

Program Overview

Program Name: Brownfields and Voluntary Cleanup and Redevelopment Program (VCP) Colorado Department of Public Health and Environment

Summary: The Colorado Department of Public Health and Environment (CDPHE) established the Voluntary Cleanup and Redevelopment Program (VCP) in 1994 to provide public and private property owners with the resources to facilitate cleanups as well as assurances against regulatory enforcement.

Website: <https://www.colorado.gov/pacific/cdphe/voluntary-cleanup>

Funding Source(s) for the Program: VCP fees (80%) and federal grants (20%)

Cost to enter program or fees for service: Application fee is \$2,000. Hourly review fee is \$140.

Sites Enrolled in VCP: Approximately 70 applications are processed each year.

Sites Completed under VCP: As of December 2022, a total of 1,550 sites have been completed under the VCP.

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Assessment and Cleanup Funding

- ▶ Colorado Brownfields Revolving Loan Fund - Encourages the cleanup of unused or under-used contaminated properties. The Fund offers financing with reduced interest rates, flexible loan terms, and flexibility in acceptable forms of collateral. The fund can also provide sub-grants to local governments. <https://cdphe.colorado.gov/state-revolving-fund-information>
- ▶ Targeted Brownfields Assessments - The state performs targeted site assessments to characterize the nature and extent of site contamination. This characterization is at no cost to the property owner, and provides assistance in quantifying the need for and potential cost of cleanup. Sites are eligible if they are not on the National Priorities List (NPL) or under enforcement or other action by a government agency. For a private party to be eligible there must be a clear public benefit.

Incentives

- ▶ Sub-Grants - State Brownfields grants are available to local governments and non-profits to help pay for cleanup of contaminated properties and facilitate redevelopment of those properties.
- ▶ State Income Tax Credit for Environmental Remediation of Contaminated Land - In 2014, the Colorado General Assembly passed Senate Bill 14-073 providing a tax credit for environmental

remediation of contaminated land within the State. The law provided a 40 % tax credit on cleanup expenses up to \$750,000 and a 30% credit on cleanup expenses greater than \$750,000 up to \$1,500,000. Taxpayers and qualified entities may transfer the credit.

Liability Relief Provisions

Colorado statute provides that voluntary cleanup plans are not enforceable against a property owner (unless the owner fails to implement the plan after initiating a voluntary cleanup). In addition, information provided by a property owner to support a voluntary cleanup plan or no action petition does not give CDPHE an independent basis to seek penalties from the property owner pursuant to state environmental statutes or regulations.

Contaminants Managed

Hazardous substances and solid wastes including petroleum contaminants, asbestos, lead paint, and methamphetamine derived contaminants are all covered.

Asbestos: Yes

Lead: Yes

PCBs: No

Petroleum and Fuels: Yes

Other Contaminants: No

Institutional Controls

While Colorado does not have enforcement authority under its state Superfund program, the most recent amendments to the Hazardous Waste Sites Act authorize the use of environmental covenants that run with the land (Colorado Revised Statutes (CRS) §§ Sec. 25-15-317 through 327). CDPHE may use environmental covenants under the VCP if the owner requests it, however it is not compulsory. If the property owner fails to comply with an environmental covenant, CDPHE may issue an order requiring compliance and may request that the Attorney General bring a suit to enforce the terms of the covenant.

IC Tracking: Colorado is required to maintain an inventory of all sites and facilities at which hazardous substances have been disposed of in the state. As of July 1, 2001 the state is tracking ICs at state cleanup program sites, Resource Conservation and Recovery Act (RCRA) cleanup sites, Superfund sites, federal facility sites, and VCP sites through the database. Colorado is required to create and maintain a registry of all environmental covenants, including any modifications or terminations of the covenants under the 2001 amendments to the Hazardous Waste Sites Act. The database is available to the public at: <https://cdphe.colorado.gov/hmcovenants>

IC Oversight: Colorado's long-term stewardship provisions include monitoring, ICs and enforcement.

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Related Programs

Superfund Program

<https://cdphe.colorado.gov/hm/brownfields>