

**P.L. 107.118. Small Business Liability Relief  
and Brownfields Revitalization Act of  
January 11, 2002 U. S EPA, Region 5**

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## **Agenda**

- Definition
- The three “ e’s” :
  - eligible entities,
  - eligible activities, and
  - eligible sites,
- Job training

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## Brownfields Definition

“.....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\*.”

\*hazardous substances, petroleum contamination, asbestos & lead paint, controlled Substances (e.g., meth labs), mine-scarred lands

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## Subtitle A. Brownfields Revitalization Funding provides \$200 million a year

- Authorizes grants of up to \$350K per site for *assessment*.
- Authorizes grants of up to \$200K per site for eligible entities, including not-for-profits, to *clean up* brownfields.
- Authorizes grants of up to \$200K for *job training* to eligible entities.
- Authorizes grants for up to \$1M for *revolving loan fund* (RLF) program.

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## Targeted Brownfields Assessment (TBA)

- Designed to address initial stages of assessment and cleanup.
- EPA/State completes Phase I and Phase II assessment consistent with industry standard.
- Identifies Recognized Environmental Conditions and can provide estimate for cleanup.

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## Eligibility Entity

- All applicants must describe how they are an eligible entity in order to receive a grant.
- Eligible entities are:
  - General Purpose Unit of Local Government (as defined under 40 CFR Part 31)
  - States and Tribes
  - Quasi-government entities (e.g., regional councils, redevelopment authorities, economic development agencies, etc.)
  - **501(c)(3) Non-profits (Cleanup Grants Only)**

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## Eligible Site (Site-Specific Assessment and Cleanup Applicants Only)

- The Brownfields Law prohibits EPA from providing grant funds to an entity that is considered potentially liable under CERCLA Section 107.
- CERCLA contains very broad liability provisions.
- Liability for site owners is highly dependent on *HOW* and *WHEN* the site was acquired.
- Therefore, site eligibility is dependent on *HOW* and *WHEN* the site was acquired.

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## Eligible Activities - ARC

- **Assessment grants** – inventory, characterize, assess, conduct planning and community involvement for brownfields sites.
- **Revolving Loan Fund grants** – make loans and up to 40% on subgrants.\*
- **Clean-up grants\***

\*requires 20% match

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## Subtitle B. Brownfields Liability Clarifications

- **Contiguous Property Owner.** Superfund liability relief for innocent persons who own property that is contaminated solely due to a release from a neighboring property, so long as the person did not cause or contribute to the release.
- **Innocent Landowners.** Provides Superfund Liability relief for landowners who had no reason to know of contamination at the time of purchase.
- **Prospective Purchasers and Windfall Liens.** Provides Superfund liability relief for future buyers of facilities who are not responsible for contamination.

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## All Appropriate Inquiries

- BF law requires EPA to establish the AAI rule.
- AAI effective: November 1, 2006
- Property buyers who want CERCLA liability protection and eligible entities that use EPA BF funds are affected by AAI.
- More information on AAI can be found at:  
[www.epa.gov.brownfields](http://www.epa.gov.brownfields)

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## Subtitle C. State and Tribal Response Programs

- Bars Federal enforcement action for sites in State/Tribal cleanup programs in some circumstances.
- Federal re-openers to ensure safety net (State/Tribal requests, endangerment, new information).
- States/Tribes provides annual list of sites in response program.
- Outline suggested elements of State/Tribal response programs.
- Provides NPL deferral of site in State/Tribal Programs.
- States/Tribes are provided \$50 million a year to support brownfields programs.

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**FY 2007 Appropriations budget: Competitive funding is \$74 million. EPA anticipates award of approximately 314 cooperative agreements.** Successful proposals in Region 5 totaled 109.

### State

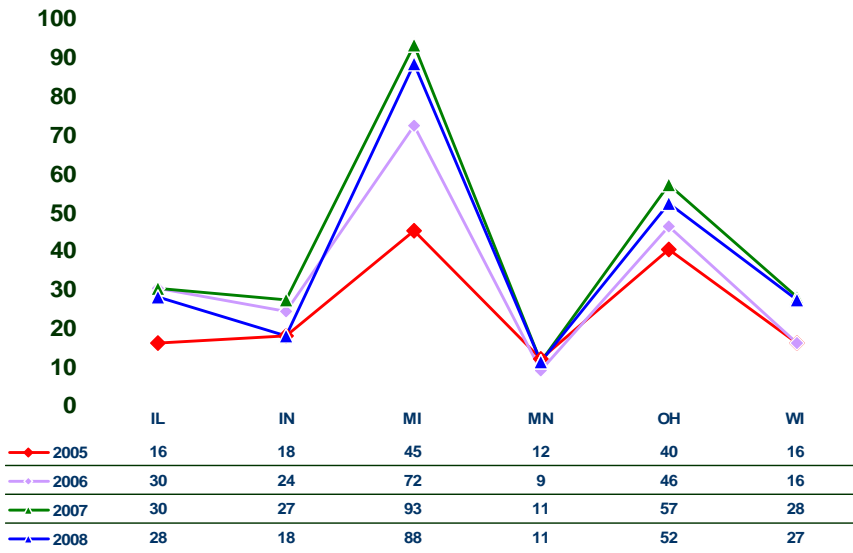
- IL - 14
- IN - 9
- MI - 29
- MN - 7
- OH - 23
- WI - 15
- Tribal - 12

