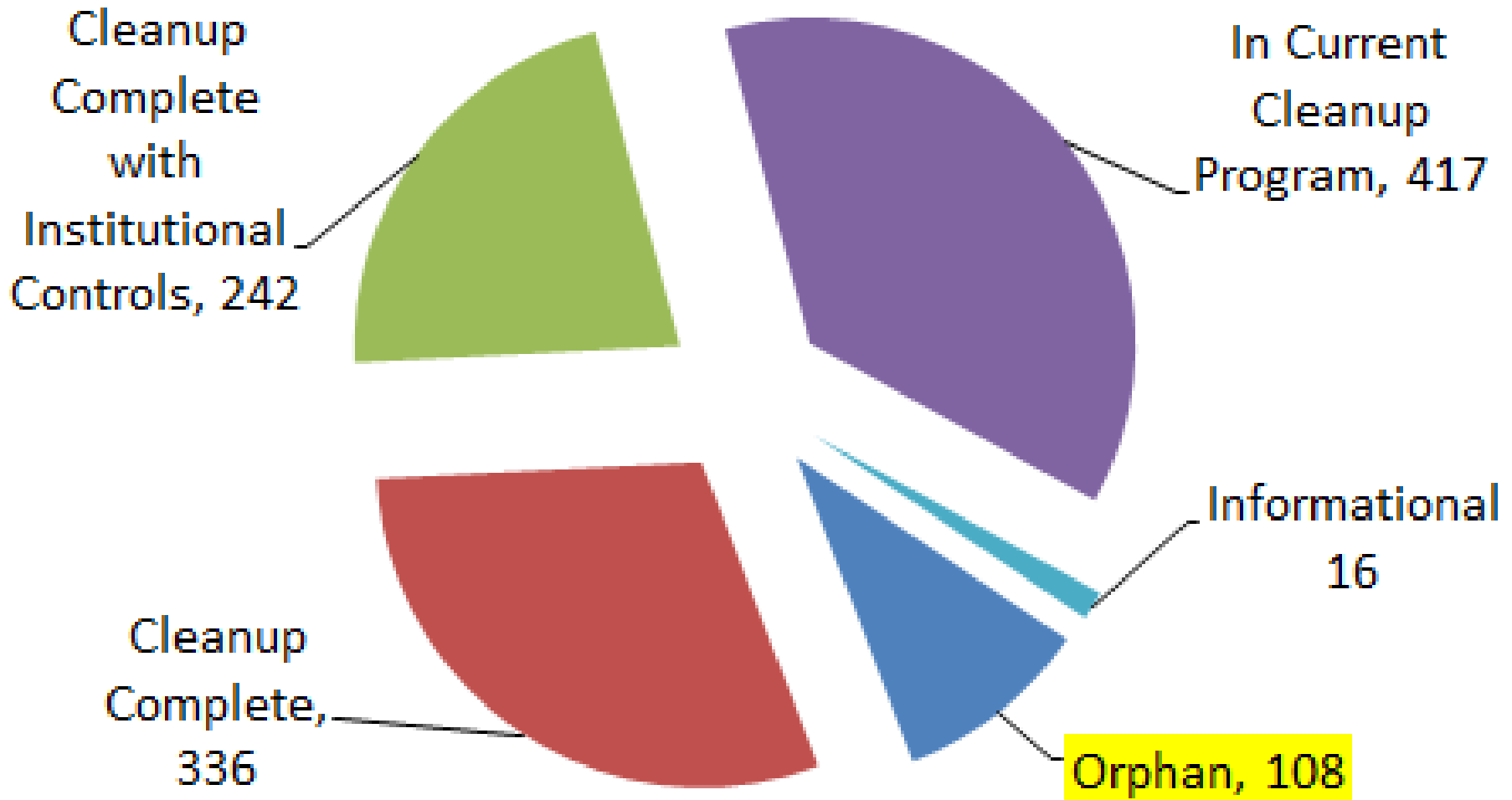
<http://blm-egis.maps.arcgis.com/apps/webappviewer/index.html?id=3af8be2b154c440abf4efb3702b1df5d>



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# Contaminated Sites – 1,120\* Total Conveyed & Status – October 2016



