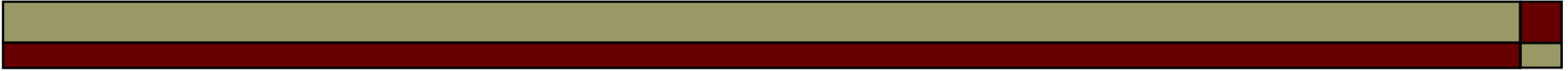


Big Changes for Brownfields???

Congress Considers Brownfields
Reauthorization and “Cleanfields”

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- Evans Paull, Principal, Redevelopment Economics, and Coordinator of the National Brownfields Coalition
 - Jessica Goad, Policy Fellow, The Wilderness Society



National Brownfields Coalition

- ❑ **The U.S. Conference of Mayors**
- ❑ **National Association of Counties**
- ❑ **Northeast-Midwest Institute**
- ❑ **National Association of Local Government**
- ❑ **Environmental Professionals**
- ❑ **National Conference of Black Mayors**
- ❑ **International City/County Management Association**
- ❑ **Local Initiatives Support Corporation**
- ❑ **National Association of Towns and Townships**
- ❑ **National Association of Development Organizations**
- ❑ **International Council of Shopping Centers**
- ❑ **Community Revitalization Alliance**
- ❑ **The Real Estate Roundtable**
- ❑ **National Association of Home Builders**
- ❑ **National Association of Industrial & Office Properties**
- ❑ **Environmental Bankers Association**
- ❑ **National Brownfield Association**
- ❑ **National Brownfield Nonprofit Network Initiative**
- ❑ **Cherokee Investment Partners, LLC**
- ❑ **Smart Growth America**
- ❑ **Scenic America**
- ❑ **Groundwork USA**
- ❑ **Trust for Public Land**
- ❑ **Center for Creative Land Recycling**

Brownfields Inner Circle

Past NEMW Brownfields Federal Policy
supported by the Brownfields Inner Circle





Redevelopment Economics

- ❑ Brownfields Strategies
- ❑ Green Job Strategies
- ❑ Climate Benefits of Smart Growth
- ❑ Site Redevelopment Analysis and Financing
- ❑ Incentives to Support Smart Growth
- ❑ Economic Impact Analysis

The Wilderness Society

The Wilderness Society is the leading public-lands conservation organization working to protect wilderness and inspire Americans to care about our wild places. Founded in 1935, and now with more than 500,000 members and supporters, TWS has led the effort to permanently protect 110 million acres in 44 states.





EPA Brownfields Program

Productivity Data

- ❑ 14,600 properties assessed;
- ❑ \$12.8 billion in cleanup and redevelopment dollars leveraged (an 18-to-1 leverage ratio);
- ❑ 60,200 jobs accommodated in existing developed areas;
- ❑ 33 to 57 percent reductions in vehicle miles traveled relative to sprawl development patterns;
- ❑ 44 to 88 percent reductions in runoff relative to sprawl development patterns.

Pallone-Sestak Brownfields Reauthorization

- HR 5310 - Referred to
 - Energy and Commerce (Energy and Environment Sub-committee)
 - Transportation and Infrastructure (Water Resources and Environment Sub-committee)
- Renews program that expired at the end of 2006
- Themes:
 - Increases funding levels and project ceilings
 - Adds new grant program for sustainability and energy tie-ins
 - Eliminates arbitrary eligibility barriers
 - Creates flexibility for grantees
 - Enhances assistance and eliminate barriers for disadvantaged, small/rural communities
 - Lowers liability concerns of local government when acquiring contaminated properties through tax foreclosure



Brownfields Reauthorization

Funding Levels and Project Ceilings

□ 2002 authorization:

- \$200 million for Site Assessment and Cleanup (local government) under section 104(k)(3)
- \$50 million for states under 128(a)
- \$200,000 ceiling on cleanups grants

□ Pallone-Sestak Bill:

- Raise authorization level \$50 million annually to reach \$650 million in 2016
- Raise assistance to the assistance to the states by \$10 million annually to \$120 million in 2016
- Raise cleanup grant ceilings to \$750,000 with up to \$1.5 million possible

Brownfields Reauthorization

Sustainability and Renewable Energy Grants

- Grants up to \$1.5 million
- Allowable activities - in addition to site assessment and cleanup:
 - Sustainable reuse planning and site analysis, including:
 - Area and corridor sustainability plans
 - Engineering or feasibility analysis of environmentally beneficial site improvements;
 - Ecosystem restoration; and
 - Habitat restoration.
- New criteria – consider to extent to which the proposal promotes:
 - Potential for renewable energy production,
 - Green infrastructure, including greenways and hike-bike trails, green buildings, and
 - Mixed use and transit-oriented development in smart growth locations.
- 7 percent set-aside



