

REUSE PLAN UPDATE

American Creosote Works Superfund Site
Pensacola, Florida

JUNE 2017



OVERVIEW

EPA Region 4 is providing reuse support in developing a reuse plan update for the American Creosote Works Superfund site (ACW Site) in Pensacola, FL site based on anticipated remedial changes and local reuse and redevelopment priorities. EPA sponsored a reuse planning process for the ACW site in 2003 and a reuse plan update in 2010. The 2010 update evaluated the compatibility of the 2003 plan with a change in remedial action levels for dioxin contaminated soils. Since that time, EPA has decided some changes need to be made to remedies implemented at the site and plans to issue a new sitewide remedy to address remaining contamination. EPA supported this reuse plan update to clarify suitable uses based on the anticipated remedy and that reuse opportunities are still consistent with community goals.

REUSE GOALS

EPA hosted a public meeting on December 12, 2016 at the Sanders Beach-Corinne Jones Resource Center to confirm the community's reuse goals for the Site. Approximately 35 people attended and through Q&A and break out group discussions, participants affirmed goals to reuse the site as a park for passive recreation that is consistent with the current conservation zoning:

- Establish passive park (such as trails) as neighborhood amenity, buffer and catalyst for Western Gateway District.
- Include recreational structures enhancing cultural heritage resources and support recreational uses on site (such as interpretive exhibits).
- Limit north-south vehicular access through site.
- Improve sidewalks and streetscape conditions to allow pedestrian access to park.
- Provide opportunity for park connection and streetscaping to Sanders Beach Community Center and Park.

OUTCOMES

The outcome of the charrette is summarized in this document. The document contains several sections:

Reuse Planning to Date	p. 2
Reuse Suitability	p. 2
Future Use Considerations	p. 3
Parks and Reuse Examples	p. 4-5
Ownership and Liability	p. 6-7
Recommendations	p. 8

Funded by the EPA Superfund Redevelopment Initiative



The Sanders Beach Community is located between Main Street and Pensacola Bay. New development along Main Street is shown above.



Sanders Beach-Corinne Jones Resource Center.



Pensacola Yacht Club (private).

Superfund Redevelopment Initiative

EPA's Superfund Redevelopment Initiative (SRI) and EPA Region 4 sponsored a public meeting to provide an update on the site's cleanup and affirm the community's reuse goals for the site.

REUSE PLANNING TO DATE

In 2001, EPA provided a reuse planning grant to the City of Pensacola to develop a plan identifying potential future site uses and strategy for returning the ACW Site to reuse. After an 18-month community-based planning process, the ACW Site Steering Committee adopted a reuse plan for the Site in 2003 (2003 Reuse Plan). The 2003 Reuse Plan includes the following components:

- Park and open space
- Mixed-use commercial retail, office and residential uses
- Environmental historic resource building
- Parking areas
- Infrastructure and streetscape improvements for Gimble, Main, "I", "L" and "F" Streets

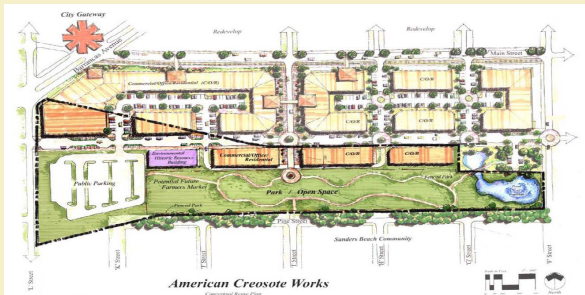


Figure 1. 2003 Reuse Plan.

In 2010, EPA conducted the 2010 Reuse Assessment, which evaluated the compatibility of the 2003 Reuse Plan given new site information and anticipated remedial plans. Local stakeholders indicated the following goals:

- Establish passive park as neighborhood amenity, buffer and catalyst for Western Gateway District.
- Establish small-scale retail shops/ office/ residential along Gimble and Main St.
- Limit north-south vehicular access through site
- Improve sidewalks and streetscape conditions to allow pedestrian access to park.



Figure 2. 2010 Reuse Assessment.

REUSE SUITABILITY

EPA anticipates the following remedial components: groundwater treatment system, contaminated soils capped on site and stormwater retention pond. To understand how these remedial component inform future use, the site has been divided into two reuse suitability zones based on remedial and reuse considerations, - Zone 1 (Cap) and Zone 2 (Stormwater Retention). These zones are described below and illustrated on the adjacent map.

