

# UNDERGROUND STORAGE TANK GUIDE

Environmental Compliance Series

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## EPA Asks for Slight Increase in UST Funding, \$10.5 Billion Total for Agency

The Obama administration is seeking \$113.1 million in federal Leaking Underground Storage Tank Trust Fund money for fiscal year (FY) 2010, the U.S. Environmental Protection Agency (EPA) announced May 7. An additional \$14.9 million in funding would pay for EPA support of state underground storage tank (UST) programs. An initial EPA budget of \$10.5 billion for all programs was announced Feb. 26 with few details. If approved, it would be the largest budget in the agency's history and a 38 percent increase from the previous year. EPA acknowledged that its FY 2010 budget request is a "substantial increase" from the \$7.6 billion budget enacted for FY 2009. Given the federal government's record deficit and debt levels, congressional approval of EPA's request may be met with opposition. *Page 6*

## EPA Considering Nationwide Use of E15 And Latest Renewable Fuel Standard

UST owners and operators should be aware that EPA is evaluating a petition requesting that E15 (fuel comprised of up to 15 percent ethanol) be acceptable for use in all vehicles. EPA has the option to grant or deny or partially grant the petition. If a partial waiver is given, E15 could be allowed for some vehicles but not all. Fuel distributors and retailers would need to decide whether to carry E10 and E15 or only one of the blends. EPA also recently issued a proposed rule concerning the Renewable Fuel Standard program that will set levels of biofuels and ethanol for the nation's fuel supply. The proposed rule includes detailed discussions of the potential E15 waiver, the need to increase the number of E85 retailers and flexible-fuel vehicles, and several other motor fuel issues. Currently, E10, gasoline with up to 10 percent ethanol, is acceptable for all motor vehicles. *Page 2*

## EPA Awards \$112 Million in Brownfields Grants for Cleanups, Site Assessments

EPA awarded \$111.9 million in brownfields grants to 252 applicants, the agency announced May 8. Although most of the money is from the annual brownfields grant process, \$37.3 million of the grants will be paid for with economic stimulus money. The \$74.6 million in brownfields grants is only a portion of the agency's FY 2009 brownfields appropriations. In January, EPA awarded \$2.6 million in brownfields job training grants. The agency recently requested \$100 million for brownfields grants for its FY 2010 budget. The latest round of grants will pay for cleanups and site assessments of properties that are contaminated or have suspected contamination from petroleum or hazardous materials in 46 states, four tribal areas and two U.S. territories. EPA estimates that there are 450,000 brownfields sites nationwide that typically are former industrial or commercial sites, including abandoned gas stations. *Page 7*

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# Ethanol Manufacturers Ask EPA for E15 Waiver; Agency Proposes Second Renewable Fuel Standard

Underground storage tank (UST) owners and operators should be aware that the U.S. Environmental Protection Agency (EPA) is evaluating a petition requesting E15 (fuel comprised of up to 15 percent ethanol) be acceptable for use in all vehicles. EPA has the option to grant or deny or partially grant the petition. If a partial waiver is given, E15 could be allowed for some vehicles but not all.

EPA also recently issued a proposed rule concerning the Renewable Fuel Standard (RFS) program that will set levels of biofuels and ethanol in the nation's fuel supply. The proposed rule includes detailed discussions of the potential E15 waiver, the need to increase the number of E85 retailers and flexible-fuel vehicles, and several other motor fuels issues (74 Fed. Reg. 24903, May 26, 2009).

To allow the use of E15 nationwide, Growth Energy and 54 other ethanol manufacturers asked EPA to waive a provision of the Clean Air Act (74 Fed. Reg. 18228, April 21, 2009). Currently, gasoline with up to 10 percent ethanol is acceptable for all motor vehicles. If EPA were to partially grant the waiver, fuel distributors and retailers would need to decide whether to carry E10 and E15 or only one of the blends.

Part of the concern with higher ethanol blends is the fuel's impact on UST systems and equipment. In February, Underwriters Laboratories (UL) said it supported regulatory agencies and governments that allow the use of existing UL-certified fuel dispensers to be used with

motor fuels of up to E15. However, UL did not itself certify these legacy dispensers for E15 and stressed that "existing fuel dispensers certified under UL [Standard] 87 were for intended use with ethanol blends up to E10, which is the current legal limit for non-flex fuel vehicles in the United States."

