

SABR News

A Publication for the Brownfield Interested Party List

June 2011

Upcoming VAP Guidance

Are you working on a VAP property where you need to bring in soil from a non-VAP property for engineering, grading or environmental purposes? Do you know if the off-site soil meets VAP criteria? How do you make sure the source meets the property's redevelopment needs as well as satisfies the VAP requirements? The answer to these questions will be provided in a new guidance document *Characterization of Soil Brought on to a VAP Property* to be released as part of the technical guidance compendium.



The VAP routinely fields questions about what to do in these instances. Many VAP properties are redevelopment projects and need to borrow soil before, during and after the redevelopment phases. In the past, the VAP has not required a certified professional (CP) to complete a Phase I Assessment prior to the distribution of off-site soil. The VAP has allowed borrow soil evaluation after placement on the property (as an identified area) or as a "potential release" prior to distribution at the VAP Property. Soil assessment has been applied inconsistently. To better define evaluation of borrow soils, the VAP developed new a technical guidance compendium document.

As a brief summary, the VAP recommends a more thorough assessment of off-property soils. This can be done either through a limited phase I assessment or through an abbreviated sampling regimen. The more knowledge you have about the borrow soil's environmental history, the more confident you will be that the VAP property will maintain compliance with VAP criteria. The final document will be discussed at the summer CP Coffee and the fall Annual Training.

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We're on the Web!
www.epa.ohio.gov/derr/SABR/sabr.aspx

Agency Reorganization

Ohio EPA constantly looks for ways to become more efficient and provide better service. Senior managers for the Division of Emergency and Remedial Response (DERR), Hazardous Waste Management (DHWM) and Solid and Infectious Waste Management (DSIWM) have been working together since January to determine if consolidating the three divisions would improve efficiency and save money.

Based on the evaluation, the team recommended to Director Nally that the three divisions be consolidated into two and the responsibilities be divided between DERR and a new division, the Division of Materials and Waste Management (DMWM). The Division of Hazardous Waste Management has merged with the Division of Solid and Infectious Waste (DSIWM) to form the Division of Materials and Waste Management (DMWM). The clean-up aspects of DHWM merged with the Division of Emergency and Remedial Response to form the Division of Environmental Response and Revitalization (DERR). The amount of appropriation authority requested for the hazardous waste management fund has been reduced by \$475,000 to reflect the savings that will result from eliminating the chief, assistant chief, fiscal officer and administrative assistant vacancies in DHWM.

A Quick Look at What's Changing	
Division of Materials and Waste Management (formerly DSIWM and DHWM)	Division of Environmental Response and Revitalization (formerly DERR and cleanup aspects of DHWM)
<ul style="list-style-type: none">• permits, licenses and other authorizations;• scrap tire cleanups and orphan landfill cleanups;• inspections;• enforcement;• compliance assistance;• waste reduction, recycling and sustainability; and• program development and rule-making functions.	<ul style="list-style-type: none">• voluntary cleanups;• brownfields revitalization;• RCRA closure;• RCRA corrective action;• Federal facilities cleanup;• state remedial cleanup;• emergency response;• superfund cleanups; and• site assessment and field sampling.

New SABR Staff Member

Please welcome the newest member of the SABR unit. Kevin Shoemaker joined DERR in May and will be taking over many of Don Vogel's duties. Kevin will be working as certification coordinator for laboratory certifications and certified professionals. He will also hold responsibilities related to PDHUs for CPs.

Kevin has extensive laboratory knowledge gained from more than 25 years of experience in clinical laboratory settings with some experience in research laboratory settings. He holds an Associate Degree of Applied Science in medical technology. He is registered in the field through two professional membership associations. He is a Medical Technologist (MT) with the American Medical Technologist and a Medical Laboratory Technician (MLT) with the American Society of Clinical Pathology.

Kevin has been with Ohio EPA for 16 years in the division formerly known as the Division of Solid and Infectious Waste Management (DSIWM), now the Division of Materials and Waste Management. His responsibilities for DSIWM included regulatory oversight of solid waste management districts in the area of recycling and disposal.

Brownfields 2011: Philadelphia Plays Host to a Motivating Conference

Philadelphia served as a wonderful backdrop to Brownfields 2011 — the largest, most comprehensive conference in the nation focused on environmental revitalization and economic redevelopment. The conference, held every 18 months, is sponsored by U.S. EPA and the International City/County Management Association. This year's conference in April drew more than 5,500 attendees to find out about the latest innovations in brownfield redevelopment around the country. Philadelphia, like most major U.S. cities with an industrial past, has dealt with the challenge of brownfield properties. City representatives shared their successes and lessons learned during the conference. Some of the notable successes were highlighted during the conference's mobile workshop sessions.

