

# Site Prioritization Criteria For HB 00-1306

## Introduction

House Bill 00-1306 amended existing statute (CRS 25-16-104.6) to allow the Colorado Department of Public Health and Environment to perform cleanups on contaminated sites using money from the Hazardous Substance Response Fund. Previously, spending from this fund was limited to matching EPA funding for the cleanup of Superfund sites. The revised statute allows the State to remediate sites:

- a) That do not have a responsible party that will perform a remediation;
- b) that have been determined to present a threat to human health or the environment; and
- c) where the remediation will allow the redevelopment of the property of the public good.

In order to insure that the limited available funding (\$250K/yr) is spent on the appropriate sites, a set of prioritization criteria were developed. These criteria operate in three tiers. First, how cleanup of a given site supports the mission of the Department is considered. The Department's Strategic Plan, published in September 1999, states the mission of the Department as follows:

“The Colorado Department of Public Health and Environment is committed to protecting and preserving the health and environment of the people of Colorado”

Further, the Strategic Plan identifies four “Critical Investment Areas”. One of these is “Protection”. In particular, the Plan states, “The Health Department must protect Colorado's air and water quality, and assure that citizens are not exposed to hazardous substances.” In order to achieve our mission and support this critical investment area, the prioritization criteria first focus on issues of human exposure and the extent of environmental impact from a given site.

The second focus of the criteria involves Brownfields redevelopment. HB 00-1306 was passed as part of Governor Owen's Smart Growth initiative. The purpose of this act, both in terms of the tax credit and the cleanup funding provided, is to encourage growth in previously developed and contaminated sites. This concept, known as Brownfields redevelopment or infill, seeks to curb urban sprawl by making inner city properties more attractive to developers. Therefore, the prioritization criteria include issues related to the Brownfield redevelopment potential of the property. However, these criteria are weighted more lightly than those pertaining to human health and environmental risk.

Lastly, the criteria include the ability for the program to be flexible. At times, there may be reasons why a site of lower priority should be remediated before a higher priority site. One reason may be that the Department cannot obtain access to a given site, so it is not “ready to go”. Another may be related to funding. For example, the Department may choose to begin one high priority project that will cost \$200,000. There may be a fairly low priority project that costs \$15,000. This project may be the only one that fits under the \$250,000 per year cap, and thus the Department may decide to proceed, despite several higher priority and higher cost projects being on the list. Similarly, the amount of matching funds available on a given site might modify the site priority, particularly if the savings represented by the matching funds allow the state to add an additional project. The criteria try to envision these types of scenarios, so that the program has the flexibility to get the most work done given whatever barriers might be present at the time.

### **Protectiveness Criteria**

Existing cleanup programs run by EPA and participated in by the State, have several models by which sites are prioritized for cleanup. Some, such as the Hazard Ranking System are fairly complex, and rely heavily on specific site data. In addition, some of these models are limited in the data they will accept. For example, the Hazard Ranking System does not consider indoor air at all, even though recent evidence indicates this can be a serious problem. Rather than reinventing the wheel, the Health Department chose to adopt the Technical Evaluation Panel model for use in prioritizing sites under HB 00-1306. This model is relatively simple, and is more qualitative in nature, in that it does not rely on specific concentrations of contaminants. It does cover all major areas of concern, including human exposure, ecological exposure, and waste volume, toxicity, and mobility. In addition it gives firm guidelines on how to score a given situation. For example if human exposure currently exists at or above unsafe levels, the score is 5 for that component. If there is a low potential exposure to a small population, the score is 2 for that component. The outcome of this model is a numeric score for each site. The model criteria summary and score sheet can be found in Appendix A of this paper.

### **Brownfields Criteria**

As a modification to the Technical valuation Panel model, the Health Department has added a Brownfields component that adds points to the environmental score depending on the redevelopment potential of the property, and the impact of that redevelopment on the local community. These criteria, which can be found on the worksheet, include the following:

- Creation of jobs
- Creation of public amenities
- Increase in tax base
- Location in or adjacent to poverty census tract
- Removal of urban blight
- Potential for and timing of timing of planned redevelopment

The weighting of the Brownfield criteria in relation to the Protectiveness criteria is approximately 25 percent. The model criteria summary and score sheet can be found in Appendix A of this paper.

### **Modifying Criteria**

Due to the unknown combination of scenarios that might be present at a given time, the Modifying criteria are handled differently than the Protectiveness and Brownfields criteria. Rather than give these criteria numeric scores, which would raise the priority of a given site, these criteria are simply listed as exceptions or variances to the scores developed through the Protectiveness and Brownfields criteria. They are used more as a way to fit a site into a puzzle, so that to the extent possible, the state can accomplish the cleanup of additional sites given funding and logistical/timing constraints that may be present. These variances are as follows:

- 1) If the cost of a site cleanup is such that it can be accomplished with remaining funds, it may be included in advance of sites whose priority is higher, but whose cost is such that funds are not available in that year.
- 2) If a site can leverage matching funds such that the savings to the state allows for the cleanup of an additional site or sites that would not otherwise be possible in that year (given funding constraints) it may be included in advance of sites whose priority is higher.
- 3) If, due to issues including site access, contracting difficulties, length of time necessary to complete the cleanup, or other factors, a site is not ready to begin cleanup, a site of lower priority which is or can be made ready in the time frame available may be remediated in advance of sites whose priority is higher.
- 4) If another agency is about to or may take action on the site, state action may be delayed until the outcome of the other agency action is known.

