

Appendix I – Threshold Documentation

1. General Threshold Criteria

2. Applicant Eligibility

a. Eligible Entity - The City of Tampa, Florida, is eligible to apply for the EPA Brownfields Assessment Grant as a local government as defined under 40 CFR Part 31.3. Tampa is a previous EPA Brownfields grant recipient, having been awarded Brownfield Assessment grants in 2004, 2007 and 2009.

b. Site Ownership - The City of Tampa affirms that it is the sole owner of the subject property.

3. Letter from the State or Tribal Environmental Authority – See Appendix II.

4. Site Eligibility and Property Ownership Eligibility

a. Basic Site Information. (a) Name – ; (b) Address – 1103 N. Nebraska Avenue, Tampa, FL, 33601; and (c) Current Owner - City of Tampa.

b. Status and History of Contamination at the Site. (a) The subject site is primarily contaminated with petroleum with some comingled hazardous substance contamination; (b) The subject site comprises approximately 1.54 acres in Downtown Tampa, Florida located in Section 18, Township 29 South, Range 19 East at the NE corner of N. Nebraska Avenue and Nuccio Parkway. The site is bounded to the north by church property, to the west by the future site of Tampa’s Encore development (currently under construction), to the south by Nuccio Parkway, CSX lands and City property and to the east by Nuccio Parkway. Previous uses of the property were identified through research conducted as part of a Phase I Environmental Site Assessment (ESA) conducted for the subject site in November 2011. Non-residential, historical land uses of significance on the subject site are as follows: a wood yard, a partially on-site ice company, an automotive repair shop, a filling station, and a junk storage facility. (c) Based on the historical uses identified in the November 2011 Phase I ESA, the report identifies potential environmental concerns for subsurface and migrating impacts related to petroleum, solvents and metals. (d) Existing contamination originated through historical uses on site and on adjacent properties as a wood yard, a partially on-site ice company, an automotive repair shop, a filling station, and a junk storage facility. The predominant contaminant is believed to be petroleum. The extent of the impacts is not fully known, although based upon the identified historical uses, it is believed to be significant.

c. Sites Ineligible for Funding. The City affirms that the site (a) is not listed or proposed for listing on the National Priorities List; (b) is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and (c) is not subject to the jurisdiction, custody, or control of the United States government.

d. Sites Requiring a Property-Specific Determination. The subject property does require a site-specific determination. The information requested has been provided by attachment.

e. Environmental Assessment Required for Multi-Purpose Proposals. An ASTM E1527-05 Phase I site assessment report was completed on the subject property by CardnoTBE, Inc. in November 2011.

f. CERCLA §107 Liability. The City affirms that it should be exempt from CERCLA liability as an innocent landowner or bone fide prospective purchaser because when it acquired the property in the late

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1960's, it conducted reasonable and customary inquiries into the history of the property prior to purchase, and the City was in no way responsible for the generation or disposal of the substances which caused the contamination at the subject property.

g. Enforcement or Other Actions. The City is not aware of any ongoing or anticipated environmental enforcement or other actions related to the subject site. The City is not aware of any inquiries or orders from federal, state, or local government entities on the subject property.

h. Information on Liability and Defenses/Protections.

i) Information on the Property Acquisition. The City acquired the property by _____ from the _____ on _____ and holds sole ownership of the site and fee simple title to the property. The City affirms it had no familial, contractual, corporate, or financial relationships or affiliations with any prior owners or operators (or other potentially responsible parties) of the property (including the person or entity from which it acquired the property).

ii) Timing and/or Contribution Toward Hazardous Substances Disposal. All disposal of hazardous substances at the site occurred before the City acquired the property. The city neither caused nor contributed to any release of hazardous substances at the site. The City further affirms that it has not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.

iii) Pre-Purchase Inquiry. Although the subject property was acquired by the City well in advance of current CERCLA requirements, the City affirms that it conducted reasonable and customary investigation of the property at the time of purchase. This investigation included a title search, survey and review of property history. In November 2011, CardnoTBE, Inc. performed a Phase I ESA of the subject property for the City of Tampa. The Phase I ESA identified several recognized environmental conditions (REC's) in connection with the site.

CardnoTBE, Inc. performed the Phase I environmental site assessment. CardnoTBE, Inc. is an industry-leading engineering consulting firm.

iv) Post-Acquisition Uses. Since the City acquired ownership, the property has been vacant and unutilized.

v) Continuing Obligations. The City has taken appropriate care to limit exposure to any subsurface and subsurface contamination by paving the area. In order to prevent/limit exposure to any previously released hazardous substances, the City will work to remove contaminants through a state approved cleanup plan as quickly as possible and will limit public access to the property during its remediation efforts to limit exposure. The City confirms its commitment to comply with all land-use restrictions and institutional controls; assist and cooperate with those performing the cleanup and provide access to the property; comply with all information requests and administrative subpoenas that have or may be issued in connection with the property; and provide all legally required notices.

i. Petroleum Sites.

i) Current and Immediate Past Owners. The City of Tampa is the current owner of the subject site. _____ is the immediate past owner of the subject site.

