GROUNDWORK USA & THE CENTER FOR CREATIVE LAND RECYCLING

BROWNFIELD CURIOUS: UNDERSTANDING THE BROWNFIELD REUSE PROCESS AND TIMELINE

August 13 , 2024

BROWNFIELD CURIOUS

THREE-PART WEBINAR SERIES

1. **Introduce the brownfields process** and explore why you should consider **brownfield revitilization to address community concerns** around food security, climate adaptation, and access to the outdoors.

2. This session will cover brownfield revitalization, including **steps, timelines, funding, stakeholders, and project variability.**

3. In this session, we'll **explore nonprofit roles in brownfield remediation**, dispel myths, and introduce cross-sector collaborators in the revitalization process.

GROUNDWORK USA

Groundwork USA envisions a world in which everyone lives in a community that is healthy, green, just, and resilient.

NONPROFIT BROWNFIELD TECHNICAL ASSITANCE PROGRAM

Nationwide technical assitance program specifically tailored to nonprofits

- Increase the capacity of non-profits working in communities with brownfields, to transform those spaces with **environmental and equity as guiding principles**

- **Transforming spaces into community assets** such as parks, trails, urban farms, community centers, recreational facilities, affordable housing and commercial space, farmers markets, arts and culture centers, and more

- **Improve public health** in their communities

Thank you to the EPA's Office Of Brownfields and Land Revitalization for providing grant funding to support Groundwork USA's brownfields and equitable development technical assistance program.

HOW WE CAN HELP

Nationwide Technical Assitance for Nonprofits

DIRECT TECHNICAL ASSITANCE

WEBINARS & WORKSHOPS

VISUAL RESOURCE HUB

Introducing the Environmental Justice & Land Use Learning Cohort!

FREE six-month virtual program designed to help nonprofit organizations effectively lead brownfield site reuse projects.

- **What we are looking for!**
  - Individuals representing nonprofits or community organizations
  - Participate in 6 small group workshops from October 2024 - March 2025
  - **APPLY BY SEPTEMBER 13th**
- **Participants will:**
  - Explore Real-World Tools and Case Studies
  - Create An Actionable Strategy
  - Receive Personalized Coaching
  - Build a Community of Peers

Introducing the Environmental Justice & Land Use Learning Cohort!

Land Reuse and Environmental Justice Learning Cohort Course Curriculum

- Session 1: **Introduction to Brownfields and Environmental Justice**
- Session 2: **Brownfield Site Visioning**
- Session 3: **Partnerships, Roles, and Responsibilities**
- Session 4: **Equitable Community Engagement**
- Session 5: **Communicating Site Risk to Stakeholders**
- Session 6: **Financing Brownfield Redevelopment | Stages, Stakeholders, and Strategies**

CENTER FOR CREATIVE LAND RECYCLING

RECLAIM. CONNECT. TRANSFORM.

How we can help you

CCLR is U.S. EPA's Technical Assistance to Brownfields Provider (TAB) for 8 states and numerous territories around the county.

Getting you started

Giving you the tools and connections to plan a redevelopment roadmap and champion the pathway.

Helping you stay on track

Offering current information and expert advice on regulations, funding, remediation, and community engagement to meet your milestones.

Getting the job done

Sharing common documents and introducing you to peers, industry experts, and developers.

What we do

- One-on-one technical assistance
- National webinars
- Workshops and conferences
- Newsletters and online resources

Brownfields Curious

Community-Engaged Redevelopment Process

August 13, 2024

GROUNDWORK USA

CHANGING PLACES CHANGING LIVES

CENTER FOR CREATIVE LAND RECYCLING

RECLAIM. CONNECT. TRANSFORM.

adaapta

INTRODUCTION

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CEO
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adaapta

At the intersection of economic development, planning, and environmental issues.

