

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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Laidlaw, IL

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

*20% cost share

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 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.
- 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 maintains list of sites in response program.
- Provides suggested elements of State/Tribal response programs.
- Can provide NPL deferral of site in State/Tribal Programs.
- States/Tribes are provided up to \$50 million a year to support brownfields programs.

FY 2009 Appropriations budget: Competitive funding is \$241.5 million. EPA anticipates award of approximately 289 cooperative agreements nationally.

Successful proposals in Region 5 totaled 87

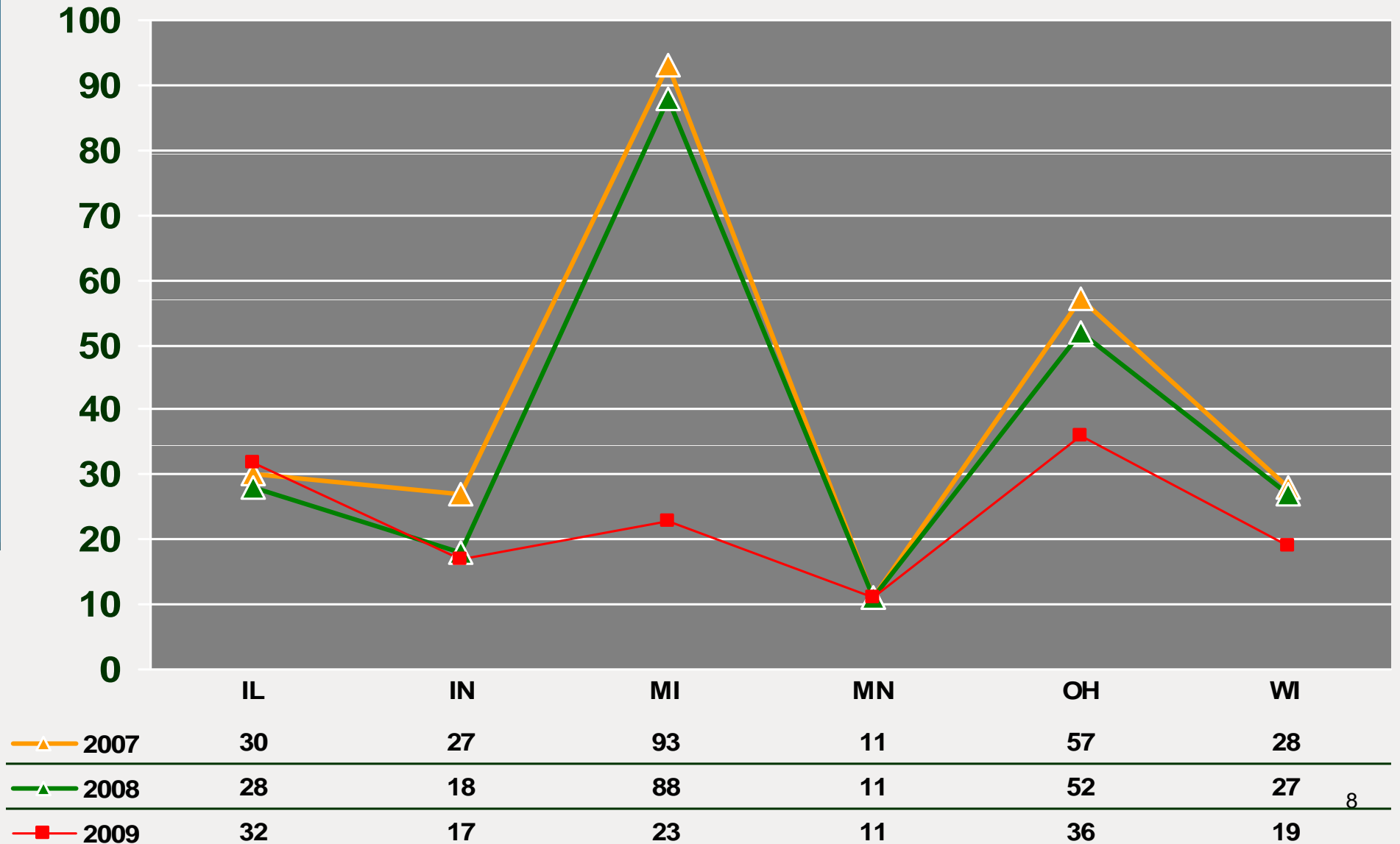
State

- IL - 12
- IN - 7
- MI - 29
- MN - 7
- OH - 21
- WI - 11
- Tribal - 12
- State/Tribal - 18

Grant Type

- Assessment - 50
- Cleanup - 15
- RLF - 15
- Job training - 7

Number Of R5 BF Proposal By State 2007 - 2009



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.