### Grant Type

- Assessment - 60
- Cleanup - 24
- RLF - 7
- Job training - 0
- State/Tribal - 18

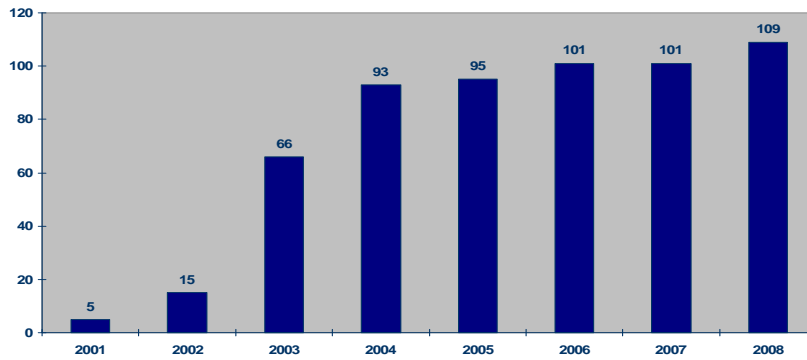
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### R5 BF Proposal Comparison 2005 - 2008



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### BF Region V Annual Grants: Number 2002 - 2008



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## Assessment Success Story: Chicago, IL

- Funds awarded starting in 1997 to redevelop several properties. Part of \$1.4M award used to remediate old auto repair shop and build a LEED rated building --- the Jubilee Family Resource Center.
- Center provides full day/full year day care, Head Start, Infant Toddler and Youth Alternative programs
- Jobs created: 38



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## Assessment Success Story: Indianapolis, IN

- Area-wide assessment of 75 parcels
- Completed 25 residential units, many with green building elements. More homes under construction. Commercial and greenspace also being built.



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## Job Training Training Grants

Best kept secret at EPA

Ready to lead the charge in the green jobs

Many success stories

Office of Applied Innovations

Milwaukee Community Service Corp

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## ATSDR's Public Health and Brownfields Projects

- Land Reuse Screening Tool
- Baseline Agency Capacity to Work on Land Reuse/Brownfields
- Look for community guidance/training
  - Local Public Health role in land use
  - Best Practice

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## Brownfields Sustainability Pilots

- EPA awarded 16 communities \$20K - \$50K
- Demonstrate best practices
- Practices
  - Reuse and Recycling of construction materials
  - Stormwater management
  - Green buildings/energy efficient
  - Renewable energy development
  - Green Jobs

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## Region 5 Reuse and Recycle

Debris consists of concrete, asphalt, wood, gypsum wallboard, asphalt roofing materials, metal, bricks, glass, plastics, building components, trees, soil, and rocks and is generally nonhazardous.

City of Cleveland Report:

[http://www.epa.gov/swerosps/bf/sustain\\_plts/index.htm#reports](http://www.epa.gov/swerosps/bf/sustain_plts/index.htm#reports)

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## Sustainability Challenge

- Elkhart County leadership led to the first ever policy partnership in Region 5.
- It all started with the watershed protection program....
- Led to discussions with the RV industry.
- Green affordable housing efforts.
- Blue print for success.

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## National Land Revitalization Goals FY2008 Vision

Restore land and other natural resources into sustainable community asset that maximize beneficial economic ecological and social uses and ensure protection of human health and the environment.

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## **Application Schedule for FY2010 (draft)**

- Request for Proposal -- August
- Job Training Grant proposals due mid October
- Assessment, Cleanup, and Revolving Loan Fund proposals -- mid October
- Early Spring 2010 – Award Announcements
- Fund available before October 1

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## **USEPA Training Opportunities**

- Clu-in Sessions on relevant Sustainable Redevelopment, TBD
- FY2010 Brownfields Competitive Proposal Guideline Training, July - September
- FY2010 Brownfields Grants Administration Training, April 2010
- 2009 National Brownfields Conference, November 16 – 18, 2009, New Orleans, LA.

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## Region 5 Brownfields Contacts

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[www.epa.gov/brownfields](http://www.epa.gov/brownfields)

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