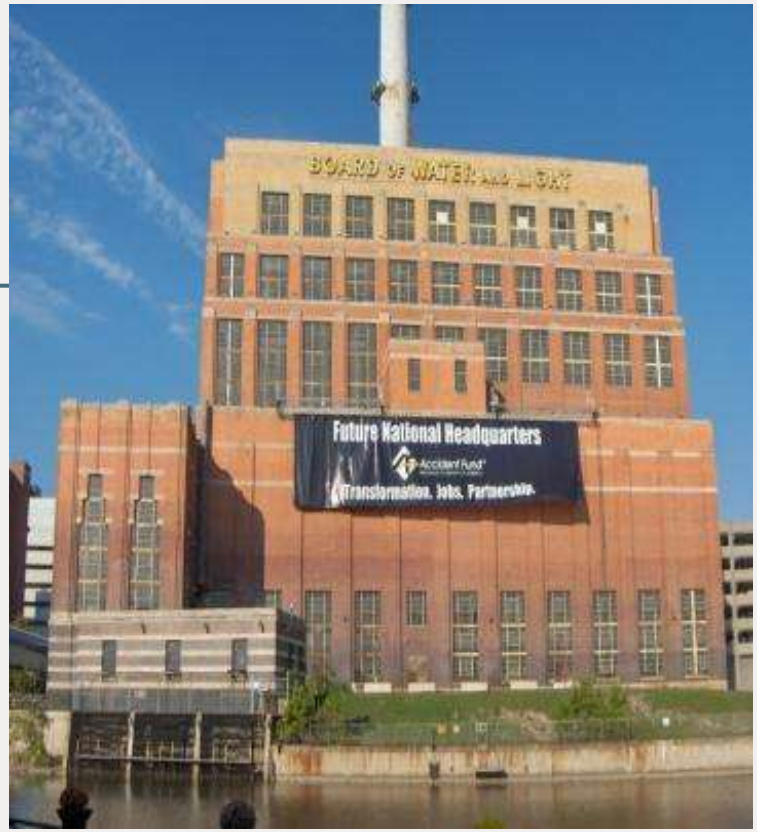
P.L. 107.118. Small Business Liability Relief and Brownfields Revitalization Act of January 11, 2002 U. S EPA, Region 5

Evansville, IN
Setember2013

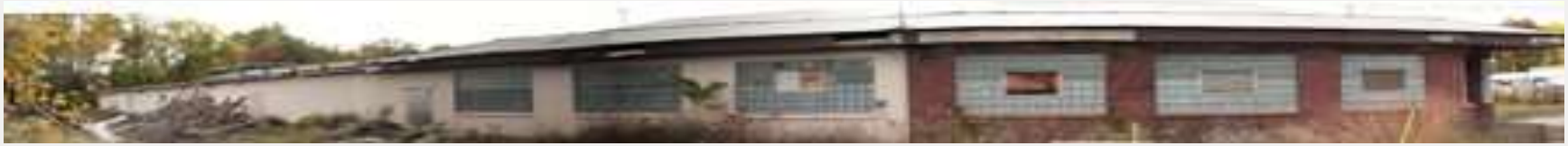
Brownfields

"…..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

- 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.



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 <u>may</u> also be eligible

Applicant can request <u>Petroleum</u> Grant Funds and\or <u>Hazardous Waste</u> 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

- 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

- **<u>Contiguous Property Owner</u>. 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.**
- **<u>Innocent Landowners</u>. Provides Superfund Liability relief for landowners who had no reason to know of contamination at the time of purchase.**
- **<u>Prospective Purchasers and Windfall Liens</u>. 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 FY2013 competition was $60M. EPA selected approximately 219 nationally.

