

## READY FOR REUSE

In recent years the Environmental Protection Agency (EPA), in partnership with state and local agencies has undertaken an important initiative to protect human health and the environment by cleaning up waste sites and restoring land to productive commercial, residential, industrial, and green space uses.

Many properties which are considered slightly to moderately contaminated, but could be cleaned up to levels protective of human health, sit undeveloped because of concerns over potential liability under federal and state superfund laws. State and federal agencies recognize that if a property can be redeveloped it can provide jobs and tax revenues as well as other benefits to the surrounding community. Accordingly, these agencies are implementing programs to encourage re-development.

In April of 2003, EPA announced the development of a Land Revitalization Agenda to encourage land reuse by: (1) ensuring that cleanup program policies and guidance encourage reuse; (2) creating public-private and cross-governmental partnerships to foster reuse; (3) instilling a culture of reuse in our government workforce; (4) and providing incentives for reuse through streamlined implementation of the new federal brownfields legislation to provide brownfields grants and limit liability for prospective purchasers of property.

A key component of the Land Revitalization Agenda is the Ready for Reuse (RfR) Program, which is structured to help make land revitalization and reuse an integral and unifying element of all EPA and state cleanup programs (RCRA, CERCLA, UST, TSCA, VCP, etc.). RfR is a technical determination that recognizes when contamination at a property has been sufficiently characterized and necessary risk management activities have been taken such that environmental conditions at the site are protective of human health and the environment based on its current and planned future uses. RfR is not a clean closure approach, but rather it

encourages expedited assessments and remedial activities to promote protective redevelopment opportunities much sooner than would be achieved using conventional means.

Some key aspects of the RfR Program are as follows:

- Defines how “clean” is clean enough to support protective redevelopment;
- Defines remedial goal(s), establishing realistic investigation and cleanup objectives;
- Targets multiple reuse scenarios, which can apply to the entire property or specific parcels;
- Gives facilities a reason to move forward with investigations and remediation;
- Promotes brownfields redevelopment, rather than greenspace use;
- Provides comfort to prospective purchasers, lending institutions, and the public regarding the cleanup and property reuse;
- For many facilities, requires no additional investigation or cleanup unless there is a change to a different land use in the future; and
- Does not require a property to be sold or transferred in order to receive an RfR Determination.

An RfR determination can be particularly beneficial at sites where only a portion of the property has been impacted and lengthy remediation will be required before the site will no longer pose an unacceptable risk to human health or the environment. By obtaining an RfR determination, the portions of the property that demonstrate no unacceptable risks may be returned to productive use for commercial, industrial, and other approved uses while remediation occurs on the impacted areas.

With the exception of Federal Superfund sites, all sites with actual or suspected contamination may pursue RfR determinations. The RfR program is voluntary and determinations are available for

sites that have been investigated and remediated (as needed), such that conditions are protective of human health and the environment for the current and planned future use(s). To receive an RfR determination the following criteria must be met:

- Adequate characterization (facility specific) that shows protective concentrations of constituents using an accurate conceptual site model and appropriate data quality objectives;
- Risk screening or evaluation showing the property is protective for its current and anticipated future use(s), evaluating realistic receptors and exposure scenarios;
- Documentation, including periodic land use monitoring and reporting, that current and

anticipated future land use(s) are consistent with cleanup objectives;

- Institutional controls should be implemented and layered where possible to identify any use restrictions on the property where constituents of concern are above an unrestricted use level;
- Public participation procedures should address the RfR determination, existing State process is acceptable.

This article serves as a brief overview of the Ready for Reuse Program. Details of the Ready for Reuse Program may be viewed on the EPA website or by clicking [here](#).

*For further questions concerning this program or other similar state programs, please contact Travis Faul or Mike Purdom using the following contact information.*



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