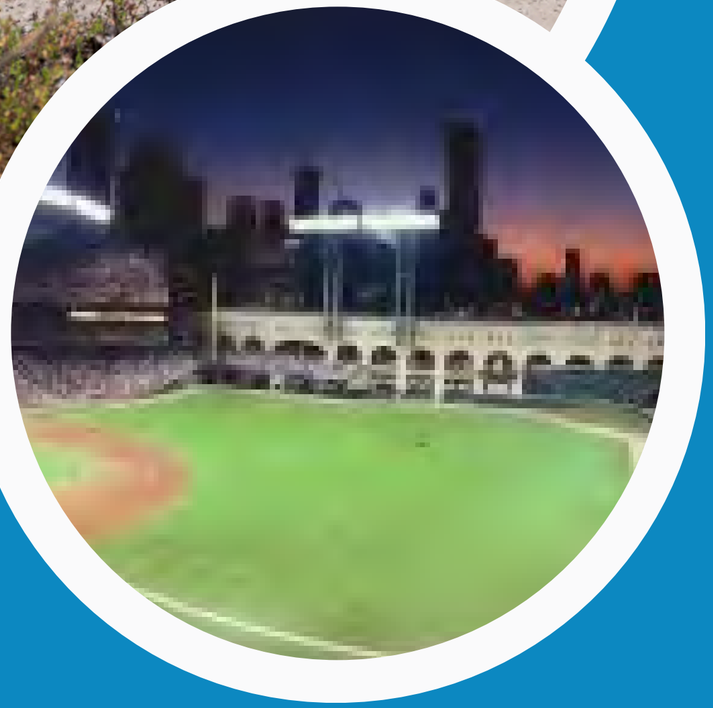
www.adaapta.com

AGENDA

1. Recap of Brownfields Basics
2. Brownfields Risk & Complications
3. The Brownfields Redevelopment Process
4. Additional Resources
5. Q & A

WHAT IS A BROWNFIELD?

A brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. ~ US EPA



A BROWNFIELD IS NOT A SUPERFUND!

“Every property is a brownfield until proven not guilty.”

~Danielle Getsinger

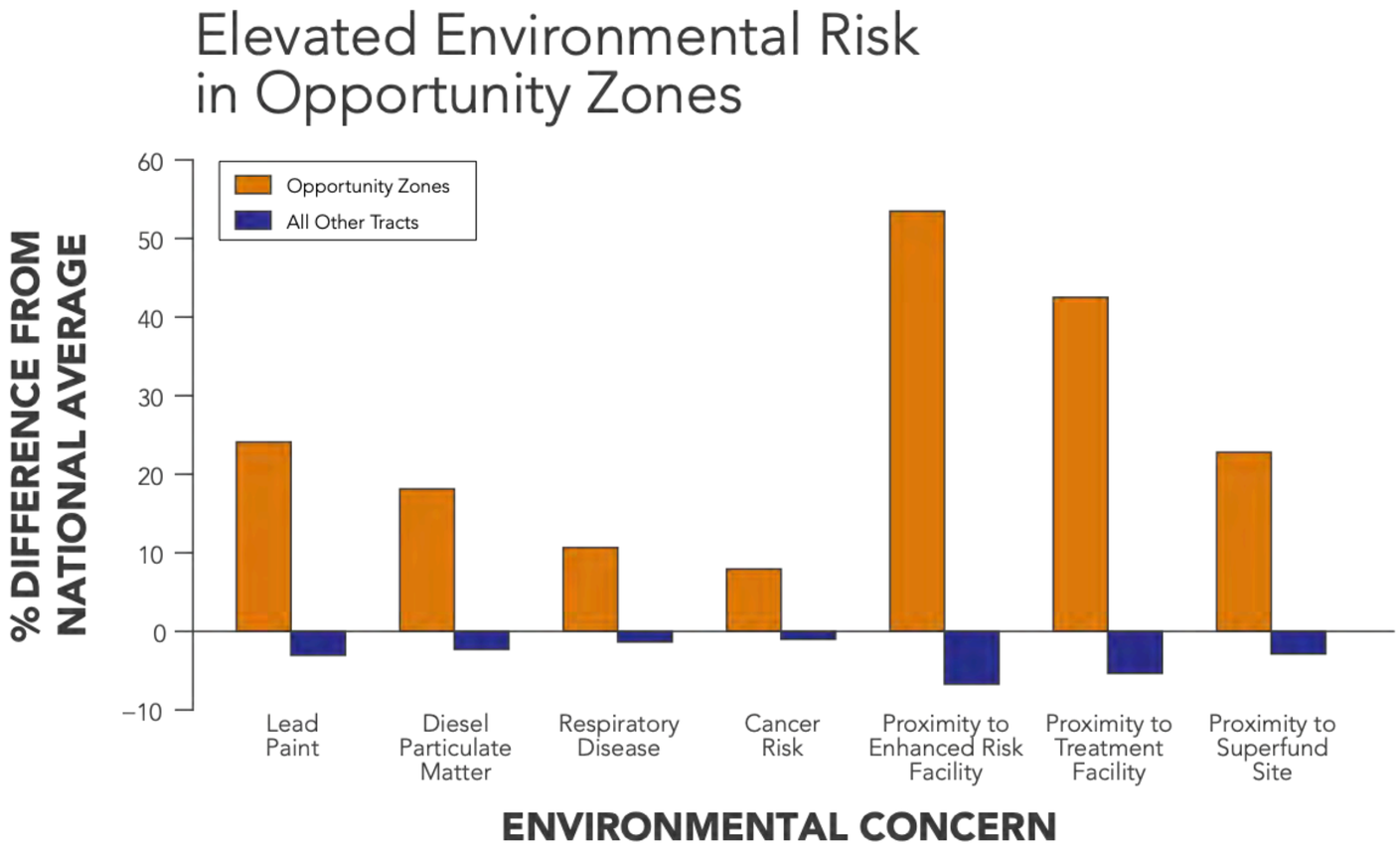
Why?

