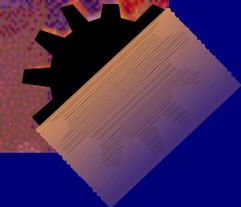
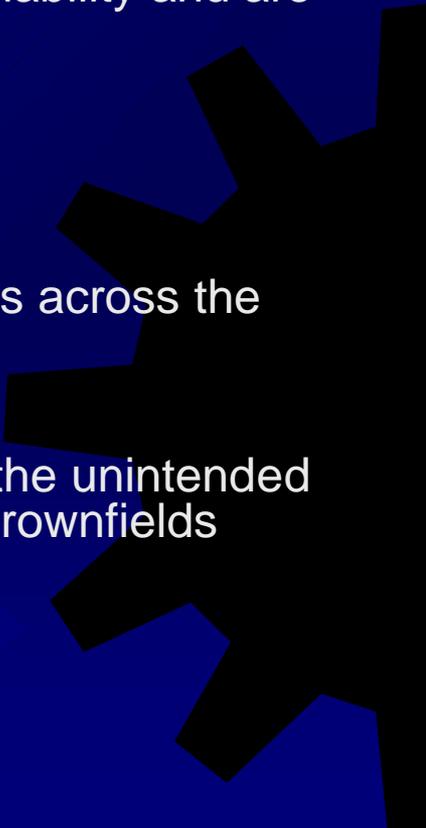
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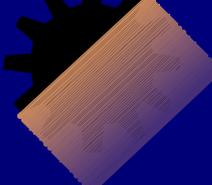
Making Brownfields Work for My Site

Patricia Overmeyer
U.S. Environmental Protection Agency
Office of Brownfields Cleanup and
Redevelopment
May 6, 2003

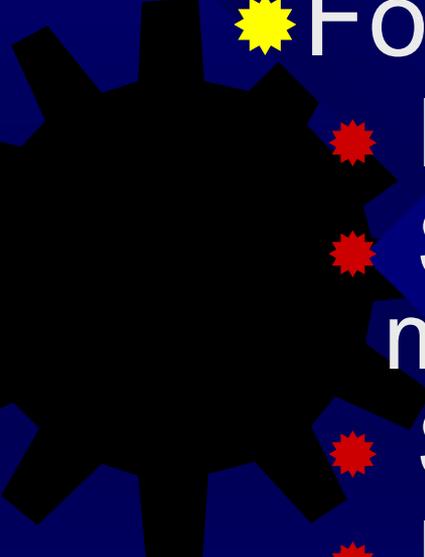


What are Brownfields?

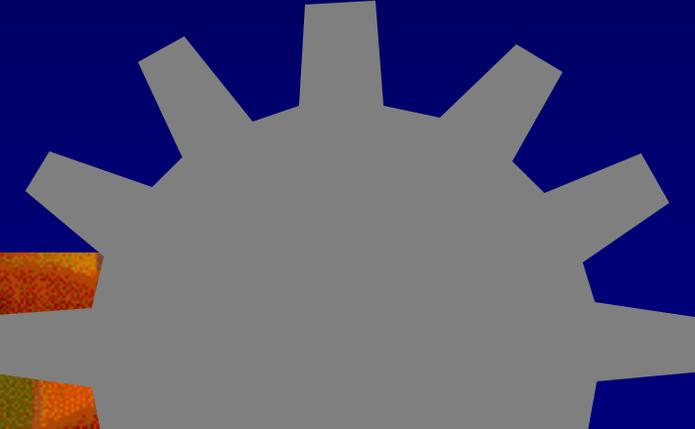
- Once-productive areas have been abandoned; some are contaminated.
 - Lenders, investors, and developers fear environmental liability and are more attracted to “greenfields.”
 - The result has been blighted properties – brownfields.
 - GAO estimates there are more than 450,000 brownfields across the country.
 - Communities asked for EPA assistance in dealing with the unintended consequences of Superfund – that developed into the Brownfields Program.
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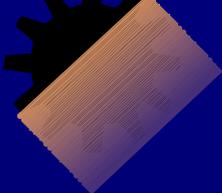


