

Moving Forward

"You'll see the possibilities of what can happen when people work together."

*—President George W. Bush,
at signing of Small Business Liability Relief and
Brownfields Revitalization Act on January 11, 2002*

Since its inception in 1995, EPA's Brownfields Program has grown from a powerful concept into a dynamic, results-oriented program that has changed how people view and treat brownfields in their communities. The success of the program has inspired similar efforts in other parts of EPA, including the Resource Conservation and Recovery Act (RCRA) Brownfields Prevention Initiative, the USTfields Initiative, and EPA's new Land Revitalization Initiative, each of which is helping transform blighted areas throughout the country into safe, liveable communities.

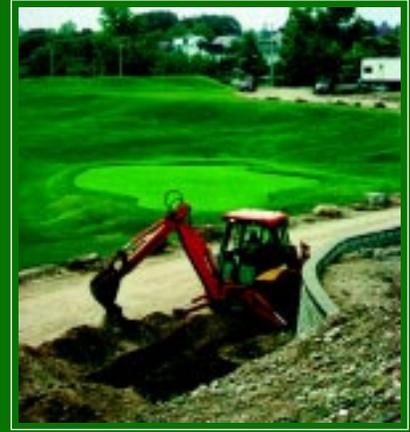


In 2002, the President signed the Small Business Liability Relief and Brownfields Revitalization Act. The new Brownfields Law affirms and expands federal efforts to promote the cleanup and reuse of brownfields. The law underscores the value of stakeholder partnerships and the innovative approaches created and tested during the first nine years of EPA's Brownfields Program. It preserves the basic structure of the program, but expands its reach and capacity, providing new tools and new opportunities.

The Challenges Ahead

During 2003, EPA worked hard to develop policies, establish procedures, and create new programmatic structures to fully implement the programs newly authorized under the Brownfields Law. Attention now turns to the challenges that lie ahead, and the program changes needed to meet those challenges.

There still are hundreds of thousands of brownfields in almost every city, town, and rural area across the country that need to be put to better use. There is no single or simple way to carry out this daunting task. The sheer enormity of the problem far outstrips available federal resources, even under the new law. The Brownfields Program will build on the foundation laid in its early years to meet that challenge. The program will continue to provide financial support to local projects, assist state and tribal response programs, clarify liability obstacles, and address other issues in order to assess, clean up, and plan for the sustainable reuse of brownfields across the country.



With the help of the Providence, Rhode Island Assessment Pilot, a former gravel pit is now a nine-hole golf course.





A job training class in Los Angeles, California provides local residents with environmental cleanup classroom and hands-on training.

EPA's Expanded Brownfields Program

Building partnerships will remain a cornerstone of EPA's Brownfields Program. It is the key to leveraging enough resources to make a difference. EPA is working to find new and better ways to empower collaborative partnerships formed at every level of government, and with stakeholders from the public and private sectors. Towards this end, EPA will work with its federal partners on innovative partnership activities such as the "Portfields" project, sponsored by the National Oceanic and Atmospheric Administration, which focuses on the cleanup and redevelopment of brownfields in and around ports, harbors, and transportation hubs.

Brownfields Grants: Building on Local Momentum

Competitive Brownfields Grants will continue to be the centerpiece of the EPA's Brownfields Program. By authorizing up to \$200 million per year, the Brownfields Law significantly expands the potential funding available for grants. It also opens the Brownfields Grants to new types of properties, including properties contaminated with petroleum, mine-scarred lands, and properties contaminated by the illegal production of controlled substances. In fact, the law requires that a quarter of the grants awarded address brownfields contaminated with petroleum.

The law provides for Brownfields Assessment, Revolving Loan Fund, and Job Training grants, building on the pilots awarded under the initial program. In addition, it authorizes EPA to award Cleanup Grants for the first time. This authority enables the Brownfields Program to provide direct funding to non-liable property owners for brownfields cleanup activities. The first round of grants competition under the new law has been tremendously successful; EPA received more grant proposals and awarded more brownfields grants than ever before. The 2003 grants include 117 Assessment Grants, 28 Revolving Loan Fund Grants, 69 Cleanup Grants, and 10 Job Training Grants totaling \$73.1 million. These include 102 grants specifically designated for properties with petroleum contamination.

