

EPA Region 6 Brownfields 101



A Brownfield Is...

Real property, the expansion, redevelopment or reuse of a site may be complicated by the presence or potential presence of hazardous substance, pollutant, or contaminant.



Brownfields – The Beginnings

Brownfields were derived from the Superfund Law also officially known as the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)

CERCLA is designed to assess and clean-up sites that are potentially contaminated with hazardous substances.



Brownfields : The Beginnings

The Small Business and Liability Relief Brownfields Act is an amendment to CERCLA that allows:

- Grants to assess and cleanup sites
- Provides liability exemptions



CERCLA LIABILITY PROTECTIONS

State and Local Governmental Entity Acquisitions Exemptions 101(20)(D) and 101(35)(A)(ii)

BUILD ACT CHANGES:

- Removed requirement that the government acquisition must be "involuntary."
- There was previous confusion surrounding whether some acquisitions, such as planned "eminent domain," was an allowable method of acquisition.
- <u>However</u>, this does not mean all "voluntary" acquisitions fall within this exemption.
- For example, acquisition of a property for future <u>private</u> use, and acceptance of donated property, do NOT qualify under this exemption.



When to Conduct an All-Appropriate Inquiry/Phase I ESA

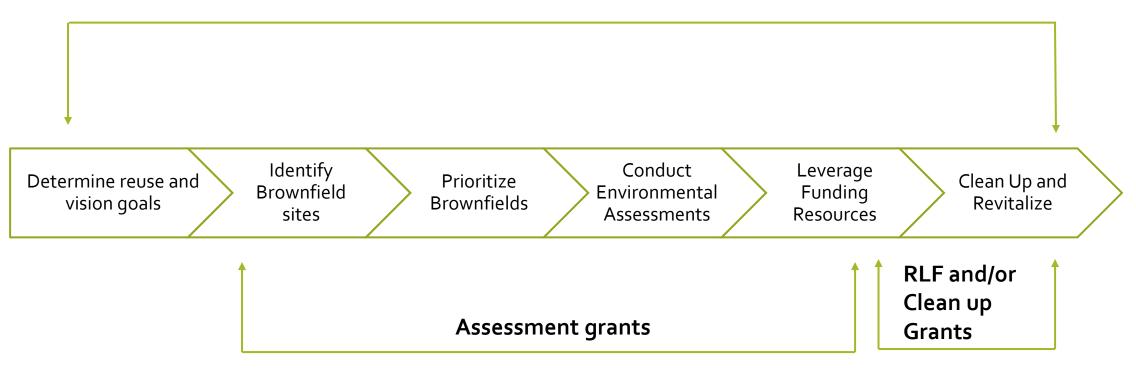
BEFORE acquiring the property

Conducted or updated within 1 Year PRIOR to the acquisition of the property

Update within 180 days prior to the acquisition

Elements of Brownfields Revitalization

Local Stakeholders





Brownfields Project Process





Brownfields Assistance – Potential Contaminants





BROWNFIELD SITE EXAMPLES



Examples of Brownfields







Brownfields Site in Arkansas

Former Trucking & Railroad Operations





Heifer International

Little Rock, AR







Brownfields States and Tribal Technical Assistance Program, OK



Inter-Tribal Environmental Council (ITEC) & Cherokee Nation Markoma, Oklahoma



Potential Impacts of Brownfields

- Economic
 - Decreased property values and city tax revenues
- Environmental
 - Potential threats to human health and the environment
- Social
 - Increased urban sprawl and inner-city blight





How does the EPA Brownfields program work?

- Part of the program is Grant based and includes funding for State & Tribal Programs
- Targeted Brownfields Assessments (TBA)—funding to assist a community on one or more sites though the State/Tribal/EPA program
- Technical Assistance to Brownfields (TAB)—a variety of programs to assist tribes/communities, free of charge



