



# PROCESS GUIDE

## FOR PROPERTY OWNERS & STAKEHOLDERS

Livingston County, New York  
Brownfield Site Reuse & Revitalization Program

### Introduction / Purpose

This Process Guide provides an overview of the eligible activities associated with the *Livingston County Brownfields Revitalization Program*. The Program provides technical assistance to eligible property owners (and other stakeholder entities) to conduct environmental studies, reuse planning, and other technical studies that support brownfield cleanup, reuse, and/or redevelopment in Livingston County, New York.



#### Program Funding Source & Administration

The Program is funded through multiple U.S. Environmental Protection Agency (EPA) Brownfields Assessment Grants awarded to a Coalition led by the Livingston County Planning Department and supported by Town of Livonia, Village of Dansville, Village of Geneseo, Livingston County Economic Development, Livingston County Land Bank Corporation (LCLBC), and Catholic Charities of Steuben/Livingston County. The County manages the Program on behalf of the Coalition with support from its Qualified Environmental Professional.

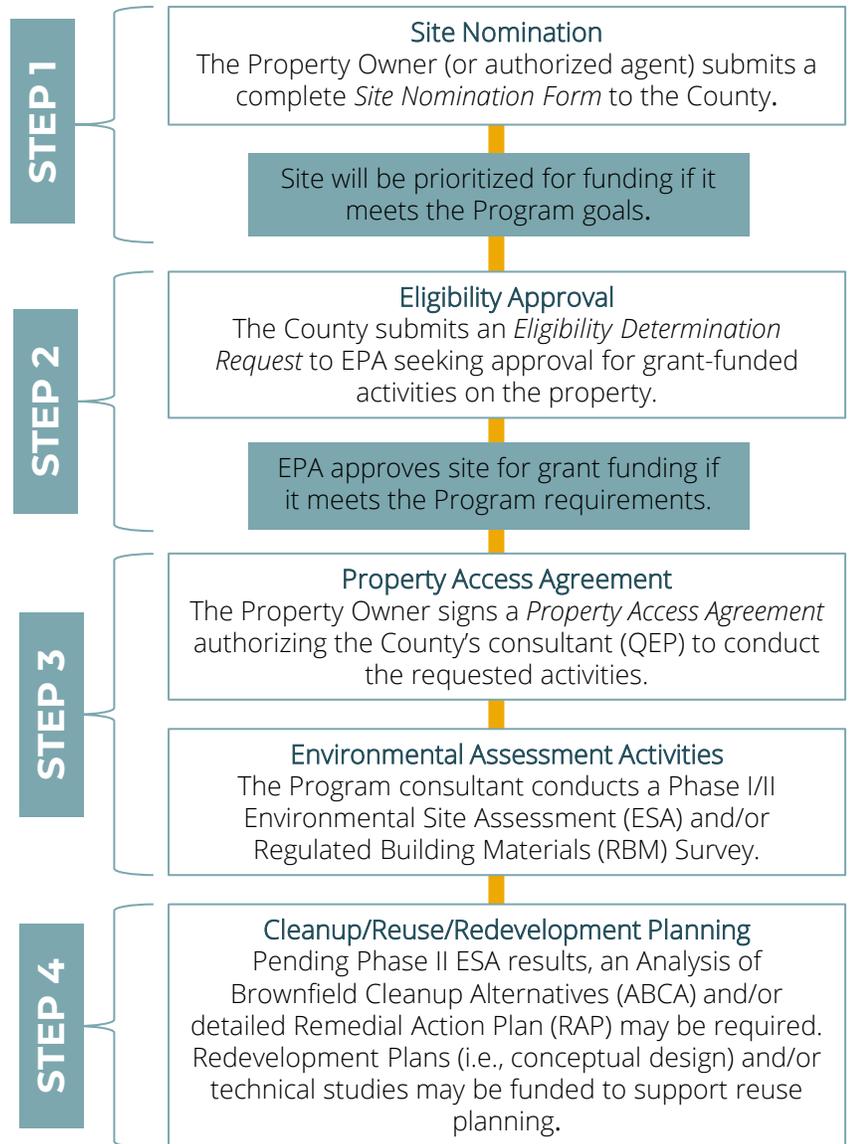


#### Brownfield Definition

The 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." Vacant, abandoned, and/or underutilized former commercial and industrial sites may be considered brownfields.