The Philadelphia Navy Yard, a decommissioned Navy base transferred to the Philadelphia Industrial Development Corporation, now houses the world headquarters of Urban Outfitters and Tasty Baking Company, the world's largest green bakery. In addition to these world headquarters, more than 100 companies, employing more than 8,000 workers have located at this dynamic waterfront development, which features diverse architectural styles, tree-lined streets and a public park.

Another tour focused on the growing popularity of urban agriculture by highlighting two successful farming operations, Greensgrow Farm and Mill Creek Urban Farm which were developed on former brownfields.

The educational sessions focused on recent trends in brownfield redevelopment, new brownfield financial incentives, innovative and streamlined cleanup strategies and successful redevelopment partnerships. Most of the presentations are now available for download. So, if you missed this great conference, or a session you really wanted to sit in on, you can now view the presentations on the Brownfields 2011 website at www.brownfields2011.org/en/sessions#Tab=Browse.



New DERR Training is Unqualified Success

“Soil Classification, Description and Logging” is a new training being offered by Ohio EPA’s Division of Environmental Remediation and Revitalization for VAP Certified Professionals and their field staff. This training provides a detailed review of the soil classification systems, soil description techniques and soil core logging practices commonly used to support environmental assessments and associated engineering work. The training includes presentations combined with class discussion and hands-on exercises to practice field techniques.

Approximately 120 attendees from environmental consulting firms across Ohio attended four public training sessions and two on-site company trainings earlier this year. DERR also provided the training to hydrogeologists in Ohio EPA’s Division of Drinking and Ground Waters. The response from attendees has been overwhelmingly positive. DERR plans to offer additional sessions of soil classification, description and logging to the regulated community, environmental consultants and state agency employees in the fall. Depending on the length of the session, attendees will receive 4.0 to 8.0 PDHUs.

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DERR Training

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Comments from attendee evaluations:

“Informative, practical, good review for experienced geologists yet good intro for the non-geologist.”

“The class was very helpful for me, I have been logging soils for environmental purposes now for several years and it confirmed some things I did know, but also showed me several things I didn’t”

“Excellent experience, covered exactly what I was interested in learning, recommended and provided further reading and tools.”

“Very informative – well organized. Definitely worth the time.”



New Brownfields Tax Deduction Resources Available

Private businesses that own and clean up contaminated properties may qualify for a federal income tax deduction for environmental cleanup costs. The tax deduction allows private businesses to deduct eligible remediation expenses on that year’s tax return. To qualify, the expenses must be paid or incurred by Dec. 31, 2011.

Qualifying deductible expenditures include remediation expenses (including site assessment, investigation and monitoring); operation and maintenance costs; Voluntary Action Program fees; and demolition debris removal costs. Previously filed tax returns can be amended to include deductions for past cleanup expenses, provided the amended return is filed within three years after the date of the original return. To qualify for the tax deduction, the property must be owned by the taxpayer.

There are several resources available for firms looking to inform their clients about the tax deduction:

- A U.S. EPA **Brownfields Tax Incentive** fact sheet that explains the basics of the tax deduction.
- A **new U.S. EPA booklet** with in-depth information on the tax deduction and examples of success stories.
- Ohio EPA has more links and tax information at **our website**.

Contact Sydney Poole at (614) 644-3751 or Sydney.Poole@epa.ohio.gov for more information about the Federal Brownfields Tax Deduction.



Certified Laboratory Training

The Division of Environmental Response and Revitalization (DERR) held its first certified laboratory (CL) training in May of this year.

Although the Voluntary Action Program (VAP) has been certifying laboratories and professionals for almost 17 years, the focus has always been on providing periodic training to the certified professionals (CPs). The focus for CLs has been ensuring they are set up to provide quality data that CPs and Ohio EPA can rely on when determining whether a VAP site meets applicable standards.

To meet that goal, the VAP and DERR's laboratory coordinator, Darlene Stanley, have designed a rigorous certification program that includes a detailed review of the laboratory's quality assurance practices and standard operating procedures for the contaminants they analyze under the VAP. This review is followed up by an on-site audit to ensure that all the procedures and practices are followed appropriately. Every six months, a CL receives "test samples" with known concentrations of contaminants from a national testing lab. The CL must analyze the samples and report the concentrations back to the testing laboratory. The concentrations must be within certain tolerance limits in order for the CL to continue analysis of those contaminants under the VAP.

The CL certification process and periodic quality checks have provided Ohio EPA and the CPs assurance that VAP projects are receiving quality data. The CL certification program is so well regarded, that CPs and other environmental professionals have begun requesting certified data for sites that are not being investigated and cleaned up under the VAP. As a result, CLs are now fielding more and more VAP questions from environmental professionals and have requested that Ohio EPA keep them updated on a regular basis about technical changes in the VAP. The May 5 training, attended in person and online by 40 people, included the following information.



