

P.L. 107.118. Small Business Liability Relief and Brownfields Revitalization Act of January 11, 2002 U. S EPA, Region 5

*Deborah Orr
September 2012*



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.

Pilots and other opportunities

- Area-wide Planning Grants - 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 - 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

- **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.

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

ARC proposals funded in Region 5 totaled 56

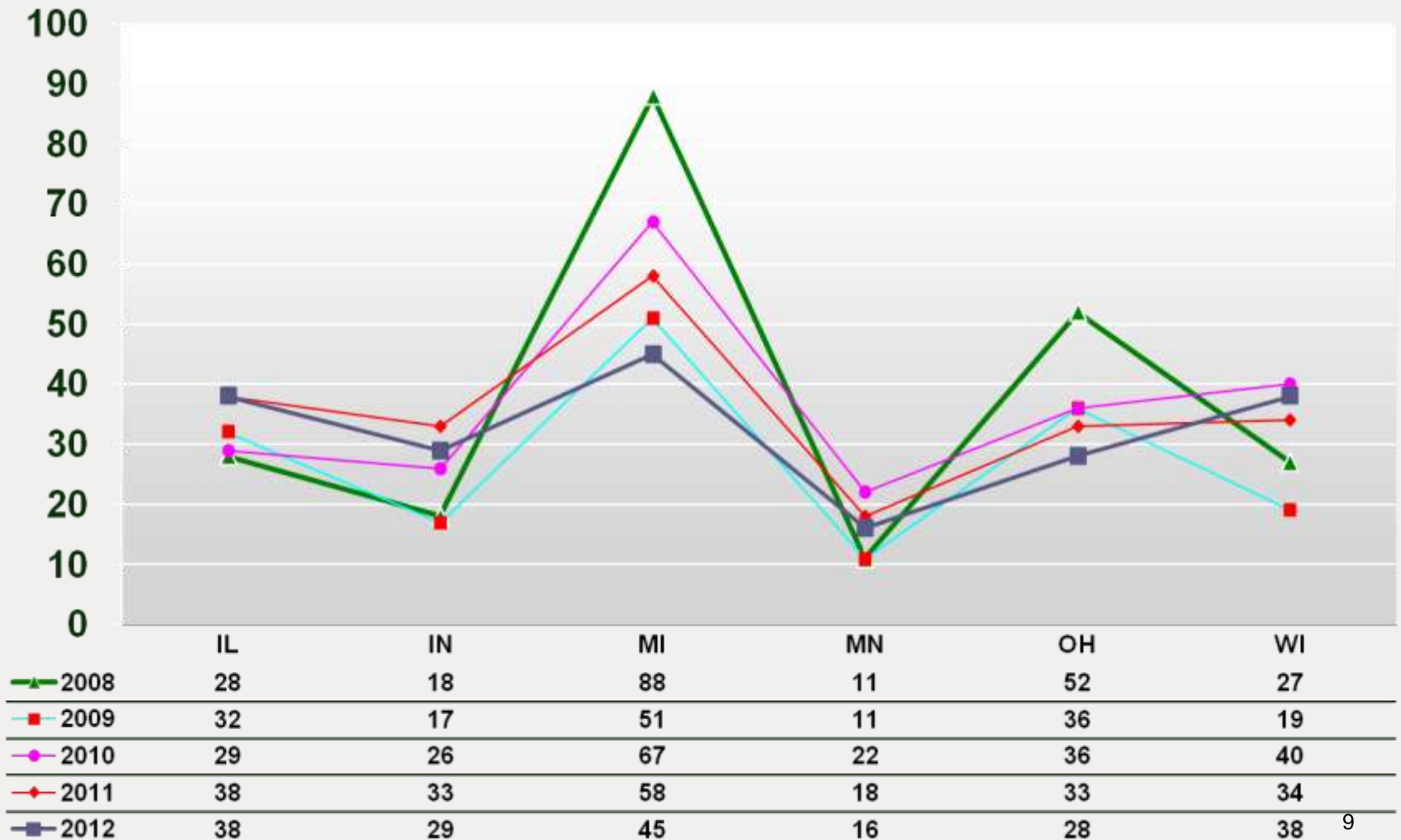
State

- 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
- Area wide - 2
- Multi - Purpose - 2

Number of R5 BF Proposal By State 2008 - 2012



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.