Brownfields Assistance and Funding Opportunities







Brownfields Assistance Opportunities – Eligible Applicants

Regional Councils of Government

Cities

Redevelopment Agencies

States

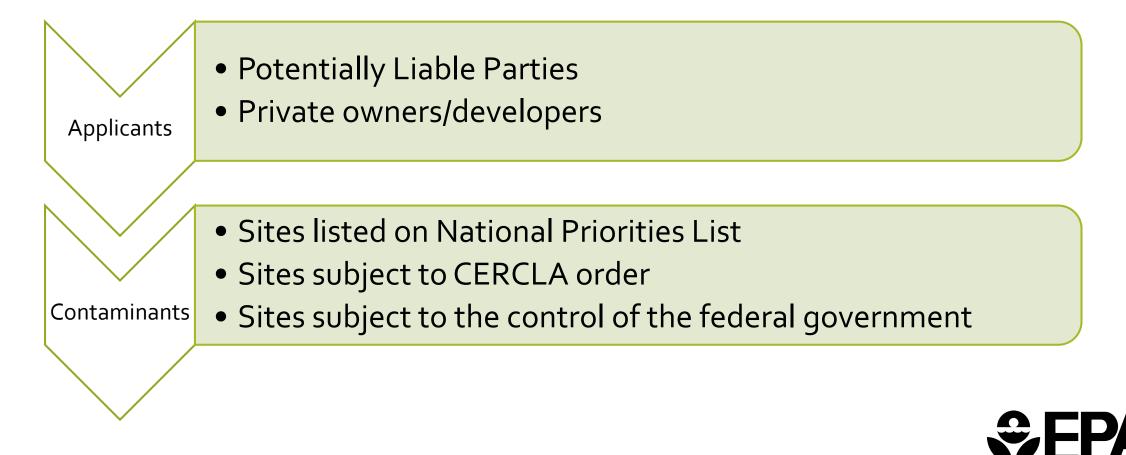
Tribes

Non-profit organizations

Local Governments



Not Eligible for Brownfields Assistance – Applicants and Contaminants



Liability Protection

IMPORTANT: YOU MUST CONDUCT A PHASE I PRIOR TO THE ACQUISION OF PROPERTY

EXEMPTION

Publicly owned sites acquired prior to January 11, 2002 can apply for assessment and remediation (RLF and cleanup) grants as long as the entity is not responsible for the contamination.



All Appropriate Inquiry = Phase I Environmental Site Assessment

 All Appropriate Inquiry (AAI) or Phase I environmental site assessment (ESA) is the process of evaluating a property for potential environmental contamination and assessing potential liability for any contamination present at the property or ASTM Standard E1527-21.





When to Conduct an AAI



BEFORE acquiring the property



Conducted or updated (AAI) within **1 Year PRIOR** to the acquisition of the property.



Phase 1 is valid up to 180 days and can be updated within 1 year.



State Brownfields Programs

Are the technical decision makers

Provide State Environmental Liability Protection

Are a key partner with the EPA





Brownfields Grant Schedule



MULTIPURPOSE ASSESSMENT REVOLVING LOAN FUND **CLEANUP** GRANTS

Multipurpose Grant

Applicants can apply for up to \$1,000,000 and should demonstrate how grant funds will result in at least one of the following:

- Phase II environmental site assessment
- Site cleanup
- Overall revitalization that includes a feasible reuse plan for one site
- 20% cost share or \$40,000 match
 - If under BIL Funding Cost Share is waived
- 5% administrative cost
- 5-year project period



Assessment Grant

Appropriate for communities beginning to address their brownfields challenges and/or have ongoing efforts to bring sites into productive use

4-year project period

- Up to \$500,000 under Community-wide Grant
- Up to \$1,200,000 under a Coalition Grant of at least three eligible entities
- 5-year project period
- Up to \$2,000,000 under Community-Wide State and Tribes
 - Awards are funded under the Infrastructure Investment and Jobs Act. Therefore, activities carried out at each approved, eligible site may exceed \$200,000 per grant.
- Up to 50% of funds can be used for planning



Revolving Loan Fund

Provide funding to capitalize a revolving loan fund and provide loans, and subgrants, to carry out the cleanup activities at brownfields sites.

- Provides up to \$1,000,000
- Can loan to public or private developers
- Grantee determines loan terms
- 20% cost share
- 5-year performance period, but with supplemental funding cap at 15-years

Beginning in the Fiscal Year 2022 (FY22) RLF Grant competition, only those entities that do not have an open Brownfields RLF cooperative agreement will be eligible to apply for funding.



Cleanup Grant

Applicants may request up to \$500,000, up to \$2 million or up to \$5 million to address one or more brownfield sites contaminated by hazardous substances, pollutants, contaminants or petroleum.

- 20% cost share (match), waiver under BIL FY25 ARC
- 5% administrative cost
- One or more sites
- 4-year project period



Administrative Cost

Does the term "administrative cost" include both direct and indirect costs?

- Yes. Administrative costs include certain direct costs of grants administration and all indirect costs.
- Direct Administrative Costs, including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges, are costs that are not included in the recipient's indirect cost pool and are necessary to comply with the provisions of the Uniform Administrative Requirements for Cost Principles and Audit Requirements for Federal Awards at 2 CFR Parts 200.
- Indirect Costs are those that are not specifically related to implementing the EPA award and are not readily identified with a specific project or organizational activity but incurred for the joint benefit of both projects and other activities. Overhead costs are a typical example of an indirect cost. Indirect costs are usually grouped into common pools and charged to benefiting objectives through an allocation process/indirect cost rate; 2 CFR § 200.414 and other provisions of the Uniform Guidance. EPA's interpretation of the term "Administrative Cost" in CERCLA § 104(k)(5)(B) is based on similar limitations on administrative costs contained in sections 119(a)(1), (d)(4) and (d) and 319(h)(12) on the Clean Water Act.
 - However, the statutory authority for the Brownfields competitive grants caps the amount of grant funds that can be spent on administrative costs to 5%. The 5% cap of administrative costs is for all administrative costs, including indirect rates and other administrative expenses.