Zone 1 (Cap)

17.7 acres

Remedial:

- Consolidated soils with composite cap and vegetated surface
- Wells on border of cap

Reuse:

- Passive park/open space with recreational structures like shelter or kiosk.

Considerations:

- Passive park uses compatible with cap
- Building and excavation restrictions required for cap area. Potential to modify landfill extent to create a non-fill area in northeast corner that can support park structure development, such as restrooms or other park facilities. Otherwise, any on-site structures will encroach on consolidation area footprint or will require additional fortification of cap to support weight.

Zone 2 (Stormwater Retention)

1.6 acres

Remedial:

- Stormwater retention to capture runoff from capped area

Reuse:

- Landscaped retention pond
- Trails around pond
- Pine Street access point

Considerations:

- Accessible from Pine & F Streets
- Surface area and volume to be determined
- Opportunities to consolidate retention area and allow for additional structural development.



Figure 3. 2017 Reuse Plan Update

FUTURE USE CONSIDERATIONS

Public meeting participants reviewed the reuse suitability zones and discussed preferred park uses at the site and access and connectivity to the surrounding area, these considerations are summarized below and illustrated on the map above.

Preferred Recreational Amenities

- Open space for community events (picnic lawn, disc golf).
- Walking paths with benches and interpretive exhibits that tell the history of the site and legacy of past industrial sites.
- Interactive gardens (botanical, sculpture garden with sponsored exhibits, labyrinth or meditation garden).
- Habitat pavilion (butterfly house, aviary).
- Stormwater retention pond integrated as a park feature with landscaping, trails, and fountain.
- Central pavilion for gatherings.
- Small restroom facilities.
- Perimeter fencing and tree plantings, decorative gates at entrances. Hours of operation.

Connectivity and Access Considerations

- Improve pedestrian access to the site, such as paving more sidewalks. Explore connections with surrounding improvements, such as any new waterfront access, open space or trail projects.
- Provide pedestrian access points near the following intersections: Pine & L, Pine & I, Gimble & I, and near storm water basin at Pine and G.
- Consider extending Gimble St to create another east-west connection and reduce traffic through neighborhood. Railroad right of way may provide best alignment due to remedial constraints.
- Prevent north/south throughways through the site.
- Consider vehicle access and angled parking along Gimble as primary entrance and along L Street as secondary entrance. Minimize visitor parking in neighborhood.
- Recommend closing Pine St and end each road in cul-de-sacs.

TYPES OF PARKS

Park planners often refer to parks as supporting either passive or active recreational uses.

Passive: Parks that support passive or low intensity recreation can be characterized by:

- lower level of development, such as picnic areas, benches and trails.
- open-space that allows for the preservation of natural habitat.
- typically requiring less management and can be provided at lower costs.
- uses such as trails for physical activity, such as walking, running, biking; or sedentary activity such as observing nature, bird watching, painting, photography, or picnicking.



Figure 4. Park at the Pemaco Maywood Superfund site in Los Angeles offer passive recreational uses, such as walking paths and gardens.

Active: Parks that support active recreation can be characterized by:

- higher level of development.
- amenities that support team activity, including playgrounds, ball fields, swimming pools, gymnasiums, and skateparks.
- more intensive management, maintenance, and high costs for upkeep of facilities than passive parks.



Figure 5. Soccer fields at the Avtex Fibers, Inc. Superfund Site in Front Royal, Virginia.

PARK CONTEXT

There are five parks within a one-mile radius of the ACW site that provide a range of programming and recreational amenities (see Figure 6 and Table 1). These parks are primarily active recreation parks. The ACW site is being considered as a passive park, which could provide open space and recreational amenities not available at nearby parks. The ACW site is currently zoned Conservation, permitted use types under this zoning include:

- Wildlife and vegetation conservation, such as wildlife refuge and nature trails
- Recreational facilities, such as passive recreation, bike trails and jogging trails
- Other compatible uses include drainage areas.



Figure 6. Parks within 1-mile of ACW Site.

Amenities provided at nearby parks include:

	Baseball/softball	Basketball	Playground Equipment	Soccer	Football	Amphitheater / Stadium	Restrooms	Covered Shelter	Walking Trails	Picnic Areas / Grills
Legion Field	X	X	X	X	X			X	X	
Kiwanis Park	X	X	X							
Corinne Jones Park		X	X					X		X
Maritime Park						X	X			
Sanders Beach Park			X							X

Table 1. Nearby park amenities.

