

# USEPA Brownfields Program



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## A Brownfields is 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.



# Why are Brownfields Perceived as a Challenge?

- » Safety
- » Crime/Gangs
- » Blighting influence on the surrounding neighborhood
- » Possible environmental contamination risks
- » Illegal dumping
- » Often the site is not paying taxes
- » Complicated title
- » Uncooperative owners
- » Property not marketable due to stigma



# Why Do Developers Shun Brownfield Sites?

- » Unknown costs and unknown time frames.
- » Federal and State Liability issues
- » No clear title
- » Inaccessible transportation routes
- » Old infrastructure (no sidewalks, gutters, etc.)
- » Other nearby land is cheaper and easier to work on (open space, farmland)



# Brownfields link to Superfund?

- » **Superfund History** – Congress established CERCLA in 1980 in response to growing concern over health and environmental issues posed by hazardous waste sites
- » Superfund's liability procedure is to ensure Potentially Responsible Parties (PRPs) and property owners are held accountable for their actions and properties





# How did the Superfund Liability Procedure help create the Brownfields Challenge?

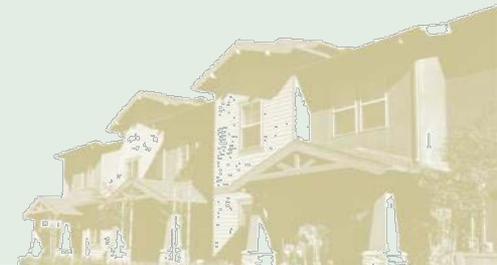
- » Potential purchasers or developers did not want to be named as potentially responsible parties
- » Scared lenders from investing on these projects (e.g, bankers, developers)
- » Timeframe associated with resolving liability issues



# Federal Brownfields Law

## H.R. 2869 - "Small Business Liability Relief and Brownfields Revitalization Act"

- Signed January 11, 2002
- » Basically relieves an owner from CERCLA liability if the property was purchased **after Jan. 2002** AND
- » The owner conducted an "All Appropriate Inquiry"



# Why focus on brownfield sites?

- » Because the sites are typically:
- Infill, valuable lots prime for reuse
  - Close to existing infrastructure and transportation
  - Located in underserved areas
  - AND the State and Federal government have technical assistance and **resources** to help!



# Common examples of Brownfields Sites

- Former feed lots
- Abandoned gas stations
- Buried tanks
- Former mines and tailings
- Illegal dump sites
- Meth labs or former grow sites
- Landfills
- Historic industrial operations
- Maintenance yards



# Common types of contamination

- Hazardous Substances
- Petroleum Contamination
- Asbestos Containing Materials & Lead Based Paint
- Substances used in illegal drug manufacturing (e.g. meth labs and marijuana farms)
- Mine-Scarred/Abandoned Mine Lands
- Other environmental contaminants (e.g. biological, animal/farm waste)



# Revitalization Examples

- Housing
- Open Space/Recreational
- Industrial/Commercial
- Farmer's Market
- Grocery Store
- Mixed Use
- Transit-Oriented Development
- School
- Community Center



# Benefits of Revitalization

- » Increases local tax base
- » Promotes Jobs
- » Utilizes existing infrastructure
- » Brings real estate back into productive use
- » Improves quality of life
- » Promotes civic engagement
- » Enhances public health
- » Creates environmental benefits





# Brownfield Cleanup & Reuse Process

- 1) Determine nature and extent of contamination
- 2) Evaluate public health and environmental risks posed by contamination
- 3) Set cleanup goals based on the revitalization plan
- 4) Implement the remedy & reuse plan

*\*Community engagement throughout entire process*





# EPA'S BROWNFIELD GRANT PROGRAM





# 1. Revitalization Program

- Recycle land based on community needs

# 2. NOT Enforcement Program

# 3. Grants and Technical Assistance





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- » FY16 Pres Bud: \$110M for Brownfields; \$30M more than in FY15
  - However, the FY15 budget was cut by \$10M
- » Completed 2,500 assessments and 100 cleanups in Region 9
- » Units of government, Tribes, Non-profit
- » 6 different grant types



# Grants & Funding Available



# Who Can Apply?

- » Governmental Entities
- » Tribes
- » Non-Profits (4 of 6 programs)



# Excluded Sites

- ✓ Facilities listed or proposed for listing on the National Priorities List (NPL);
- ✓ Facilities subject court orders/ decrees under CERCLA; and
- ✓ Facilities under control of the US government (**except land held in trust for an Indian Tribe**)