Job Training Grant







Allows groups to recruit, train and place unemployed or underemployed residents of areas affected by the presence of Brownfields sites. Help individuals gain skills to secure fulltime, sustainable employment in hazardous and solid waste management: OSHA 29 CFR 1910.120 <u>40-</u> <u>hour HAZWOPER</u> is the only required training.







Under the FY24 funding opportunity:

Applicants could apply for up to \$500,000

• EPA is selecting 14 communities to receive approximately \$7 million in Brownfields Job Training Grants FY24.

The project period for these grants was five years:

- Year 1: recruitment and screening/beginning of training/cohorts
- Year 2/3/4: continued recruitment and screening/continuation and conclusion of training/cohorts
- Year 5: FY23 required applicants to focus on placement and tracking of graduates and reporting to EPA.

Addition Brownfields Resources Free of Charge

Targeted Brownfields Assessments (TBA)—funding to assist a community on one or more sites though the State/Tribal/EPA program

Area-wide inventories

Phase I – Research

Phase II – Sampling

Kansas State University (KSU) offers Technical Assistance to Brownfields (TAB)—a variety of programs to assist tribes/communities, free of charge



Want additional information? Please contact: Roxanne Welch Welch.Roxanne@epa.gov



ADDITIONAL TA OPPORTUNITIES

Brownfields Land Revitalization Program

Technical Assistance for Communities

- Site Reuse Plan & Design
- Strategic Action Plan
- Technical Analysis
- Economic Analysis
- Transportation & Site Access Improvements

Regarding sustainable reuse of abandoned and contaminated properties

- Green infrastructure
- Stimulating the marketplace
- Transit-oriented development
- Renewable energy and other revitalization needs





Brownfields Land Revitalization Program

Requirements Key to a Successful TA Project

- Project-Specific Support
 - <u>Project Champion</u>-local project
 - Clear understanding of project needs, deliverables and implementation
 - Ability to advance specific priority projects
 - Completely engaged throughout process
 - Able to bring in partners
 - Keep TA Project on Tract
- <u>Direct Contractor Expertise</u>
- Complement activities grantee is already doing with Brownfields grant
- Project selections are <u>contingent on available funding and management</u> <u>approval</u>
- Timeframe <u>4-6 months</u>





Links

- EPA Land Revitalization
- Land Revitalization Toolkit
- LR Technical Assistance Projects Map
- <u>Community Actions that Drive Brownfields Redevelopment</u>
- <u>Setting the Stage for Leveraging Resources for Brownfields Revitalization</u>

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Smart Growth

Grants and technical assistance to encourage development strategies that protect human and environmental health, provided through federal, local and state agency partnerships.

- Communities participate in creating ways to preserve and protect
 - Natural lands
 - Critical environmental areas
 - Air and water quality
 - Reuse of existing infrastructure and developed lands
- Benefits communities by creating economic opportunities, revitalizing infrastructure, and provide attractive and affordable neighborhoods for people of all income levels.



Smart Growth – Current Work in Region 6

- Greening Americas Communities
 - Helps cities and towns envision and implement design strategies for more sustainable communities.
 - Bernalillo County, NM
 - Focusing on implementing green infrastructure
- Local Foods, Local Places
 - Helps communities develop and implement action plans that promote local foods and downtown revitalization.
 Representatives of communities anywhere in the United States are eligible to apply.
 - Opelousas, LA Opelousas General Health Systems
 - Increase amount of local food banks
 - Incorporate ideas for the New Life Center uses
 - N. Lake Charles, LA SW Louisiana Center for Health Services
 - Improve food access
 - Strengthen farmers' market



Smart Growth Links

- EPA Smart Growth
- Smart Growth America
 - Local Foods, Local Places
- <u>Smart Growth Technical Assistance</u>
 <u>Programs</u>
- <u>Urban Gardens</u>
- Regional, state and local Funding
- <u>National Funding</u>
- Examples of Smart Growth

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Links

- EPA's National Brownfields Website:
- <u>https://www.epa.gov/brownfields</u>
- EPA's Region 6 Brownfields Website:
- <u>https://www.epa.gov/brownfields/r6</u>
- EPA Brownfield 101 Factsheets
- <u>https://www.epa.gov/brownfields/understanding-brownfields</u>
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