- Many underutilized properties are overlooked as brownfields, like vacant lots and old buildings.
- By taking a proactive approach to identifying potential environmental issues, developers can better mitigate their risk.
- A broader definition of brownfields will maximize use of incentive programs and grant funding.
- Reduce the stigma! Not all brownfields are contaminated and if contamination is discovered, it can be managed! These are NOT Superfund sites.

Get creative! Check out Pulaski County.
www.pulaskicounty.net/brownfields

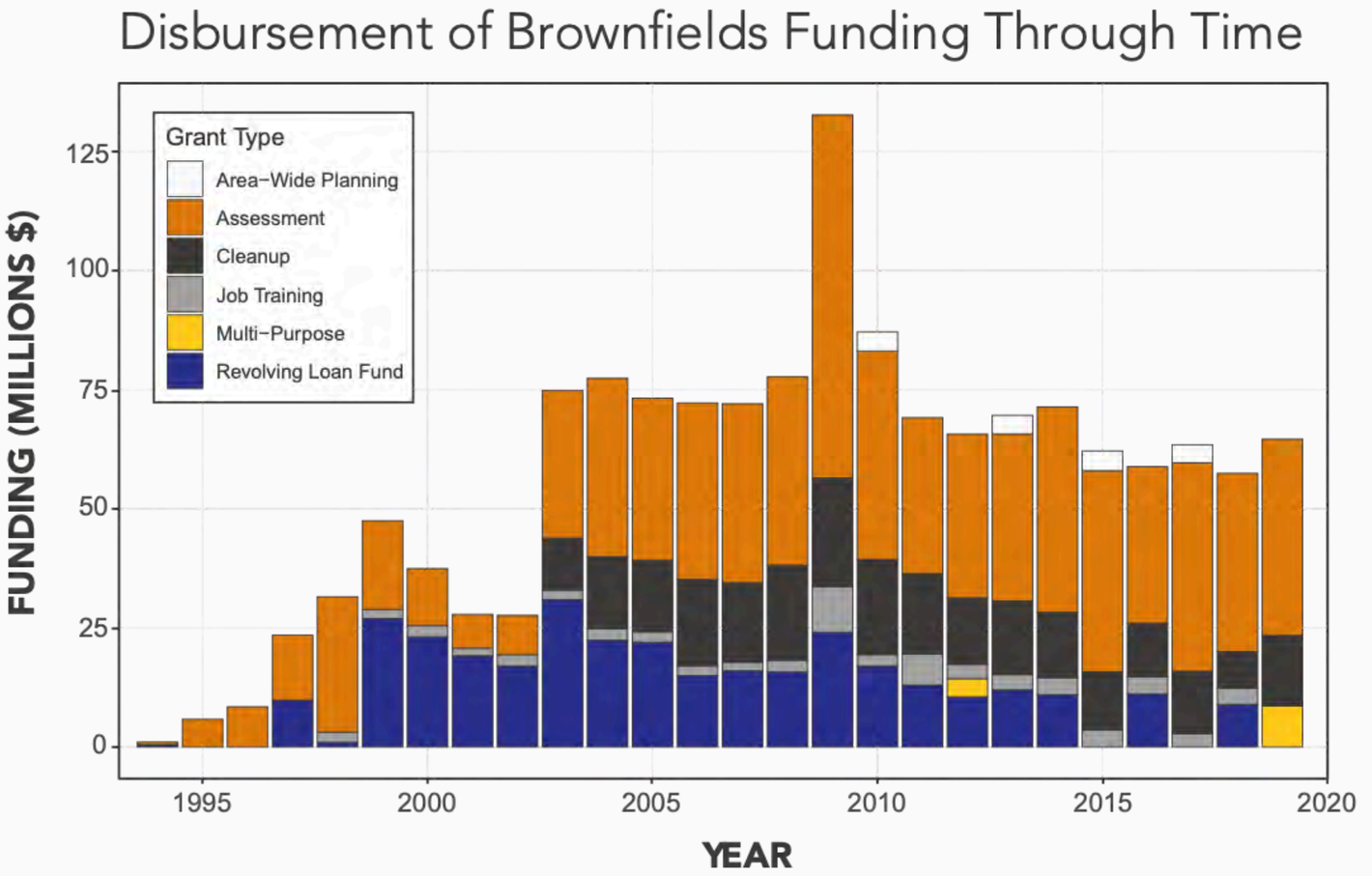
BROWNFIELDS & ENVIRONMENTAL JUSTICE

- Exacerbate economic distress
- Attract crime and vandalism.
- Associated with health disparities linked to environmental contamination like asthma, cancer, and neurological issues.
- Associated with restricted access to safe transportation, affordable housing, healthcare, and job opportunities.
- Perpetuates sense of hopelessness, disinvestment, insecurity, and community trauma.



BROWNFIELDS AS OPPORTUNITIES

- $1 EPA = $21 Funding Leveraged**
- 221,328 jobs created**
  - 11.2 jobs per $100,000 of EPA funds
- Est. $29 to $97 million in additional tax revenue for local governments in a single year after cleanup**
- 4 acres of greenfields saved for every acre of brownfields redeveloped
- Increased property values (5-15%)
- Reduction in vehicle miles traveled
- Reduction in stormwater impacts
- Reduction in crime
- Increase in affordable housing
- Increase in park space

