10th Annual Ohio Land Bank Conference
in memory of Robin Darden Thomas
The New Normal for Land Banks

Presented by

PARTNERS

10th Annual Ohio Land Bank Conference
September 24, 2020
The Dilemma for Land Banks:
Less Funding But Need for Redevelopment
The Dilemma for Brownfields
The U.S. EPA defines a Brownfield as “a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant”.

![Brownfields Image]
Issues:

- No responsible party, but significant liability to owner
- May not be just big industrial sites
What happens to Brownfield

In Ohio:
“if you could get the land for free and it is clean, the deal may still not work” attributed to Ohio Developer

Traditional Result
- They sit abandoned and underutilized
- Governmental entities pursue public subsidy to redevelop
- Developer acquires (rare exception)
Often funding and an end user are available for Brownfield Redevelopment.

But the project cannot proceed without an entity to own the site, while environmental issues are investigated and/or remediated, due to concerns:

- Environmental cleanup cost overruns
- Regulatory risk
- Corporate/governmental policy
- Risk tolerance
How Land Banks Can Fill the Void
Why Can Land Banks Do This?

- Safe Harbor Provisions
- Due to foreclosure process; not considered a Responsible party under CERCLA
- ORC §5757.22, Immunity of Land Reutilization Corporation: ... not liable for violations of ...Chapter 3745 (Ohio EPA) ... § 6111 (BUSTR) ... in connection with a parcel of land acquired by the county land reutilization corporation.
- ORC §5723.01(4)
  - .....may enter forfeited lands and any buildings... for any of the following purposes:
    - Inspection of building
    - Conducting a voluntary action
    - Conducting health and safety inspection
  - Unless willful misconduct, not liable for any action resulting from testing or release of hazardous substances or petroleum
Available Funding for Brownfield Work in Ohio
## Public Funding Resources

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Background

- Owner proceeding through BUSTR process while station operating
- Owner passes away before BUSTR process is completed
- Site becomes eyesore and source of complaints by residents and business
- USTs remained
- 10 years pass
- BUSTR sought and obtained Class “C” designation
Ok – So Now What?

- County Treasurer initiates tax foreclosure
- Property forfeited to State of Ohio
- City of Richmond Heights declares Property public nuisance
- Signs agreement with Cuyahoga Land Bank to serve as agent to abate nuisance (O.R.C. §715.26)
Ok – So Now What?

- Identified a path to closure, but not through BUSTR, used Voluntary Action Program (VAP) process
- Secured combination of Cuyahoga County Department of Development USEPA Brownfield Revolving Loan Fund, Cuyahoga County Demolition Funds and Cuyahoga County Land Reutilization Corporation administration of both funding sources
- End point is a No Further Action (NFA) Letter under Ohio’s VAP
What Are We Left With?

- Cleared land, no building, no UST
- BUSTR Class “C” status intact and no responsible party
- NFA under VAP
- Property transferred to the City
- Environmental risk mitigated
- Community eyesore removed
Former Parmadale Hospital

- 80-acre site originally developed for institutional purpose (churches, schools)
- 1.5 million Clean Ohio Conservation Program Grant for land acquisition

1930s

1950s
Former Parmadale Hospital

Funds needed for environmental assessments

- Asbestos, hazardous materials
- Due diligence (Phase I)
- Phase II Investigations
CCLRC provided funding to bridge gap for environmental assessments.

Cleveland Metroparks to partner with West Creek Conservancy during the restoration phase.
Parmadale

End result

☐ Environmental work complete asbestos abatement estimates prepared.

☐ Property purchased by West Creek Land Conservancy.

☐ 52 acres of heavily forested land and 2,300 linear feet of primary headwater streams will provide new access to the West Creek Reservation.
Summit Lake: Site History

- 97.4-acre lake located in South Akron.
- Prior to 1900s, the lake was Akron’s primary drinking source.
- Between the 1920s and 1930s it was home to three amusement parks, dance halls and boat rides.
Summit Lake

- Environmental analysis focused on contaminated sediments, water quality, and uplands.
- Previously Ohio EPA estimated 29 million cubic feet of contaminated sludge.
Partners is working with local stakeholders to support revitalizing recreational use as a viable plan.

- Trust for Public Land and Knight Foundation launched initiative to revitalize the lake, with the Knight Foundation contributing $195,300.

