

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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June 2011*



# 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

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- Authorizes grants of up to \$350K per site for *assessment*. Coalitions are new.
- 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 EPA to establish targeted brownfields assessment resource.

## Subtitle B. Brownfields Liability Clarifications



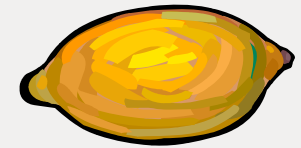
- **Contiguous Property Owner.** Superfund liability relief for innocent persons who own property that is contaminated solely due to a release from a neighboring property, so long as the person did not cause or contribute to the release.
- **Innocent Landowners.** Provides Superfund Liability relief 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.



## 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.

# Environmental Results for Brownfields Grants



- Brownfield projects support the 2011-2015 Strategic Plan, Environmental Results Goal 3: Cleaning Up Communities, advance sustainable development, and protect disproportionately impacted low-income, minority, and tribal communities. Prevent releases of harmful substances and clean up and restore contaminated areas. Objective 3.1: Promote Sustainable and Livable Communities. Strategic measures: Assess and Cleanup Brownfields.



# Wisconsin Department of Natural Resource, WI

The grocery coop business, Outpost Natural Foods in Wauwatosa WI, benefited from a partnership between property owner and DNR to address environmental contamination. DNR was recognized at the 2010 BF Conference. Recognized at 2010 BF Conference.



# All Appropriate Inquiries

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- 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](http://www.epa.gov.brownfields)



The annual funding in the FY2010 competition was 82 M. EPA anticipates awarding approximately 350 nationally.