- A presentation covering all the various aspects of the VAP, from Phase Is to Covenants focusing on areas where laboratories may be asked questions by environmental professionals.
- A presentation and demonstration of laboratory processes for samples collected using incremental sampling methodology by Dr. Mark Bruce of TestAmerica Laboratories.
- A discussion by an Ohio EPA VAP technical reviewer covering when CLs might be contacted by Ohio EPA or a CP, and the types of questions that are likely to be asked during the NFA review.
- A review by one of our VAP attorneys of the new CL affidavit guidance and affidavit template.
- Updates on standard operating procedures and DERR's new frequently asked questions webpage for laboratories.

After the training, a survey was delivered to all of the participants to gauge the helpfulness of the training and determine the frequency of additional training sessions. DERR will be actively soliciting training topics from both CL and CP communities to ensure future trainings provide timely and relevant information.

Queensgate South Development Property is Shovel-Ready

The 16-acre Queensgate South Development property, located just west of Cincinnati's central business district, is home to one of the city's first railroad yards. Deutch and Sons operated the railroad yard and a scrap metal processing facility from 1891 to 2000. The site has also housed various warehouses, garages and materials storage sites since the late nineteenth century. All operations ended in 2000 and all the buildings were demolished by 2005. The City of Cincinnati entered into a development agreement with Queensgate South Realty (QSR) to clean up and redevelop the property. The property is bounded by Mehring Way and Freeman Avenue to the west all the way down Mehring to Gest Street at the eastern edge.

In 2003, the city and QSR obtained a \$3 million Clean Ohio Revitalization Fund (CORF) grant for demolition and soil remediation from the Ohio Department of Development. The site was contaminated with PCBs, heavy metals and petroleum. The remediation of the site was complicated in part by overlapping regulatory jurisdictions. The U.S. Environmental Protection Agency had regulatory jurisdiction over the PCB contamination, while Ohio EPA had jurisdiction over all the other chemicals. Coordinating approval from two agencies extended the cleanup timeline. The site is limited to commercial/industrial use and restricted ground water use.



PDHU Courses Offered

Material covered, information provided and any opinions expressed in any courses do not supercede Voluntary Action Program statutory language, rule requirements or technical reviews provided by Ohio EPA staff.

Decision Framework for Applying Monitored Natural Attenuation Processes to Metals and Radionuclides in Groundwater

Interstate Technology Regulatory Council

July 12, 2011

Internet Seminar

Cost: Free

2.25 PDHUs

www.cluin.org/training/#Decision_Framework_for_Applying_Monitored_Natural_Attenuation_Processes_to_Metals_and_Radionuclides_in_Groundwater_20110712

Incorporating Bioavailability Considerations into the Evaluation of Contaminated Sediment Sites

July 14, 2011

Interstate Technology Regulatory Council

Internet Seminar

Cost: Free

2.25 PDHUs

www.cluin.org/training/#Incorporating_Bioavailability_Considerations_into_the_Evaluation_of_Contaminated_Sediment_Sites_20110714

Surface Geophysics for Hydro-Geological and Geotechnical Applications

Pennsylvania Council of Professional Geologists

July 20, 2011

Holiday Inn East, 4751 Lindle Rd., Harrisburg, PA

Cost: Non-PCPG Members - \$229.00, PCPG Members - \$179.00

7.5 PDHUs

www.pcp.org/Default.aspx?pageId=615951&eventId=274666&EventViewMode=EventDetails

Act 2 Toolkit / Fate and Transport

Pennsylvania Council of Professional Geologists

August 16, 2011

PSU Great Valley, 30 E. Swedesford Rd., Malvern, PA

Cost: Non-PCPG Members - \$209.00, PCPG Members - \$179.00

8 PDHUs

www.pcp.org/Default.aspx?pageId=615951&eventId=274660&EventViewMode=EventDetails

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PDHU Courses

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Structural and Hydro-Structural Geology: Theory and Applications for the Practicing Professional

Pennsylvania Council of Professional Geologists

August 23, 2011

Holiday Inn Harrisburg East, 4751 Lindle Rd., Harrisburg, PA

Cost: Non-PCPG Members - \$279.00, PCPG Members - \$199.00

8 PDHUs

www.pcpge.org/Default.aspx?pageId=615951&eventId=325801&EventViewMode=EventDetails

Best Management Practices for Site Assessment, Remediation, and Greener Cleanups

U.S. EPA

August 29, 2011

Westin New Orleans Canal Place, 100 Rue Iberville, New Orleans, LA

Cost: Free

7.5 PDHUs

www.trainex.org/classdetails.cfm?courseid=1228&classid=5221

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