NAIOP Presentation

Mr. Fonda Apostolopoulos, P.E.

Colorado Department of Public Health and Environment

September 21, 2011

Colorado’s Voluntary Cleanup And Redevelopment Act: HB 1299

- Became effective July 1, 1994
Banks: Provide Loans Without Fear of Superfund Liability

Help Frustrated Landowners Deal With Perceived Environmental Problems By Providing an Agency To Address them

Mechanism for Private Sector to Deal With Environmental Problems in Timely Fashion

Submit an Application with Fee

Very Similar to Phase I and Phase II

Site Must Be Fully Characterized (more later on this)

Either the Site Needs to Be Cleaned or It Doesn’t

Applicant Does Work Overseen By their Own Qualified Environmental Consultant
How Does VCRA Help You Redevelop Contaminated Sites?

- 45 Day Application Review
- Allows Cleanups Suitable for Proposed Land Use (Risk-Based)
- Protection Under MOU with EPA (after Certified & Notice)
- Truly Voluntary
- Staff Available for Discussing Preliminary Plans

Types of Submittals

- No Action Determination
- Voluntary Cleanup Plan
No Action Determination (NAD)

- Sites Do Not Pose a Risk Under Proposed Land Use
- Risk Pathways Have Been Evaluated
- Contaminated Aquifer Situation

Voluntary Cleanup Plan

- Risk-Based Cleanup
- Evaluate Risk Pathways (soil, water, air)
- Risk Assessment for Some Cases
- Contaminated Material Handling Plans
- Self-Certification
Specific Exclusions

- Underground Storage Tank Sites (Post December 1988)
- RCRA Treatment Storage or Disposal (TSD) Facilities and Corrective Action Sites (Post 1980)
- Listed or Proposed NPL Sites
- Site Subject to Orders Under the Clean Water Act

What Does It Take?

- Voluntary Cleanup Roadmap
  (www.cdphe.state.co.us/hm/vcradoc.pdf)
- $2,000 Review Fee; Refund Unused Portion of $2,000
- Two Copies of Application
What Do You Get?

No Action Determination Approval:
Based upon the information submitted...it is the opinion of the CDPHE that no further action is required to assure that this property, when used for the purposes identified in the No Action Petition, is protective of existing and proposed uses and does not pose an unacceptable risk to human health or the environment.

What Do You Get (cont.)

Voluntary Cleanup Approval:
Based upon the information submitted...it is the opinion of CDPHE that upon completion of the Voluntary Cleanup Plan no further action is required to assure that this property when used for the purposes identified in the Voluntary Cleanup Plan, is protective of existing and proposed uses and does not pose an unacceptable risk to human health or the environment.
What You Need To Look For

- Low Ball Phase I’s
- Phase I’s performed out of state
- All Appropriate Inquiry
- ASTM Methodology being Followed
- Bona fide Prospective Purchaser
- Meet With the State!!!
It Makes Economic Sense

Small Town, Big Benefits

<table>
<thead>
<tr>
<th>Description</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Tax Revenues (property &amp; sales)</td>
<td>$18,000 annual increase</td>
</tr>
<tr>
<td>County Tax Revenues (property &amp; sales)</td>
<td>$23,100 annual increase</td>
</tr>
<tr>
<td>School District Tax Revenue</td>
<td>$1,900 annual increase</td>
</tr>
<tr>
<td>Employment</td>
<td>8 new jobs</td>
</tr>
<tr>
<td>Average Annual Wage</td>
<td>$1,200 increase</td>
</tr>
<tr>
<td>Construction Spending</td>
<td>$250,000</td>
</tr>
<tr>
<td>New Investment in Business Equipment</td>
<td>$80,000</td>
</tr>
<tr>
<td></td>
<td>$374,200 + 8 new jobs</td>
</tr>
</tbody>
</table>

Source: Development Research Partners, 1999
Results:

- User Friendly Mechanism for Redevelopment of Contaminated Properties
VCRA Questions:
Fonda Apostolopoulos 303-692-3411

Targeted Brownfield Assessment Questions:
Mark Rudolph – 303-692-3311

Revolving Loan Fund Questions:
Dan Scheppers – 303-692-3398 or
Doug Jamison – 303-692-3404