REUSE EXAMPLES

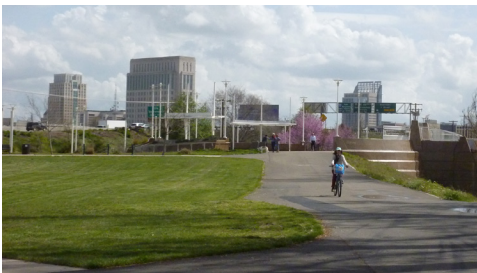
Communities across the country have successfully transformed former industrial sites into community recreational amenities. Listed below are a few examples of other Superfund sites that have are being reused as park and open space.



Chemical Commodities, Inc., Olathe, Kansas

Former chemical handling activities at the Chemical Commodities Inc. (CCI) in Olathe, Kansas led to soil and groundwater contamination. The site's remedy included the construction of a cap over the site to prevent future exposure. To plan for the future use of the site, CCI Citizens Advisory Group, Inc. began working with Monarch Watch and the Pollinator Partnership to prepare plans for a walk-through educational habitat at the Site. Today, the Site supports pollinator gardens for bees, butterflies and birds; native plants and trees; an area for tagging migrating monarch butterflies; and a walking trail with educational signs.

Case study: <https://semsub.epa.gov/work/07/30244586.pdf>



Jibboom Junkyard, Sacramento, California

Successful integration of the 9-acre Jibboom Junkyard Superfund site into the City of Sacramento's River District Redevelopment Area has transformed the formerly contaminated facility into a scenic destination along the existing Sacramento River Parkway bicycle trail. Amenities include: pedestrian pathways, plaza, interpretive signage, benches and landscaped green spaces.

Success Story available here: <https://semsub.epa.gov/work/09/2400072.pdf>



Oeser Co. Site, Bellingham, Washington

The 26-acre Oeser Company Superfund site is located in a mixed-use residential and industrial area of Bellingham, Washington. The site includes the Oeser facility and the Little Squalicum Park (LSP) area, which spans approximately 21 acres of the site. Effective collaboration on cleanup work resulted in restoration of creeks and wetland habitats, as well as enhancement of recreational park trails in the LSP area of the site.

Success Story available here: <https://semsub.epa.gov/work/10/501000089.pdf>



Armstrong World Industries, Macon Georgia

The Armstrong World Industries site is located in Macon, Georgia. The remedy for wastewater treatment plant (WWTP) landfill portion of site included the site's ecological revitalization. Ecological revitalization restores native habitat for wildlife, migratory birds and pollinators. The 4-acre meadow is home to about 50 species of plants and wildflowers and includes a bee garden, a general butterfly garden, a hummingbird garden and a Monarch Butterfly garden. The meadow is sustainable, cost-effective alternative to mowing the cap several times a year, thereby reducing carbon emissions. Native vegetation also conserves resources with the use of less water and fertilizer, while effectively preventing erosion of the engineered cap's soil cover.

More information about the site: <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0410033>

PROPERTY OWNERSHIP

The City and community’s recreational reuse goals for the site will require property acquisition and transfer to public ownership or a public private partnership between the City and land owner(s). The City of Pensacola has begun the process of acquiring the ACW tax-delinquent properties through tax foreclosure. In February 2017, a private owner purchased the largest site parcel at a tax deed sale. Discussions are ongoing related to future acquisition or leasing options of the rail right of way, along with the parcel recently acquired at tax deed sale.

