**To:** Ferrell, Mark[Ferrell.Mark@epa.gov]
**From:** Miller, Linda
**Sent:** Tue 1/21/2014 9:16:39 PM
**Subject:** Fw: Property Specific Eligibility Determination Question

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**From:** Dietz, Linda
**Sent:** Tuesday, January 21, 2014 4:02:18 PM
**To:** Melvin, Karen; Hodgkiss, Kathy; Miller, Linda
**Subject:** Fw: Property Specific Eligibility Determination Question

Fyi

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**From:** Gaffney, Kristeen
**Sent:** Tuesday, January 21, 2014 3:54:11 PM
**To:** Nowak, Joseph; Stolle, Tom; Dietz, Linda
**Subject:** RE: Property Specific Eligibility Determination Question

I just got a call from Senator Rockefellers office. The WVDEP is planning to submit a site specific assessment grant proposal for the property that was the source of the chemical spill into the ELK river. The Senator's office was requesting information on our process for awarding grants. I made certain to emphasize that EPA is not endorsing or recommending that DEP submit this proposal and that we would review the information once it was received.

*Kristeen Gaffney*

Chief, Brownfields and Land Revitalization Branch

US EPA, Region 3

1650 Arch Street

Philadelphia, PA 19103

215-814-2092

**From:** Nowak, Joseph
**Sent:** Tuesday, January 21, 2014 10:21 AM
**To:** Stolle, Tom; Dietz, Linda; Gaffney, Kristeen
**Subject:** FW: Property Specific Eligibility Determination Question
**Importance:** High

I received this message yesterday concerning application for funds related to spill site. To me, answering these questions is not an approval by EPA that we will fund/allow since the peoperty questionnaire would need to be filled out later for a community wide. If site specific application, this will be formally addressed by ORC during threshold.

Let me know if you want me to respond or you can forward a reply. Call if you have questions 610-283-8382.

**Joseph Nowak**

Brownfields & Land Revitalization Branch

USEPA Region 3

1650 Arch Street (3HS51)

Philadelphia, PA 19103-2029

Phone: **215-814-3303**

Fax: 215-814-3002

E-Mail: **nowak.joseph@epa.gov**

**From:** Patrick Kirby [mailto:Patrick.Kirby@mail.wvu.edu]
**Sent:** Monday, January 20, 2014 10:47 AM
**To:** Nowak, Joseph
**Cc:** Hickman, Patricia A; Carico, George
**Subject:** Property Specific Eligibility Determination Question

Joe,

WV is working on the site specific hazardsous assessment application for the area impacted by the MCHM chemical spill by Freedom Industries. From my understanding, the application does not need a property specific determination for eligibility. The only hiccup I saw in my understanding is there is unilateral administrative order to cease and desist operations at the Freedom Industries site. If our focus is not the site itself, I think still do not need an eligibility determination.

Let me know what you think.

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*Property-Specific Determination for Eligibility*

*The following special classes of property require a "Property-Specific Determination" from EPA to be eligible for brownfields funding:*

*• properties subject to planned or ongoing removal actions under CERCLA,*

*• properties with facilities that have been issued or entered into a unilateral administrative order, a court order, an administrative order on consent, or judicial consent decree or to which a permit has been issued by the United States or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA),*

*• properties with facilities subject to RCRA corrective action (§3004(u) or §3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures,*

*• properties that are land disposal units that have submitted a RCRA closure notification or that are subject to closure requirements specified in a closure plan or permit,*

*• properties where there has been a release of PCBs and all or part of the property is subject to TSCA remediation, and*

*• properties that include facilities receiving monies for cleanup from the Leaking Underground Storage Tank (LUST) trust fund (see Appendix 1, Section 1.5.6 for a definition of LUST Trust Fund sites).*

*EPA's approval of Property-Specific Determinations will be based on whether or not awarding a grant will protect human health and the environment and either promote economic development or enable the property to be used for parks, greenways, and similar recreational or nonprofit purposes. Property-Specific Determination requests must be attached to your proposal and do not count in the 15-page limit for Narrative Proposals. (See Appendix 1, Section 1.5, for more information or contact your Regional Coordinator listed in Section VII if you think your site requires a Property-Specific Determination.) Additionally, applicants eligible for brownfields grant funds cannot be liable for contamination on the site. Site eligibility related to liability is determined differently at sites contaminated with hazardous substances than for sites contaminated by petroleum or petroleum product.*

Thanks

Patrick

*Patrick Kirby*

*Northern WV Brownfields Assistance Center*

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*304.216.4267 (cell)*

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