\* Total site count and status are currently under review by ADEC and BLM

# ANCSA Contaminated Lands Partnership Group Purpose

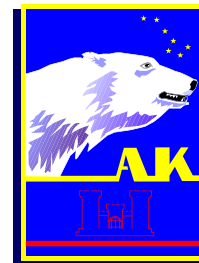
For Native entities to lead the action on:

- Addressing sites identified in the ‘*ANCSA Contaminated Lands Inventory on ANCSA Conveyed Lands*’ aka the [BLM Web Map](#)
- Address new sites that were not captured in the 2016 Report to Congress
- Initiate the identification, verification, assessment, and clean-up of these sites





# Statement of Cooperation Agencies



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# The Brownfields Utilization, Investment, and Local Development Act (**BUILD Act**)

- Enacted on March 23, 2018
- Reauthorized EPA's Brownfields Program
- Amended the original Brownfields law
  - 2002 Small Business Liability Relief and Brownfields Revitalization Act
- Made changes to our brownfields grants, ownership and liability provisions, and state and tribal response programs



**BUILD Act**



# AK Native Village/Regional Corporation Liability Protection

Alaska Native Village Corporations and Alaska Native Regional Corporations that acquired title to property from the U.S. Government under the Alaska Native Claims Settlement Act are excluded from the CERCLA definition of ‘owner/operator’ and are therefore exempt from CERCLA liability for any previous contamination at the property provided that the Alaska Native Village Corporation or Alaska Native Regional Corporation did not cause or contribute to the contamination. Entities that satisfy these conditions are eligible for Brownfields services.

## BUILD Act

# More Redevelopment Certainty for Governmental Entities

Local or state governments that take control of a contaminated site no longer has to be an “involuntary” acquisition.

*Allows control through law enforcement activity, bankruptcy, tax delinquency, abandonment, or other circumstances*

## BUILD Act

# Prospective Purchasers and Lessees

Bona Fide Prospective Purchaser definition was amended to include language related to those who have **tenancy or leasehold** interests in the facility.

# Petroleum Brownfield Enhancement

Removed the language and requirement that petroleum brownfield sites be “of relative low risk” in order to be eligible for funding.

# BUILD Act

## Expanded Eligibility for Non-Profit Organizations

Non-profits (including LLCs and community development entities that are non-profit) can now apply for all brownfields grants (including assessment and RLF grants).

- IRS 501(c)(3)

## Certain Publicly Owned Brownfield Sites

Publicly owned sites acquired prior to January 11, 2002 can receive brownfields grant funding as long as the entity is not responsible for the contamination.

# BUILD Act

## Grant Applications

New ranking criteria focusing on renewable energy or any energy efficiency projects and waterfront developments (adjacent to a body of water or a federally designated flood plain).

## Allowing Administrative Costs for Grant Recipients

Entities are now able to use up to 5% of grant awards on administrative costs.

## BUILD Act

# Increased Funding for Cleanup Grants

Increased the cleanup grant funding amount to \$500,000 per site; eligible entities can also request a waiver to \$650,000 per site, based on the anticipated level on contamination, size, or ownership status of the site.

# Multipurpose Brownfields Grants

Grant authority for Multipurpose Grants (assessment and cleanup combination) was increased up to \$1,000,000. No more than 15% of the total appropriation can be awarded to Multipurpose Grants.



NEW  
GRANT  
TYPE

# BUILD Act



## Small Community Technical Assistance Grants

Authorized a new grant program for states and tribes to provide training, technical assistance, or research for small communities (<15,000), Indian tribes, rural areas, and disadvantaged areas. Maximum of \$20,000 per community and one per state/tribe.