UL advised "authorities having jurisdiction" (usually the state environmental agency or the local fire marshal) to consult equipment manufacturers to confirm dispenser compatibility with E15. UL said data it gathered showed existing dispensers can be used with E15 without critical safety concerns. The company said, "dispensers pumping this higher percentage of ethanol should be subject to regular inspection and preventative maintenance ... because the potential for degradation of the metals and materials (e.g., plastics, elastomers and composites) used in a dispensing system increases as the percentage of ethanol increases."

Higher ethanol blends can cause problems when USTs and equipment aren't properly cleaned or altered before converting to high ethanol use. Because ethanol is more corrosive, blended fuels can scour tanks and lines of any built up sludge. That sludge can then clog the filters in fuel dispensers. The same process can occur in a motor vehicle's tank and gas lines, if the ethanol blend is too high to be used for that vehicle. Components in fuel dispensers also have been known to fail or degrade very rapidly with high ethanol blends. Problems with leak detection equipment also have occurred. Generally, problems with E10 have been limited to situations where ethanol-blended gasoline had phase separated within the UST, causing a vehicle to be filled with a very high blend of ethanol or an ethanol and water mixture.

Part of EPA's solution to increase the amount of renewable fuel nationwide would rely on huge increases in the number of flex-fuel vehicles and E85 fueling stations. Currently, E85, which has ethanol concentrations of up to 85 percent, is available at fewer than 2,000 retail facilities — about 1 percent of retail stations nationwide. The government estimates there are more than 7 million flex-fuel vehicles in use today. However, relatively few of these fill up on E85.

A reluctance to use E85 in existing flex-fuel vehicles may be explained by a scarcity of E85 stations, as well as a price differential in which E85 costs the consumer 20 cents to 30 cents more per gallon than conventional gasoline on an energy equivalent basis, EPA said. As part

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See *Ethanol*, p. 3

of its RFS proposal, the agency estimated that the country will need to add 1,960 new E85 facilities per year. EPA estimated costs at \$122,000 per facility, or \$3 billion for some 29,000 E85 facilities by 2022.

The agency also noted that UL has not finalized certification for all components of an E85 fuel dispenser. In many areas, UL certification is required to meet regulations and environmental insurance requirements.

“Today’s proposal does not contain a requirement for retailers to carry E85,” EPA said in its RFS rule. “We understand that retailers will only install E85 facilities if it is economically advantageous for them to do so and that they will price their E85 and E10 in a manner to recover these costs.”

Addressing the higher costs to consumers for E85, EPA said E85 would need to be priced about one-third lower than other gasoline for it to be cost-competitive. EPA offered three broad suggestions. First, automakers and others should increase consumer awareness of which vehicles can run on E85 and where E85 fueling facilities are located. Second, some states currently waive or discount state excise taxes on E85. EPA said this continued practice could help increase E85 refueling. Third, EPA suggested the E10/E85 price relationship could be modified by changes in the refining industry in which refiners could subsidize the price of ethanol, perhaps by increasing the selling price of gasoline.

In both the RFS proposal and the waiver petition, EPA referenced the approaching “blend wall,” in which more renewable fuel will be required to be used by federal law than can actually be blended into E10 gasoline.

“The large volume of ethanol that we project will be used by 2022 means that more ethanol will need to be used than can be accommodated by blending to the current legal limit of 10 percent in all of the gasoline used in the country,” EPA explained, in its RFS proposal.

In its March 6 petition, Growth Energy and other ethanol manufacturers said that the renewable fuel requirements of the Energy Independence and Security Act of (EISA) 2007 have created a blend wall or “blend barrier” in which nearly all motor vehicle gasoline in the United States either has or will soon have 10 percent ethanol. EISA requires significant increases each year in the amount of renewable fuels in the nation’s gasoline. In 2009, 11.1 billion gallons of renewable fuel were required to be blended. This figure will rise to 36 billion gallons by 2022. The main purpose of the law is to reduce the country’s dependence on foreign petroleum sources and increase domestic sources of energy.

EPA’s RFS proposal, referred to as RFS2, would codify specific volumes of cellulosic biofuel, biomass-based diesel, advanced biofuel and total renewable fuel that must be used in transportation fuel each year. Currently, nearly all renewable fuel blended into gasoline is corn-based ethanol. The 2007 law also contains provisions encouraging and requiring ethanol from other sources and other types of renewable fuel.

Growth Energy asserts that to meet the growing levels of required renewable fuels, it must be allowed to blend more than 10 percent of ethanol, namely E15. This would delay the blend wall. Like EPA, the ethanol manufacturers also say another way to delay the blend wall would be to add more E85 facilities. In its RFS2 proposal, EPA estimates the blend wall will occur in 2013, but some believe it will take place sooner. According to EPA calculations, the widespread use of E15 would delay the blend wall until 2015 and E20 would postpone it to 2018.

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**Growth Energy asserts that to meet the growing levels of required renewable fuels, it must be allowed to blend more than 10 percent of ethanol, namely E15.**

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In its waiver application, the manufacturers say several studies and their extensive experience with ethanol show that E15 will not cause or contribute to the failure of vehicle emission control systems. To obtain a waiver, the manufacturers must demonstrate that E15 will not cause or contribute to engines, vehicles or equipment failing to meet their emissions standards over their useful life. By law, EPA must rule on the petition by Dec. 1. E10 was approved by a waiver process in 1978 in which EPA took no action; however, the statute has changed since then.

EPA could decide that E15 will be allowed for some vehicles and engines but not for others.

“Some vehicles and engines may be more susceptible to emission increases or durability problems that cause

**See *Ethanol*, p. 5**

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# Federal Court Dismisses Contamination Lawsuit Against BP for Ohio Property it Sold 40 Years Ago

A federal court recently dismissed a lawsuit against BP Products North America Inc. concerning contamination on a property Standard Oil Co. owned more than 40 years ago. A portion of the lawsuit will continue concerning allegations that the contamination may have come from a nearby gas station, which is either currently or formerly owned by BP or one of its predecessors (*Lally v. BP Prods. N. Am., Inc.*, 2009 WL 1314763 (N.D. Ohio May 11, 2009)).

The plaintiffs, Tim Lally Chevrolet Inc. and two Lally family members, alleged that their Cuyahoga County, Ohio, property was contaminated by a release from underground storage tanks (USTs) that were on the property when it was owned by Standard Oil from 1955 to 1965. BP is the successor company to Standard Oil. The court found that the Lallys' claims were time barred by the state's statutes of limitation for negligence, nuisance and trespass.

Lally Chevrolet, Patrick J. Lally and Michael J. Lally filed their lawsuit in June 2008 in the Cuyahoga County Court of Common Pleas (the case was later transferred to federal court). According to court documents, the Lallys and BP knew of the site's contamination in 1994 at the latest. The Lallys spent approximately \$900,000 to remediate the property to sell it to Walgreen Co.

The property's USTs had been removed shortly after Standard Oil sold it to Mosher-Lally Realty Co. in 1965. Lally Chevrolet acquired the property, referred to as parcel 25, in the mid-1980s. An adjoining property, parcel 24, which also was contaminated, was deeded to Michael and Patrick Lally in 1998. Walgreen bought both parcels in 2006.

In 1993, Lally Chevrolet conducted an initial environmental site assessment of both parcels. In January 1994, a phase II site assessment found soil contamination in both parcels from a petroleum release. Two months later, Patrick Lally contacted BP and the parties began corresponding concerning the contamination.

The court dismissed all three of the Lallys' claims — trespass, nuisance and negligence — finding that the causes of action ended with Standard Oil's sale of the property in 1965. Four-year statutes of limitation for each claim began to run, at the latest, in 1994 when Lally Chevrolet and the Lallys informed BP of the contamination.

The Lallys argued that BP's actions were a continuing trespass, which would toll the statute of limitations.