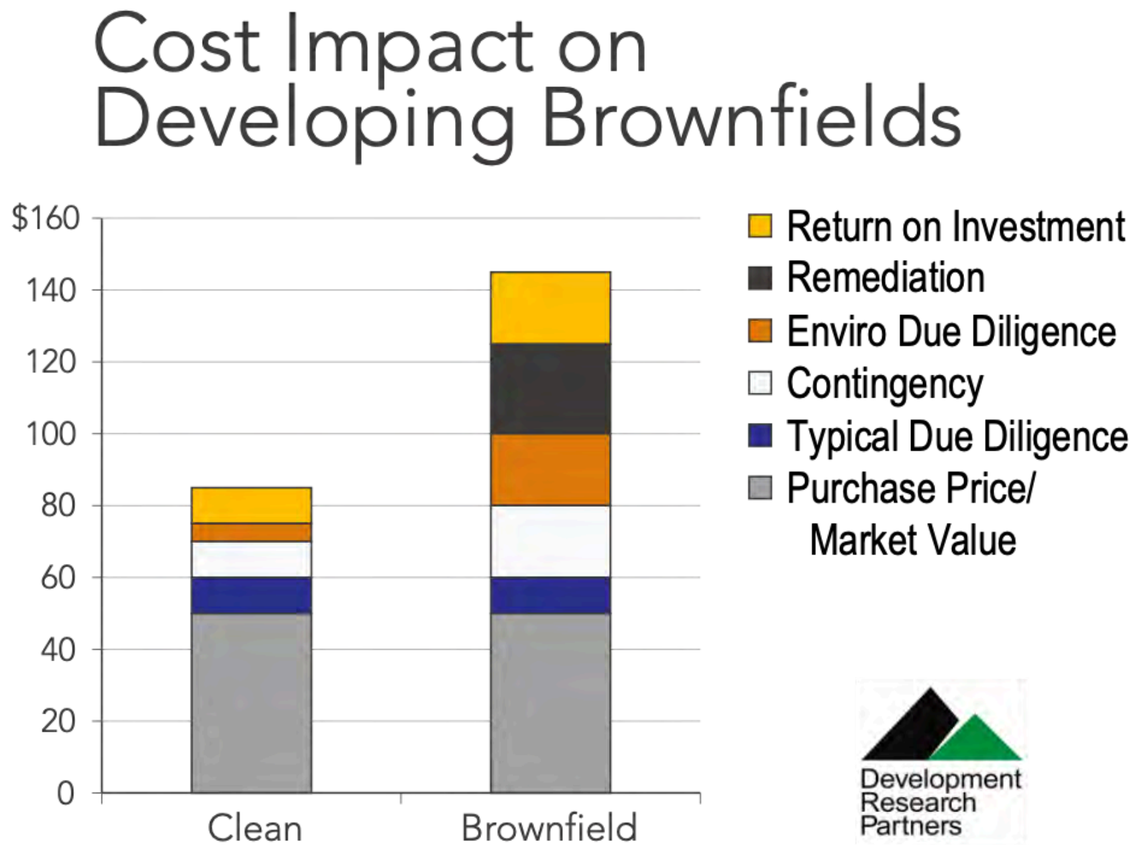


**as of 2023

BROWNFIELDS RISK & COMPLICATIONS

“MAY BE COMPLICATED…”

- Financial risk
- Resale potential
- Property value
- Public perception/relations
- Downgradient properties
- Health of tenants/users
- Ecological receptors
- Project delays or complications
- Funding hold ups
- Community trauma



$2,000 - Over $100,000

assessement & cleanup planning only

Brownfields & Environmental Liability

CERCLA - 1980

- Applies primarily to contamination that has already occurred.
- “Superfund” – fund to clean up abandoned sites through recovering cleanup costs from potential responsible parties (PRPs)
- Includes “Brownfields” but cleanup of Brownfields happens at State level
- Applies to:
  - Past and present owners or operators
  - Sellers
  - Buyers
  - Lenders (as mortgage holders)*
  - Trustees

2002 Brownfields Amendment

- Small Business Liability Relief and Brownfields Revitalization Act (“Brownfields Amendment”)
- Modified CERCLA by addressing liability concerns associated with unused or underutilized properties.
- Defines a brownfield site as “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.”

BARRIERS FOR COMMUNITY DRIVEN DEVELOPMENT

1. Property acquisition
2. Funding & leveraging
3. Establishing partnerships
4. Organizational capacity

Join at menti.com | use code 3518 6387

GROUNDWORK USA

What barriers have you encountered to developing brownfields?

39 responses

18

OVERCOMING BARRIERS REQUIRE...

1. Creative Solutions
2. Diverse Capital Stacks
3. Multidisciplinary Team
4. Subject Matter Experts
5. Project Champion
6. Community Support
7. Mitigating Risk
8. Strategic Partnerships & Collaborations
9. And so much more!...

BROWNFIELDS REDEVELOPMENT PROCESS

THE **BROWNFIELD** PROCESS

EPA United States Environmental Protection Agency

COMMUNITY INVOLVEMENT

IDENTIFY SITE WITH REUSE POTENTIAL

A M

PHASE I ASSESSMENT ALL APPROPRIATE INQUIRY

A M T

ENTER STATE VOLUNTARY CLEANUP PROGRAM

A C M R

PHASE II ASSESSMENT

A M T

SITE VISION AND REUSE

A M

CLEANUP PLAN (ABCA)

