UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 22 2000

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Upcoming CY2001 Resource Conservation and Recovery Act (RCRA) Brownfields Pilots: Application Guidelines, Selection Process, and Criteria

FROM: Timothy Fields, Jr., Assistant Administrator
Office of Solid Waste and Emergency Response

TO: RCRA and Superfund Regional Policy Managers

Background

At Brownfields 2000, I announced a second round of RCRA Brownfields pilot projects under EPA's RCRA Brownfields Prevention Initiative. This initiative is designed to test approaches that better integrate reuse considerations into the Corrective Action cleanup process, and to address concerns that application (or the potential application) of RCRA to cleanup activities at Brownfields may be slowing down cleanup progress. EPA hopes to test a variety of innovative approaches that expedite the cleanup of brownfield properties subject to RCRA and to use the information gathered to create improvements in the RCRA program at contaminated sites. While facilities selected for the pilots are not relieved of RCRA Corrective Action responsibility, there are many project-specific benefits to participation in the pilot program. These may include expedited cleanup, administrative flexibility, and enhanced prospects for redevelopment and revitalization. The first round of pilot projects, announced in March 2000, has already yielded significant results and lessons learned for both the RCRA and Brownfields programs. I am confident that this second round of pilots will further this progress and continue to complement and support the RCRA Cleanup Reforms (see http://www.epa.gov/corrective action).

On November 15, 2000, I signed a memorandum ("Upcoming Competition for CY2001 RCRA/BF Prevention Pilots") that provided advanced notice of the competition. This memorandum provides guidelines for submission of proposed pilot projects for the second round and sets forth the selection process and criteria.

Guidelines

Interested parties are encouraged to submit pilot applications to an appropriate Regional

and USEPA Headquarters contact (see discussion under Application Submittal). Applications must be fully coordinated with EPA Regional Contacts and State/local government representatives. Attached are two documents – a transmittal memorandum (Attachment 1) and a Questions & Answers Flyer that includes Workgroup representatives(Attachment 2) to assist you in your outreach efforts. Please broadly disseminate both attachments which are outreach materials for stakeholders at States, local government entities, economic development corporations, redevelopers, site/facility owners, community groups, and others. Attachment 1 is a short letter from EPA to members of the RCRA Community emphasizing our call for pilot applications. Attachment 2 addresses frequently asked questions. Please encourage your stakeholders to identify RCRA cleanup or restoration opportunities that might make good pilot projects. Also, a review of your baseline may reveal potential pilot projects. You may want to forward this information to high priority RCRA facilities as another means of encouraging applications.

Regional RCRA Brownfields Workgroup representatives can provide assistance in developing pilot proposals based upon experience gained in the first round of pilots. Because innovative approaches are most likely to succeed when all affected stakeholders are involved, pilot applicants should obtain the support of the appropriate Regional office, pilot facility owner/operator, State and local government entities, and interested community members and stakeholders prior to submitting pilot proposals to an EPA Regional and Headquarters contact. Applicants should provide written assurances as to such stakeholder coordination and support in each application.

For this round, EPA plans to select four to six pilot projects covering a variety of RCRA brownfield issues. Pilot goals may range from expediting RCRA cleanup to the demonstration of RCRA reform tools that may enable us to prevent future abandoned RCRA or Superfund sites. Pilots must center on specific sites or facilities. Ideally, our goal is to have one pilot per EPA Region by the end of Round 2; EPA senior management will select pilots based on the merits of the proposals. Just as in the first round of RCRA brownfield pilots, EPA is not allocating pilot funding to these projects. However, limited funding may become available for the EPA to sponsor a few public meetings and related pilot outreach activities.

Application Format and Selection Criteria

Each pilot application should not exceed five pages in length. Applications should address the criteria in a direct and succinct manner. The narrative should be sufficient for the selection panel to evaluate the merits of the proposed pilot. Maps, graphics, or other visual aids will not be reviewed. We recommend the following format for applications without the addition of aids:

I. Background: What is the issue that you propose to address as a pilot?

A. Site name and location

B. Regulatory status. Is this a generator site, RCRA treatment, storage or disposal facility subject to RCRA's Corrective Action requirements? Is this a site where, because of cleanup activities, RCRA operating requirements will or are being applied? For example, you are a facility with an interim hazardous waste operation facility or an owner/operator of a site subject to RCRA cleanup requirements even though you are not a generator or an owner/operator of hazardous storage, treatment, and disposal facilities; or a party to a current or future voluntary cleanup.