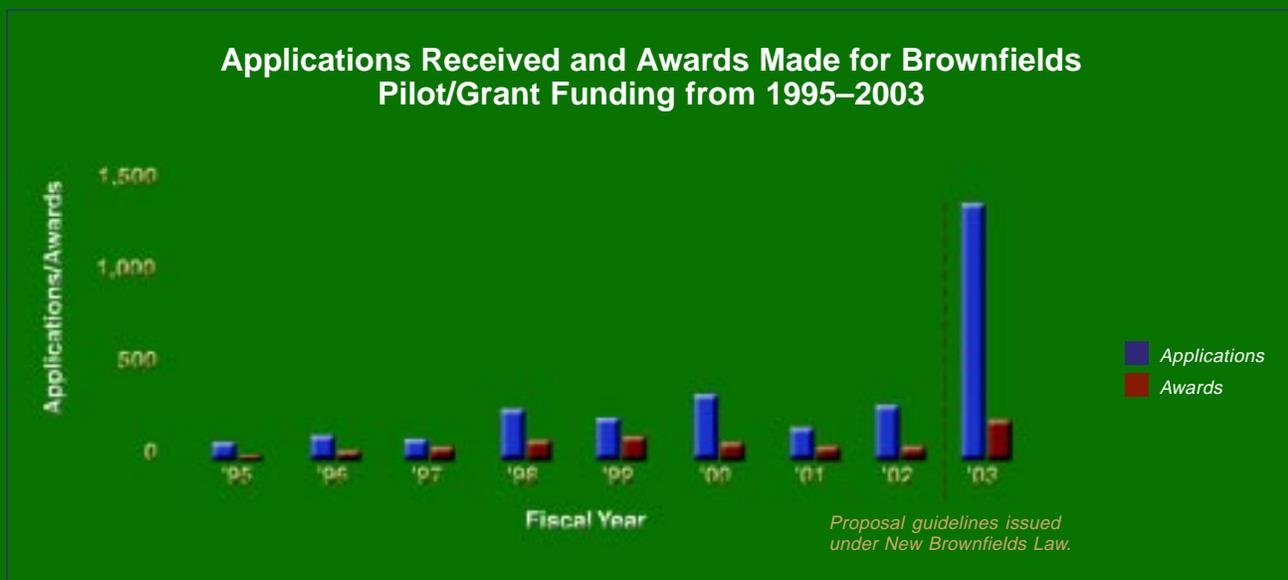


Providing More Resources to States and Tribes

The Brownfields Law recognized the significant role state and tribal response programs play in cleaning up brownfields. The continued demand for brownfields cleanup and redevelopment in communities throughout the country, coupled with increasingly limited state and tribal resources, makes access to federal funding critical.

The law authorizes EPA to provide up to \$50 million in grants to states and tribes to establish or enhance their response programs. Generally, these response programs address the assessment, cleanup, and redevelopment of brownfields. In 2003, EPA distributed almost \$50 million among all 50 states, 31 tribes, the District of Columbia, and the Virgin Islands. This new funding will enable states and tribes to develop or enhance response program's infrastructure and capabilities. For some recipients, the funding will provide an opportunity to create new response programs to address contaminated properties. States and tribes also can use the new funding to capitalize a revolving fund for cleanup, purchase environmental insurance, or develop other insurance mechanisms to provide financing for cleanup activities. In addition, the funds can be used to establish or maintain the statutorily required public record and to oversee cleanups.

Providing financial assistance to states and tribes increases their capacity to meet the brownfields cleanup and redevelopment challenges. It will also help to ensure that properties are cleaned up safely, according to state and tribal standards.





A former corner service station, the Arciform Building now houses three new local businesses serving Oregon's Tri-County Metropolitan Transit District.

