

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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Metropolis, IL

Topics Covered Today

- Federal Brownfields Program Overview
- Changes to Program
- Useful Resources

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.”



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 entitles.
- Authorizes grants* for up to \$1M for *revolving loan fund* (RLF) program.

*competitive

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.

All Appropriate Inquiries

- BF law required EPA to establish the AAI rule.
- AAI effective date is 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

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 maintain of sites in response program.
- Provides for progress toward attaining program elements.
- Provides NPL deferral of site in State/Tribal Programs.
- States/Tribes are provided up to \$50 million a year to support brownfields programs.

The total funding in the FY2010 competition was 79.4M. EPA awarded 341 grants nationally.

Successful proposals in Region 5 totaled 47

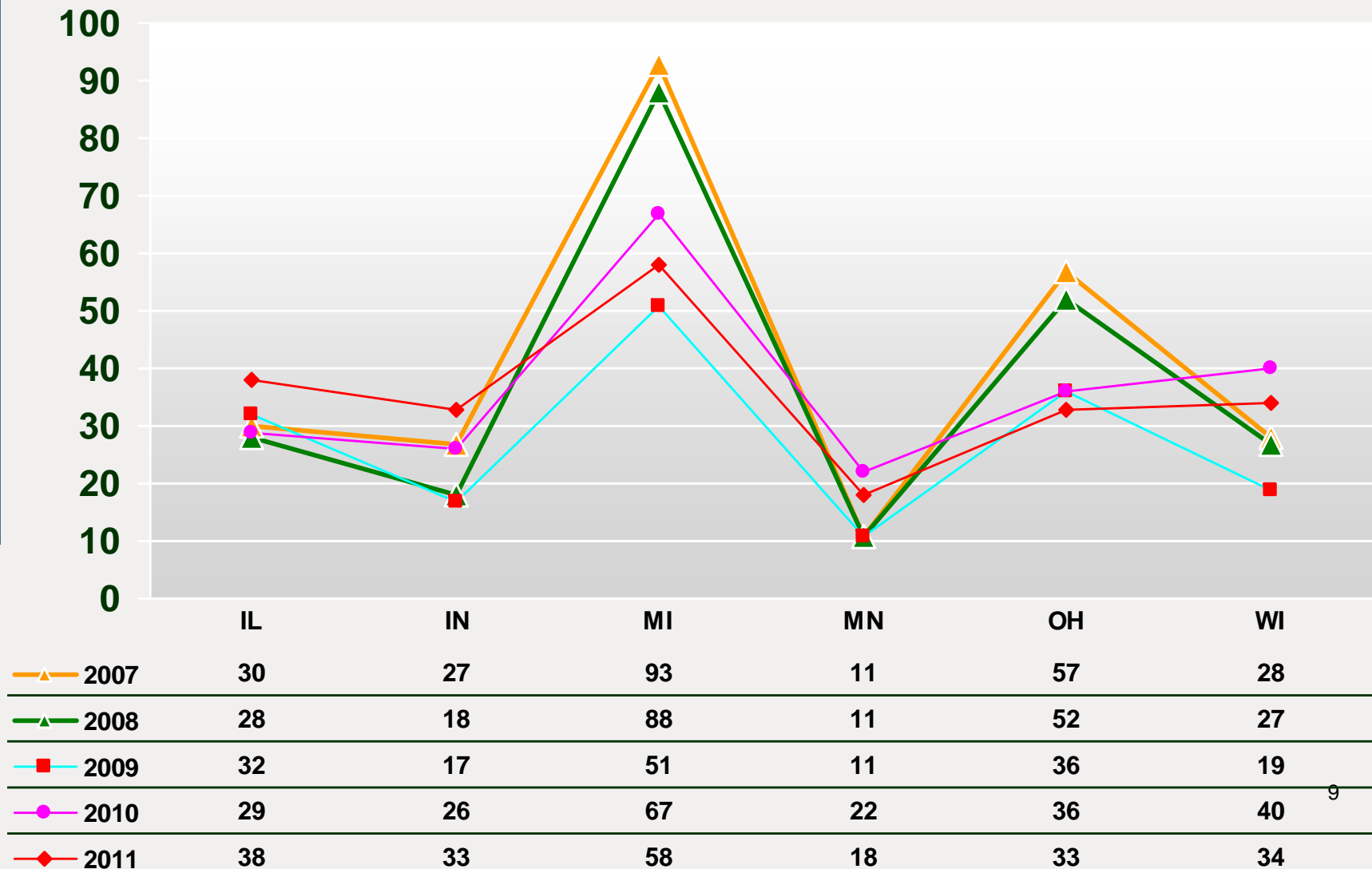
State

- IL - 11
- IN - 12
- MI - 6
- MN - 6
- OH - 3
- WI - 12
- Tribal - 17
- State - 6