EPA's Office of Brownfields Cleanup and Redevelopment

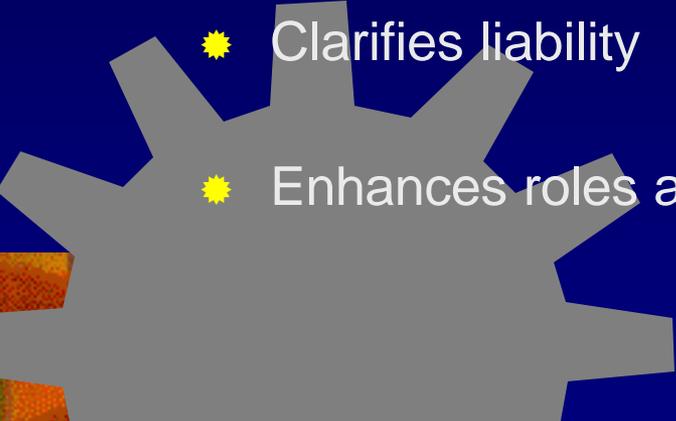


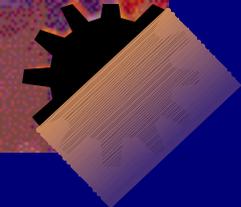
★ Four primary goals

- ★ Protecting the environment
 - ★ Stimulating the private marketplace
 - ★ Sustaining property reuse
 - ★ Partnering for success
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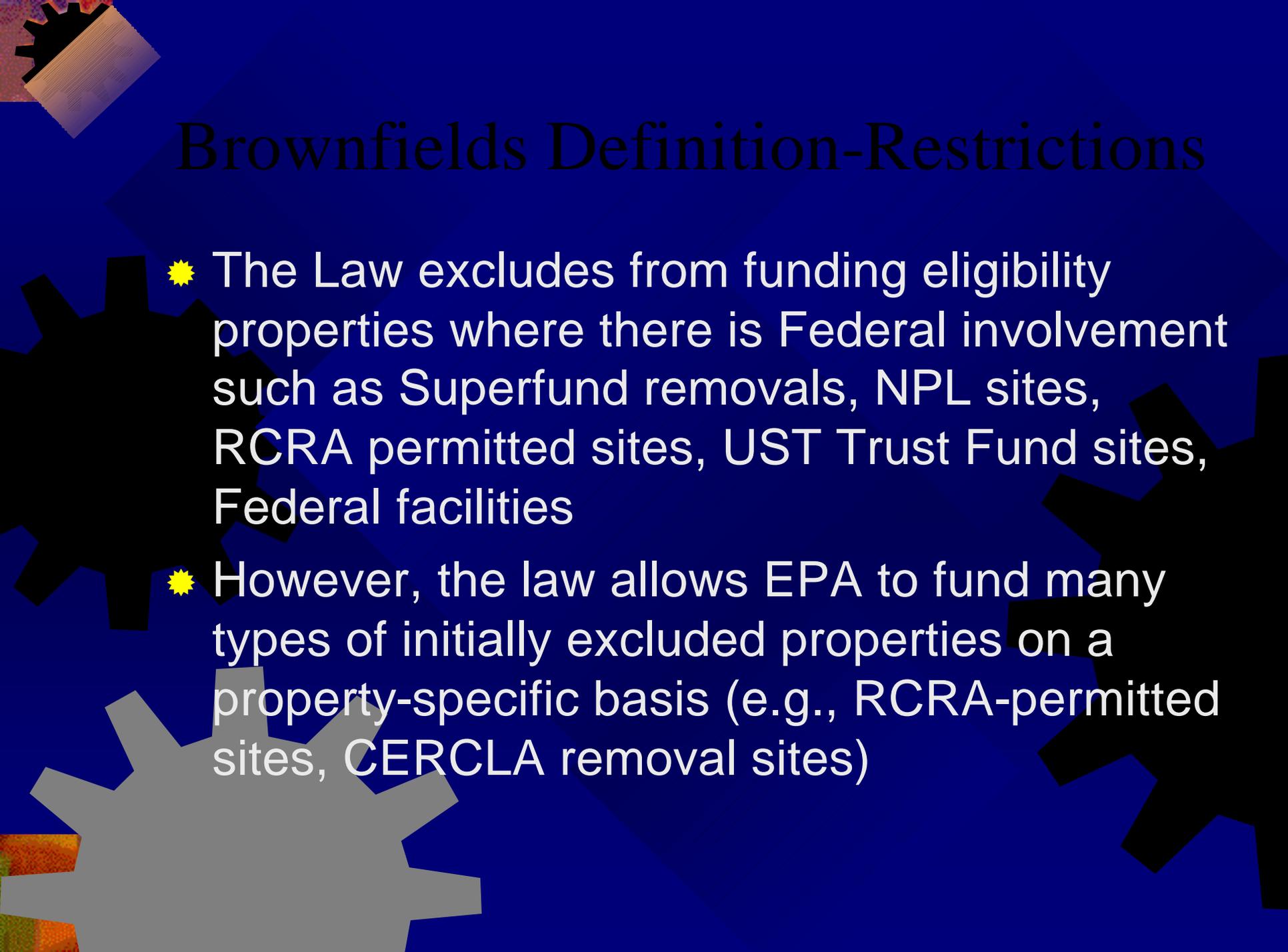
Small Business Liability Relief and Brownfields Revitalization Act

- ✦ New Brownfields legislation signed in January 2002 --Amends CERCLA
 - ✦ Gave Brownfields Program independent statutory authority
 - ✦ Expands definition of a brownfield
 - ✦ Expands funding authority for brownfields assessment and cleanup
 - ✦ Clarifies liability
 - ✦ Enhances roles and funding of State and tribal programs
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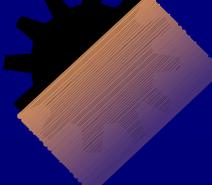
Expanded Brownfields Definition

- ✦ The new brownfields law defines a brownfield as “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant
 - ✦ The new law specifically adds to the definition petroleum-contaminated sites, mine-scarred lands, and sites contaminated by controlled substances
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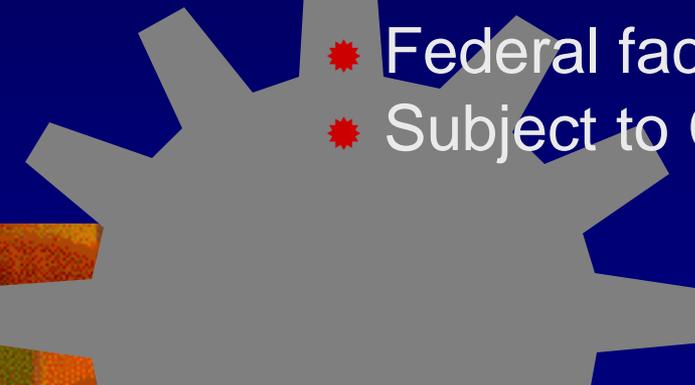
Brownfields Definition-Restrictions