Citing a precedent from the Ohio Supreme Court, the federal court said "because the defendant sold the property ... it no longer could rectify the ongoing situation and that lack of control made its trespass permanent rather than continuous."

"Because BP sold parcel 25 over 40 years ago, and any contamination ... occurred prior to that date, the court finds ... BP's actions constitute a permanent trespass," the court ruled. The court noted the plaintiffs waited nearly 14 years to file their suit after discovering the contamination.

The court also ruled that any nuisance claim was a permanent nuisance under Ohio law. "The sale of the property by BP in 1965 along with near simultaneous removal of the [USTs] and the cessation of gas station operations means no further tortious conduct by [BP] occurred after 1965," the court said.

"Any alleged negligent conduct by [BP] arising from its ownership and/or operations on parcel 25 must have ceased in 1965 when the property was sold, the storage tanks removed and gas station operations ended," the court said.

The Lallys also alleged that BP's refusal to remediate the property constituted ongoing tortious conduct which tolled the statute of limitations. The court found this argument "fails for several reasons," in part, because the Lally complaint did not allege "refusal to remediate" as an independent claim or as an actionable tortious conduct. Even assuming that BP had a duty to remediate, the Lally parties missed the four-year statute of limitations which began to run in 1994, the court said.

The court granted BP summary judgment and dismissal of all counts concerning parcel 25. However, the Lally complaint also alleged that the petroleum contamination of both parcels may have come from another gas station controlled by BP. The complaint alleges that Standard Oil owned and operated a gas station on a property located diagonally from the Lally parcels.

"Because the court has no evidence on the dates of ownership or operations of this additional gas ... station the court cannot make a determination whether the alleged tortious acts were continuous or permanent and therefore, the court is unable to make a legal determination on whether the statute of limitations has run," the court said. The court denied BP summary judgment on this portion of the Lally complaint so the Lally parties may pursue this claim. 🏠

# EPA Tells States To Spend Stimulus Funds Quickly

If states are too slow in spending or obligating their stimulus money, the U.S. Environmental Protection Agency (EPA) will give that money to other underground storage tank (UST) state programs, the agency said in a May 15 report.

EPA expects to hand out \$197 million in UST stimulus money to states and territories by July 17 or earlier. Within one year of dispersing the stimulus money, EPA will conduct a review to ensure at least 25 percent of the money has been spent and at least 50 percent has been obligated. If states do not meet these markers, their stimulus funds may be awarded to other states.

Next summer, EPA will conduct a sufficient progress review to determine if the state and territory UST programs will have fully obligated all of their money by the statutory deadline of Sept. 30, 2010. If necessary, any unobligated money will be reallocated to faster spending UST programs by that date.

Recipients of the stimulus funding must submit quarterly reports to EPA detailing the number of initiated site assessments, completed site assessments, initiated cleanups and completed cleanups. States and territories must provide a breakdown of these numbers in terms of direct and indirect financing. For example, states must

differentiate between the number of completed site assessments paid for directly with stimulus funds and the number of completed site assessments in which stimulus funds paid for oversight of the assessment (indirect) and someone else paid for the actual assessment work.

If any amount of stimulus funding is used for a site assessment or cleanup, it may be counted as being paid for by stimulus money.

Contract work assignments are expected to be in place by July 17 for initial cleanup activities for Indian land projects. The stimulus bill will pay for \$6.3 million in Indian land UST cleanups. Contracts for follow-up work will be in place by Dec. 31, or sooner, depending on the results of the initial site assessments and cleanup activities.

Now through fiscal year 2011, and possibly longer, EPA will continue to monitor the progress of states and territories to spend the stimulus funds and the progress on Indian land cleanups. The agency plans to issue quarterly reports on its Web site.

For a copy of the 14-page report, go to <http://www.epa.gov/swrust1/eparecovery/index.htm> and scroll to the bottom of the page. 📄

## **Ethanol** (continued from p. 3)

or contribute to these vehicles or engines failing to meet their emissions standards,” EPA said. “Any approval, either fully or partially, is likely to elicit a market response to add E15 blends to E10 and E0 blends in the marketplace, rather than replace them. Thus consumers would merely have an additional choice of fuel.”

