

City of Bowling Green, Kentucky Brownfields Program

Frequently Asked Questions about Environmental Site Assessments (ESAs)

Q: Why Should I Agree to having a Phase I Environmental Site Assessment (ESA) conducted on my Property?

A: Property values and the ability to obtain financing can be affected by uncertainty related to site history and real or perceived environmental impacts. The Phase I ESA process can reduce this uncertainty by researching property use and identifying actual or potential impacts related to current or past site activities. If little or no contamination is identified, the information may increase marketability. If evidence of significant contamination is identified, the property owner may recognize value through reduced liabilities as well as alternate sources of funding for additional assessment and cleanup. Please note that access to cleanup funding is contingent upon having a Phase I ESA conducted.

Q: What is a Phase I ESA?

A: A Phase I ESA is conducted by an environmental professional and includes a site visit, interviews, and review of records and historical documents, with the intent of identifying recognized environmental conditions on a property. The Phase I ESA is typically non-intrusive, which means no drilling or collection of environmental samples (e.g., soil, groundwater, soil vapor) is conducted.

Q: What is a Phase II ESA?

A: A Phase II ESA is typically based on the findings of a Phase I ESA and seeks to identify the presence or absence of contamination at a site by collecting and analyzing samples of environmental media (e.g., soil, groundwater, soil vapor) and/or building materials.

Q: Will I receive a copy of reports for assessments conducted on my property?

A: Yes. Electronic copies of Phase I and Phase II ESA reports are provided to the property owner(s) upon completion of the assessments.

Q: Do all Phase I ESAs proceed to Phase II?

A: No. Generally, fewer than half of all Phase I ESAs conducted proceed to Phase II. If a Phase II is deemed warranted, the property owner will not be compelled to proceed with Phase II. Rather, the owner will have the option of proceeding or exiting the program without conducting additional assessment.

Q: If I allow my property to be assessed under the City's Brownfield Program, do I become liable for any contamination identified through the assessment process?

A: If you own the property on which a Phase I ESA is completed, and you did not cause or contribute to releases/contamination identified during the assessment, then conducting non-invasive assessment (such as Phase I ESA) does not open you up to environmental liability under the brownfields program. If contamination is confirmed through Phase II ESAs, parties with potential liability for environmental impacts at a given property generally include those:

- with an ownership interest in the property
- in control of the hazardous substance at the time of release
- who arrange for disposal or transport of the hazardous substances

The City of Bowling Green and their environmental consultant for this project can discuss specific issues and options with property owners considering whether to proceed with Phase II assessment.

Q: Am I required to take action or report to State or Federal agencies if contamination is identified?

A: Under extreme cases (e.g., environmental conditions representing immediate threat to human health or the environment), the City of Bowling Green and their environmental consultant may recommend that the property owner contact the State agency for further guidance. Otherwise, reporting of identified conditions or corrective actions to the State environmental agency and/or the EPA is not enforced through the Brownfields program, which is an incentive program intended to spur redevelopment.

Q: Who pays for assessment work conducted under this program?

A: For eligible priority sites, the City of Bowling Green pays for 100% of assessments conducted through this program, and is then reimbursed by a grant awarded to the City in 2017.

Q: How long are funds available under the City's Brownfields Program?

A: The City's current brownfield grant cycle began October 1, 2017 and ends September 30, 2020. While additional grant funding may become available in the future, there is no guarantee of the program extending beyond September 2020.