## Successful proposals in Region 5 totaled 71

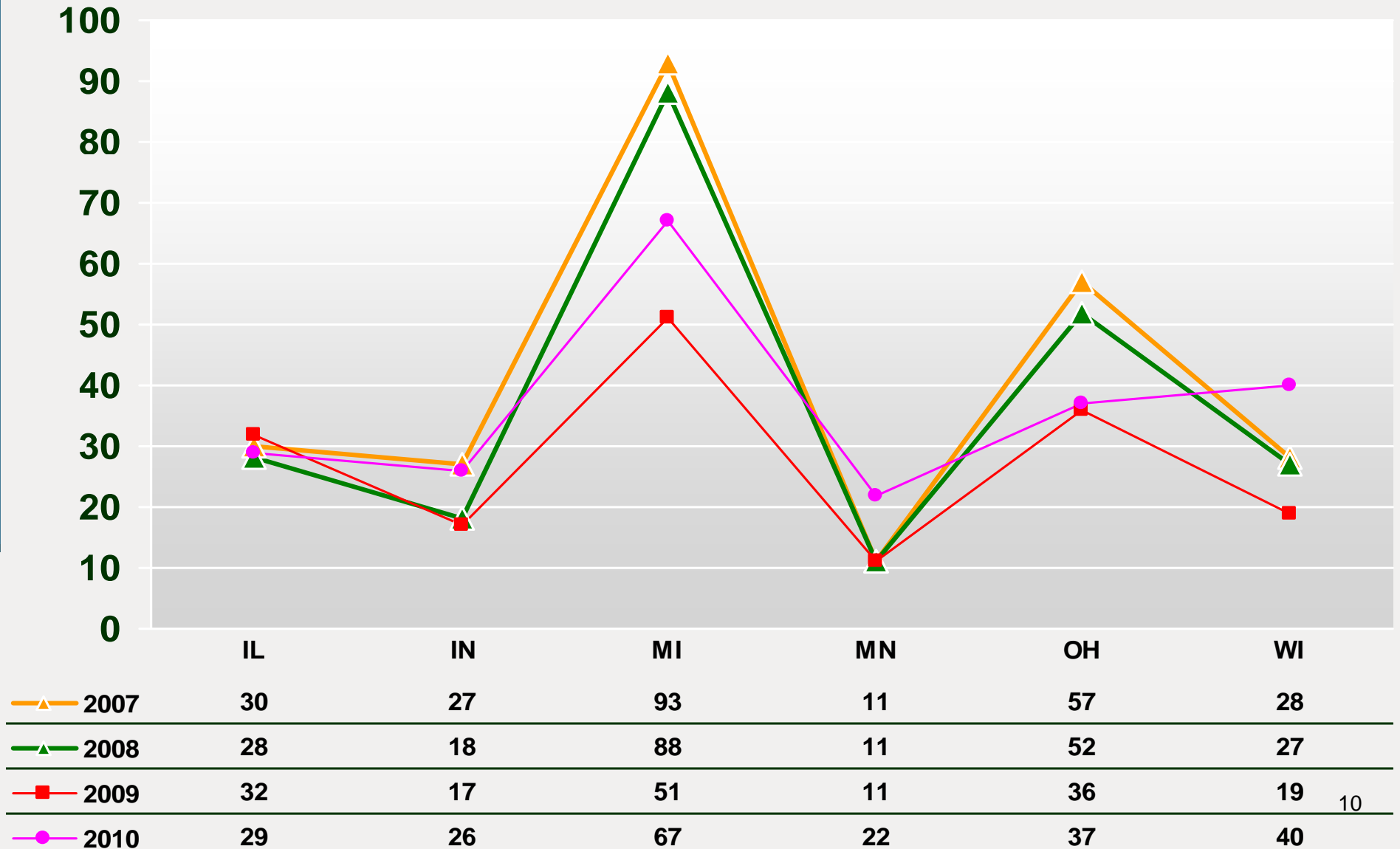
### State

- IL - 8
- IN - 12
- MI - 18
- MN - 12
- OH - 15
- WI - 6
- Tribal - 14
- State/Tribal - 20

### Grant Type

- Assessment - 46
- Cleanup - 15
- RLF - 9
- Job training - 1

# Number of R5 BF Proposal By State 2007 - 2010



# 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.
- Not for profits eligible for cleanup and job training only.
- States and Tribes.

# Assessment Success Story: Maple Street Pond Park, Terre Haute, IN

## Trails and Parks Success Story: Terre Haute Former Lakeview Nursing Home/Maple Street Pond Park

Residents in the City of Terre Haute can anticipate the opening of the 16.36-acre Maple Street Pond Park, which will consist of a fishing pond, trail, and park. Redevelopment of the former Lakeview Nursing Home site is due, in part, to financial assistance from the Indiana Brownfields Program (Program)'s Trails and Parks Initiative (TPI) that was used to conduct environmental assessment activities, and the Program's issuance of a Site Status Letter in January of this year.

This 7-acre northern parcel located at 500 Maple Avenue in Terre Haute was a vacant property used as a former dump/burn area for household waste up until the early 1960's, a borrow pit in the mid 1960's, and finally a nursing home in the 1980's



Maple Street Pond Park (courtesy of Terre Haute Parks Master Plan)

# East St. Louis Housing Authority, IL Farmers Market, TBA Success Story



## East St. Louis Action Research Project

University of Illinois at Urbana-Champaign | College of Fine and Applied Arts

*Enriching young minds through community engagement*



### Farmer's Market

Because there are so few retail enterprises in East St. Louis, residents must travel to the more affluent suburbs for many of their shopping needs. If more residents could buy their groceries in East St. Louis, it would feed the local economy.

Members of the Winstanley/Industry Park Neighborhood Organization decided that a local, open-air farmers market would **promote small businesses** within the city. Technical assistance for the market site improvements was provided by ESLARP.

This was an opportunity for **true collaboration** among students in the departments. They conducted separate studios with distinct objectives, but came together on a regular basis to resolve their differences and arrive at a **common solution**.

Planning students collected information on successful farmers markets in other communities. Working with WIPNO, they prepared a **plan for establishment** of the market and conducted a **vendor training workshop** which in turn made the market a more attractive and professional enterprise.

