



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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# Brownfields

“.....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

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



# Cleanup Grants



Former Midway Oil Company in Rock Island, IL cleaned up with Brownfields Grant

Up to \$200K per property to fund the cleanup at no more than 3 sites.

Removal of contaminated soils (dig and haul)

Engineering barrier over contaminated soils

Treatment of soil and/or groundwater

Environmental Insurance

Asbestos and Lead Based Paint may also be eligible

Applicant can request Petroleum Grant Funds and/or Hazardous Waste Grant Funds.

# Targeted Brownfields Assessment (TBA)

- EPA or States perform TBAs for communities
- TBAs are done on Brownfields Eligible Properties.
- EPA/State completes Phase I and Phase II assessment consistent with ASTM standard.
- Identifies Recognized Environmental Conditions and can provide estimate for cleanup.
- Community requests the TBA from EPA or State.
- More information on TBAs can be found at:  
<http://www.epa.gov/R5Brownfields/>

# Pilots and other opportunities

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- Area-wide Planning Grants - The grant funding and direct assistance (through Agency contract support) will result in an area-wide plan which will inform the assessment, cleanup and reuse of brownfields properties and promote area-wide revitalization.
- Multi Purpose Grants - The EPA is piloting a new grant program that will provide a single grant to an eligible entity for both assessment and cleanup work at a specific brownfield site owned by the applicant.



## Subtitle B. Brownfields Liability Clarifications

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- **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 requires 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.
- AAI checklist is “new” requirements.
- More information on AAI can be found at:  
[www.epa.gov.brownfields](http://www.epa.gov.brownfields).





# Subtitle C. State and Tribal Response Programs

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- 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 FY2012 competition was \$55M. EPA anticipates awarding approximately 206 nationally.

## ARC proposals funded in Region 5 totaled 56

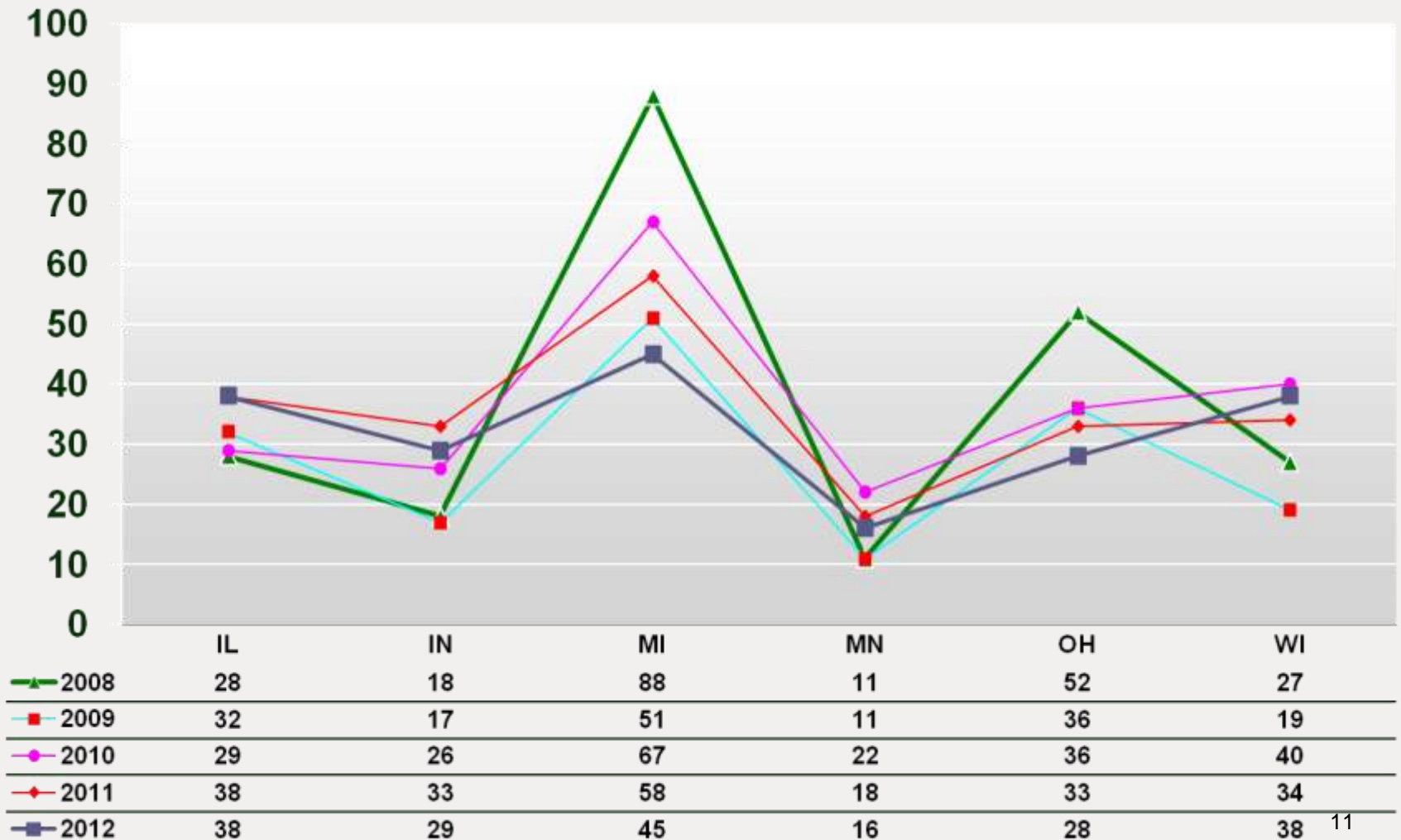
### State

- IL - 7
- IN - 9
- MI - 5
- MN - 6
- OH - 8
- WI - 14
- Tribal - 19
- State - 6

### Grant Type

- Assessment - 28
- Cleanup - 17
- RLF - 2
- Job training - 2
- 128 (a) - 25
- Multi - Purp - 2