EPA referenced the conversion to unleaded gasoline that took place from the mid-1970s through the 1980s in discussing problems that could occur with a partial E15 waiver. During the phase out of leaded gasoline, “there was significant intentional misfueling by consumers,” EPA said.

“At the time, most service stations had pumps dispensing both leaded and unleaded gasoline and a price differential as small as a few cents per gallon was enough to cause some consumers to misfuel,” EPA said. In other words, consumers bought the cheapest fuel regardless of what was recommended or required for their vehicles.

Numerous national associations and groups asked EPA to extend the public comment period so that the groups could properly address the complex legal and

technical issues and provide more thorough comments that could aid in EPA’s consideration of the waiver petition. EPA agreed to extend the comment period to July 20 (74 Fed. Reg. 23704, May 20, 2009). To submit comments see <http://www.regulations.gov> or e-mail [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov) and reference Docket ID No. EPA-HQ-OAR-2009-0211.

Comments on the 241-page RFS2 proposal are due July 27 (for more details, see <http://www.epa.gov/oms/renewablefuels>).

In a controversial move, to determine RFS levels EPA is examining the entire lifecycle of each fuel to determine its greenhouse gas emissions, including direct and indirect emissions and significant emissions from land use changes. This could impact the amount of corn-based ethanol allowed under the RFS when emissions related to growing, harvesting and processing corn are considered by the agency. With an increase in corn prices in the last few years and a recent drop in gasoline prices, corn-based ethanol also has become less cost-effective. Several ethanol producers have filed for bankruptcy in recent months. 📄

# Administration Asks for Slight Increase in UST Funding to \$113 Million and \$10.5 Billion for EPA

The Obama administration is seeking \$113.1 million in federal Leaking Underground Storage Tank (LUST) Trust Fund money for fiscal year (FY) 2010, the U.S. Environmental Protection Agency (EPA) announced May 7. An additional \$14.9 million in funding would pay for EPA support of state underground storage tank (UST) programs.

An initial EPA budget was announced Feb. 26 with few details (see *Newsletter*, May 2009, p. 8). The agency requested a total budget of \$10.5 billion for all EPA programs. If approved, it would be the largest budget in the agency's history and a 38 percent increase from the previous year. EPA acknowledged that its FY 2010 budget request is a "substantial increase" from the \$7.6 billion budget enacted for FY 2009.

Appropriations for EPA have declined since reaching a high of \$8.4 billion in FY 2004. Given the federal government's record deficit and debt levels, congressional approval of EPA's request may be met with opposition. FY 2010 begins Oct. 1, 2009; it has been several years since Congress enacted the federal budget on time.

A large portion of the jump in EPA funding would go toward water infrastructure financing for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund. EPA has requested \$3.9 billion for the two funds. In FY 2009, \$1.5 billion was appropriated for these programs.

The bulk of the \$128 million request in tank-related funding is in LUST money, which must be used to pay for cleanups. At least 80 percent of the requested \$113.1 million would be distributed to states and tribes to conduct cleanups of UST sites that lack a viable responsible party, to conduct emergency cleanups or to address other abandoned contaminated UST sites. The money also will pay for an estimated 30 cleanups on Indian lands conducted by EPA. The LUST funding would account for approximately 1 percent of the agency's total proposed budget.

In FY 2009, LUST funding was \$112.6 million. That budget was finalized in March, more than five months late. The previous year LUST funding was \$108.1 million. The slight increase to \$113.1 million in FY 2010 would be distributed among state UST programs, EPA operational costs and EPA-led cleanups.

In addition to the LUST funds, grant money for UST state and tribal programs would be \$2.5 million, under the administration's plan. The same amount was enacted

the previous year. In FY 2008, state and tribal programs received \$3.6 million. This money, referred to as state and tribal assistance grants (STAG), may be spent on conducting UST inspections, implementing operator training requirements, prohibiting fuel delivery for non-compliant tanks and ensuring equipment compatibility. State programs also may use it to seek EPA approval to operate their UST programs in lieu of the federal program.