- Additional $110,460 in federal funds from sub-grant of USEPA brownfield funding for environmental assessments.
Summit Lake: Outcome

- Increase access to recreational facilities is feasible.
- Data shows that the lake is safe for recreational use, such as fishing, kayaking, and possibly swimming.
- Promote reinvestment and economic development in surrounding neighborhoods.
West Basin: Site History

- Late 1800s - Residential area around ravine

1892 Atlas Map

1896 Sanborn Map
West Basin: Site History

- **2014** – Cuyahoga County Environmental Crimes Task Force raids site and court case is filed

Images of the site history:

- **1994**
- **2000**
- **2004**
- **2013**
Existing Conditions

- Site and Wetlands filled with:
  - Scrap materials and tires
  - Demolition debris
  - Solid waste
  - Industrial waste

- Contaminants of Concern:
  - Polynuclear aromatic hydrocarbon (PAH) compounds
  - Lead
  - Polychlorinated Biphenyls (PCBs)
Modified Cleanup

- Removal of “hot spots” for lead, PCBs and PAHs
- Removal/Recycling of trash
- Cover remaining waste
- Restore Wetland

Site Meets VAP Recreational Use Standards
Original Basin Configuration

LEGEND
- Site Boundary
- Proposed Storm Sewer
- Stormwater Runoff Flow Direction

EXISTING TREES TO BE PRESERVED

WETLAND RESTORATION AREA

SITE REMEDIATION

LANDSCAPE RESTORATION AREA
Henninger Road Landfill
Since 1948, undocumented and documented dumping occurred at the Property.

Foundry sand cores from the Ford Motor Foundry were disposed on the Property since 1975.

From 1976 to 1987, the Property operated as a demolition and industrial waste landfill.

Big Creek was relocated due to the filling activities, but runs along the boundary of the waste placement.

Prior entities failed to repurpose the landfill for recreational use, due to issues related liability and contamination.
Utilizing a unique Brownfield Grant program, Partners supported the WRLC in their decision to acquire the landfill.

- WLRC secured a Clean Ohio Conservation Fund Grant for the acquisition;
- Cuyahoga County used Northcoast Brownfield Coalition funding (USEPA) to pay for the consolidation of prior data and risk assessments; and
- A Revolving Loan Fund grant from Cuyahoga County was received for the cleanup.
The goal is to create a neighborhood park that provides a key link between the Cleveland Metropark Zoo and the Towpath Trail.

Part of the growing green corridor that includes the Zoo, Brookside Reservation and the Ohio Erie Canal Towpath Trail.
Partners successfully prepared and issued a VAP NFA and received a CNS. Program (VAP), to determine the extent of the contamination.

Partners used ecological and human health risk assessments to demonstrate the site posed an acceptable risk to human health and the environment.

WRLC is able to manage the environmental risks associated with the project.
Moon Mallison
Former Commercial/Metal Works

- Project consisted of multiple parcels, owned by the Akron Metropolitan Housing Authority (AMHA)
- Developer interested in only a portion of the property
- Used NEFCO USEPA Assessment Funds for Phase I and Phase II
- Summit Land Bank took ownership of the remaining parcels in order to facilitate commercial development of the previously vacant land
- Currently developed as a Dollar Tree
Brownfield Inventories identified parcels for further environmental assessment based on the United States Environmental Protection Agency’s definition of a Brownfield.

“a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”
Scope of Work

- Federal, tribal, and state databases
- City directories,
- Sanborn Fire Insurance (Sanborn) maps,
- Aerial photographs.
- Current owner, address, land use, and parcel size (acre)

Typical conditions considered to pose an environmental concern include auto repair facilities, gasoline filling stations and gasoline underground storage tanks (USTs), dry cleaners, and various commercial/industrial facilities.
Euclid and Hayden Avenue Corridors

Euclid Avenue

Hayden Avenue
380 parcels were identified within the Euclid Avenue Corridor

- 104 Brownfield Properties

187 parcels were identified within the Hayden Avenue Corridor

- 62 Brownfield Properties

166 Brownfield properties 56 were vacant

- 35 parcels recommended for Phase I ESA, publicly owned
- 21 parcels recommended for Phase I ESA, privately owned

City of East Cleveland & Cuyahoga County Land Reutilization Corporation identified 10 Properties for Phase I ESAs
256 parcels were identified within the Carnegie Avenue Corridor

- 108 Brownfield Properties
- 167 parcels were identified within the Payne Avenue Corridor

