

THE NRG REPORT

Review of Brownfields Resources in Massachusetts

The term 'Brownfields site' generally refers to real property where expansion, re-development or re-use may be complicated by the presence of a hazardous substance, pollutant or contaminant.

A variety of resources are available to individuals involved in the remediation and re-development of Brownfields sites. These include grants and loans, insurance subsidies, tax incentives, and liability relief. A brief summary of these resources is provided below:

Funding Sources

- Brownfields Re-Development Fund (BRF) – A state program that provides no/low-interest loans and grants for the assessment and remediation of Brownfields sites in economically distressed areas.
- Massachusetts Division of Housing and Community Development (DHCD) and U.S. Department of Housing and Urban Development (HUD) Programs - Provide communities with resources needed to promote economic development, affordable housing and other goals, including the re-development of Brownfields.
- U.S. Environmental Protection Agency (EPA) Programs – Offer funding to public entities for assessing and remediating Brownfields sites.

State-Subsidized Environmental Insurance

- Brownfields Redevelopment Access to Capitol (BRAC) – Encourages private sector lending on contaminated sites by subsidizing environmental insurance.

Tax Incentives

- Massachusetts Brownfields Tax Credit – Provides a tax credit to certain taxpayers who are involved in the remediation of a Brownfields site in an economically distressed area. The credit ranges from 25% to 50% of net response costs. In order to qualify for the credit, the owner or operator must not have owned or operated the site at the time of the release, or contributed to the release in any way.
- Federal Brownfields Tax Incentive – Provides a tax deduction for 100% of the remedial costs at Brownfields sites with qualifying contamination (sites with only petroleum contamination are excluded).
- Economic Development Incentive Program (EDIP) - Offers tax and other incentives to attract new businesses to economic target areas.

Liability Relief

- Brownfields Covenant Not to Sue Program - Provides liability protection for projects where the statutory eligibility protection does not apply.

Each of the programs mentioned above have very specific requirements and Norfolk Ram Group, LLC (Norfolk) can assist in consulting with the agencies involved, to confirm whether or not your project qualifies for the program, as well as to determine the current availability of funding. For assistance in determining your site qualification for these programs, please contact Norfolk's Jonathan D. Kitchen at (508) 747-7900, extension 154, or via email at jkitchen@norfolkram.com. Norfolk may also be accessed on the internet at www.norfolkram.com.

EPA Brownfields Clean-Up Grant

On behalf of the Town of Carver, Norfolk Ram Group, LLC (Norfolk) prepared and submitted a grant application to the United States Environmental Protection Agency (EPA), seeking funds in the amount of \$200,000, in order to clean-up petroleum contamination located at a Brownfields site.

An oil/gas facility was also located on the property during the 1960's and 1970's, and records indicated that at one time the property was used as an automotive/equipment repair garage. The property has been a Brownfields site since it was abandoned by its owner in 1988.

The site, located on Main Street (Route 58), was acquired by the Town in 1997, through a tax taking. The site had previously been occupied by various tenants, the most recent being a truck repair facility during the 1980's.

Should EPA grant funds be awarded, the money will be used to implement the Comprehensive Remedial Action Plan that Norfolk has prepared for the Town.



GIS Map of the Town of Carver - Submitted for the EPA Grant Fund

Norfolk Ram Group, LLC's Affiliation with Local Brownfields Work

Norfolk Ram Group, LLC (Norfolk) was retained by the owner of a commercial property located adjacent to an abandoned disposal site in Plymouth, Massachusetts. The site was the location of an historic release of oil and hazardous materials (OHM), in particular zinc. The Town was interested in acquiring the disposal site, in order to re-develop it as a Brownfields project, and to remove the "eye sore" that the abandoned buildings represented.



Comprehensive Site Assessment activities were in progress at the disposal site, and assessment activities by others had included laboratory analysis of soils collected at the commercial property owned by Norfolk's client. Zinc was detected in the soils above the Department of Environmental Protection's (DEP's) applicable reportable concentration and Upper Concentrations Limits (UCL). Assessment activities also identified zinc impacts at an abutting Town owned property.

Norfolk conducted soil and groundwater analysis across from the commercial property, and confirmed widespread zinc-impacts to the soil and groundwater. The client was informed by the DEP that notification conditions existed at the site, however Norfolk and the client's legal counsel felt that the commercial property was a portion of the abandoned disposal site. An historic map of the disposal site indicated that the commercial property, and the Town's property, were salt marshes in the early 1900's. The map referenced a license issued by the Massachusetts Board of Harbor and Land Commissioners (a predecessor agency to the DEP) to the then-owner of the disposal site to fill the salt marsh. In Norfolk's due diligence work, a former neighbor to the disposal site informed Norfolk that he remembered workers from the disposal site dumping wheel barrows of yellowish waste material into the salt marsh during filling activities. Norfolk's research indicated that the zinc impacts at the commercial property were not the result of a release of OHM generated at the commercial property, but due to the disposal of fill material from manufacturing by-products generated at the adjacent disposal site.

Norfolk used these technical justifications to close the portion of the disposal site owned by their client. Also, with the assistance of the DEP and the Massachusetts Attorney Generals Office, a Covenant Not to Sue was pursued for the disposal site, Norfolk's client's commercial property and the abutting Town property. The successful outcome fulfilled the needs of Norfolk's client, who was planning to sell the commercial property, and cleared the way for the acquisition of the disposal site by the Town.

Plymouth Office
One Roberts Road
Plymouth, MA 02360
Phone: (508) 747-7900
Fax: (508) 747-3658

Norfolk works directly with clients and other consultants, in order to advise on Brownfields initiatives and EPA Grant Funding. If you would like to know more about Norfolk's services, please contact President Mark S. Bartlett, P.E., at 508-747-7900, extension 131, or via email at mbartlett@norfolkram.com. Norfolk can also be accessed on the internet at www.norfolkram.com

Milford Office
25 Birch Street, Building B
Milford, MA 01757
Phone: (508) 478 - 1276
Fax: (508) 478 - 1498

Norfolk Ram Group, LLC is a full-service environmental and civil engineering consulting firm, which specializes in environmental compliance, permitting, assessment, design/build remediation, and civil engineering.

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One Roberts Road
Plymouth, Massachusetts
02360

(508) 747-7900 phone
(508) 747-3658 fax

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www.norfolkram.com

Editorial Review Board:
Brian Moran, P.E., LSP, Principal
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One Roberts Road, Plymouth, MA 02360

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