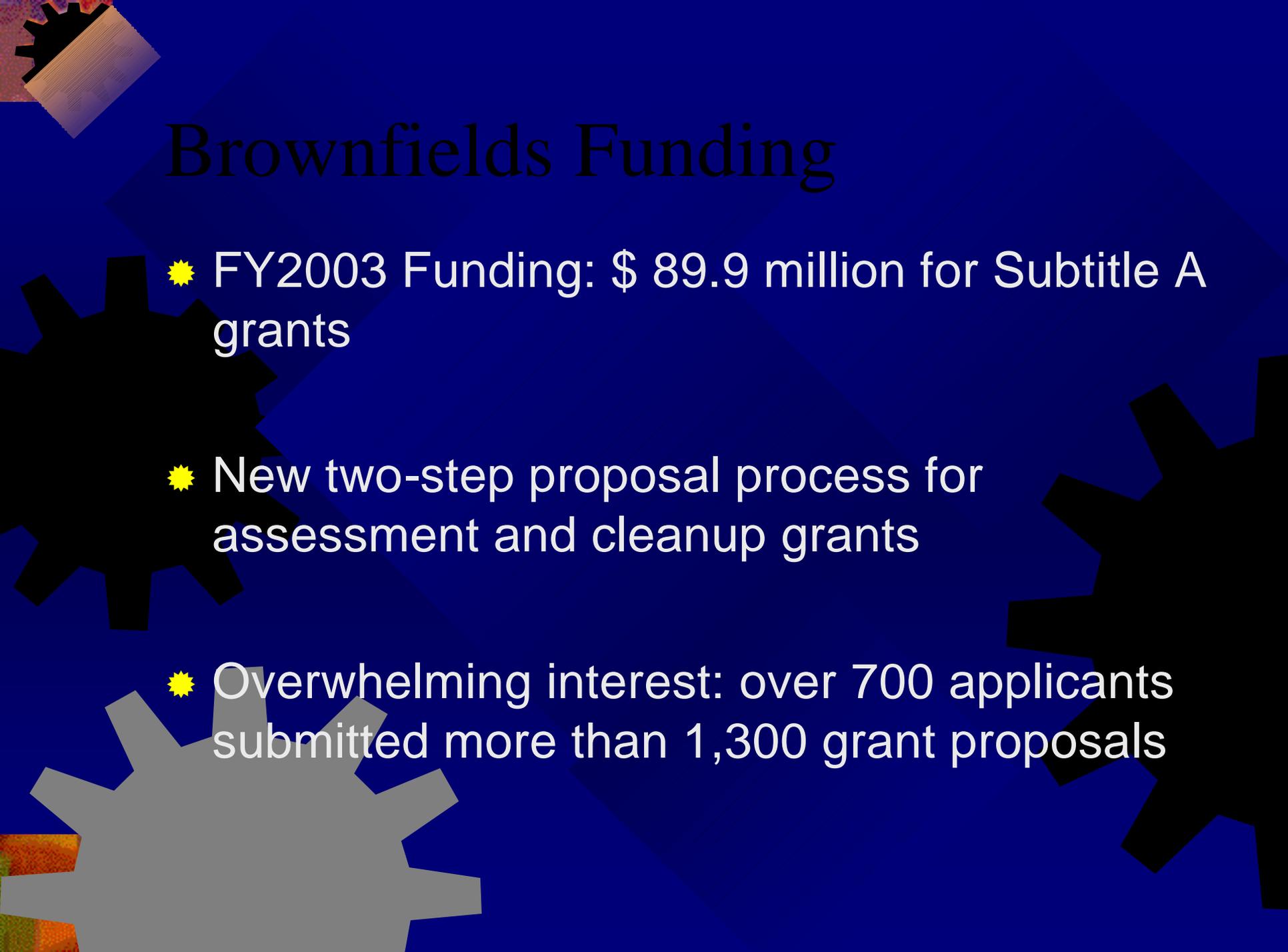
- ✦ The Law excludes from funding eligibility properties where there is Federal involvement such as Superfund removals, NPL sites, RCRA permitted sites, UST Trust Fund sites, Federal facilities
- ✦ However, the law allows EPA to fund many types of initially excluded properties on a property-specific basis (e.g., RCRA-permitted sites, CERCLA removal sites)



Brownfields Definition-Restrictions

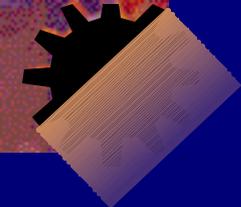
(cont.)

