

Program Overview

Program Name: Idaho Brownfields Revitalization and Environmental Site Response Program / Voluntary Cleanup Program (VCP)

Summary: Idaho's Land Remediation Act, or VCP, is found in Idaho Code 39-7201 et seq., and DEQ's rules implementing the Act are located at IDAPA 58.01.18. The VCP allows for the remediation of hazardous substances and petroleum contaminated sites absent an enforcement action. In 2004, DEQ established its Brownfields Revitalization and Environmental Site Response Program to facilitate the reuse of brownfield sites and works to develop Web tools, authorities, and guidance aimed at improving the efficiency of all DEQ assessment and remediation programs.

Website: <http://www.deq.idaho.gov/waste-mgmt-remediation/brownfields.aspx>

Funding Source(s) for the Program: Federal grants

Cost to enter program or fees for service:

Participants must pay to IDEQ two fees under the VCP: 1) a \$250 application fee; and 2) an initial \$2,500 fee for DEQ oversight costs related to review of the remediation work plan and site activities conducted thereafter. If oversight costs exceed

Sites Enrolled in VCP: As of September, 2023, 9 sites were participating in the VCP.

Sites Completed under VCP: As of September, 2023, 35 sites were completed under the VCP.

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Assessment and Cleanup Funding

The Community Reinvestment Pilot Initiative - DEQ reimburses a private party 70% of its 'certified cleanup costs,' up to \$150,000 per site. With this structure, the Pilot's benefit caps at a \$215,000 cleanup as follows: DEQ reimburses 70% (up to \$150,000) and the private party is responsible for the remaining 30% (\$65,000). To date, 9 sites have received rebates. On site is still implementing the workplan.

Incentives

Voluntary Cleanup Program Tax Incentives-Sites are eligible for a property tax reduction (not to exceed seven years) that is applied to 50% of the difference in value between the property's pre-remediation and post-remediation land valuation. The exemption may be granted only if the CNTS is in full force and effect for the entire period of exemption, and the site remains in the possession of the owner who completed the cleanup for the entire exemption period.

Liability Relief Provisions

Certificate of Completion and a Covenant Not to Sue are available under Idaho's VCP. After receiving a COC, a party can receive a CNTS for any claim for environmental remediation under state law resulting from or based upon the release or threatened release of a hazardous substance or petroleum product that is the subject of the approved voluntary remediation work plan. The CNTS extends to any current or future owner or operator of the site or portion thereof who did not cause, aggravate or contribute to the release or threatened release.

Environmental Insurance

Idaho's Petroleum Storage Tank Fund provides underground storage tank (UST) site owners with environmental insurance of \$1,000,000 per tank for \$100 per year, with a \$10,000 deductible. This fund is under the Idaho Department of Insurance and is not managed by the Idaho Department of Environmental Quality.

Contaminants Managed

Evaluation and cleanup of petroleum release sites is specifically addressed using the Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites (IDAPA 58.01.24) which can be found at <http://adm.idaho.gov/adminrules/rules/idapa58/0124.pdf> (and the accompanying Guidance document).

Asbestos: Yes

Lead: Yes

PCBs: With Conditions - Approval from EPA's Region 10 TSCA staff

Petroleum and Fuels: Yes

Other Contaminants: Yes - Metals Chlorinated solvents Other COCs identified by historical uses of the property

Institutional Controls

Both the VCP and the Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites (IDAPA 58.01.24) authorize the use of activity and use limitations, implemented through the use of environmental covenants, when conducting site cleanups under DEQ oversight. The Idaho Legislature enacted the Uniform Environmental Covenants Act in 2006 to facilitate this process. DEQ developed a model environmental covenant for use at sites which are cleaned up under the oversight of DEQ.

IC Tracking: Idaho tracks ICs and environmental covenants through internal processes that are part of the agency's document management system and posts a copy of the recorded covenant on the Terradex Facility Mapper that is available here: <https://idaho.terradex.com/>

IC Oversight: Oversight and Monitoring of ICs is accomplished through a combination of periodic audits of sites by agency staff and self-reporting requirements contained in the environmental covenants applied to a site.

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