

# EPA - Region 10 Brownfields Site Eligibility Worksheet

(Updated: 6/4/15)

*This worksheet is intended for EPA Region 10 Brownfield Grant Recipients to be used as an aid for determining site eligibility. Grantees may submit the completed form with their determination to their EPA Brownfields Project Officer. Upon receipt, EPA will either concur or require additional information. You may contact your Project Officer if you have any questions about this worksheet or brownfield site eligibility.*

Grantee Name:

City of Moscow

Grant #:

BF-00J24101-1

Sites approved for Phase II assessment are subject to Endangered Species Act (ESA) and National Historic Preservation Act (NHPA) Requirements.

Grant/Resource Type:

Assessment     Cleanup     Cleanup/RLF     State & Tribal Response Program     TBA

Activity Requested:

Phase I     Phase II     ABCA     Cleanup     Other

Explain:

## Section A - Basic Site Information

Property Name:

Sharpe LLC

State Facility # (if applicable):

Property Address:

1102 and 1104 S. Main Street

Cross street (if applicable):

City:

Moscow

State:

ID

Zip Code:

83843

Tax Lot Number(s) and County:

Legal Description (Section, Township, Range):

Who is the current owner of the property?

Ted Sharpe, Jr. and Julie Sharpe

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

The grantee plans to perform assessment activities for the owners

Does the grantee/applicant have access or an access agreement for this property?  Yes  No

Copy of signed agreement attached

If no, explain how & when access will be acquired:

Known or Suspected Contaminant(s):

If the site is commingled hazardous substance and petroleum, select the predominant contaminant. Select both boxes if the contamination is distinguishable.

Hazardous Substance(s)  Petroleum

Explain why are you want to assess/clean-up this property. What is the desired reuse? Is there a prospective purchaser interested in the property? Is the transaction time sensitive? Include any other details that you believe to be relevant.

A Phase II was conducted at the site. The Phase II recommended additional groundwater monitoring and ambient air monitoring to characterize petroleum concentrations on/off the site and to reassess whether air vapor is suitable for the desired commercial use of the property.

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, explain why you think it needs assessment: **-Please attach site map-**

The property was used as a petroleum bulk storage and distribution facility from the 1950s to 1999 under several different owners. It is known that petroleum contamination exists and is generally concentrated in two areas; but it is not known when the property became contaminated. As stated above, the reassessment work recommended from the original Phase II is being conducted to facilitate the redevelopment of the property.

## **SECTION B - General Eligibility**

*Complete this section for the requested site, regardless of contamination type.*

### **Sites Not Eligible for Funding by Statutes**

Is the property listed on the National Priority List (NPL) or identified as part of a larger Superfund site under a different name?

Yes  No

Is this property located within the boundaries of Superfund site? (check to confirm if a contributor)

Yes  No

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

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

Is any of the work being performed in order to comply with any federal environmental requirements?

Yes  No

## Sites Only Eligible for Funding with a Property Specific Determination by EPA

*The following special classes of properties require a "Property-Specific Determination" from EPA to be eligible. EPA's approval of Property-Specific Determination will be based on whether or not awarding a grant will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes.*

Is the site/facility subject to a planned or ongoing CERCLA removal action?

Yes  No

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

Is the site/facility subject to corrective action orders under RCRA (sections 3004(u) or 3008(h))?

Yes  No

Is the site/facility a land disposal unit that has submitted a RCRA closure notification under subtitle of RCRA and is subject to closure requirements specified in a closure plan or permit?

Yes  No

Has the site/facility had a release of polychlorinated biphenyls (PCBs) that is subject to remediation under TSCA?

Yes  No

Is the site currently receiving funding for remediation from the leaking Underground Storage Tank (LUST) Trust fund?

Yes  No

---

## **SECTION C.2 - Petroleum Contamination Sites**

*Complete this section for sites contaminated with petroleum or petroleum products.*

Do you have a 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:*

Have Leaking Underground Storage Tank funds been expended at this site?

Yes  No  Unknown

Have Federal Oil Pollution Act response funds been expended at this site?

Yes  No  Unknown

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

Was the site last acquired through tax foreclosure, abandonment or equivalent government proceedings?

Yes  No

Has a responsible party been identified through:

a) 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

b) a filed enforcement action brought by federal or state authorities that would require any party to assess, investigate, or cleanup the site?

Yes  No

c) a citizen suit, contribution action or other 3rd 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

Has the current owner done any of the following:

Dispensed or disposed of petroleum or petroleum product at the site?

Yes  No

Owned the property during the dispensing or disposal of petroleum product at the site?

Yes  No

Exacerbated the contamination at the site?

Yes  No

Taken reasonable steps with regard to contamination at the site?

Yes  No

*Explain:*

Performed assessment and remediation work in coordination with IDEQ upon discovering petroleum release during demolition of the petroleum facility.

Who is the immediate past owner?

Has the immediate past owner done any of the following?

Dispensed or disposed of petroleum or petroleum product at the site?

Yes  No

*Explain:*

Owned and operated petroleum bulk facility from 1981 to 1999.

Owned the property during the dispensing or disposal of petroleum product at the site?

Yes  No

*Explain:*

Owned and operated petroleum bulk facility from 1981 to 1999.

Exacerbated the contamination at the site?

Yes  No

Taken reasonable steps with regard to contamination at the site?

Yes  No

Explain:

Owned and operated petroleum plant from 1981 to 1999 and no known spills or violations were reported during the operating period.

Based on the above, for purposes of Brownfields funding, is there a responsible party?

Yes  No

Is that party viable (has adequate financial resources to pay for assessment of the site)?

Yes  No

*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"

Has the grantee/applicant ever:

Exacerbated the contamination at the site?

Yes  No

Dispensed or disposed of petroleum or petroleum product at the site?

Yes  No

Explain how the grantee/applicant took "reasonable steps" with respect to the contamination:

4) Is the site "subject to any order issued under Sec. 9003 (h) of the Solid Waste Disposal Act?"

Yes  No

---

## **SECTION C - Site Eligibility Determination**

Complete your eligibility determination based on the information you provided.

### Grantee/Applicant Determination

- The Site is eligible for EPA Brownfields Funds.
- The Site is not eligible for EPA Brownfields Funds.
- The Site is eligible for EPA Brownfields Funds but requires EPA Property-Specific Determination.

Name: Kyle Ptak Organization: City of Moscow

Date: 6/29/15

List any attachments that are being included to support your determination:

Site access agreement has already been forwarded to Terri Griffith.

### EPA Review Results

- EPA accepts the grantee/applicant's determination that the site is eligible for Brownfields funds.
- EPA has determined that the site is not eligible for Brownfields funds.
- The site is excluded from the definition of a Brownfields site in 101(39)(B) but EPA has determined the site is eligible for funding per 101(39)(C) based on the information provided by the requestor.
- EPA does not have sufficient or appropriate information to accept the grantee/applicant's determination.

Comments:

EPA Project  
Officer:

Date:

#### **EPA Staff Enforcement Screen**

- Confirmed non-contributor to a Superfund site \_\_Date:
- ECHO/OTIS \_\_Date:
- Enforcement Sensitive \_\_Date: