



## **Brownfield Resources to address Blighted Properties 2025 Workshop, Manhattan**

**Do any of these statements sound familiar or apply to you or your group?**

“I have contamination, now what?”

“I’m afraid the STATE will make me pay for this if they know about it”

“I don’t want to open a can of worms”

“MONEY”?

“I’m not the responsible party and can’t afford a cleanup”

“If only I had known about this ahead of time....”

- Kansas Brownfields Program may be for you!



# Brownfield Resources to address Blighted Properties



## What are Brownfields?

- Real property where the expansion, redevelopment or reuse may be complicated by the presence or potential presence of hazardous substances, pollutants, or contamination.
- EPA estimates more than 450,000 properties exist throughout the U.S. which can be classified as brownfields.

## Why choose brownfields for redevelopment?

- Redevelopment of brownfields benefits the environment, the community, and industry by restoring underutilized or vacant property for productive use, which can increase property values, increase the local tax base, and create jobs.
- Brownfields redevelopment preserves "green" spaces both inside and outside of cities, mitigates public health and safety concerns, and improves community image.

## Barriers to brownfield redevelopment?

- Unknown environmental conditions or perceived environmental issues
- Lack of funding for environmental assessments and/or cleanups
- Liability concerns
- Lack of community support
- Unfavorable neighborhood or market conditions



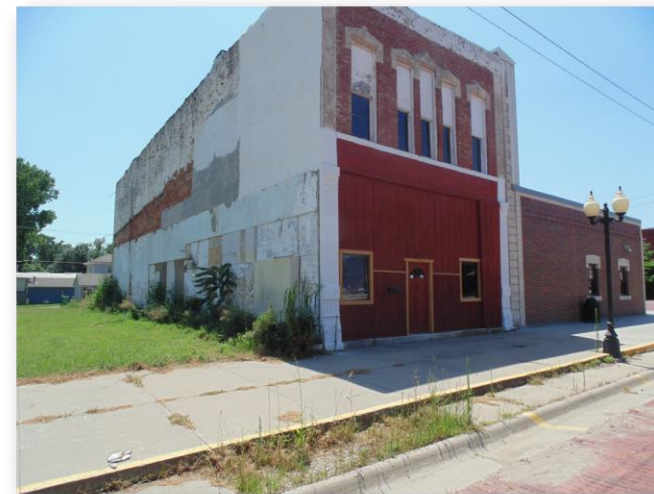
The Kansas Brownfields Program is here to provide assistance in overcoming roadblocks and help these properties reach their full potential again.

Communities can often encourage redevelopment activities on unused properties once it can be demonstrated a property is viable for redevelopment



## What does the Kansas Brownfields Program offer you?

- Environmental services to identify and assess abandoned and underutilized properties for reuse and redevelopment
- No Cost to Eligible Applicants
- Phase I, II, and sometimes Phase III Assessments
- Small clean-ups
- Asbestos Abatement



# Brownfield Resources to address Blighted Properties

## What does the Kansas Brownfields Program offer you?

- Technical assistance
- Grant assistance
  - Analysis of Brownfields Cleanup Alternatives (ABCA)
  - Facilitate discussions with EPA
- TAB – Technical Assistance to Brownfields at KSU





# Brownfield Resources to address Blighted Properties

## How is the Kansas Brownfields Program funded?

- 100% funded through federal EPA grant
  - CERCLA Section 128a – funds the management and implementation of the state brownfields program
    - BTAs
  - BIL
    - Last year for BIL funding!
    - BTAs, ACM abatements, and abandoned tank pulls
- **New for FY26** – Community-Wide Assessment Grant – State and Tribal (CWAGST)

## Applicant and Property Eligibility Determinations

- Eligible applicants are any city, town, county, not-for-profit.
- Private entities may be considered eligible so long as the entity can demonstrate the project has local community/government support.
- Site is abandoned, underutilized, or vacant
- The property has actual or suspected contamination due to onsite or adjoining historical uses.

## Phase 1 Environmental Site Assessments

- Identify Recognized Environmental Concerns (RECs) that may be present on a property through the use of site reconnaissance, interviews, and records reviews
- Phase I ESAs help prospective purchasers/developers to meet Bona Fide Prospective Purchaser criteria and help with potential liability concerns.
- Phase 1 ESAs conducted by the Kansas Brownfields Program meet AAI and ASTM standards



# Brownfield Resources to address Blighted Properties

## Add-Scope Considerations aside from Phase I ESA

- Asbestos Survey
- Lead-based paint sampling
- Mold sampling (Kansas)  
**\*\*no available state resources for abatement of mold.**



For FY26, KDHE offers ACM Abatements – covering  
100% of costs up to \$50,000  
\*Last year for this funding (BIL)!!\*

# Brownfield Resources to address Blighted Properties

**Following the Phase I, a Phase II and/or Phase III is necessary if RECs are uncovered.**

- Could be concurrent with Phase I, if known information indicates RECs prior to an assessment (site was a gas station or dry cleaner)
- Sampling activities will include sampling to evaluate known potential sources, also taking into account a prospective program's requirements for entry
  - Storage Tank or Dry Cleaner Trust Fund
    - Will talk further regarding other BER programs later

# Brownfield Resources to address Blighted Properties

## Phase II sampling process



Phase II ESAs include soil and groundwater sampling – typically using direct push technology and laboratory analysis based on the RECs found in Phase I



Soil gas, vapor sampling, surface water sampling may also be utilized to provide sufficient information to evaluate noted RECs





# Brownfield Resources to address Blighted Properties

- **A vast majority of property that goes through the Brownfields Program is cleared for redevelopment following a Phase I.**
  - Don't let the potential appearance of contamination be a deterrent
- **Talk to us!**
  - Earlier, the better
  - Always willing to discuss potential redevelopment opportunities and how KDHE can assist
- **BER's goal (along with being protective of human health & the environment) is to make sure those responsible for contamination take responsibility for that contamination, when possible, and most importantly, that the contamination is adequately addressed.**
  - Provide a path for innocent landowners, if they decide, to address impacts in a straightforward, expedited manner.
  - Encourage redevelopment of contaminated property

# Brownfield Resources to address Blighted Properties

## What happens to my site (or me!) if contamination is detected?

- Can the site still be redeveloped?
- How and who will address any contamination?
- How does that affect me or a prospective purchaser?