- 63 Brownfield Properties
- 166 Brownfield properties 30 were vacant

- 9 parcels recommended for Phase I ESA, publicly owned
- 21 parcels recommended for Phase I ESA, privately owned

Midtown Cleveland & Cuyahoga County Land Reutilization Corporation identified 10 Properties for Phase I ESAs
Schaaf Road Landfill

Collaboration between

☐ Northeast Ohio Regional Sewer District
☐ Cuyahoga County Land Reutilization Corporation

In support of West Creek Land Conservancy

☐ To repurpose the top of the landfill
☐ Conduct stream restoration and bank stabilization
Prepare a Summary of Work Completed and Data Gap Analysis

Review of 236 documents

- 170 related to groundwater;
- 7 related to methane;
- 2 related to surface water;
- 4 related to the cap;
- 33 Notice of Violations (NOVs);
- 1 related to leachate,
- 16 legal documents; and
- 3 geotechnical investigations
Schaaf Road Landfill – Next Steps With CCLRC Funding

☐ Conduct an American Land Title Association (ALTA) Survey

☐ Conduct planning activities which at a minimum include:
  ☐ A land use assessment
  ☐ Conduct an inventory of infrastructure serving the property
  ☐ Conduct a market study to understand the real estate market demands, trends, and competition
  ☐ Conduct a site reuse assessment to identify potential reuse assets and barriers

☐ Conduct a Wetlands Determination and Delineation as part of any redevelopment strategy.
☐ Conduct a NEPA investigation, if necessary, of the SRL as part of any redevelopment strategy.

☐ Determine the condition and usability of the sedimentation pond located along the southeast toe of the SRL.

☐ Contact and coordinate with the Ohio EPA regarding compliance with OAC 3745-27-14(A)(1) – (7).
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Mr. John T. Garvey, CP, PG, CPG, is the Vice President for Partners. For Brownfield and due diligence related projects, he is responsible for senior project oversight, project quality and development of technical staff. He provides expertise in the areas of due diligence, site assessment, contaminant fate and transport, risk assessment, remediation and assisting clients in managing the difficulties unique to brownfield redevelopment projects. He has provided expert testimony and consulting for litigation relating to chlorinated solvent and petroleum releases, Phase I ESA all appropriate inquiry, and groundwater resources cases. Mr. Garvey was an invited participant in the Voluntary Action Program (VAP) five (5) year rule review/revision process and as a Certified Professional (CP) in the VAP, was as a member of the workgroup that prepared Ohio’s first vapor intrusion guidance with the Ohio Environmental Protection Agency (Ohio EPA). Mr. Garvey was an invited member of the VAP Advisory group that spurred HB 168, extending federal CERCLA protections to the state level in Ohio.

Mr. Garvey holds a Bachelor of Science degree in Geology from Edinboro University, and a Master of Science degree in Engineering Geology from the University of Akron. He is a Certified Professional (#118) under the Voluntary Action Program; a Certified Professional Geologist (CPG #9639); and a Professional Geologist (PG) in the Commonwealth of Pennsylvania (PG-001383-G).
Mr. John A. Zampino is an Associate Director, Assessment, Remediation & Revitalization and Ohio VAP Certified Professional #280. Over his 28-year career he has compiled extensive experience in the areas of environmental due diligence and the assessment of soil, groundwater, soil gas and indoor air. Mr. Zampino is familiar with Ohio’s underground storage tank regulations and Ohio EPA’s Solid Waste Rules. As an Ohio VAP Certified Professional, Mr. Zampino has combined his technical experience and regulatory knowledge to plan and execute complex brownfield redevelopment projects. As a VAP Certified Professional, he has issued No Further Action letters and received Covenants Not to Sue for residential as well as commercial/industrial land uses. Mr. Zampino’s focus is to not only provide quality environmental consulting but strive to assist his clients in developing and executing comprehensive plans to manage environmental risks as they may relate to property transfers and future redevelopment. He strives to provide his clients with the necessary information to make sound decisions and complete successful projects. Mr. Zampino holds a Bachelor of Science degree in Geology from Kent State University, Masters of Science degree in Hydrogeochemistry from Case Western Reserve University, and an Executive Juris Doctorate from Concord School of Law. He remains active in Ohio’s VAP and stays apprised of regulatory changes as a participant in Ohio’s VAP five-year rule review team and advisory committee member.