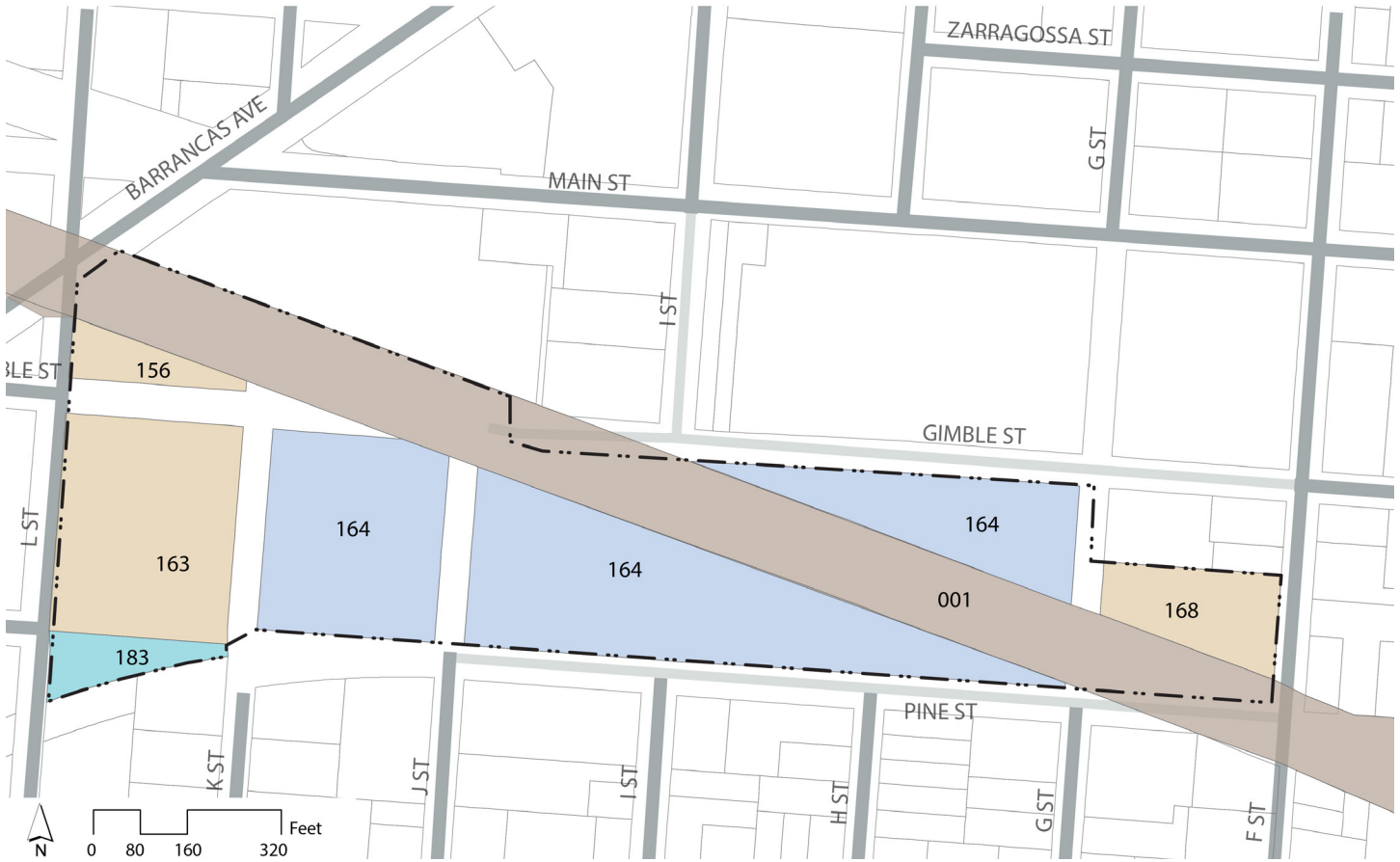


Figure 7. The ACW site parcels with corresponding parcel identification numbers, property owners, parcel size and ownership status considerations. All site parcels are currently privately owned. Three of the parcels are tax delinquent and eligible for tax foreclosure, and one parcel is inactive railroad property.

Map Key	Owner	Parcel Size (acres)	Parcel ID #	Considerations
164	Private Owner A	7.5	000S009080-001-164	Private property as of tax deed sale in February 2017.
168	American Creosote Works	0.9	000S009080-011-168	Currently vacant, potential for ownership transfer through tax deed sale, or escheatment.
163	American Creosote Works	2.5	000S009080-001-163	Currently vacant, potential for ownership transfer through tax deed sale, or escheatment.
156	American Creosote Works	0.4	000S009080-002-156	Currently vacant, potential for ownership transfer through tax deed sale, or escheatment.
183	Private Owner B	0.4	000S009080-001-183	Private property, currently in use as temporary storage. No reuse plan components proposed.
001	Alabama & Gulf Coast Railway Right of Way	5.5	000S009090-006-001	In-active railroad property, likely suitable for park or stormwater retention.

Table 2. ACW Site parcel ownership information and considerations

RAILROAD PROPERTY CONSIDERATIONS

There are several factors to consider in acquiring or leasing railroad right of way or property.¹

Abandonment – The first step is to determine if the Alabama & Gulf Coast Railroad (A&GCR) property at the site is legally “abandoned”, which requires that a railroad company file a petition with the Surface Transportation Board asking for permission to discontinue the line. A rail corridor can be abandoned with or without tracks and ties still in place. If uncertain, recommend contacting Florida Department of Transportation to determine if the line is abandoned.

