

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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Metropolis, IL

Topics Covered Today

- Federal Brownfields Program Overview
- Changes to Program
- Useful Resources

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.

*competitive

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 required 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 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 FY2010 competition was 79.4M. EPA awarded 341 grants nationally.

Successful proposals in Region 5 totaled 47

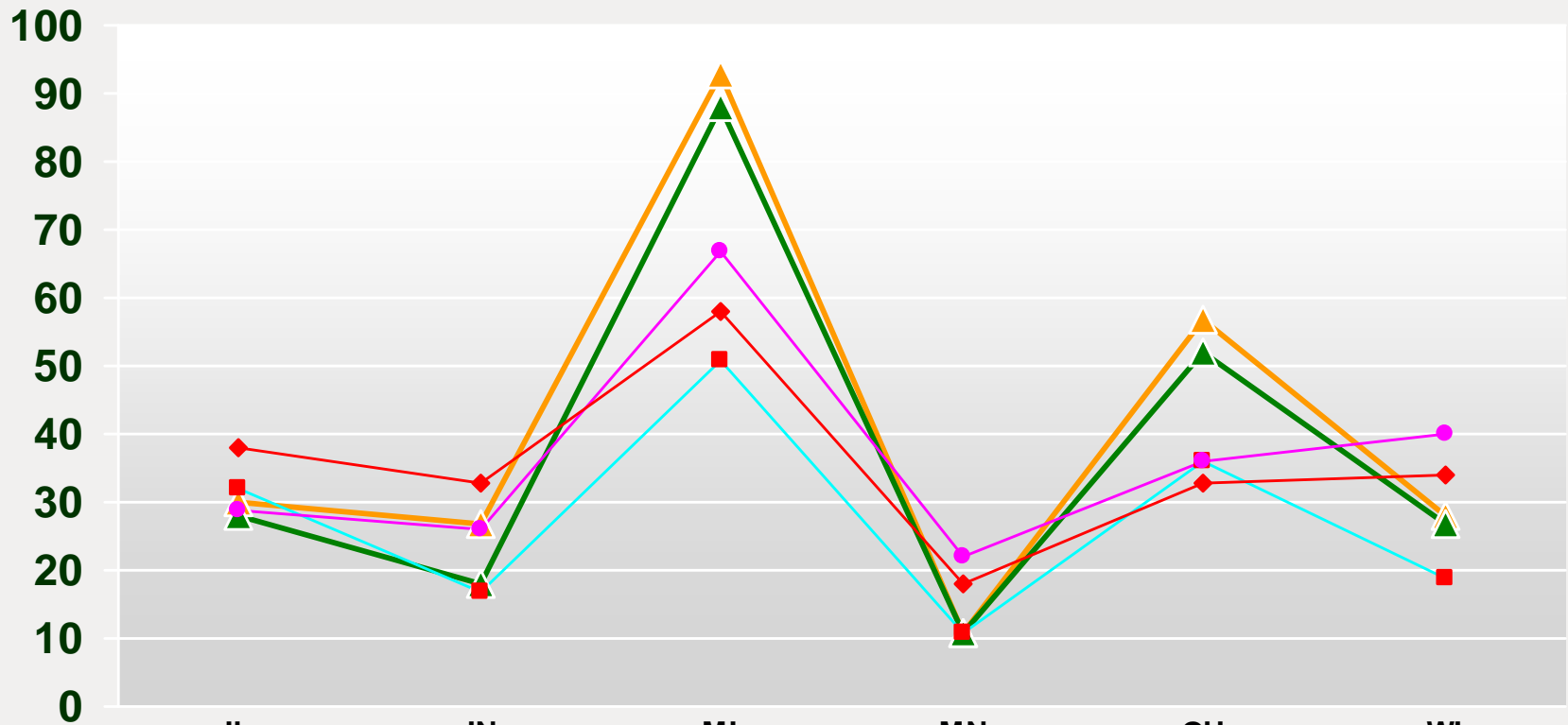
State

- IL - 11
- IN - 12
- MI - 6
- MN - 6
- OH - 3
- WI - 12
- Tribal - 17
- State - 6