***coalitions**

Indiana Finance Authority

activities

- 128(a) funding
- Trails and Parks Initiative
- Auto Sector Brownfield Assessments Initiative
- Revolving Loan Fund
- ARRA funding for LUST
- Seeking coalition Partners
- Contact: Michele Oertel, 317.234.0235



Assessment Success Story: West Allis, WI Wehr Steel – 2009

Before

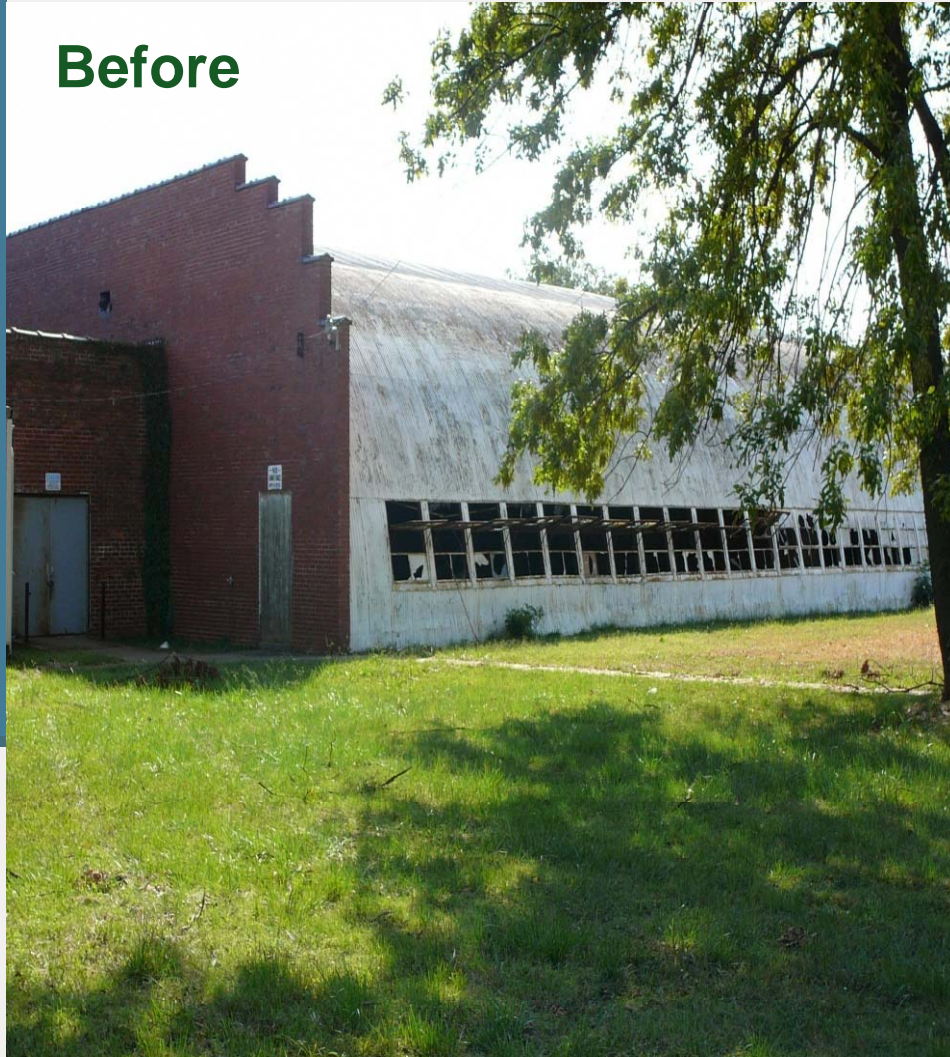


After



Cleanup Success Story: Metropolis, IL Former Laidlaw Facility - 2009

Before



After

RLF Success Story: Columbus, Ohio Whittier Property - 2009

Before



After

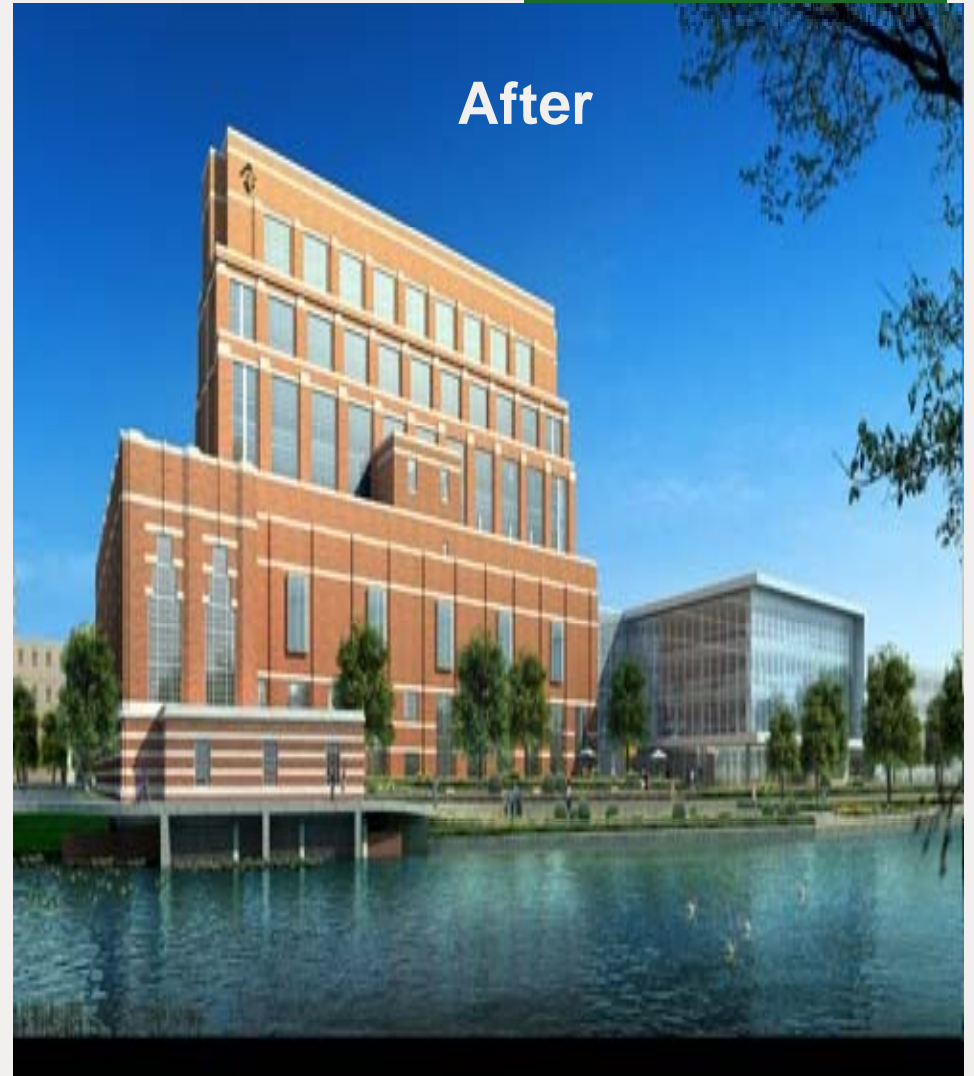


RLF Success Story: Lansing, MI Former Ottawa Street - 2009

Before



After



TBA Success Story: Ligonier, IN Essex Wire - 2009



Job Training Success Story



ATSDR's Public Health work and Brownfields Projects

- Land Reuse Screening Tool
- Baseline Agency Capacity to Work on Land Reuse/Brownfields
- Community Guidance/Training Programs
 - Nuts and Bolts of PPH and Brownfields
 - Best Practice Sites

Federal Historic Preservation Tax Credit Program



- Encourages protection of landmark
- Increases the value of the property, returns underutilized structures to the tax rolls
- Upgrades neighborhoods
- Sustainable Practice

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, 2009
- Check IRS guidance or consult qualified tax professional
- Contact: Michele Oertel, 317.234.0235

Environmental Justice and Brownfields

Message from Mathy Stanislaus, OSWER Director, to EPA staff on September 2009:

“Look for opportunities to use cleaned up land for urban gardens and urban agriculture. Disadvantaged communities may be particularly interested in opportunities to become more economically independent.”



Application Schedule for FY2011 (draft)

- Request for Proposal -- August
- Job Training Grant proposals due mid October
- Assessment, Revolving Loan, Cleanup Fund (ARC) proposals -- mid October
- Spring 2012 – Award Announcements
- Fund available before October 1

Training Opportunities

- FY2011 Brownfields Competitive Proposal Guideline Training: September 7 - 9, 2010.
- FY2011 Brownfields Grants Administration Training, TBD
- 2011 National Brownfields Conference, April 3 -5, 2010, Philadelphia PA.

USEPA Region 5 Brownfields Contact

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**The FY2011 grant application guidelines
will be available at**

www.epa.gov/brownfields

hopefully by early August.