A M C T R

LEVERAGE RESOURCES

$

CLEANUP ACTIVITY

M C R

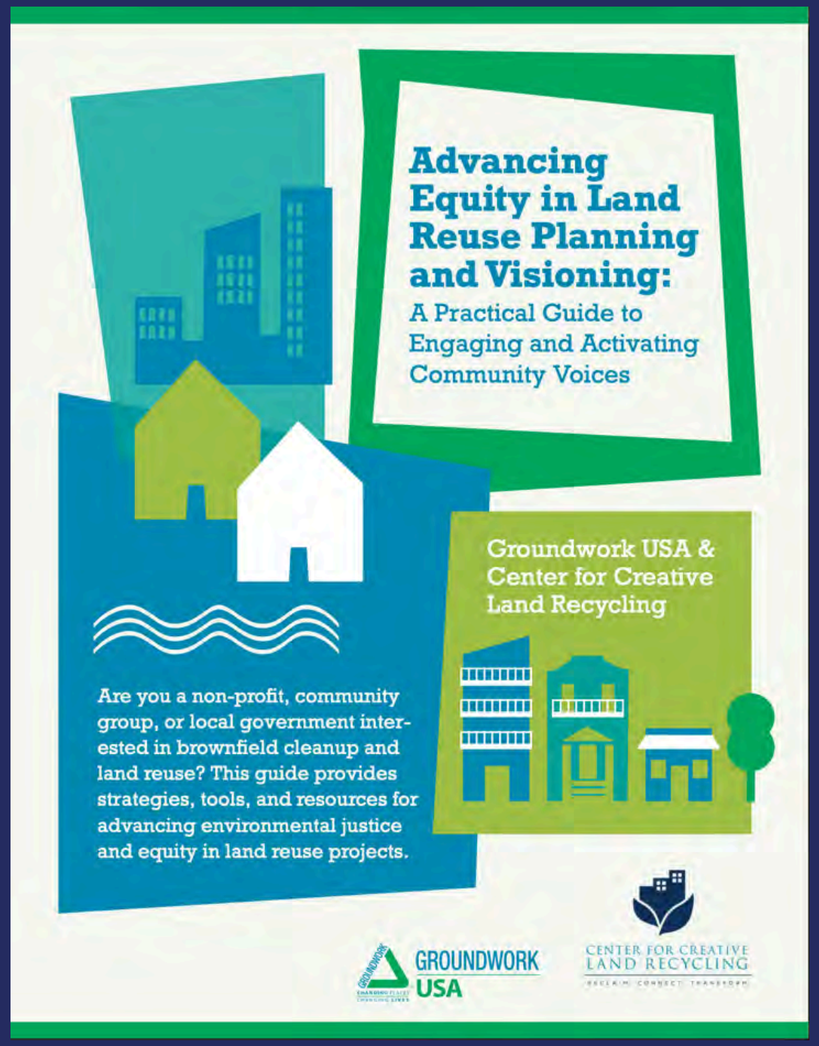
REDEVELOPMENT

8

EPA BROWNFIELD GRANTS AND RESOURCES

TARGETED BROWNFIELD ASSESSMENT=T ASSESSMENT=A CLEANUP=C REVOLVING LOAN FUND=R MULT-PURPOSE=M

WHO IS INVOLVED? KEY STAKEHOLDERS



Phase 1

Phase 1: Establish a Team and Build Competencies to Identify Community Needs and Priorities

During this phase, the project champion should convene a working team that includes stakeholders and other community members who are interested in taking an active role in identifying the community needs associated with property reuse.