# Site Eligibility: Hazardous Substances

- Entity requesting assistance cannot be a Potentially Responsible Party (PRP)
- Exception: Property acquired through eminent domain, involuntary transfer (tax delinquency foreclosure)
- Must conduct an **All Appropriate Inquiry Phase I** one year before acquisition to become a Bonafide Prospective Purchaser



# Site Eligibility: Petroleum

- Site is relatively low risk;
- No viable responsible party;
- Site will not be assessed or cleaned up by a person that is potentially liable;
- Site is not subject to RCRA Corrective Action



# Targeted Brownfields Assessments

- » Rolling Applications
- » Apply online; 2 page
- » Contractor Assistance
- » Near-term redevelopment
- » Smaller-scale
- » Serve public good



# Area Wide PLANNING

- » \$200,000
- » No Match
- » Gov. & Nonprofit
- » Community Involvement
- » Market Research
- » Infrastructure Assessment
- » Brownfield Area Wide Plan



San Francisco Blue Greenway, San Francisco, CA



# ASSESSMENT Grants

- » \$200,000-\$750,000
- » No Match
- » Government
- » Assessments
- » Community Outreach
- » Cleanup Planning
- » Context specific and flexible



# CLEANUP Grants

- » \$200,000-\$600,000
- » 20% Match
- » Govt. & Nonprofit
- » Must Own Property
- » Cleanup Planning
- » Site Cleanup





# Revolving Loan Fund

- » Up to \$1Million
  - » 20% match
  - » Government Entity
  - » Cleanup only
  - » Grants and Loans
    - Loans to private entity
    - Grants to public and nonprofit entities that own the property and are not responsible for the contamination
  - » Loan amount and interest returns to grantee
- 

# Workforce Development

- » \$200,000
- » No Match
- » Govt. & Nonprofit
- » Environ. Technician Certifications
- » Tailored training to market demand
  - Hazardous Cleanup
  - Lead/Asbestos Abatement
  - Solar Installation, etc.



# EPA Brownfields Resources

## Next RFP: Fall 2015

	Targeted Brownfield Assessment	Assessment	Cleanup	Revolving Loan Fund	Area Wide Planning	Workforce Development
Purpose	Site inventory, contamination assessment, cleanup planning	Site inventory, contamination assessment, cleanup planning, community involvement	Site cleanup, reuse planning, community involvement	Site cleanup; applicant provides loans and grants to government, non-profit, and private developers	Redevelopment planning for catalyst brownfield site(s)	Provide environmental job training to communities impacted by brownfields
Applicant	Government Non-Profit	Government	Government Non-Profit	Government	Government Non-Profit	Government Non-Profit
Site Eligibility	Applicant not responsible for contamination  Privately held sites can be assessed	Applicant not responsible for contamination  Privately held sites can be assessed	Applicant not responsible for contamination and owns site	Applicant not responsible for contamination	Applicant not responsible for contamination	NA
Funding	Up to \$75,000	\$200,000 – \$750,000	\$200,000 – \$600,000	\$1,000,000	\$200,000	\$200,000
Length of Grant	NA	3 years	3 years	5 years	2 years	3 years
Matching Funds	0	0	20%	20%	0	0
Deadline for Application	Rolling applications*	Fall <i>Annual</i>	Fall <i>Annual</i>	Fall <i>Annual</i>	Summer <i>Every other year</i>	Fall <i>Annual</i>

Grant

Contract

**\*Apply online.** Priority is given to Environmental Justice communities, sites where purchase is imminent, first time applicants, recipients of Area-Wide Planning grants, etc.



# Other EPA Resources

## » Sustainable Communities

- Climate Resiliency
- Transit Oriented Development
- Bikeshare Planning
- Infill Development
- Equitable Development

## » HUD-DOT-EPA Sustainable Communities



## » Green Remediation

- Guidance Document
- Consideration of Climate Change Impacts

## » Green Demolition

- Deconstruction
- Construction & Demolition Debris Management



Deconstruction,  
Demolition, and  
Removal

Cleanup,  
Remediation, and  
Waste Management

Design and  
Construction for  
Reuse

Sustainable Use  
and Long Term  
Stewardship





# How Does EPA Work with You?

- » EPA relays funds to investigate and cleanup property(s)
- » EPA does not control funding or redevelopment
- » Local governments control process
- » EPA can leverage other partners



# Who writes the grant proposal?

- » You?
- » Your grant writer?
- » Consultants?
- » Significant work effort
  - 15 pages
  - Commitment Letters
  - Public Notice





# Three Things ...

1. Collaboration, not regulation
2. Brownfields = Reinvestment Opportunities
3. Talk to us early





# Contact Information

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