- ✦ Sites eligible for property-specific funding determinations must show that brownfields funding will:
 - ✦ Protect human health and the environment
 - ✦ Promote economic development or enable creation or preservation of greenspace
 - ✦ Only three types of properties not eligible for funding:
 - ✦ NPL sites
 - ✦ Federal facilities
 - ✦ Subject to CERCLA orders
- 
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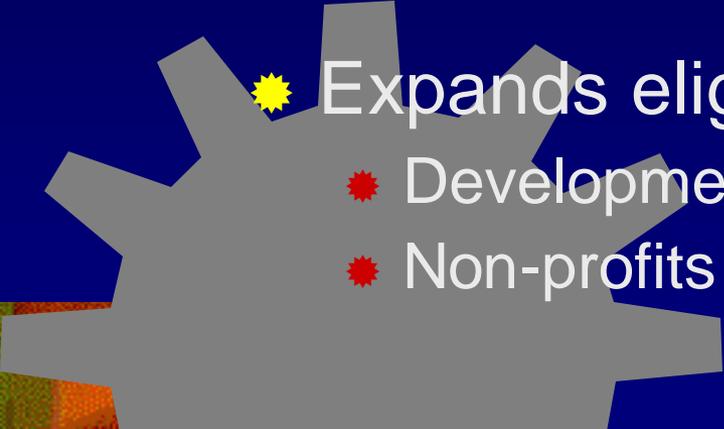
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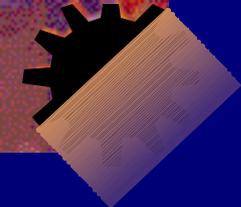
Brownfields Funding

- ★ FY2003 Funding: \$ 89.9 million for Subtitle A grants
- ★ New two-step proposal process for assessment and cleanup grants
- ★ Overwhelming interest: over 700 applicants submitted more than 1,300 grant proposals



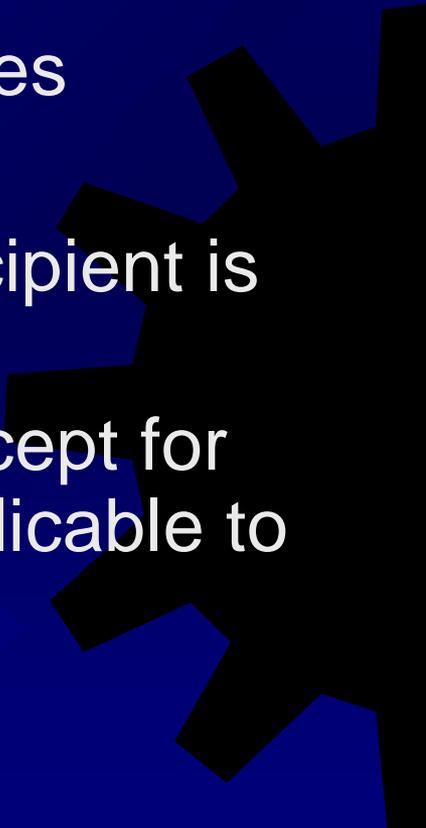
Brownfields Funding

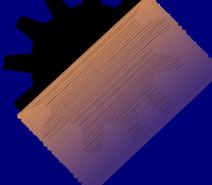
- ✦ Subtitle A of Law authorizes up to \$200 million/year
 - ✦ Brownfields assessment, cleanup, revolving loan fund and job training grants
 - ✦ Also supports research, training and technical assistance
 - ✦ 25% must address petroleum contamination
 - ✦ Expands eligible entities to include:
 - ✦ Development authorities and regional councils
 - ✦ Non-profits for cleanup grants (if own property)
- 
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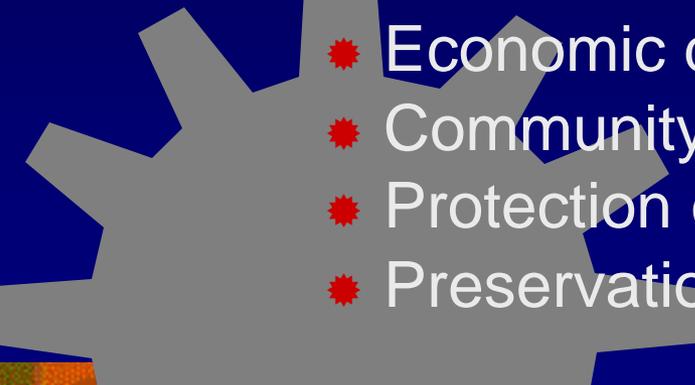
Brownfields Funding-Restrictions