## APPENDIX A

### MODIFIED TECHNICAL EVALUATION PANEL MODEL



**Colorado Department of Public Health and Environment  
Brownfields Site Evaluation Worksheet**

Site Name: 0 \_\_\_\_\_

Score (from Page 1): 0

**Brownfields Factors**

A. Brownfields Criterion: Potential for Redevelopment

a) Potential for Beneficial Site Redevelopment	_____	x	1	=	_____
b) Creation of Public Amenities	_____	x	1	=	_____
c) Creation of jobs	_____	x	1	=	_____
d) Increase in Tax Base	_____	x	1	=	_____
e) Location In or Adjacent to Poverty Census Tract	_____	x	1	=	_____

Brownfields TOTAL                      0

TOTAL                      0

Ratings are 1 to 5.

**OTHER PRIORITIZATION CONSIDERATIONS:**

Availability of Matching Funds:  
Relative Cost of Cleanup:  

State has access to site?                      Yes\_\_\_\_\_ No\_\_\_\_\_

### TECHNICAL SITE EVALUATION CRITERIA SUMMARY

Value	1	2	3	4	5
Ranking Factor					
<b>Contaminant Toxicity (Human and Ecological)</b>	concentrations in pathway(s) < detection limits; tox and ecotox <=100; bioac <500	few contaminants; concentrations in pathway(s) low or not detected; tox and ecotox <=1,000; bioac <500	contaminants detected in pathway(s); concentrations low; tox and ecotox 100 to 1,000; bioac <500	many contaminants; concentrations in pathway(s) above detection limit; concentrations a concern; tox and ecotox >1,000; bioac >500	many contaminants; concentrations a serious concern; tox and ecotox = 10,000; bioac <=5,000
<b>Site Stability; Waste Volume &amp; Mobility; Source Concentrations</b>	small volume w/ low HS concentrations; low mobility; release likely low; maintained containment structures present	medium volumes of waste w/ low HS concentrations; access restricted; containment structures present but unknown maintenance; mobility of HS low	large volumes w/ low HS concentrations; low volumes w/ high HS concentrations; containment structures may be present but not maintained; potential for migration of HS	medium volumes w/ medium to high HS concentrations; no evidence of containment structures or structures compromised; historical release(s) documented	medium to large volumes w/ high HS concentrations; no evidence of containment structures; access not restricted; high mobility of HS
<b>Human Exposure</b>	low potential for exposure to a very small number of people (<100)	low potential for exposure to small population of people	high potential of exposure to >1,000 people; exposure may exist at very low levels which are monitored	exposures exist	exposures exist at or above unsafe concentrations or trigger levels
<b>Ecological Exposure</b>	no exposure to endangered or threatened species or managed habitats, or parks or wilderness areas	potential exposure to managed habitat	potential exposure to critical habitats of endangered or threatened species; exposures exist to unmanaged recreation area; sediment contamination exists in fishery	exposure (actual releases) in managed area or wetlands, or unmanaged fishery or recreation area; wetlands area impacted is small	exposure (actual release) to critical habitat of threatened or endangered species, park, or wilderness area; significant wetlands impacted; managed sport fisheries impacted

### BROWNFIELDS SITE EVALUATION CRITERIA SUMMARY

Value	1	2	3	4	5
Ranking Factor					
<b>Potential for Beneficial Site Redevelopment</b>	no site redevelopment;	low likelihood of site redevelopment;	moderate potential for redevelopment;	high potential for site redevelopment;	redevelopment plan ready, waiting for site to be remediated to start redevelopment;
<b>Creation of Public Amenities</b>	no public amenities	improvement to an existing public amenity	creation of a new public amenity	creation of a public amenity in a location requested by the local community	creation of a major public amenity
<b>Creation of jobs</b>	no increase in jobs	one to five new jobs created	five to 20 new jobs created	Twenty to 50 new jobs created	Major redevelopment with greater than 50 new jobs
<b>Increase in Tax Base</b>	Decrease in tax base	no increase in tax base, type of business not changed	small increase in tax base based on either small increase in property value, or small increased number of jobs	medium increase in property value based on medium increase in property value or jobs created	large increase in property values based on major redevelopment that has a large impact on property value and increase in tax based on increase in number of jobs
<b>Location In or Adjacent to Poverty Census Tract</b>	site not located near disadvantaged communities	Site not located in a disadvantaged community but cleanup would remove urban blight	located in or adjacent to a disadvantaged community;	located adjacent to a disadvantaged community; cleanup would remove urban blight	located in a disadvantaged community; cleanup would remove urban blight