Reducing Liability Barriers

The Brownfields Law provides a number of statutory landowner liability protections and is a major step forward in reducing uncertainty and concerns about potential cleanup liability for purchasers of contaminated brownfields. Uncertainty about cleanup liability has halted many brownfields redevelopment efforts.

The Brownfields Law's landowner liability provisions protect bona fide prospective purchasers and contiguous property owners, who have not caused or contributed to contamination at brownfields, from the potentially deal-breaking possibility of joint and several CERCLA liability. These property owners must, however, satisfy certain statutory requirements to qualify for the liability protection. The Agency has been active in issuing policies explaining how EPA intends to effectuate the landowner liability protections, in order to provide prospective purchasers and others more certainty and a better understanding of the issue.

In addition, EPA has established a federal advisory committee to develop and propose federal standards for conducting "all appropriate inquiry," one of the landowner liability protection requirements. The committee is developing a consensus proposal that reflects the combined expertise of EPA's public- and private-sector stakeholder partners.

The Brownfields Law also provides federal CERCLA liability protection for parties who conduct a cleanup of certain properties under a state response program designed specifically for protection of human health and the environment. Prior to this change, a state could provide state liability protection for brownfields cleaned up under its laws, but a state could not provide federal liability protection. EPA quickly issued guidance, explaining which properties currently in the CERCLA system will be eligible for federal liability protection. While the new provision offers protection from the specter of federal CERCLA liability at such properties, it also preserves the federal safety net by specifying situations in which EPA can revisit a cleanup.



Residents of Albuquerque, New Mexico receive environmental cleanup training with funds from the Bernalillo County Environmental Health Department Job Training Pilot.



Extending the Brownfields Program's Reach

The expanded definition of brownfields under the new law encompasses all “real property,” including residential property, mine-scarred lands, and certain petroleum-contaminated and controlled substance-contaminated sites. Low levels of residual contamination may remain on these different brownfield types after cleanup, and safeguards are necessary to prevent future property uses and activities that would expose people to contamination at unsafe levels. Institutional controls, legal and administrative mechanisms limiting the possible future uses of a property, are used as protections against exposure to residual contamination on brownfields. EPA is working with local governments, states, and tribes on a national effort to create a network of linked systems that can be used with confidence to track institutional controls and requirements for long-term cleanups. Effective use of institutional controls will help ensure that the expanded universe of brownfields remain safe after cleanup by linking the planned future use of the property to the level and method of cleanup.



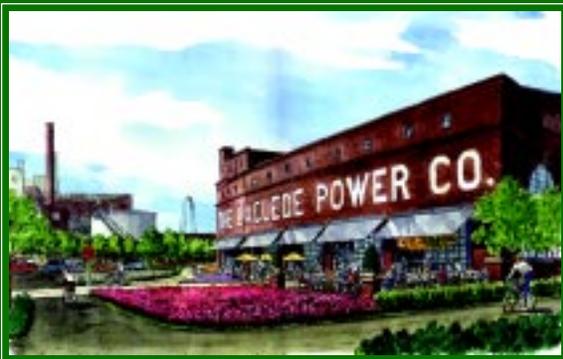
The Albuquerque, New Mexico Assessment Pilot facilitated the redevelopment of a historic high school into a loft-style apartment complex housing numerous local families. The building and landscaping materials, along with the proximity to downtown and public transportation, made “The Lofts” an award-winning green building. (Photos by Paul Kohlman.)



Promoting Sustainability

The Brownfields Program will continue to take on the challenge of ensuring sustainability of brownfields redevelopment. The new Green Buildings on Brownfields Initiative, launched in 2002, encourages the use of “green” building techniques at brownfields. “Green” buildings conserve energy, water, and materials, and create healthy indoor and outdoor environments. Under this new initiative, EPA is providing expert-consultant services to help pilot projects in eight states incorporate “green” building concepts and technologies into their brownfields redevelopment efforts.

EPA’s recently announced Land Revitalization Initiative complements the Brownfields Program. It applies the central tenet of the EPA’s Brownfields Program—that environmental cleanup and reuse are mutually supportive goals—to all of EPA’s hazardous waste cleanup programs. Like the Brownfields Program, the Land Revitalization Initiative recognizes that assessing and cleaning up contaminated properties and putting them to productive use can help reinvigorate communities, preserve greenspace, and prevent sprawl.