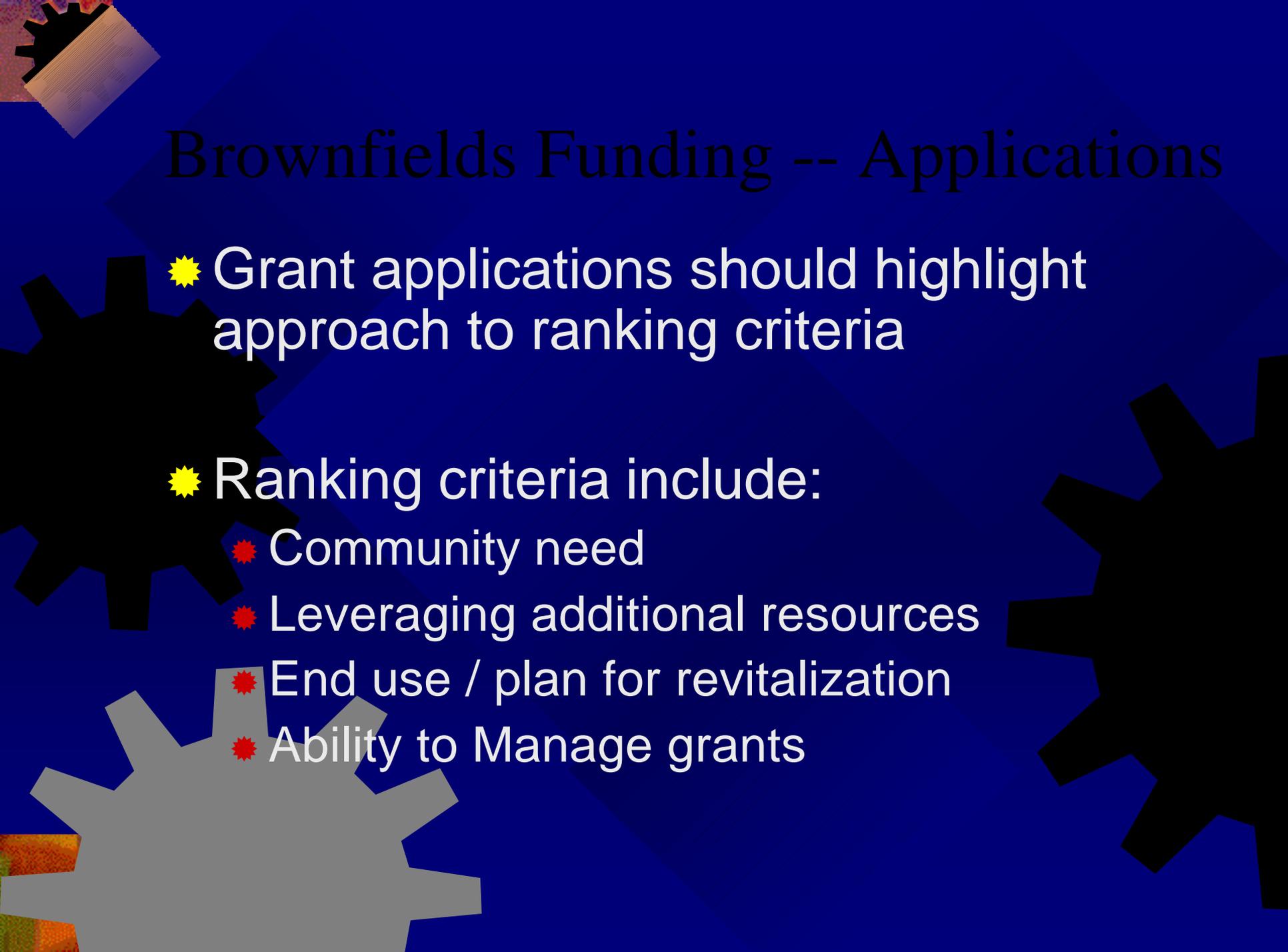
☀ The law prohibits the use of brownfields funding for:

- ☀ The payment of penalties and fines
 - ☀ Administrative Costs
 - ☀ Response costs for which the recipient is liable
 - ☀ Complying with Federal laws (except for cost of compliance with laws applicable to cleanup)
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Brownfields Program – Funding Goals

- ✦ Our goal is to be flexible – not restrict funding on basis of limited definitions.
 - ✦ Statute allows for flexibility.
 - ✦ Our goal is to fund the most promising revitalization opportunities.
 - ✦ Provide best opportunities for:
 - ✦ Economic development
 - ✦ Community revitalization
 - ✦ Protection of human health and the environment
 - ✦ Preservation and creation of greenspace
- 
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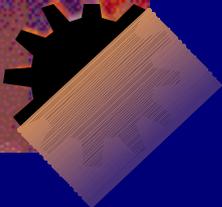
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Brownfields Funding -- Applications

★ Grant applications should highlight approach to ranking criteria

★ Ranking criteria include:

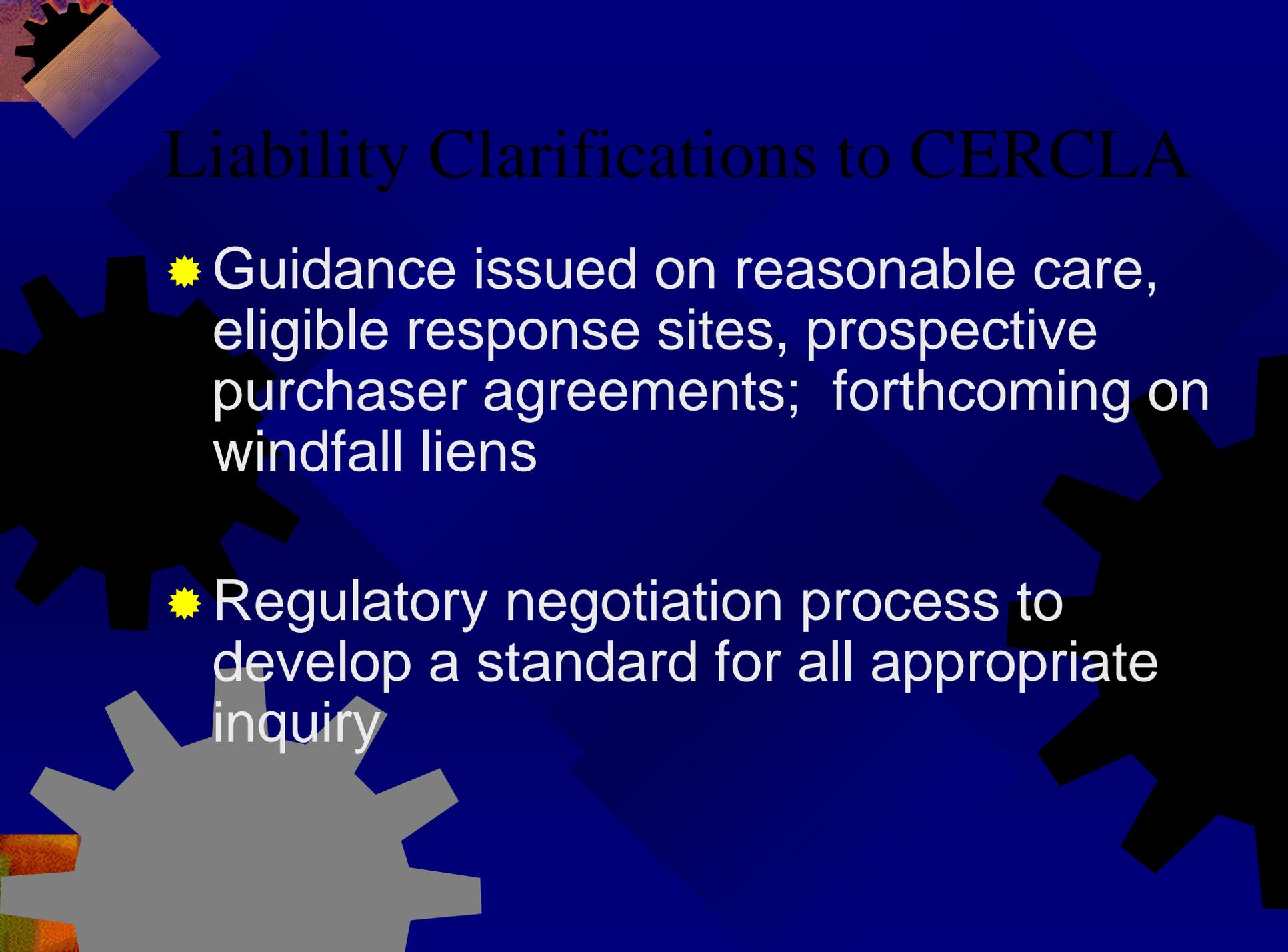
- ★ Community need
- ★ Leveraging additional resources
- ★ End use / plan for revitalization
- ★ Ability to Manage grants



Liability Clarifications to CERCLA

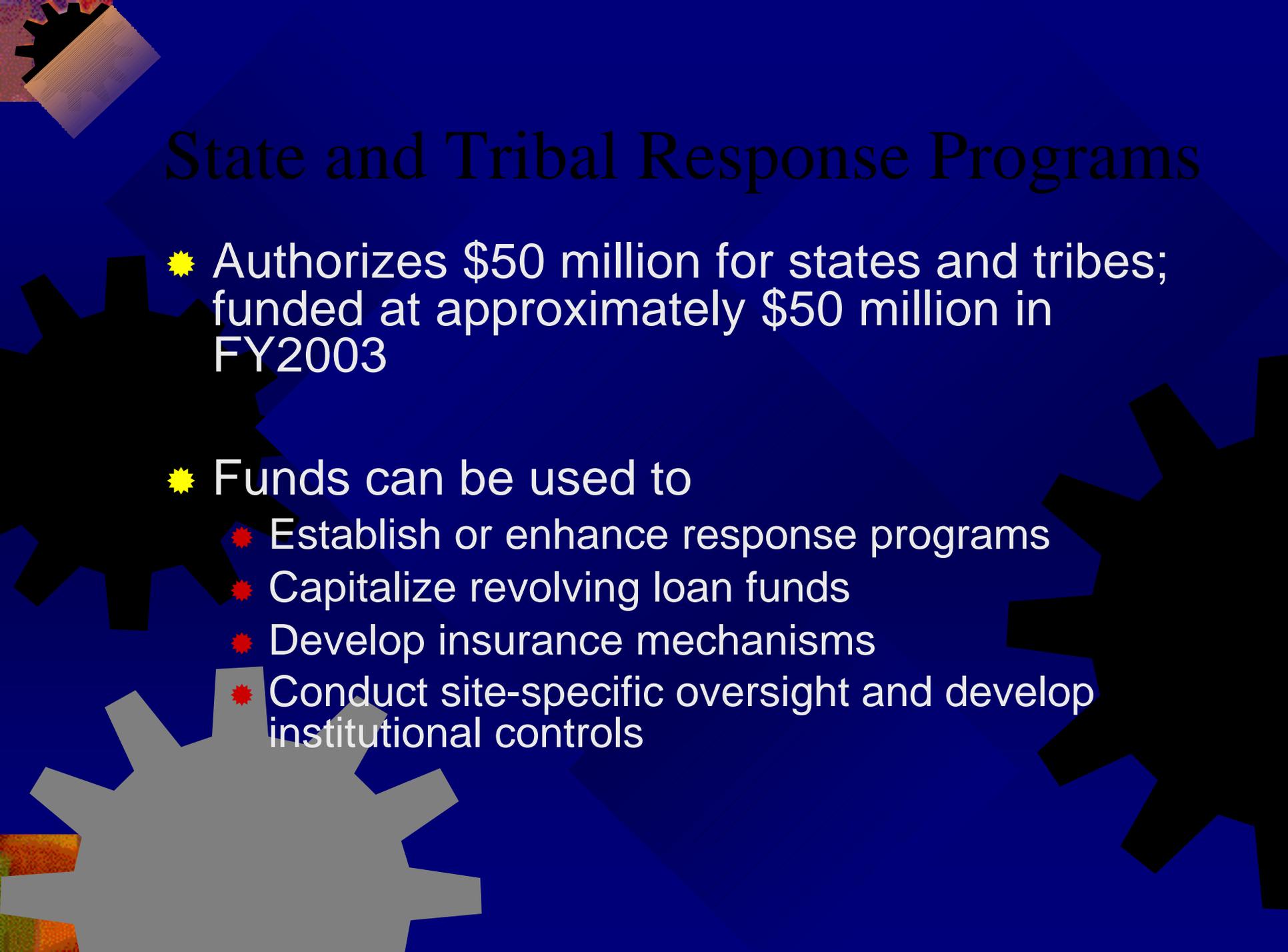
The Law provides Superfund liability reforms in several ways:

- ✦ Exempts certain small volume contributors and contributors of municipal solid waste.
 - ✦ Provides clarification on Superfund liability for contiguous property owners, bona fide prospective purchasers, and innocent landowners, as long as:
 - ✦ Owner has not caused or contributed to contamination
 - ✦ Conducts due diligence (all appropriate inquiry)
 - ✦ Exercises due care (reasonable steps)
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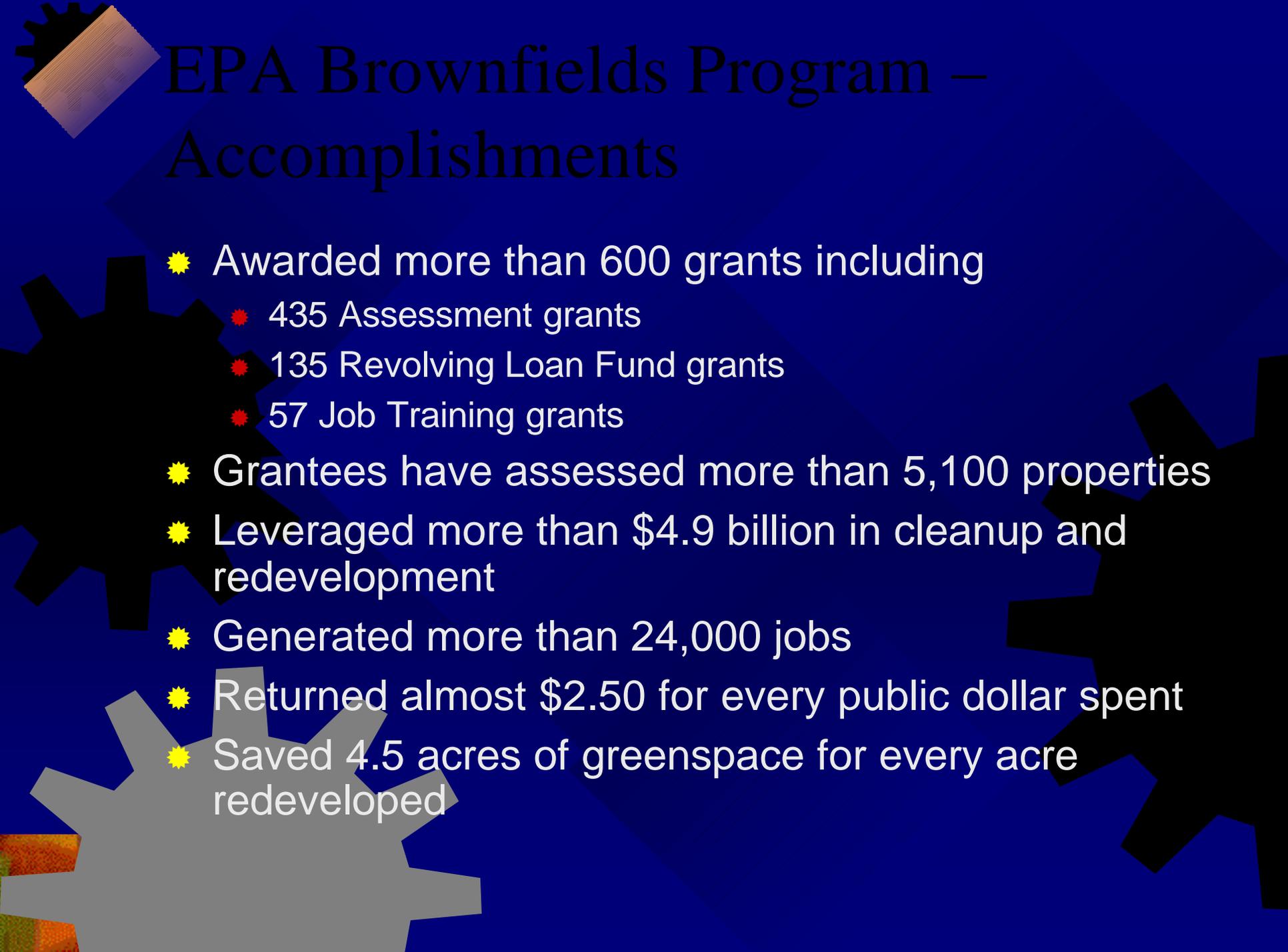
Liability Clarifications to CERCLA