# Number of R5 BF Proposal By State 2008 - 2012

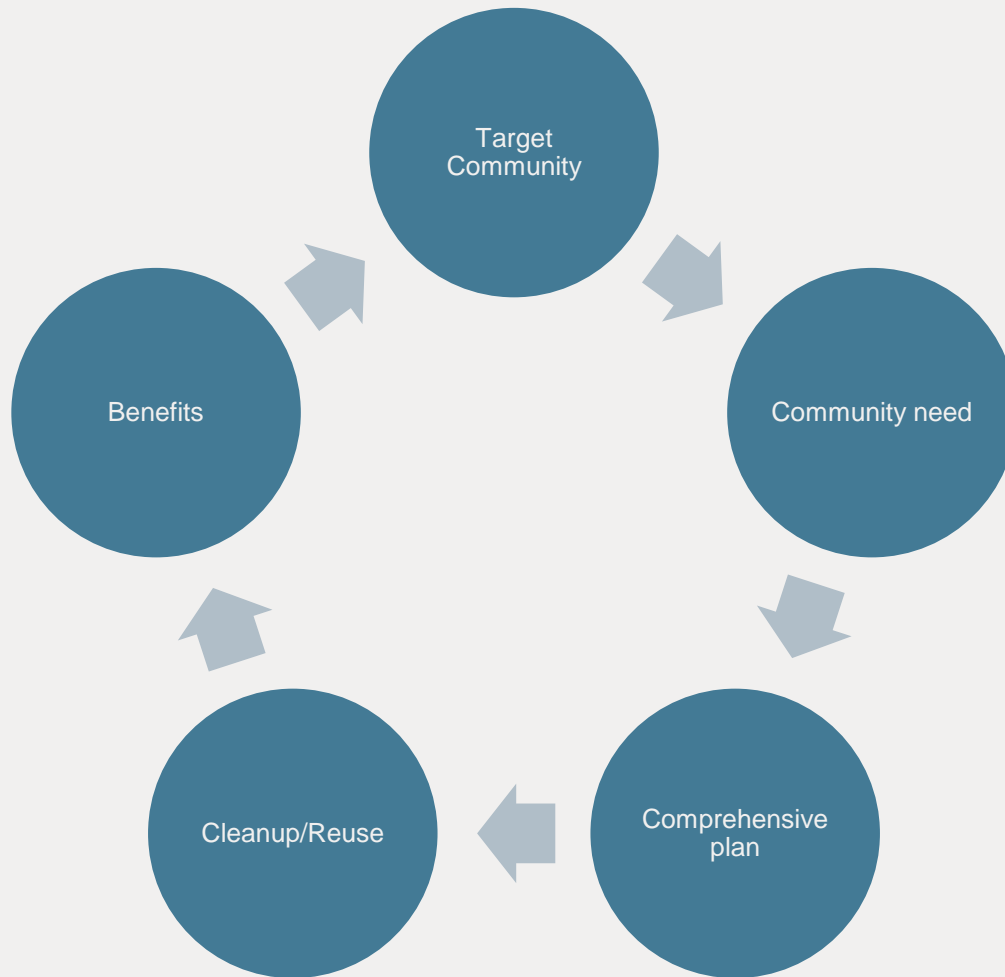


# Who can apply?

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- 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.

# Common Problem noted in FY2012 Proposals



# ATSDR's Public Health work and Brownfields Projects

<http://www.atsdr.cdc.gov/sites/brownfields/index.html>

- Land Reuse Screening Tool
- Baseline Agency Capacity to Work on Land Reuse/Brownfields
- Program funding is available periodically to identify, address, and improve public health with the redevelopment of Brownfield and/or land reuse sites.
- Community Guidance/Training Programs
  - Nuts and Bolts of PPH and Brownfields
  - Best Practice Sites



# BF Job Training Update

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- The job training program changed in 2011 to Workforce Development and Job Training to reflect the expansion beyond just brownfields to include other types of hazardous and solid waste cleanup.
- Increased emphasis on training in greener cleanups and renewable energy technology.



# Federal Historic Preservation Tax Credit Program



The **Mack and Mack Building** at 211 to 215 W. Michigan, Ypsilanti, MI, received 200,000 tax credit

- Encourages protection of landmark.
- Increases the value of the property, returns underutilized structures to the tax rolls.
- Upgrades neighborhoods
- Contact State Historic Preservation Agency.



# 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



# Application Schedule for FY2014 (draft)

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- Request for Proposal -- August
- Job Training Grant proposals due mid October
- Assessment, Revolving Loan, Cleanup Fund (ARC) proposals -- mid October
- Spring 2014 – Award Announcements
- Funds available before October 1





# Training Opportunities

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- FY2014 Brownfields Competitive Proposal Guideline Training, TBD
- TAB Ez Update webinar, TBD
- FY2014 Brownfields Grants Administration Training, TBD
- 2013 National Brownfields Conference, May 15-17, 2013, Georgia World Conference Center, Atlanta, GA, registration:  
<http://www.brownfieldsconference.org/en/home>

# USEPA Region 5 Brownfields Contacts

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**The FY2014 grant application guidelines  
will be available at  
[www.epa.gov/brownfields](http://www.epa.gov/brownfields) in August.**