**\*\*\*\*\*Current EPA State/Tribal Response Program Grantees were eligible – fund request was due 12/14/18\*\*\*\*\***

## Funding

Authorizes the competitive grants to \$200 Million for FY 2019 through 2023

Authorization is not appropriation, which is done by Congress yearly

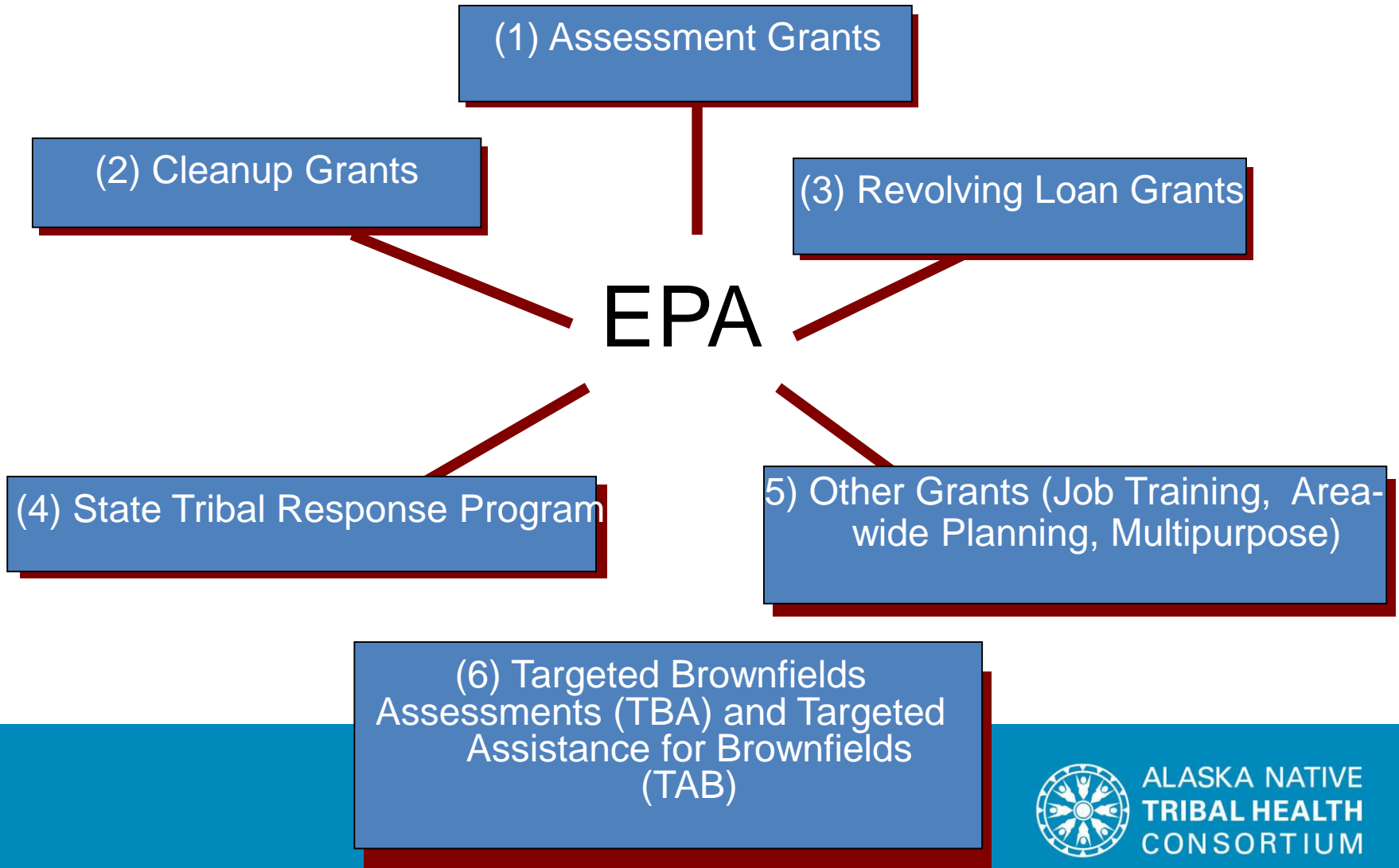


# What you can do!

- If you see a contaminated site, report it on LEO! Immediate response- please call 1-800-478-9300 .
- Share what you have learned today about the BUILD Act and liability relief!
- Join the ANCSA Contaminated Lands Partnership Group!
- Report Sites that are not on the ANCSA BLM Webmap!



# Resources



# ADEC provided Resources

## ADEC Brownfield Assessment and Cleanup (DBAC service)

- ❖ **Assessment** or **cleanup** for eligible brownfield properties
- ❖ Eligible entities: federally recognized tribes, regional and village native corporations, municipalities, & local governments
- ❖ Competitive statewide
- ❖ October 15<sup>th</sup> – March 1<sup>st</sup>

For additional details please visit:

<http://dec.alaska.gov/spar/csp/brownfields/>



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# Thank you!

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