

### Program Overview

**Program Name:** Kentucky Brownfield Redevelopment Program Kentucky Division of Compliance Assistance

**Summary:** The Kentucky Brownfield Redevelopment Program seeks to help redevelop and revitalize properties that are abandoned or underutilized due to real or perceived contamination. There are an estimated 8,000 brownfields across the state. They include sites such as old gas stations, mine-scarred lands, abandoned factories, old schools and hospitals, and meth labs. The program offers comprehensive services to help with these problem properties.

**Website:** <http://dep.ky.gov/Pages/brownfields.aspx>

**Funding Source(s) for the Program:** State Hazardous Waste Management fund, fees, and federal grants

**Cost to enter program or fees for service:** \* Informal program leading to Notice of Completion letter - no cost at the present \* Voluntary Environmental Remediation Program (VERP), which leads to Covenant Not to Sue - \$1,000 to \$2,500 based on acreage plus any oversight costs beyond that. Fees

**Sites Enrolled in VCP:** \* Informal Program - 5,470 sites \* VERP - 3 sites \* Kentucky Brownfield Redevelopment and Reuse Program (KRS 224.1-415) - 152 sites

**Sites Completed under VCP:** \* Informal program - 4,804 sites \* VERP - 0 sites \* Kentucky Brownfield Redevelopment and Reuse Program (KRS 224.1-415) - 138 sites

### Contacts

**Name:** Eric Eisminger  
**Org:**  
**Title:** Brownfields Coordinator  
**Email:** [eric.eisiminger@ky.gov](mailto:eric.eisiminger@ky.gov)  
**Phone:** 502-782-6601  
**Website:**

### Assessment and Cleanup Funding

The Cleaner Commonwealth Fund provides cleanup grants and loans to local governments, quasi-governmental entities, and non-profits. Kentucky does not currently offer funding to private entities through this program, but may in the future. Meanwhile, private entities may consider partnering with an eligible entity. <http://dca.ky.gov/brownfields/Pages/Cleanercommonwealthfund.aspx>

### Incentives

Kentucky offers property tax incentives and income tax credits to individuals or businesses that complete a cabinet-approved cleanup on a qualified property. <http://dca.ky.gov/brownfields/Pages/TaxIncentives.aspx>

### Liability Relief Provisions

Kentucky law offers liability defenses for bona fide prospective purchasers, contiguous property owners and innocent landowners. The requirements for these defenses are the same as under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Volunteers may apply to obtain a Covenant Not to Sue (CNTS) under VERP. KRS 224.1-415 provides property owners and prospective property owners (who can certify that they did not cause a release or have relationships with those who did, and who develop a plan to reuse the property safely) documentation that they will not be held responsible for conducting site investigation and remediation under Kentucky Superfund laws, specifically KRS 224.1-400 and KRS 224.1-405. <http://waste.ky.gov/SFB/Pages/Brownfields.aspx> Kentucky has entered into Memoranda of Agreement (MOA) negotiations with EPA that would provide federal liability protection for

qualified properties that have been addressed under certain portions of state cleanup program.

### Brownfields Redevelopment Authorities (or similar)

- ▶ The Kentucky Housing Corporation has established a program to assist qualified persons and families of lower and moderate income to help defray the cost of assessment and decontamination of methamphetamine contamination of inhabitable properties.
- ▶ Duke Energy, Louisville Gas and Electric and Kentucky Utilities have programs that offer reduced electrical rates for companies that redevelop on qualified brownfields.

## Contaminants Managed

Petroleum and polychlorinated biphenyls (PCBs) are covered, but petroleum releases are not eligible for a Covenant Not to Sue if they fall under the Underground Storage Tank (UST) program. Asbestos and lead paint are covered if released in the environment and not part of a structure. Kentucky has contractor certification requirements and guidance for decontamination of meth labs in inhabitable properties.

**Asbestos:** With Conditions - If released in the environment and not part of a structure

**Lead:** With Conditions - If released in the environment and not part of a structure

**PCBs:** Yes

**Petroleum and Fuels:** Yes

**Other Contaminants:** No

## Institutional Controls

Kentucky adopted legislation that mirrors the Uniform Environmental Covenant Act. Kentucky Revised Statutes (KRS) 224.80-100 to 210 provide assurance that protective measures remain in place at properties where contamination is being managed onsite.

**IC Tracking:** The party or applicant shall conduct annual (or other approved frequency) inspections of the engineering and institutional controls and shall make annual (or other approved frequency) certification to the cabinet that the controls remain protective of human health, safety and the environment. In accordance with KRS 224.01-400 (17), a review of environmental conditions at sites that have not been restored or remediated shall be conducted every five years to determine if additional action is necessary to protect human health or the environment.

**IC Oversight:** The party or applicant shall conduct annual (or other approved frequency) inspections of the engineering and institutional controls and shall make annual (or other approved frequency) certification to the cabinet that the controls remain protective of human health, safety and the environment. In accordance with KRS 224.01-400 (17), a review of environmental conditions at sites that have not been restored or remediated shall be conducted every five years to determine if additional action is necessary to protect human health or the environment.

**IC Monitoring:** The party or applicant shall conduct annual (or other approved frequency) inspections of the engineering and institutional controls and shall make annual (or other approved frequency) certification to the

cabinet that the controls remain protective of human health, safety and the environment. In accordance with KRS 224.01-400 (17), a review of environmental conditions at sites that have not been restored or remediated shall be conducted every five years to determine if additional action is necessary to protect human health or the environment.

### Related Programs

#### **Underground Storage Tanks Branch**

<http://waste.ky.gov/UST/Pages/default.aspx>

#### **Methamphetamine Lab Cleanup**

<http://waste.ky.gov/SFB/MethLabCleanup/Pages/default.aspx>

#### **Superfund Program**

<http://waste.ky.gov/SFB/Pages/default.aspx>