Grant Type

- Assessment - 23
- Cleanup - 20
- RLF - 4
- Job training - 3
- 128 (a) - 23

Number Of R5 BF Proposal By State 2007 - 2011

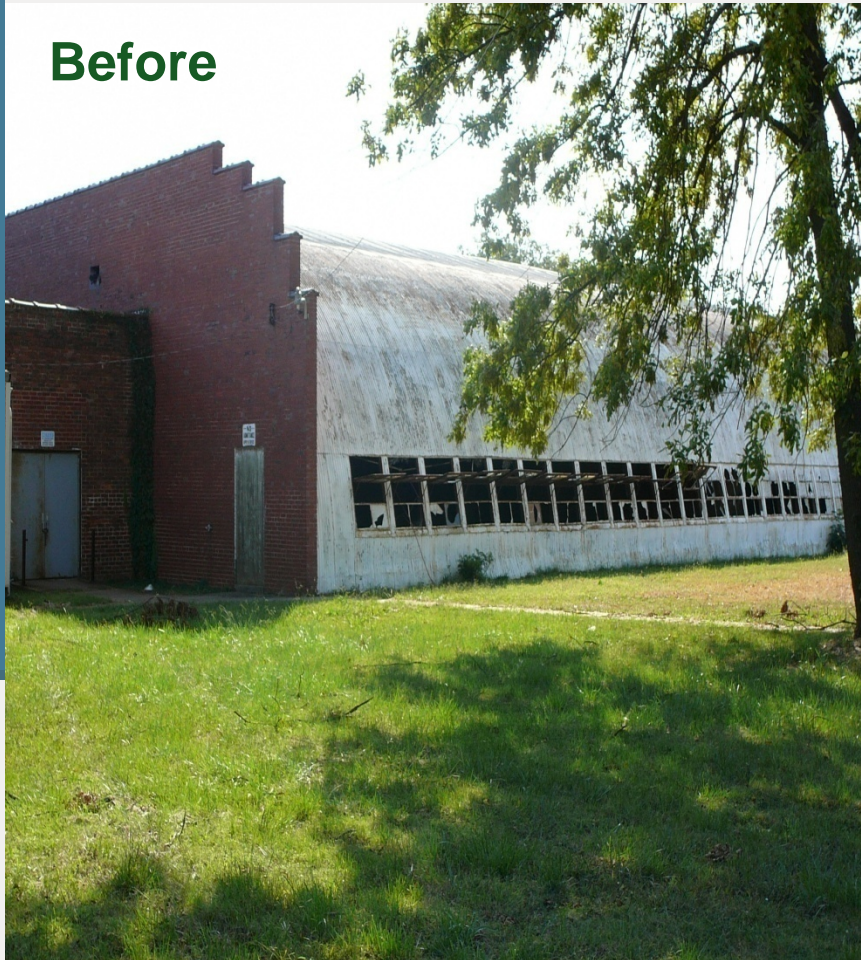


Who can apply?

- General Purpose Unit of Local Government.
- Land Clearance Authority or other quasi-governmental entity.
- Government Entity Created by State Legislature.
- Regional Council or group of General Purpose Units of Local.
- Redevelopment Agency established by the state.
- States and Tribes.

Cleanup Success Story: Metropolis, IL Former Laidlaw Facility

Before



After

Changes in the Program

- Point system changed;
- 50% set aside for new applicants;
- Equitable development added; and
- Disproportionate impact criteria added.

Resource: Technical Assistance for Brownfield (TAB) communities

- Provide guidance thru the brownfields experience and plotting a course of action, identifying funding source,
- Assist with community activities, review of EPA proposals and other application,
- Serving as a liaison between EPA and state,
- Finding contractors and consulting firm, review of technical documents,
- Assistance with community outreach,
- Visioning workshop for reuse, assist with staff training.
- For more info: <http://www.engg.ksu.edu/CHSR/outreach/tab/>

Resource: Targeted Brownfields Assessments (TBA)

- Subtitle A Brownfields legislation authorizes EPA to establish a program to perform TBAs such as Phase 1 and Phase 2 assessments at properties to Region 5 applicants
- TBAs provides local governments and prospective purchasers a better understanding of potential contamination issues at Brownfields sites in their communities.
- **How to request a free TBA:**
<http://www.epa.gov/R5Brownfields/>

Resource: ATSDR's Public Health work and Brownfields Projects

- ATSDR, working with local health departments, can help more people include community health in brownfields.
- EPA can fund health programs in brownfield grants, and ATSDR has some limited health pilot awards for brownfield.
- ATSDR has free tools to assist communities and their health departments to include health activities as part of their Brownfield projects.
- For more information:
www.atsdr.cdc.gov/sites/brownfields

Resource: Brownfields Tax Incentive

- Allows environmental cleanup costs to be deducted in the year incurred,
- Incentive allows for deduction for petroleum contamination,
- Previously filed tax returns can be amended
- Expired December 31, 2011,
- Check IRS guidance or consult qualified tax professional,
- Contact: Heather Nifong,
nifong.heather@illinois.gov

Application Schedule for FY2012 (draft)

- Request for Proposal -- August
- Job Training Grant proposals due mid October
- Assessment, Revolving Loan, Cleanup Fund (ARC) proposals -- mid October
- Spring 2013 – Award Announcements
- Fund available before October 1

Training Opportunities

- Effingham, IL, April 17, 2012, – Full day workshop
- Champaign, IL, April 18, 2012, – Half day workshop
- Brainerd, MN - May 16
- 2013 National Brownfields Conference, Atlanta Georgia, May 15-17 2013

USEPA Region 5 Brownfields Contacts

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Webpage: www.epa.gov/R5Brownfields

**The FY2012 grant application guidelines
will be available at
www.epa.gov/brownfields
hopefully by early August.**