### Program Flow Chart

The figure below outlines the typical steps involved in the environmental assessment, cleanup planning, and reuse evaluation process. Descriptions of each step are provided on the following pages.



# Key Steps for Eligible Program Activities



## STEP 1 - Site Nomination

To start the process, the property owner (or authorized agent) must submit a completed Site Nomination Form to the County detailing the requested environmental/planning activities needed. The County and its Coalition members will determine the site's eligibility (pursuant to EPA grant guidelines) and decide whether to advance the requested activities based on the project's community benefit potential (or other prioritization criteria). The property must meet the following criteria to be considered eligible for Program funding:

1. the property is vacant, underutilized, or undergoing transition;
2. the property has potential impacts from petroleum and/or hazardous substances;
3. the property exhibits high potential for redevelopment and/or other opportunities to benefit the community;
4. the property is not included on the EPA National Priority "Superfund" List, under enforcement action by the New York State Department of Environmental Conservation (NYSDEC), or targeted for any federal or state enforcement action; and
5. the property does not have a financially "viable" party (in particular, the current owner and/or immediate former owner) that caused or contributed to known or suspected contamination and/or who has a legal responsibility to perform the specific desired environmental assessment or remedial/reuse planning activities.

**Form Access:** Owners (or interested parties) may submit a Site Nomination Form to Livingston County Economic Development. Information and the form are available on the Program website:  
<https://www.livingstoncountyny.gov/1740/Brownfields>

## STEP 2 – Eligibility Approval

The County will prepare an Eligibility Determination Request ("ED Request") based on the information you provide on the Site Nomination Form. The County will submit the ED Request to the EPA on your behalf to obtain approval for the requested grant-funded activities on your property.

*Estimated Completion Timeline: 2-4 weeks*

*Note: Please indicate if your requests are related to due diligence for a property transaction already in process, as there may be options to expedite the ED Request.*

## STEP 3 – Property Access Agreement & Assessment Activities

### Property Access Agreement

Prior to initiating environmental assessment activities, the County must receive your written approval for its QEP to physically access your property. The County will provide you with a Property Access Agreement form that requires your signature.

*Estimated Completion Timeline: 1 week*

*(Continue to the next page for information pertaining to Environmental Site Assessment activities)*

## Phase I Environmental Site Assessment (ESA)

A Phase I ESA is a research study and results in a report intended to assess the environmental conditions of a property and to identify potential areas where petroleum or hazardous substances may have been released. A Phase I ESA determines the potential (or likelihood) that any recognized environmental conditions (“RECs”) exist on the property. Notably, a Phase I ESA does not involve sample collection to confirm if there is actual contamination to the property (see Phase II ESA).

### Purpose of a Phase I ESA includes:

- Assess potential impacts from petroleum or hazardous substances that may impede redevelopment.
- Establish baseline conditions for liability protection.
- Support property sale/acquisition activities.
- Provide documentation typically required by lenders to secure loans.

### The Phase I ESA involves the following components:

1. **Site Visit and Interview:** After you sign the Property Access Agreement, the County’s QEP will schedule a site visit and interview(s) with the property owner, current occupant(s), and/or other authorized representatives who are knowledgeable about the site. Site visits typically take two hours to complete, & interviews are generally limited to 30 min.
2. **Desktop Study:** The QEP will complete a comprehensive property background check that includes reviewing current and historical documents and regulatory databases to determine if potential environmental concerns/RECs exist that may impact property reuse.
3. **Prepare Report:** A Phase I ESA Report will be prepared to summarize the findings of the site visit, interviews, and desktop study. A digital copy of the report will be provided to you.

**Expiration Date:** 6 months (some components must be updated after 6 months; after 1 year, the entire report is considered expired)

**Estimated Completion Timeline:** 4-8 weeks

## Phase II ESA

A Phase II ESA involves a physical study where environmental samples are collected and analyzed to characterize the type, distribution and extent of substances in the environment (if present). A Phase II ESA results in a report with findings and conclusions.

### Purpose of a Phase II ESA includes:

- Evaluate the findings of the Phase I ESA (if RECs are identified).
- Determine if a release has occurred.
- Delineate the extent of contamination (if present).
- Support efforts to obtain regulatory closure from the state environmental agency.