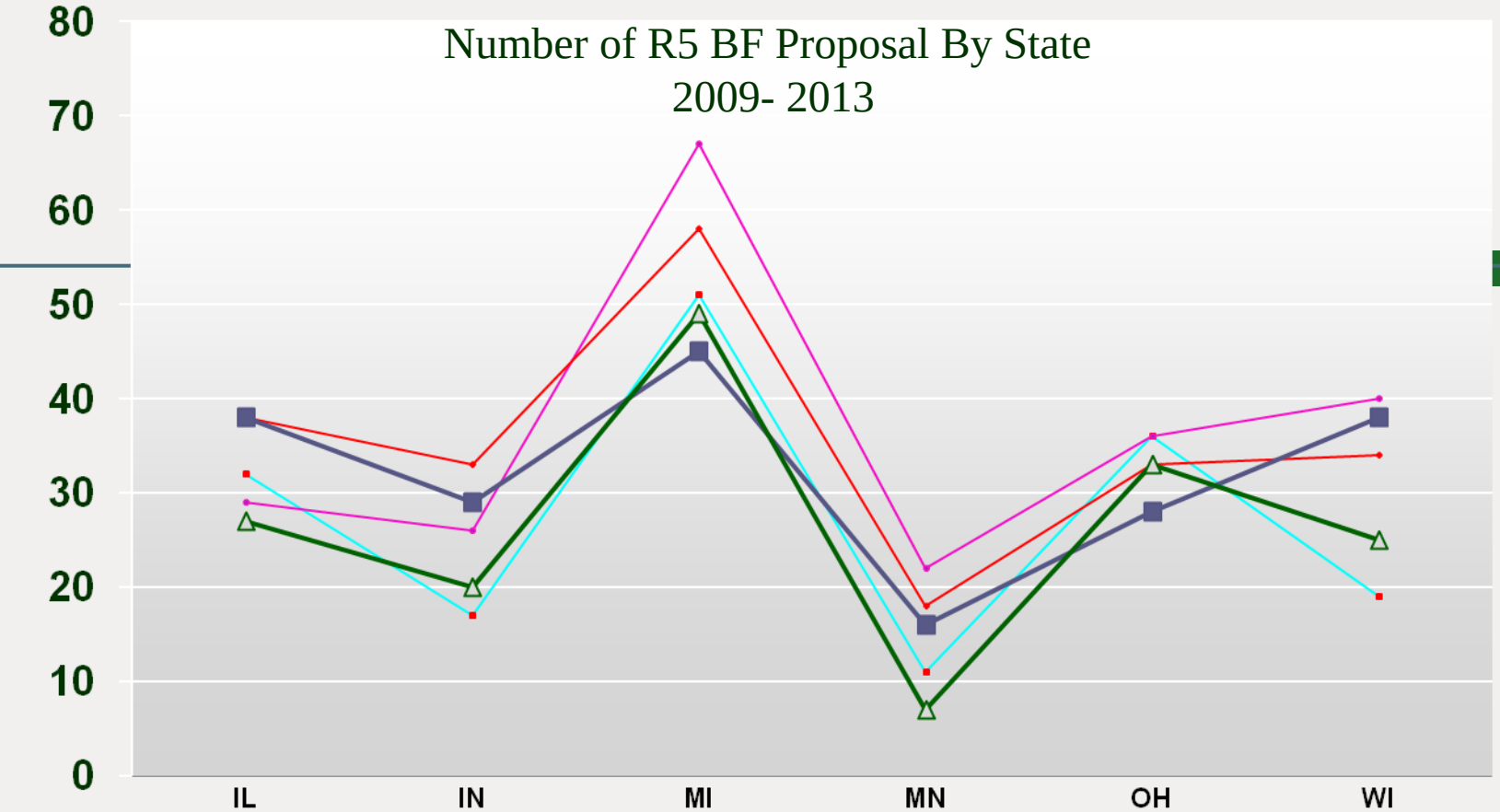
ARC proposals funded in Region 5 totaled 34

State

- IL - 6
- IN - 6
- MI - 9
- MN - 0
- OH - 3
- WI - 10
- Tribal - 19
- State - 6

Grant Type

- Assessment - 21
- Cleanup - 9
- RLF - 4
- Job training - 3
- 128 (a) - 25
- AWP - 7