Another \$12.4 million will pay for EPA's UST-related program management and support and technical assistance for state and tribal programs. Last year, \$11.9 million was enacted for UST program oversight. In FY 2008, the figure was \$11.2 million.

## Brownfields

EPA requested \$175 million in brownfields funding — a \$5 million increase from last year. Most of the money, \$149.5 million, will be spent on STAG funding: \$100 million for grants and revolving loans to conduct brownfields site assessments and cleanups; and \$49.5 million to assist with state and tribal brownfields programs. The balance of the money, \$25.3 million, will pay for EPA's own brownfields activities and program and oversight costs.

The \$49.5 million may be used by states and tribes to develop and enhance their own brownfields programs, including developing brownfields legislation, regulations or guidance. These grant funds also pay for brownfields research and technical issues related to environmental justice. The same amount was enacted for FY 2009.

The \$100 million in brownfields grants is a slight increase from the \$97 million enacted in FY 2009. Stimulus funding also is paying for additional brownfields projects this year and next year (see related story, p. 7). EPA also asked for an increase in its program management costs from the \$23 million enacted for FY 2009.

## OSWER Nominee Approved

The U.S. Senate recently approved the administration's nominee for assistant administrator to EPA's Office of Solid Waste and Emergency Response (OSWER), which has UST oversight. Mathy V. Stanislaus was approved May 12. His appointment was announced by the White House March 31 and formally submitted to the Senate April 20. Stanislaus, an environmental attorney and chemical engineer, has more than 20 years of

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See *UST Funding*, p. 7

# EPA Announces Brownfields Grants Totaling \$112 Million for Cleanups and Site Assessments

The U.S. Environmental Protection Agency (EPA) has awarded \$111.9 million in brownfields grants to 252 applicants, the agency announced May 8. Although most of the money is from the annual brownfields grant process, \$37.3 million of the grants will be paid for with economic stimulus money.


The \$74.6 million in brownfields grants is only a portion of the agency's fiscal year (FY) 2009 brownfields appropriations. In January, EPA awarded \$2.6 million in brownfields job training grants. The agency recently requested \$100 million for brownfields grants for its FY 2010 budget (see related story, p. 6).

The latest round of grants will pay for cleanups and site assessments of properties that are contaminated or have suspected contamination from petroleum or hazardous materials in 46 states, four tribal areas and two U.S. territories. EPA estimates there are 450,000 brownfields sites nationwide that typically are former industrial or commercial sites, including abandoned gas stations. Brownfields also may include abandoned mines or sites contaminated by the manufacture and distribution of illegal drugs: typically, former methamphetamine labs.

"Cleaning and reusing contaminated properties provides the catalyst to improving the lives of residents living in or near brownfields communities," said EPA Administrator Lisa Jackson. "A revitalized brownfields site reduces threats to human health and the environment, creates green jobs, promotes community involvement, and attracts investment in local neighborhoods."

The 252 applicants will receive 389 grants. Several grant recipients were awarded more than one grant. For example, Tallahassee, Fla., received three cleanup grants totaling \$600,000 to address three properties. In Wisconsin, the Redevelopment Authority of the City of Milwaukee received three cleanup grants of \$200,000 each and a revolving loan fund (RLF) grant of \$1 million to address community-wide hazardous substances. RLF grants provide funding to government entities, which

## **UST Funding** (continued from p. 6)

experience with Superfund and brownfields and previously was assistant regional counsel for EPA Region 2. He co-founded and is currently co-director of a not-for-profit development organization, New Partners for Community Revitalization Inc., based in New York. The organization advocates urban renewal and brownfields redevelopment in low and moderate income neighborhoods in the city. 

then capitalize that money and provide sub-grants to others who carry out brownfields cleanups, site assessments or related planning. Generally, the RLF money is used to provide low interest loans for cleanups. Twenty RLF grants, totaling \$22.6 million, were awarded. Most of the awards were \$1 million each. Three of the loan grants, totaling \$4 million, are from stimulus money.

Assessment grants are used for site assessments or cleanup planning for specific brownfields properties or as part of a community-wide redevelopment effort. The latest round of assessment grants total \$66.8 million for 253 grant recipients. Of this amount, 104 grants worth \$25.8 million were paid for with recovery act funds.