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

Before

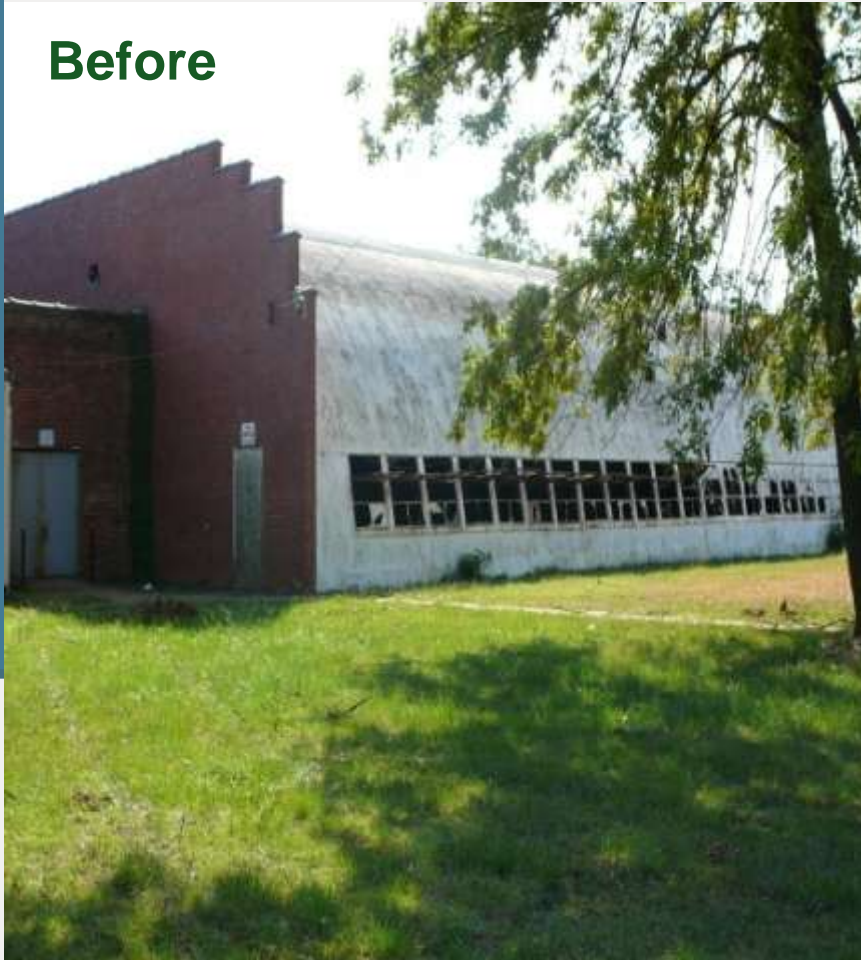


After



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

Before



After

RLF Success Story: Columbus, Ohio Whittier Property - 2009

Before



After

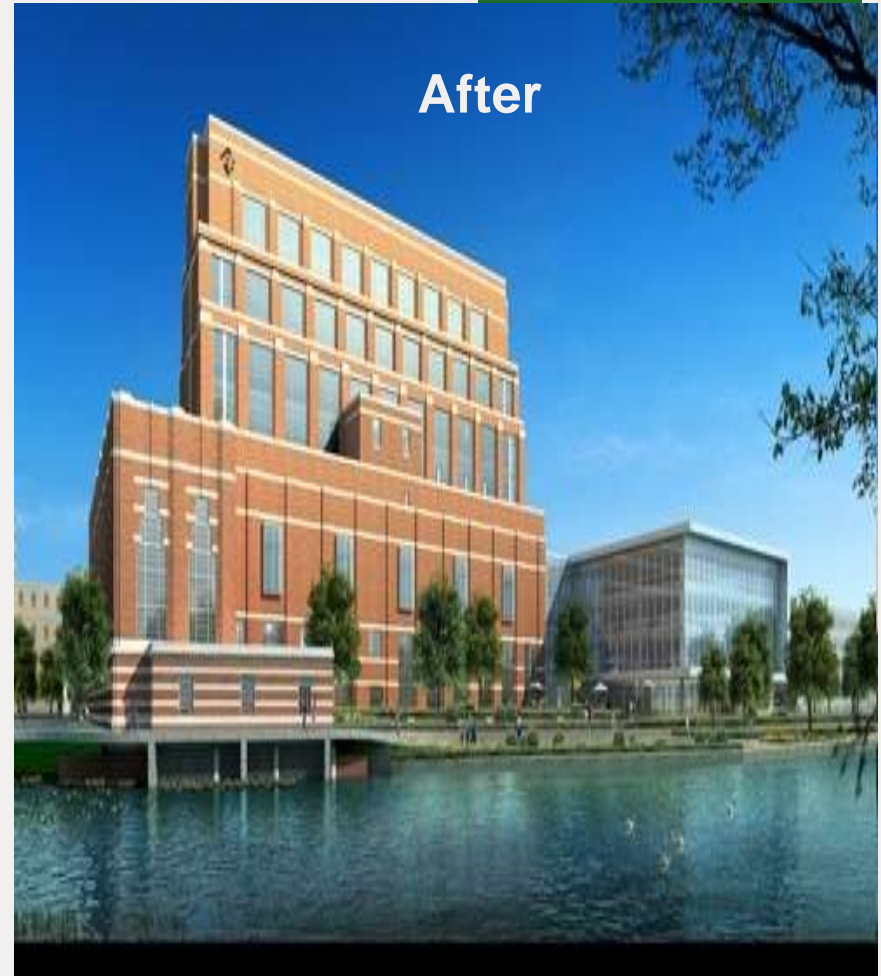


RLF Success Story: Lansing, MI Former Ottawa Street - 2009

Before



After



TBA Success Story: Ligonier, IN

Essex Wire - 2009

Before



After



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

- 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 green remediation 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 FY2012 (draft)

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

Training Opportunities

- FY2012 Brownfields Competitive Proposal Guideline Training, TBD
- TAB Ez Update webinar, TBD
- FY2012 Brownfields Grants Administration Training, TBD
- 2013 National Brownfields Conference, May 15-17, 2013, Georgia World Conference Center, Atlanta, GA

USEPA Region 5 Brownfields Contacts

Deborah Orr

312.887.7576

Orr.deborah@epa.gov

Webpage: www.epa.gov/R5Brownfields

**The FY2013 grant application guidelines
will be available at**

www.epa.gov/brownfields in August.