Architecture and Landscape Architecture students explored ways of adapting an abandoned commercial site for reuse as a



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Outreach Weekend Registration

# Indiana 15 Regional Planning Commission, IN

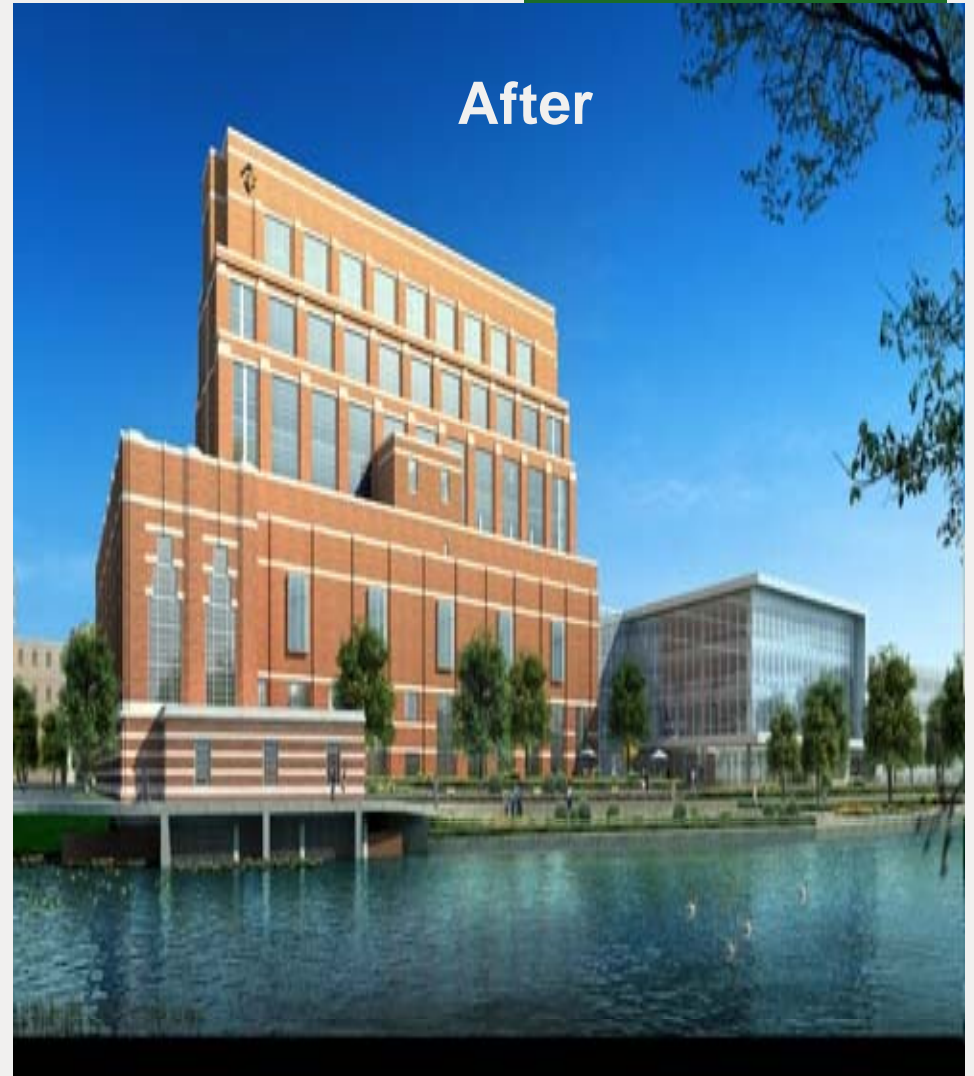


# RLF Success Story: Lansing, MI Former Ottawa Street - 2009

Before



After



# TBA Success Story: Ligonier, IN Essex Wire - 2009





# Job Training Success Story



# ATSDR's Public Health work and Brownfields Projects

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- 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

# Brownfields Tax Incentive

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- 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

# Application Schedule for FY2012(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 2012 – Award Announcements
- Fund available before October 1

# USEPA Region 5 Brownfields Contact

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Webpage: [www.epa.gov/R5Brownfields](http://www.epa.gov/R5Brownfields)

**The FY2012 grant application guidelines  
will be available at**

**[www.epa.gov/brownfields](http://www.epa.gov/brownfields)**

**hopefully by early August.**