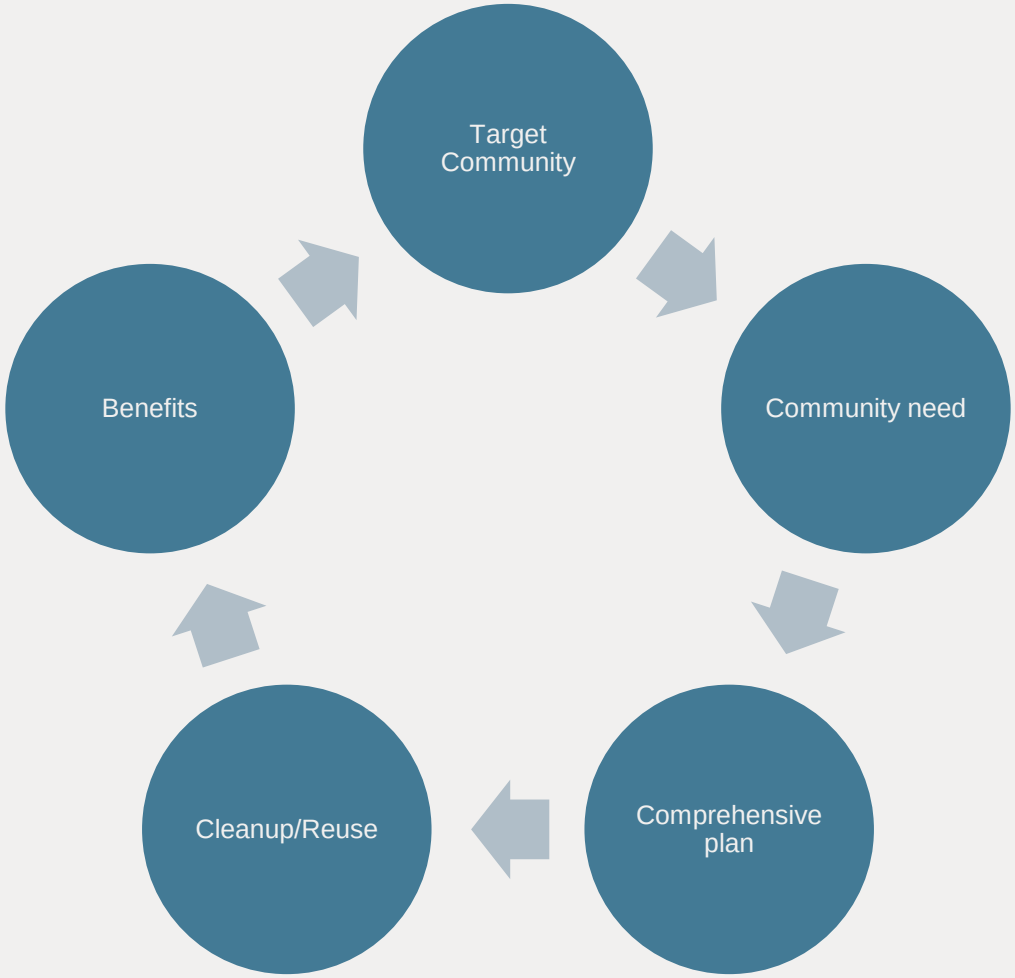


	IL	IN	MI	MN	OH	WI
2009	32	17	51	11	36	19
2010	29	26	67	22	36	40
2011	38	33	58	18	33	34
2012	38	29	45	16	28	38
2013	27	20	49	7	33	25

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.
- Applicants that received funds in last round may not be eligible.

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

- The job training program changed in 2011 to Workforce Development and JobTraining 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)

- Request for Proposal -- September 2013
- Job Training Grant proposals due mid October 2013
- Assessment, Revolving Loan, Cleanup Fund (ARC) proposals -- Early December 2013
- Spring 2014 – Award Announcements

Training Opportunities

- FY2014 Brownfields Competitive Proposal Guideline Training, TBD
- TAB Ez Update webinar, TBD
- FY2014 Brownfields Grants Administration Training, TBD

USEPA Region 5 Brownfields Contacts

Deborah Orr
312-886-7576
orr.deborah@epa.gov
www.epa.gov/R5Brownfields

The FY2014 grant application guidelines will be available at www.epa.gov/brownfields in August.