*Baltimore Aquarium
– Center for Aquatic
Life and
Conservation*



Brownfields Reauthorization

Eliminate Eligibility Barriers – Non-profit Eligibility

□ 2002 Authorization:

- Non-profits eligible for cleanup grants
- No eligibility for site assessment grants and revolving loan funds

□ Pallone-Sestak Bill:

- Universal eligibility for non-profits, including site assessments and RLF's
- Definition of non-profits includes CDE's, and LLC's and limited partnerships if composed of non-profits

Eliminate Eligibility Barriers -

Sites acquired by local government before 2002:

- 2002 authorization and 2004 amendment:
 - sites must not be owned by an RP – publicly owned sites are eligible only if:
 - Involuntarily acquired.
 - Can demonstrate meeting the requirements of bona fide prospective purchaser (BFPP) status.



*American Brewery in
Baltimore*

- Pallone-Sestak Bill:
 - For sites acquired more than 30 years ago – eligible if
 - Did not cause or contribute
 - Can demonstrate why the entity cannot comply with BFPP
 - For sites that cannot demonstrate compliance w/ BFPP, Administrator may consider:
 - Site was acquired prior to 1997 ASTM Phase I standards;
 - Site assessment - no evidence local government caused, contributed, failed to take appropriate care;
 - Public hearing reveals no evidence that the local government caused...



Brownfields Reauthorization

Create Flexibility for Grantees – Multi-Purpose Grants

- ❑ Corrects compartmentalization and inability to move funds to highest priority sites.
- ❑ Grants up to \$1.5 million, limited to 3 years w/ potential extension to 5.
- ❑ Allowable activities – site assessment, cleanup and “conduct planning related to...”
- ❑ Additional criteria:
 - an overall plan for revitalization of brownfield sites...
 - The capacity to conduct the range of eligible activities...
 - a multi-purpose grant is appropriate for meeting the needs of the area...

Brownfields Reauthorization

Enhance Assistance and Lower Barriers for Rural and Disadvantaged Communities

- ❑ Loaned federal employees to assist small, rural, and disadvantaged communities
 - Authorizes EPA to use the Intergovernmental Personnel Act to develop a program.
 - Administrator to develop criteria – must include municipalities with:
 - ❑ Populations up to 20,000;
 - ❑ Median HH incomes less than 2/3 of the state average income.
- ❑ Allow up to 10 percent of grant to be used for administrative costs



*Bethel New Life
redevelopment project in
Chicago*

Brownfields Reauthorization

Local Government Liability



□ Ainsworth Paint in Baltimore

- Local governments concerned about acquiring contaminated properties because of confusing and inadequate CERCLA liability protections

□ Pallone-Sestak Bill:

- **101(20)(D)** *“The term “owner or operator” does not include a unit of State or local government which acquired ownership or control (involuntarily) through bankruptcy, tax delinquency, or abandonment or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign.”*

Cleanfields Act, S. 3329

- Establishes triple credit multiplier in Renewable Electricity Standard for renewable projects sited on brownfields.
- Referred to Senate Energy and Natural Resources Committee.
- Conditional to passage of Senate energy bill (American Clean Energy and Leadership Act, S. 1462).
- 1% cap on amount of renewable energy that can qualify for brownfields credit.

- Introduced by Lautenberg (D-NJ)
- Cosponsors: Gillibrand (D-NY), Specter (D-PA), Brown (D-OH), Cardin (D-MD), Begich (D-AK)



Brownfield in western Pennsylvania
Photo courtesy Carnegie Mellon University

Cleanfields Investment Act, S. 3374

- Authorizes \$50 million in funding to be used for inventory, characterization, assessment, planning, and remediation of brownfield sites for the purpose of locating renewable electricity generation facilities on those brownfield sites.
- Passed out of Environment and Public Works Committee on May 20, 2010.



Brownfield in Montana
Courtesy State of Montana

Examples of renewables on contaminated sites



Steel Winds, Lackawanna, New York

Photo courtesy Ken JP Stuczynski



Brockton Brightfields, Massachusetts

Photo courtesy City of Brockton



Casselman Wind Project, Pennsylvania

Photo courtesy Iberdrola Renewables



NCSU solar panels, North Carolina

Photo courtesy NCSU



Fort Carson solar development, Colorado

Photo by Army Environmental Update, Courtesy Flickr

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