- ★ Guidance issued on reasonable care, eligible response sites, prospective purchaser agreements; forthcoming on windfall liens
- ★ Regulatory negotiation process to develop a standard for all appropriate inquiry

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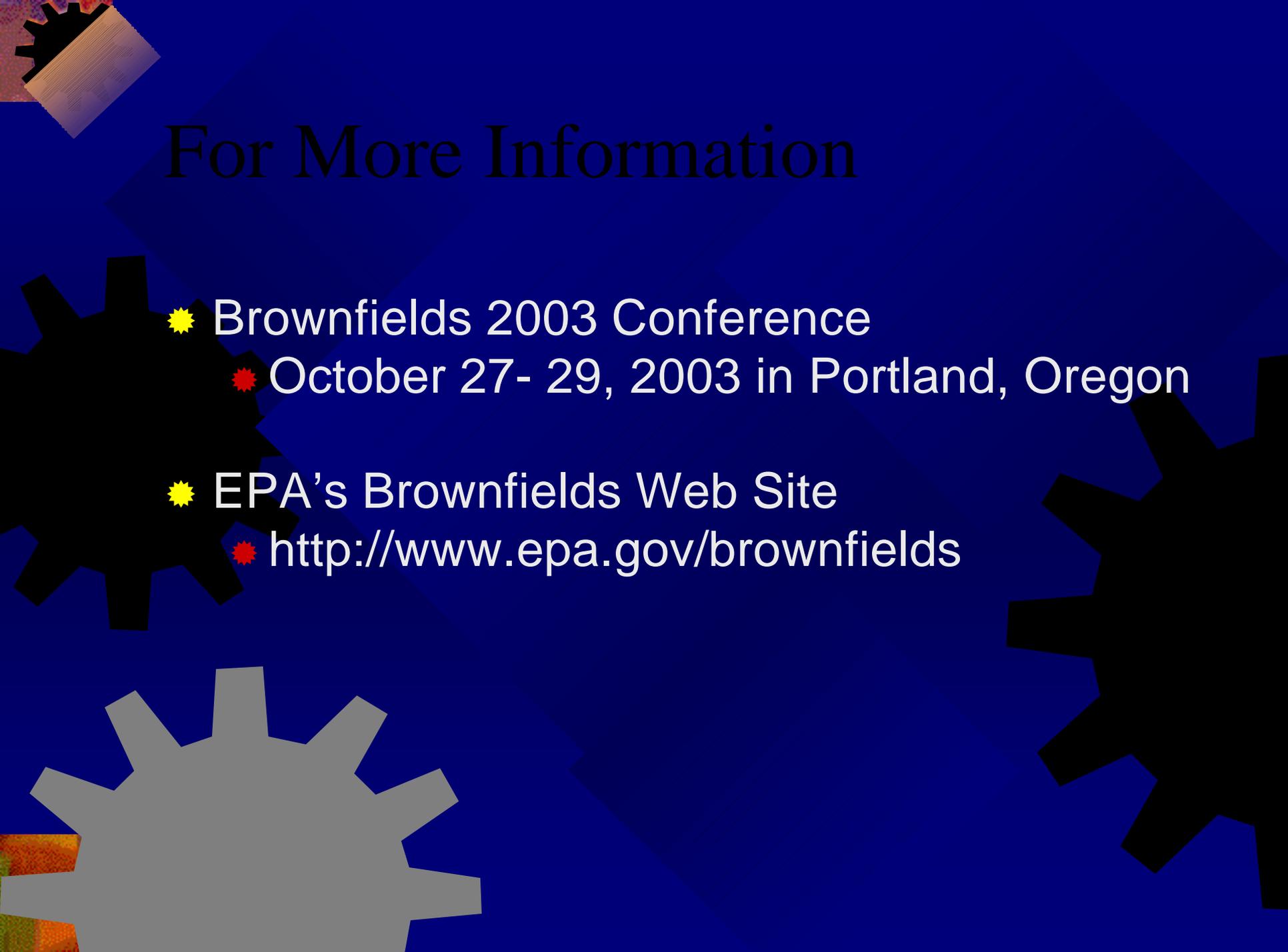
State and Tribal Response Programs

- ✦ Authorizes \$50 million for states and tribes; funded at approximately \$50 million in FY2003
- ✦ Funds can be used to
 - ✦ Establish or enhance response programs
 - ✦ Capitalize revolving loan funds
 - ✦ Develop insurance mechanisms
 - ✦ Conduct site-specific oversight and develop institutional controls

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EPA Brownfields Program – Accomplishments

- ★ Awarded more than 600 grants including
 - ★ 435 Assessment grants
 - ★ 135 Revolving Loan Fund grants
 - ★ 57 Job Training grants
- ★ Grantees have assessed more than 5,100 properties
- ★ Leveraged more than \$4.9 billion in cleanup and redevelopment
- ★ Generated more than 24,000 jobs
- ★ Returned almost \$2.50 for every public dollar spent
- ★ Saved 4.5 acres of greenspace for every acre redeveloped

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For More Information

- ✦ Brownfields 2003 Conference
 - ✦ October 27- 29, 2003 in Portland, Oregon
- ✦ EPA's Brownfields Web Site
 - ✦ <http://www.epa.gov/brownfields>