

***Response to comments from Tim Hippensteel
TH Environmental, LLC
Received by email and email attachment 3-25-05***

- 1) *Land Use* – I agree that the phrase “reasonable” is too vague. A change in wording to “current or future use” or “current or anticipated future use” would be acceptable. It has been my experience with numerous Brownfield and Brownfield-type redevelopment projects in urban areas that plans are typically proposed for future site uses prior to engaging in the BVCP process. The plans can, and do, change for a variety of reasons but typically are still redeveloped for commercial/light industrial and commercial/retail/residential (anticipated) future uses. The phrase change should not be disguised to be too restrictive or limiting to anticipated future uses, either.

Response: Several members of the Workgroup have requested that the Institutional Controls Subgroup be reconvened to more completely address issues related to institutional controls and long-term stewardship. The Subgroup has agreed to re-convene and plans to do so later this month. This issue will be discussed in the next meeting of the Institutional Controls Subgroup and is also on the list of topics to be discussed by the Workgroup on April 28, 2005.

- 2) *Chemicals of Concern* – I agree with this change. Cost effectiveness in the BVCP process is of utmost concern on all redevelopment projects and to all parties involved. The elimination of as many COCs as possible early on in the BVCP process will produce a timelier project as well as cost efficiencies regardless whether DED remediation tax credits are involved. The proposed flowchart (Figure 7.1) does an adequate job of portraying the COC elimination process.

Response: Thank you.

- 3) *Ecological Risk Assessment, Checklist B* – It is my opinion that a reasonably competent person engaged in the profession of environmental science, environmental geology, or environmental engineering could complete this, and the other, checklist.

Response: Appendix F, Ecological Risk Assessment, Level 1, Checklist B (next to last paragraph, first sentence) will be changed to read, “A professional opinion may be necessary to answer 7.a, 7.b, and Question 7.”

An additional general comment on Ecological Risk Assessments. It is my experience, with involvement in numerous BVCP Brownfield and Brownfield-type redevelopment projects in urban areas, that the Ecological Risk Assessment is a waste of time, for the most part. Due to the very nature of the urban setting, there are usually no ecologically sensitive receptors to be impacted, either potentially or in actuality. Elimination, or at least a drastic reduction, in this requirement may need to be considered on a site by site basis for redevelopment projects entered into the BVCP.

Response: We believe that the Level 1, Checklist A screening would eliminate consideration of ecological risk fairly quickly in this type of environment. If further clarification is needed, we can discuss this comment further at the April 28 meeting.