

**EPA R10 BROWNFIELDS GRANT**  
**SITE ELIGIBILITY DETERMINATION OUTLINE**  
(R10 Site Eligibility Outline.rev2-09)

1. Grantee Name & Cooperative Agreement # City of Moscow, BF-00J24101

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2. Date of this document: January 19, 2012 Date of proposed assessment: Phase I: February 2, 2012  
Phase II: March 9, 2012.

**A. BASIC SITE INFORMATION**

3. Property Name: "Old Dumas Seed" Site

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4. Property Address: 103 N. Almon Street, Moscow, ID, Latah County, Idaho 83843  
& Legal Description if known, Township: 39N ; Range: 05W ; and Section: 7

5. Work to be done: Phase I Assessment  Phase II  Other Assessment (explain)   
Details: \_\_\_\_\_

6. Who is the current owner of the property? Rehistoric Wood Products, LLC  
715 East Sprague, Suite 205, Spokane, WA 99202

7. Describe your relationship with the owner and their role in the work to be performed:

I am the project manager for the City of Moscow's EPA Brownfield Grant. The owners  
of the property, through the City of Moscow, would like to access the Federal EPA Assessment  
Grant. The City's EPA Work Plan identified this property as a potential site for assessment.

8. Known or Suspected Contaminant(s) (check one):

Hazardous Substances  Haz. Substances Commingled with Petroleum  Petroleum Only

9. Describe the type of activities that have been conducted on the property and indicate generally when such activities took place. Identify when and how the site became/may have been contaminated; with what substance(s); the part(s) of the site that are contaminated; and, describe previous known uses. If the land has been vacant for many years or contamination is only suspected, document why you think it needs assessment: **Current Use:** Wood Products deconstruction site. All wooded structures are scheduled for deconstruction. A brick structure and brick chimney will remain on site. **Past Uses:** Railroad right-of-way through center of property. Seed facility

**B. SITES NOT ELIGIBLE FOR FUNDING BY STATUTE** through 2006.

Please answer the following questions to the best of your knowledge:

1. Is this property listed on the NPL or identified as part of a larger Superfund site under a different name because it is located within the boundaries?  YES  NO

2. Is the facility subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA?  
 YES  NO

This document is used by US EPA Region 10 staff to evaluate eligibility of sites per the ARC guidelines.  
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3. Is the facility subject to the jurisdiction, custody, or control of the US Government. (Land held in trust by the US government for an Indian tribe is eligible.)  YES  NO

*Note: If you answered YES to any of the above (B.1-3) the property is not eligible.*

**C. SITES ONLY ELIGIBLE FOR FUNDING WITH A PROPERTY SPECIFIC DETERMINATION BY EPA:**

Certain properties can only be approved with a [Property Specific Determination](#) by EPA. Please answer the following questions to the best of your knowledge:

1. Is the site/facility subject to a planned or **ongoing** CERCLA removal action?  
 YES  NO
2. Has the site/facility been subject to an order or consent decree, or issued a permit by the U.S. or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA)), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SWDA)?  YES  NO
3. Is the site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))?  YES  NO
4. Is the site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle C of RCRA and is subject to closure requirements specified in a closure plan or permit?  YES  NO
5. Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?  YES  NO
6. Has the site/facility received funding for remediation from the leaking Underground Storage Tank (LUST) Trust Fund?  YES  NO

*Note: If you answered YES to any of the above (C. 1-6), please complete this outline including the information requested in Appendix A and provide the outline to EPA for review/approval.*

**D. IS ANY OF THE WORK BEING PERFORMED IN ORDER TO COMPLY WITH ANY FEDERAL ENVIRONMENTAL REQUIREMENTS?**  YES  NO

*If yes, site/work is ineligible for funding per statute; call EPA project officer or ORC to discuss.*

**E. HAZARDOUS SUBSTANCE/COMMINGLED CONTAMINATION SITES** *(for Petroleum only sites, skip to F.)*

1. Owner: Does the grantee own the site?  YES  NO

If the grantee owns the property being assessed/cleaned up, indicate which of the following bases for determining that the grantee is not potentially liable as an owner under Section 107(a) of CERCLA applies, and briefly describe the circumstances.

The owner is a recognized tribal government entity and is not a "person" under the definition of CERCLA.

The owner acquired the property "involuntarily", such as by foreclosure or eminent domain or bequest.

The contamination migrated from an adjacent property such that the owner qualifies for and has satisfied the contiguous property owner exception to liability, including all appropriate inquiry, reasonable steps, notice and access/institutional controls cooperation.

The owner satisfies the elements of the Bona Fide Prospective Purchaser exception to liability, including all appropriate inquiry, reasonable steps, notice and access/institutional controls cooperation.

Other? \_\_\_\_\_

Explain the circumstances \_\_\_\_\_

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*Owners of property with known or suspected hazardous or commingled contamination may only work on sites for which they can assert one of the defenses to CERCLA liability above.*

*Grantees may assess sites which they do not own where there is substantial public benefit or other compelling reason to use public funds for the assessment, even if the owner is a potentially responsible party. In such cases EPA recommends documenting the rationale for doing so.*

2. Operator: Did the grantee conduct, direct or allow others to conduct any activities that caused or contributed to the property contamination?  YES  NO

3. Generator or transporter: Did the grantee generate or transport any waste brought to the site?  YES  NO (Operators, generators and transporters cannot use EPA funds to work on known or suspected hazardous or commingled contamination sites)]

## **F. PETROLEUM ONLY CONTAMINATION SITES**

State Determination Attached?  YES  NO

*All petroleum sites need a written determination of eligibility by the State Environmental Agency or EPA based on the answers to Section F and the rest of the questions in this outline (except*

section E.). Please answer these questions AND attach such a determination if one has been made, or if not, discuss with EPA. The determination must address 4 statutory criteria

1) "Relatively Low Risk"

The State or EPA will have to determine that this site is of "Relatively Low Risk" compared to other petroleum-only sites in the State. Two key questions for this determination follow:

- a) Have Leaking Underground Storage Tank funds been expended at this site?  
 YES  NO  Don't KNOW
- b) Have Federal Oil Pollution Act response funds been expended at this site?  
 YES  NO  Don't KNOW

2) "A Site for Which there is No Viable Responsible Party"

- a) Was the site last acquired through tax foreclosure, abandonment or equivalent government proceedings?  YES  NO
- b) Has a responsible party been identified through:
  - i) a judgment rendered in a court of law or an administrative order that would require any party to assess, investigate, or cleanup the site;  YES  NO or
  - ii) a filed enforcement action brought by federal or state authorities that would require any party to assess, investigate, or cleanup the site;  YES  NO or
  - iii) a citizen suit, contribution action or other 3<sup>rd</sup> party claim against the current or immediate past owner, that would, if successful, require that party to assess, investigate, or clean up the site  YES  NO ;

Explain any "yes" answers \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Skip to "2e." if the site was acquired through tax foreclosure, abandonment or equivalent government proceedings; if not, answer question 2c and 2d.

- c) The current owner is: \_\_\_\_\_ Has the current owner:
  - i) dispensed or disposed of petroleum or petroleum product at the site?  YES  NO
  - ii) owned the property during the dispensing or disposal of petroleum product at the site?  YES  NO
  - iii) exacerbated the contamination at the site?  YES  NO
  - iv) taken reasonable steps with regard to contamination at the site,  YES  NO.

Explain any "yes" answers \_\_\_\_\_  
\_\_\_\_\_

- d) The immediate past owner is: \_\_\_\_\_ Has the immediate past owner:

- i) dispensed or disposed of petroleum or petroleum product at the site?  YES  NO
- ii) owned the property during the dispensing or disposal of petroleum product at the site?  
 YES  NO
- iii) exacerbated the contamination at the site?  YES  NO
- iv) taken reasonable steps with regard to contamination at the site,  YES  NO.

Explain any "yes" answers \_\_\_\_\_

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e) Based on the above, for purposes of Brownfields funding, is there a responsible party?  
 YES  NO If "YES" go on to #2.f, if "NO" proceed directly to #3

f) If there is a responsible party, is that party viable (has adequate financial resources to pay for assessment of the site)?  YES  NO If "NO", explain the basis for that conclusion:

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*If there is a viable responsible party the petroleum site is ineligible. If there is no responsible party, or if there is a responsible party who is not viable, continue. NOTE: States may apply their own laws and regulations to make the petroleum site determination instead of the previous questions; if they do so, please provide their determination and rationale.*

3) "Cleaned Up By a Person Not Potentially Liable"

- a) Has the grantee ever
  - i) dispensed or disposed of petroleum or petroleum product at the site?  YES  NO
  - ii) exacerbated the contamination at the site?  YES  NO

If "YES" to either 3a.i. or 3.a.ii, explain how the grantee took "reasonable steps" with respect to the contamination.

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4) Is the site "subject to any order issued under Sec. 9003 (h) of the Solid Waste Disposal Act?"  
 YES  NO

**G. ACCESS**

Does grantee have access or an access agreement for this property?  YES  NO (If NO, explain how & when access will be acquired.) In progress, will obtain during the eligibility period.

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**H. SITE ELIGIBILITY DETERMINATION BY GRANTEE**

Site is  not  eligible for site assessment activities using EPA Brownfields Funds

-- OR --

Site is eligible for site assessment activities using EPA Brownfields Funds but requires EPA Property-Specific Determination, for which additional info is provided on next page.

Jeffrey B. Jones  
Name of Person Completed Evaluation

January 19, 2012  
Date:

+++++ **EPA Review Results** +++++

EPA accepts grantees determination site is eligible based on information provided [Explain if EPA is making the Petroleum Determination;

EPA accepts grantees determination site is eligible based on information provided and the Property Determination documented in Appendix A (see next page); or

EPA does not have sufficient or appropriate information to agree the site is eligible. Need the following information or need to discuss

\_\_\_\_\_  
\_\_\_\_\_

EPA Representative: \_\_\_\_\_ Date: \_\_\_\_\_

APPENDIX A: [IF REQUIRED] INFORMATION TO SUPPORT PROPERTY SPECIFIC DE-TERMINATION by EPA

Explain why Brownfields financial assistance is needed and how it will protect human health and the environment and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways undeveloped property, other recreational property, or other property used for nonprofit purposes

The site value has been determined to be \$325,000 with an accepted purchase and sale agreement in place. The developer who has the property under contract has plans for a new infill housing project on the site. The current owners have completed the asbestos abatement of the property and are completing the deconstruction of the wooden structures on site. The Phase I, II and possible cleanup planning would expedite the redevelopment of the process. Time is of the essence as the developer was only able to extend his option on the property for 90 days. Prior reports are attached.

FOR EPA USE:

Site is excluded from the definition of a Brownfields site in 101(39)(B) but EPA has determined the site is is not eligible for funding per 101(39)(C) based on the information provided by the requestor.

\_\_\_\_\_  
EPA Brownfields Project Manager

\_\_\_\_\_  
Date