### The Phase II ESA involves the following components:

1. **Work Plan:** The Program’s QEP will prepare a Sampling and Analysis Plan (SAP) and submit to EPA for approval prior to initiating sampling activities.
2. **Fieldwork:** After the SAP is approved, the consultant will collect and analyze environmental samples (i.e. soil, groundwater, surface water, sediments, soil vapor, indoor air, etc.) from your property. The study will characterize the type, distribution, and extent of petroleum or hazardous substances (if present).
3. **Prepare Report:** The consultant will prepare a Phase II ESA Report to summarize the work performed, analytical results, and conclusions. A digital copy of the report will be provided to you.

**Expiration Date:** Not applicable. (Phase II ESAs generally do not expire unless there are changes in site conditions, sampling methods, cleanup levels/regulations, etc.).

**Estimated Completion Timeline:** 8-16 weeks

## Regulated Building Materials (RBM) Survey

A RBM survey involves a physical study where samples of potentially hazardous building materials are collected and tested to confirm if regulated substances (e.g., asbestos, lead paint, etc.) are present. Surveys can be conducted concurrently with a Phase I/II ESA (if desired).

### Purpose of a RBM Survey:

- Determine if asbestos containing materials (ACM), lead-based paint (LBP), Polychlorinated Biphenyls (PCBs), or other hazardous substances are present in building materials.
- Evaluate regulations that apply to the disturbance or disposal of confirmed hazardous materials before undertaking a building remodel, renovation, or demolition.

### The RBM survey involves the following components:

1. **Work Plan:** The Program's QEP will prepare an SAP for submittal to EPA for approval prior to initiating sampling activities. (Note: A cursory review of exterior and interior building conditions may be necessary to aid in developing a sampling strategy.)
2. **Fieldwork:** After the SAP is approved by EPA, the consultant will collect building material samples to submit to a laboratory for analysis.
3. **Prepare Report:** The consultant will prepare an RBM Survey Report to summarize the work performed, testing results and conclusions. A digital copy of the report will be provided to you.

**Expiration Date:** Not applicable. (Phase II ESAs generally do not expire unless there are changes in site conditions, sampling methods, cleanup levels/regulations, etc.).

**Estimated Completion Timeline:** 6-12 weeks

## STEP 4 – Cleanup/Reuse Planning

### Analysis of Brownfield Cleanup Alternatives (ABCA)

An ABCA is an analysis of remedial options and methods potentially capable of achieving the required level of cleanup.

#### Purpose of an ABCA:

- Evaluate technical and economic feasibility of cleanup alternatives with reuse plans and redevelopment strategies.
- Evaluate and select preferred alternative.
- Support efforts to apply for an EPA Cleanup Grant (if the property is owned by a non-profit or public entity).

#### An ABCA involves following component:

**Prepare Report:** The Program's QEP will prepare a report and provide a digital copy of the draft report to you, the County, and EPA for comments prior to finalizing the document.

**Expiration Date:** Not applicable. (ABCAs generally do not expire unless there are changes in site conditions, zoning or site use [e.g., commercial vs residential], sampling methods or cleanup technologies, cleanup levels/regulations, etc.)

**Estimated Completion Timeline:** 8-12 weeks

### Remedial Action Plan (RAP)

A RAP is a detailed plan to implement the preferred remedial option to achieve the required level of cleanup.

#### Purpose of a RAP:

- Detailed implementation plan for selected cleanup alternative.
- Detailed cost estimate for selected cleanup alternative.
- Support efforts to apply for an EPA Brownfield Cleanup Grant.

#### A RAP involves following component:

**Prepare Plan:** A digital copy of the draft plan will be provided to you, the County, NYSDEC (if applicable) and EPA for comments prior to finalizing the document.

**Expiration Date:** See description for ABCA.

**Estimated Completion Timeline:** 6-10 weeks

## Reuse/Redevelopment Planning

Planning activities that focus on brownfield reuse/redevelopment are eligible for funding under the Program (and associated EPA grant). This could include site-specific planning (i.e., conceptual designs) for individual properties and other technical studies that support brownfield reuse

### Purpose of a Reuse/Redevelopment Plan:

These planning activities are intended to proactively advance the reuse/redevelopment of brownfield sites within the community by examining existing site conditions, engaging stakeholders, exploring reuse opportunities, and defining an action plan for implementation.