Ownership and Public Use – Federal law requires entities wishing to acquire railroad right-of-way or real property, such as the City of Pensacola, to file a petition for a “public use condition” during the abandonment process. A public use condition gives public agencies (local, state and federal government) the right to negotiate with A&GCR exclusively for 180 days for the purchase of the right-of-way.

Railroad Ownership Type – The way that A&GCR acquired the property is an important consideration in determining public use options. Railroad companies acquire real estate by several different methods: purchase of a fee simple interest, grant of an easement of license, adverse possession or appropriation (eminent domain).

If A&GCR acquired the land in fee simple, the railroad company is the sole owner of the land and would have the right to sell the property after abandonment, barring any orders being filed in the abandonment process. If A&GCR secured an easement, after abandonment the ownership of the right-of-way reverts to the current owner of the underlying parcel that contained the easement when granted. In this case, a title search would be needed to clarify which owners and parcels the right of way may revert to.



Figure 8. View east of Railroad Right-of-Way.

¹This information is for informational purposes only and does not constitute legal advice. Source: Abandonment of Railroad Right-of-Way, Ohio Farm Bureau <http://www.portagefb.org/wp/wp-content/uploads/2011/02/Railroad-Brochure.pdf>

LIABILITY PROTECTIONS

As the City of Pensacola continues to evaluate ownership and reuse options for the site, addressing the potential liability concerns of City ownership or prospective purchasers and partners will be an important step in the process. The 2002 Brownfield Amendments to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) provided important liability protections to landowners at Superfund sites who meet certain statutory criteria and comply with ongoing obligations at a site.

Local Governments and Involuntary Acquisition

CERCLA Sections 101(20)(D) and 101(35)(A)(ii)

CERCLA provides liability protection to state and local governments who acquire property by virtue of their function as a sovereign. This protection is known as the “involuntary acquisition” exemption and includes the following types of property transactions that lead to local government ownership: bankruptcy; tax-delinquency or tax-foreclosure; abandonment; or other circumstances in which the government entity involuntarily acquires title.

For additional information on liability protections for local governments, see:

<https://www.epa.gov/enforcement/state-and-local-government-activities-and-liability-protections>

<https://www.epa.gov/sites/production/files/documents/local-gov-liab-acq-fs-rev.pdf>

Bona Fide Prospective Purchasers

CERCLA Sections 101(40) and 107(R)(1)

In order to be considered a bona fide prospective purchaser (BFPP) under the CERCLA, a prospective purchaser would need to ensure it meets the statute’s requirements. A BFPP must also satisfy the criteria discussed in the “common elements” guidance, which includes 1) performing “all appropriate inquiries” prior to acquiring the property, 2) demonstrating “no affiliation” with a liable party and 3) satisfying ongoing long-term stewardship obligations.

For additional information on BFPP liability protections, see:

<https://www.epa.gov/enforcement/bona-fide-prospective-purchasers>

Note: This information is for reference and does not constitute legal advice.

MOVING FROM PLAN TO ACTION

RECOMMENDATIONS

Based on the site's anticipated remedial components, reuse suitability and future use goals that were reviewed at the public meeting, the following recommendations are provided to inform next steps to reusing the site.

Remedial Design Considerations

The following recommendations highlight how EPA can consider the site's remedial design in context of future use goals.

- Reasonably anticipated future land use is a publicly accessible passive park.
- Ensure cap design is compatible with paved or gravel walking trails, exhibits and light structures.
- Ensure that cap footprint allows for park access at Pine and L, Gimble and L, I and Pine, and parking along Gimble.
- Consider cap footprint configuration that allows for reconnection of Gimble through to Barrancas Avenue.
- Consider trail access around planned stormwater retention area between Zone I and F Street.

Property Acquisition

The City of Pensacola could move forward with property acquisition by:

- Completing due diligence to qualify as a BFPP.
- Acquire tax-delinquent properties through tax foreclosure.
- Determine railroad property acquisition options based on abandonment status and ownership type (sole ownership or easement).
- Coordinate with other private property owners about their future plans.

Park Planning

The City of Pensacola could move forward with park design and implementation by:

- Conducting supplemental community recreational needs survey to refine preferred uses.
- Considering vegetation options for park.
- Incorporating survey feedback and moving forward with park master plan and implementation. The park plan would prioritize park amenities and programming options.



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For more information about EPA Superfund
Redevelopment Initiative, please visit:
[https://www.epa.gov/superfund-redevelopment-
initiative](https://www.epa.gov/superfund-redevelopment-initiative)

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