Grant Type

- Assessment - 23
- Cleanup - 20
- RLF - 4
- Job training - 3
- 128 (a) - 23

Number Of R5 BF Proposal By State 2007 - 2011



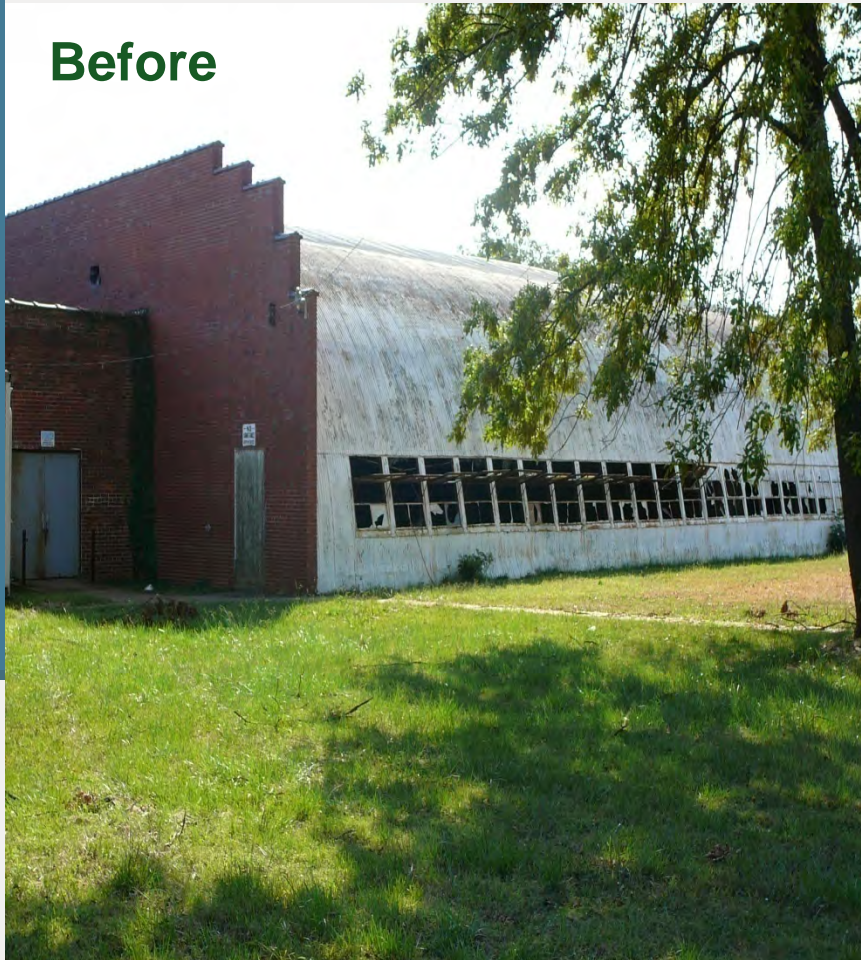
	IL	IN	MI	MN	OH	WI
2007	30	27	93	11	57	28
2008	28	18	88	11	52	27
2009	32	17	51	11	36	19
2010	29	26	67	22	36	40
2011	38	33	58	18	33	34

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.

Cleanup Success Story: Metropolis, IL Former Laidlaw Facility

Before



After

Changes in the Program

- Point system changed;
- 50% set aside for new applicants;
- Equitable development added; and
- Disproportionate impact criteria added.

Resource: Technical Assistance for Brownfield (TAB) communities

- Provide guidance thru the brownfields experience and plotting a course of action, identifying funding source,
- Assist with community activities, review of EPA proposals and other application,
- Serving as a liaison between EPA and state,
- Finding contractors and consulting firm, review of technical documents,
- Assistance with community outreach,
- Visioning workshop for reuse, assist with staff training.
- For more info: <http://www.engg.ksu.edu/CHSR/outreach/tab/>

Resource: Targeted Brownfields Assessments (TBA)

- Subtitle A Brownfields legislation authorizes EPA to establish a program to perform TBAs such as Phase 1 and Phase 2 assessments at properties to Region 5 applicants
- TBAs provides local governments and prospective purchasers a better understanding of potential contamination issues at Brownfields sites in their communities.
- **How to request a free TBA:**

<http://www.epa.gov/R5Brownfields/>

Resource: ATSDR's Public Health work and Brownfields Projects

- ATSDR, working with local health departments, can help more people include community health in brownfields.
- EPA can fund health programs in brownfield grants, and ATSDR has some limited health pilot awards for brownfield.
- ATSDR has free tools to assist communities and their health departments to include health activities as part of their Brownfield projects.
- For more information:
www.atsdr.cdc.gov/sites/brownfields

Resource: 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,
- Contact: Heather Nifong,
nifong.heather@illinois.gov

Application Schedule for FY2012 (draft)

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

Training Opportunities

- Brainerd, MN - May 16
- Indianapolis, IN - August 7 and 8
- Gary, IN - August 13
- South Bend, IN - August 14
- 2013 National Brownfields Conference, Atlanta Georgia, May 15-17, 2013

USEPA Region 5 Brownfields Contacts

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**The FY2012 grant application guidelines
will be available at
www.epa.gov/brownfields
hopefully by early August.**