### Planning Activities to Initiate Brownfield Revitalization:

The following planning-related activities may support reuse/redevelopment objectives on specific brownfield sites. Planning meetings will be held in the Village of Dansville. (Note: This is a consolidated list, whereas additional activities may be allowed under the Program funding pursuant to EPA approval).



#### Site-Specific Planning:

- Explores reuse and redevelopment opportunities for individual sites. This may include a conceptual site plan depicting a redevelopment scenario.
- Typically involves site evaluation, zoning review, visioning, conceptual planning, and an implementation strategy to redevelop the property.



#### Market Study:

- Explores the current demographic and market conditions for a defined area and identifies its development-related opportunities and challenges.
- Can help define which land uses and development types would be successful on a particular brownfield site and within specific neighborhood locations.



#### Infrastructure Evaluation:

- Examines the current utility and transportation infrastructure that serves a particular brownfield site/neighborhood.
- Identifies potential improvements that are needed to support property reuse/development.



#### Site Disposition Strategy:

- Establishes a framework for deciding how to transfer a brownfield site in a manner that provides value to the seller and buyer and supports site goals for sustainable reuse and remediation.
- Evaluates and compares disposition alternatives for the brownfield site, such as property sale, ground-lease, or lease with option-to-purchase.

**Expiration Date:** Not applicable. (Subject to changes in site conditions, regulations, adopted plans, etc.)

**Estimated Completion Timeline:** 4-8 weeks

# Frequently Asked Questions



## Which sites are eligible for grant funds?

In general, the property must have confirmed or potential impacts from petroleum or hazardous substances, be underutilized or undergoing transition, and meet the following criteria:

- Exhibits high potential for redevelopment and/or other opportunities to benefit the community.
- Is not included on the EPA National Priority “Superfund” List, under enforcement action with New York State Department of Environmental Conservation (NYSDEC) nor targeted for federal/state enforcement.
- Does not have a financially “viable” party (the current owner and/or immediate former owner) that caused or contributed to known or suspected contamination and/or who has a legal responsibility to perform the specific desired environmental assessment or remedial/reuse planning activities.

## Is the project limited to a specific area?

The project will prioritize properties located in Town of Livonia, Town of Caledonia, Town of Leicester, Village of Dansville, and the Village of Geneseo. As appropriate, the Coalition may consider other publicly- and privately-owned sites within other areas of Livingston County which further the community’s revitalization goals.

## How long is grant funding available?

Grant funding is secured through September 2028 (or until funds are expended).

## Will the grant pay for cleanup activities?

No. Under this Program, grants funds can be used to conduct environmental assessments and to develop cleanup plans but cannot be used to implement a cleanup plan.

## Can I be reimbursed for previous assessment activities?

No. Grant funds are not retroactive and cannot be used to reimburse you for past environmental assessment(s) or related activities.

## Are grant funds given to me to pay for the consultant?

No. The County administers the grant fund and will pay its QEP directly for approved environmental assessment(s) and/or related activities on your property.

## Do I enter a contract with the environmental consultant?

No. If your property is approved for funding, you will be required to sign a Property Access Agreement that permits the County’s consultant team (led by the QEP) access to the site to perform the requested activities.

## Will I be fined or required to take action if contamination is identified?

Phase I ESA findings are not generally reported to regulatory agencies. If you choose to progress with a Phase II ESA (e.g., soil sampling), the findings may trigger a reporting requirement with NYSDEC. Even if contamination is found, no fines are typically levied. In some cases, NYSDEC may require supplemental assessment and/or cleanup activities. The Program’s goal is to assist property owners redevelop brownfields for new uses that benefit the community.

## How will decisions be made on whether work at a specific site will be funded?

In general, all sites that are nominated will be given consideration for funding. Upon receipt of a Nomination Form, the County and EPA will determine whether the site is a good fit for the program (based on its potential to support economic, environmental, or community goals), as well as whether it likely to meet the EPA site eligibility requirements. Sites/projects will also be evaluated on the likelihood that they will be deemed eligible for use of funding, the certainty of securing site access to perform assessment activities, and other factors.

## How do I obtain additional information?

For more information or to nominate a site for funding, please visit the Program webpage: <https://www.livingstoncountyny.gov/1740/Brownfields>.

*Disclaimer: Although this Program has been funded wholly or in part by the EPA, the contents of this document do not necessarily reflect the views and policies of the EPA.*