Artist's rendering of the redeveloped Laclede Power Plant building which will serve as gateway to the Katy Trail, a greenbuilding project including a pedestrian/bike trail running through Missouri and the St. Louis riverfront.



Conclusion

What began in 1995 as a bold experiment has grown into a major national program. EPA's Brownfields Program has galvanized local creativity, state ingenuity, and free enterprise to successfully revitalize blighted properties and spark beneficial development in depressed areas. The Brownfields Program has revolutionized the way people perceive and manage potentially contaminated properties. As a result, the program has helped to replace hopelessness with community empowerment and economic revitalization, and has enhanced the quality of life for residents of many disadvantaged neighborhoods.

The momentum generated by the program is leaving an enduring legacy. Environmental assessments conducted through the pilots, the removal of federal liability obstacles, and the emergence of environmental insurance have eliminated uncertainties about thousands of properties, and resulted in the investment of billions of dollars in cleanup and redevelopment.

Working together, the Brownfields Program and its partners have accomplished a great deal. Clearly, there is still much to do. With enactment of the new Brownfields Law, EPA's Brownfields Program enters a new era. The law provides a Congressional mandate, increases potential funding, and creates many opportunities for establishing policies that will advance brownfields reuse nationwide. EPA looks forward to working with its many partners to continue the momentum generated by past success.



Facilitated by a cleanup loan from the Colorado Coalition BCRLF Pilot, the Colorado Rockies baseball team has a new field to call home.

Community members and officials participated in the groundbreaking ceremony at the future site of the Addiction Science Center in Trenton, New Jersey.



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 - ⁷ *Brownfields Redevelopment: Performance Evaluation*, Council for Urban Economic Development (now International Economic Development Council), prepared for Outreach and Special Projects Staff, Office of Solid Waste and Emergency Response, U.S. Environmental Protection Agency, Oct. 1999.
 - ⁸ *Recycling America's Land: A National Report on Brownfields Redevelopment*, Volume IV, U.S. Conference of Mayors, 2003.
- * The information presented was taken from the U.S. EPA Brownfields Management System (BMS). The BMS database contains the accomplishments reported by Pilot recipients under the Brownfields Program. Leveraged accomplishments were not directly funded by EPA, but were reported to occur as a result of EPA Pilot funding.





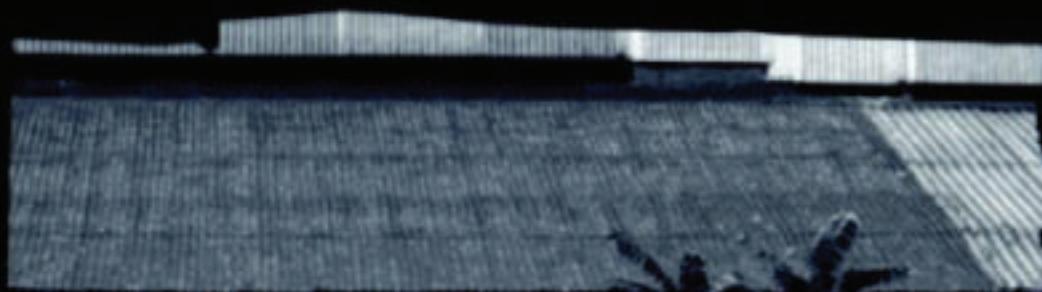
This CD-ROM offers additional information that will get you better acquainted with EPA's Brownfields Program. The CD has a structure similar to that of this report, and is organized by the same four primary sections—*Overview, Catalyzing Change, Revitalizing Communities, and Moving Forward*. Each section supplements the report by providing more detailed information, printable documents, and links to web sites. As with the report, the information contained in the CD represents temporal snapshots of EPA's Brownfields Program activities and accomplishments. More current information can be obtained by visiting EPA's Brownfields web site, www.epa.gov/brownfields.



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