C. Redevelopment potential. What RCRA administrative/operational requirements are perceived to be impeding the reuse at this site? If so, describe. Would emphasizing the prospects for reuse expedite cleanup at this site? Would reuse expedite cleanup at this site? What is the level of interest by the community? Is a developer/prospective owner, if available, interested in pursuing property redevelopment? If so, is the developer/prospective owner interested in pursuing a pilot? One example would be the removal of hazardous waste drums and debris from a former commercial property that has a lot of commercial redevelopment potential. Another example would be the removal of hazardous soils from two acres of blighted property prior to redeveloping low-income housing.

II. Pilot Benefits (Long and short term)

A. Environmental

B. Community

III. Proposed Innovations. Describe how these innovations differ from traditional approaches; i.e., what makes them unique while still replicable at other sites?

IV. How the Proposed Pilot Meets the Following Selection Criteria:

A. Stakeholder Support: Do the owner/operator, local government, local community, State agency, redevelopers (if any) and other interested stakeholders know about the project? Are they supportive of the project goals? Are any willing to serve on a pilot oversight team (a coordinating group of EPA, state and other representatives that meets periodically to review and assist pilot progress)? Please describe and provide information on how to contact key EPA, state, and local government oversight officials and relevant leaders or representatives from the community, developer, owner/operator, or facility who are key to the success of the pilot effort.

B. Transferability: Could the tools developed or lessons learned be used at other RCRA sites? Describe how.

C. Degree of innovation: Are the innovations proposed in the application creative and novel? Will the pilot use any RCRA Cleanup Reforms, or suggest future potential reforms to the RCRA cleanup and/or enforcement programs?

D. Environmental benefit: How will the project yield a faster and/or higher quality cleanup (e.g., through improved land use?). How will the pilot prevent a future Brownfield or Superfund site?

E. Community benefit: How will this effort improve the quality of life for local residents?

F. If this project is in a RCRA-authorized State, does the State program support this project?

V. Proposed Project Schedule (milestones and dates)

Selection Process

The Regional and Headquarters contacts must receive the application proposals on (or postmarked by) February 1, 2001 or transmitted via electronic mail by that same date (document by electronic return receipt). An evaluation panel consisting of representatives of EPA Headquarters offices (OSW, OSPS, and OECA), Regional staff (headed by the RCRA lead Region), and States (if interested) will review the pilot proposals. (No State or Regional representative may participate in the discussion of, or voting on any proposal submitted by that State or Region.) The panel will forward its recommendations to EPA senior management for final selection by March 1, 2001. Upon selection, the panel will provide constructive comments to the applicants to help strengthen the selected pilot projects' approach and give non-selectees advice for future proposals.

The Regional contacts for the selected pilots will coordinate with the RCRA Brownfields Prevention Initiative workgroup for help in preparing implementation plans, forming a project oversight team, tracking pilot reporting, and providing periodic updates to the workgroup and EPA senior management. EPA Regional contacts should coordinate with their enforcement offices to provide enforcement histories of the companies involved in pilot applications. The workgroup will also provide technical support, expertise, and continued coordination and information-sharing. Pilot team leaders will serve as panelists discussing their project at a number of briefings for EPA senior management and public meetings, such as Brownfields 2001. EPA expects the pilots to officially start in March 2001, and last for one year, with preliminary results announced at the National Brownfields Conference in Chicago, Illinois, September 24-26, 2001.

Contacts For More Information Regarding the Pilots or Application

For more information, please contact José E. Labiosa in the Office of Outreach and Special Projects in EPA/OSWER at 202-260-1910 or by E-mail at labiosa.jose@epa.gov or Tom

Rinehart in the Office of Solid Waste at (703) 308-4309 or by E-mail at rinehart.tom@epa.gov.

Application Submittal

Applicants must submit two copies of their application, one of which should be provided to an appropriate Regional representative identified in Attachment 2. The other copy of the application should be sent to EPA Headquarters to Marjorie Buckholtz, RCRA Brownfields Workgroup Chair, at the following address:

If sending via U.S. Postal Mail:

Attn: Marjorie Buckholtz, RCRA Brownfields Workgroup Chair
OSWER Outreach and Special Projects Staff (5105)
USEPA Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

If sending via next day delivery service:

Attn: Marjorie Buckholtz, RCRA Brownfields Workgroup Chair
OSWER Outreach and Special Projects Staff (5105)
USEPA
401 M Street, S.W.
Washington, DC 20460

If sending via E-mail:

buckholtz.marjorie@epa.gov

Attachments: (2)
1. Outreach Memorandum
2. Frequently Asked Questions: EPA's RCRA Brownfields Prevention Initiative Pilots.

cc:
Barry Breen, OECA
Susan Bromm, OECA
Elisabeth Freed, OECA
Elizabeth Cotsworth, OSW
Matt Hale, OSW
Tom Rinehart, OSW
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