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ii) **Acquisition of Site.** The City acquired the subject property on August 30, 1967 by _____.

iii) **No Responsible Party for the Site.** The City affirms that neither it nor the immediate past owner dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site; and further affirms that it took reasonable steps with regard to the contamination at the site.

iv) **Cleaned Up by a Person Not Potentially Liable.** The City affirms that it neither dispensed or disposed of petroleum or petroleum product, or exacerbated the existing petroleum contamination at the site, and took reasonable steps with regard to the contamination at the site.

v) **Relatively Low Risk.** Based on a historical records search of existing FDEP databases including databases of the petroleum program, hazardous waste cleanup, storage tanks and the Site Investigation Section of FDEP, the subject petroleum site referenced in this application does not have a state issued facility identification number or any other ranking number; therefore, it is considered a “relatively low risk” site compared to other petroleum or petroleum product-only contaminated sites in the state. The subject site has not or is currently receiving or using Leaking Underground Storage Tank (LUST) trust fund monies.

vi) **Judgments, Orders, or Third Party Suits.** The City affirms that no responsible party, including the City is identified for the site through a judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the site; or an enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the site; or a citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the site.

vii) **Subject to RCRA.** The City affirms that the site is not subject to any order under section 9003(h) of the Solid Waste Disposal Act.

viii) **Financial Viability of Responsible Parties** No responsible party has been identified.

5. Cleanup Authority and Oversight Structure

a. **Cleanup Oversight.** The City of Tampa will enter the subject site into a voluntary BSRA under the Florida Brownfields Redevelopment Act, Chapter 376.77-376.85, Florida Statutes with the Florida Department of Environmental Protection (FDEP). This voluntary agreement provides the framework and schedule for remaining remediation activities including confirmatory sampling. The site will also be assessed and remediated under authority of Chapter 62-785, Florida Administrative Code, Brownfields Cleanup Criteria. The City will comply fully with federal procurement procedures as required by 40 CFR 31.36 in contracting a qualified environmental engineering firm (familiar with brownfields assessment and remediation process within the state of Florida) for remedial activities at this location. A detailed scope of work will be developed upon notification of award of this grant.

The City will develop a generic Quality Assurance Project Plan and a Site-Specific Quality Assurance Project Plan as required by EPA Region IV prior to initiating any assessment or confirmatory sampling activities on the site. The City will provide general project oversight and environmental coordination through a qualified environmental engineering firm. The City’s Brownfields Advisory Board will be identified in the BSRA to provide overall project review and enhanced public involvement associated with the project. FDEP will provide technical review of all assessment and remedial documents.

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b. Impact to adjacent or neighboring properties. The City will work closely with the community to develop a site access plan to minimize inconvenience to neighboring property. The City will hold an information meeting for surrounding businesses and residents prior to commencement of assessment and cleanup activities in order to receive input on site access issues and to receive recommendations on this topic. The subject property is city owned and located on a major thoroughfare with considerable opportunities for site access. It is not anticipated that remedial activities or installation of remediation equipment will cause disruptions to area business or lack of access to adjacent properties. If site access is required of adjacent properties, the City will enter into site access agreements outlining locations of equipment and remedial activities and conditions agreeable to adjacent property owners. An OSHA health and safety plan will be developed to insure that potential health and safety issues will be addressed for workers under OSHA 1910.120 and the surrounding community.

6. Cost Share. The City understands that cleanup grant recipients are required to provide a 20 percent cost share of the total federal cleanup funds awarded.

- i)** The City is requesting \$200,000 in Cleanup funds and will provide the \$40,000 match from one or more of the following: developer contribution, contractual services, in-kind services, general fund and TIF funds.
- ii)** Not applicable – The City is not requesting a hardship waiver of the cost share.

7. Community Notification. The City of Tampa understands that community engagement is the cornerstone of the Brownfields Program and in ensuring successful assessment, cleanup and redevelopment of brownfields projects. As part of its cleanup activities, the City will complete a Community Relations Plan and submit to the EPA for review. The City held a public meeting to provide the community with notice of its intent to apply for an EPA Brownfields Multi-Purpose Pilot grant and allow the community an opportunity to comment on the draft proposal on _____, _____, 2012 at ____ pm at the _____. A public notice advising the public of the meeting and soliciting comments on the draft proposal was placed on the City's website on January 25, 2012. The notice clearly indicated that a copy of the draft proposal would be made available for public review at the meeting or by contacting the City's Redevelopment Department. The draft proposals provided to the public, documentation of public notice, meeting agenda, sign in sheet, comments and responses is provided as Appendix V.