## **BER has industry-specific programs**

- Storage Tank Trust Fund
- Tank Redevelopment Fund
- Dry Cleaners Trust Fund

**BER has non industry-specific programs designed to address any contamination (excluding lead-based paint & asbestos), either by a responsible party, voluntary party, or if there is no responsible party**

- Voluntary Cleanup Program
- State Cooperative Program
- Orphan Sites Program
- Environmental Use Control & Risk Management Programs



**BER also has a program designed to provide state liability relief to prospective purchasers**

- Environmental Liability Release Program



## Kansas Petroleum Storage Tank Release Trust Fund

- Storage Tank Act set up the trust funds to assist owner and operators of storage tanks with the cost of remedial actions. Provides financial assistance to owners and operators of facilities where contamination from petroleum storage tanks has occurred
- In order to be considered for the trust fund, a Phase II is required by the Tank Program.
  - **If tanks or tank-related impact is present on your site, Brownfields staff will refer the site to Storage Tanks for trust fund consideration, following the Phase II. Storage Tank staff determines if a responsible party is viable and if contamination is trust fund-eligible.**

## Kansas UST Property Redevelopment Trust Fund

- Assists **property owners** with removal of abandoned petroleum USTs with reimbursement of 90% of the cost, up to \$25,000 per facility for permanent closure of USTs.
- Must meet eligibility requirements for abandoned UST and property owner
- Notable requirement – must place a deed restriction prohibiting installation of USTs for 10 years following removal.





## Kansas Dry Cleaners Release Trust Fund

- Provides funding for implementation of the Drycleaner Environmental Response Act
- State-led corrective action at sites contaminated by drycleaning facilities operating/operated as retail
- **If a site has known drycleaning operations (Phase I), the Phase II will include groundwater sampling if possible, as that is a statutory requirement of the trust fund. If impacts are noted, Brownfields staff will refer to Drycleaning program**

# Brownfield Resources to address Blighted Properties

## Voluntary Cleanup Program

- Voluntary – do not have to be the property owner (demonstrate access) or the responsible party
- Address contamination at a site in an expedited, streamlined manner
- Obtain a No Further Action determination

\*Federal Brownfields Cleanup Grant recipients are likely required to enroll in Voluntary Cleanup

## State Cooperative Program

- Responsible parties sign environmental order or agreement with KDHE to address contamination

## Orphan Sites Program


- Sites with no viable responsible party are addressed by KDHE, using state funds as available

## Environmental Use Control & Risk Management Program

- Institutional controls
  - Enforceable by KDHE
- EUCs are recorded with the property deed and run with the land, regardless of property owner.
  - Establish land use restrictions to mitigate the risk (actual or potential) posed by residual contamination at sites
- RMPs are between KDHE and the responsible party and are not recorded with the property deed
  - Establish how the responsible party will manage the risk presented by residual contamination at sites (Risk Management Plan)
- **Sites with institutional controls CAN still be redeveloped, as long as the restrictions are followed!**

\*May also be necessary for Federal Brownfields Cleanup Grant recipients

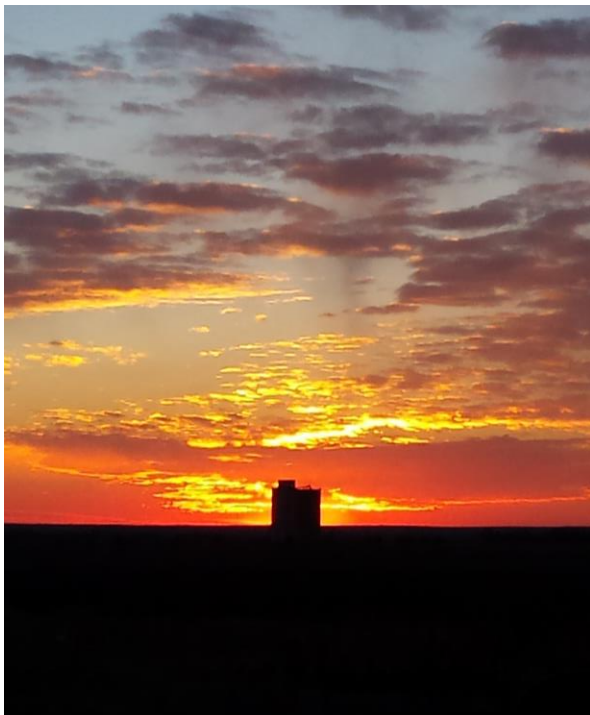
## Environmental Liability Release Program (CELR)

- Provides state liability relief to eligible prospective purchasers of contaminated property
  - Municipalities, governmental entities, or lending institutions acquiring property through default, seizure, condemnation, or foreclosure
  - Property must be contaminated
  - Applicant cannot be the responsible party
- 
- Both must be met to be considered for a CELR
- 3 classes – ranging from \$700 to \$2000
  - The Phase I and Phase II assessments conducted by Brownfields can meet the requirements for the CELR



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## Thank you/Questions



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<https://www.kdhe.ks.gov/488/Kansas-Brownfields-Program>