Recipients of cleanup grants use the money to conduct remediation of brownfields sites that they own. EPA awarded 116 cleanup grants totaling \$22.5 million. Thirty-nine of these grants and \$7.5 million are from stimulus funding; 77 grants and \$15 million are from general funding.

Several state environmental agencies received brownfields grants, including the Utah Department of Environmental Quality (DEQ), which received a community-wide petroleum assessment grant of \$200,000. Utah DEQ plans to use its grant to identify and prioritize brownfields sites and complete nine site assessments. The money also will be used for cleanup planning and public outreach.

Targeted sites will include abandoned or underused gas stations, bulk plants and aboveground storage tank properties. Utah DEQ said in its proposal that many of these properties are dilapidated and tend to have a significant blighting influence on rural towns. The agency estimated there are more than 200 brownfields properties in small rural towns and other areas in the state. The assessments will aid in the identification of real or perceived environmental threats and help expedite redevelopment.

The city of Springfield, Mo., received three grants, all in stimulus money, totaling \$600,000. Two of the grants — each \$200,000 — will pay for assessments of hazardous substances and petroleum in the city's Jordan Valley area. The community-wide petroleum grant will pay for a minimum of 15 phase I and five phase II environmental site assessments, cleanup planning and community outreach for properties with potential petroleum contamination. The hazardous substance grant will

**See *Brownfields*, p. 8**

## Brownfields (continued from p. 7)

be used for the same activities at sites with potential hazardous substance contamination.


The Jordan Valley area is the oldest part of Springfield and is a former rail corridor; the area has more than 200 pre-1960 gas stations. Meth labs also are a concern, according to the city's brownfields proposal. A \$200,000 hazardous substance cleanup grant will be used to address a Jordan Valley site that is contaminated with heavy metals, arsenic and polynuclear aromatic hydrocarbons.

The assessments are expected to help the city move forward with its 25-year plan for transforming the Jordan Creek corridor into a civic park and community gathering place. When the area is cleaned up, it is expected to be redeveloped as part of the 300-acre Jordan Valley Park with open space and recreation areas.

The city of Hattiesburg, Miss., will receive two assessment grants: \$400,000 for petroleum and \$600,000 for hazardous substances. Hattiesburg, which is the county seat, has formed a coalition with the city of Petal and Forrest County. The community-wide coalition grants will be used to inventory and prioritize brownfield sites and conduct 127 phase I and 25 phase II site assessments in targeted areas of the county and the two cities. Cleanup planning and community outreach also will be performed. There are 52 known brownfields sites in the area including chemical plants, rail yards and former wood treatment facilities, according to the state.

The city of Newark, N.J., will receive \$1.6 million in brownfields grants. Two cleanup grants — \$200,000 for petroleum and \$400,000 for hazardous substances — will address three brownfields properties. The petroleum grant will address contamination at a former gas station that is expected to be redeveloped by a local minority- and woman-owned business for commercial use.

The hazardous substance money will pay for cleanup of a former metal plating and polishing facility that is contaminated by cadmium, nickel and zinc. The city hopes to redevelop the property with affordable housing and ground floor retail space. A second property, a former ethanol production facility and metal recovery operation, is contaminated with beryllium and other metals. Newark plans to redevelop this site with light industrial or manufacturing facilities. The cleanup money also will be used to sample groundwater and conduct community engagement at the three sites.

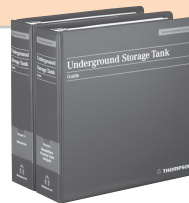
EPA also awarded Newark \$1 million in RLF grants. Of this amount, \$250,000 will target petroleum brownfields and the rest will address hazardous substance sites. The money will capitalize a loan fund through which the city will provide loans to cleanup contaminated sites. Newark anticipates issuing three petroleum loans and two hazardous substances loans. A decline in manufacturing has left an estimated 700 acres of brownfields in Newark, ranging in size from small plots in residential neighborhoods to large tracts of vacant industrial land of up to 30 acres. Contaminated runoff from these sites also threatens the quality of surface water. 

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