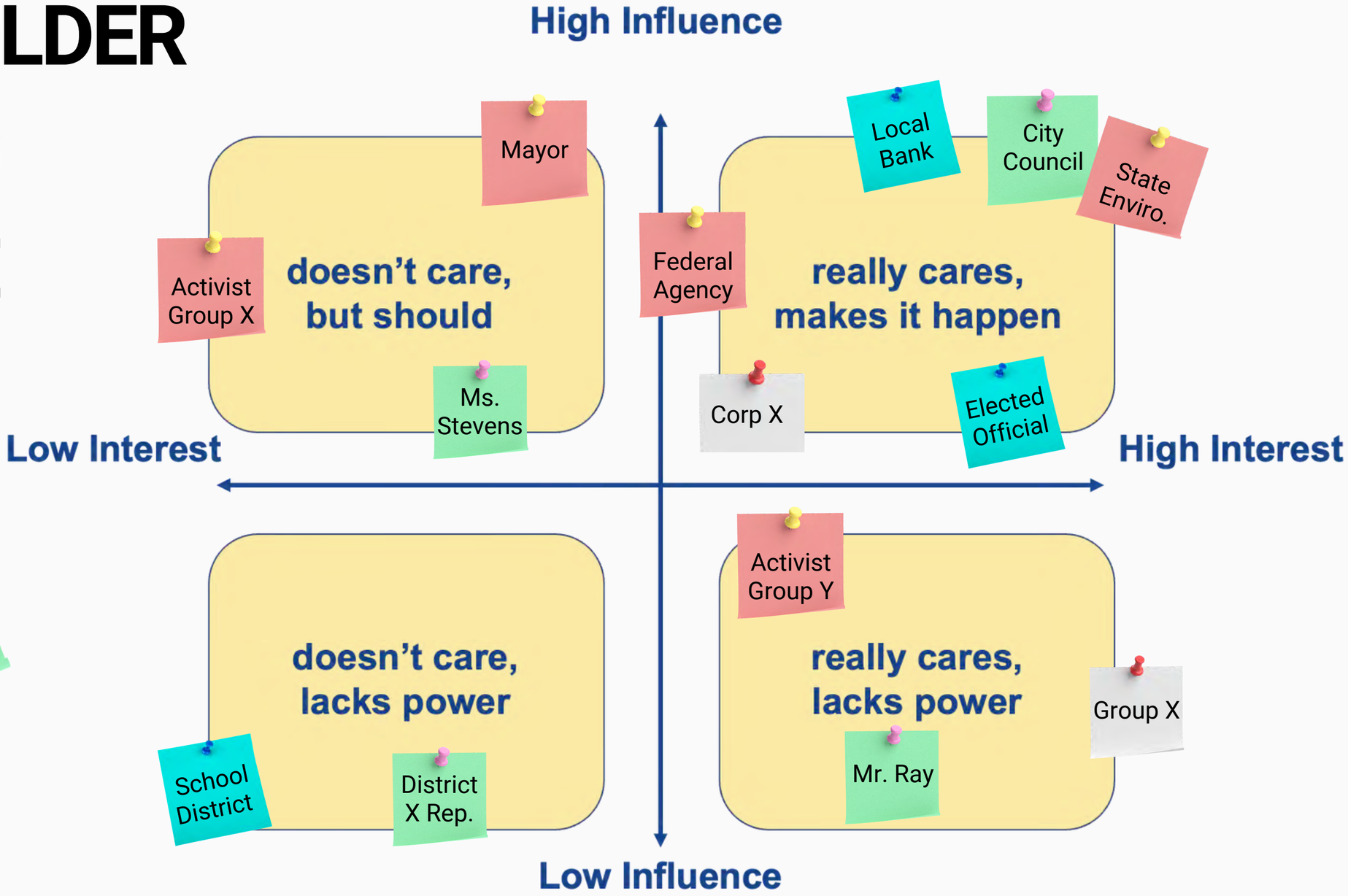
Stakeholders can include a wide range of entities and individuals (as shown in Chapter 4 of the Brownfields Stakeholders Forum Kit). These may include:

- Neighborhood residents, youth, and abutters
- Community institutions—such as schools, clinics, and libraries—and their leaders
- Non-profits, neighborhood civic groups, community-based organizations, and faith-based groups
- Local, state, and federal elected officials
- State and federal agencies with potential resources
- Local business leaders (such as from the Chamber of Commerce, local merchant, etc.)
- Local planning officials
- Entities in the vicinity of the development
- Philanthropic groups
- Technical experts (i.e. real estate attorneys, environmental engineers, etc.)
- Potential developers or development companies

Potential Stakeholders in a Brownfields Project Team

STAKEHOLDER MAPPING EXAMPLE

Team exercise to brainstorm level of outreach and involvement of stakeholders as defined by the project.

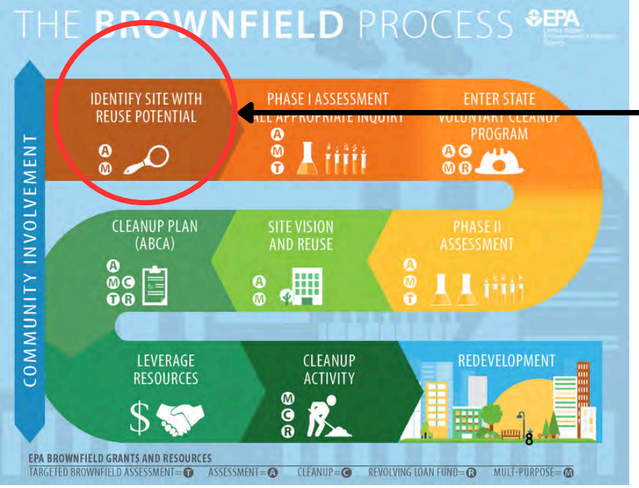


COMMUNITY INVOLVMENT

Principles of Environmental Justice #7 *demands the right (of community members) to participate as equal partners at every level of decision making, including needs assessment, planning, implementation, enforcement, and evaluation.*

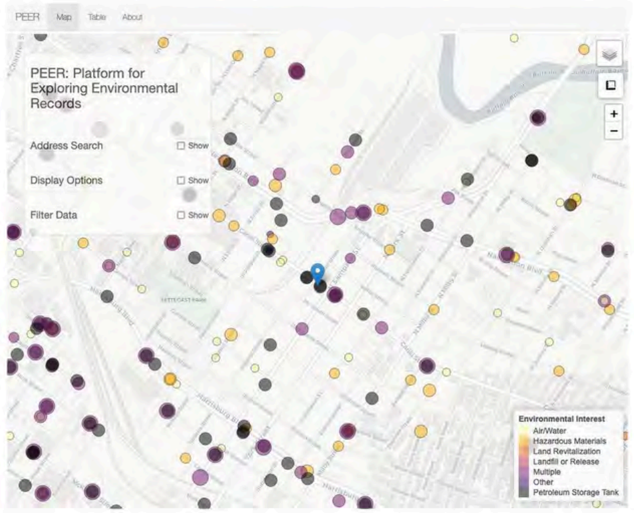
https://www.ejnet.org/ej/principles.html

Attygalle, L. (2020). Understanding Community-Led Approaches to Community Change. from Tamarack Institute



IDENTIFY SITE WITH REUSE POTENTIAL

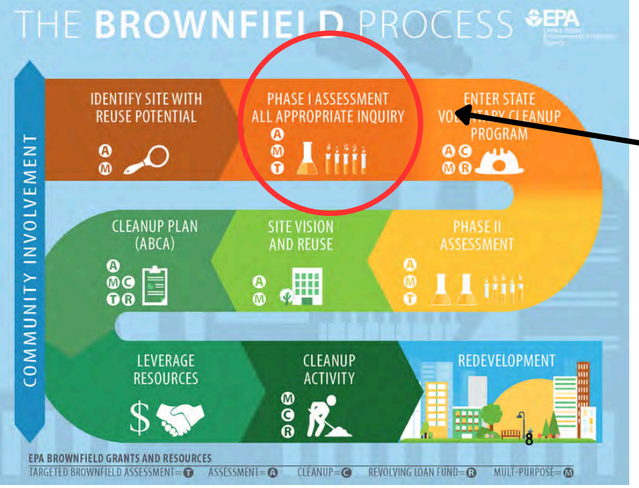
1. Create an inventory of all potential properties your organization or community is interested in redeveloping.
2. Select properties for redevelopment based on your desired selection criteria.
3. Conduct preliminary research into ownership history, environmental records, and eligibility for EPA funding.



The Platform for Exploring Environmental Records (PEER) is an interactive, open-source data tool that aggregates and displays publicly-available environmental records in an easy-to-use, accessible way.

COST: $0 - low *Inventories can be expensive if GIS-based

FUNDING SOURCE: Private or EPA Grant



PHASE I ASSESSMENT

ALL APPROPRIATE INQUIRY (AAI)

ASTM INTERNATIONAL

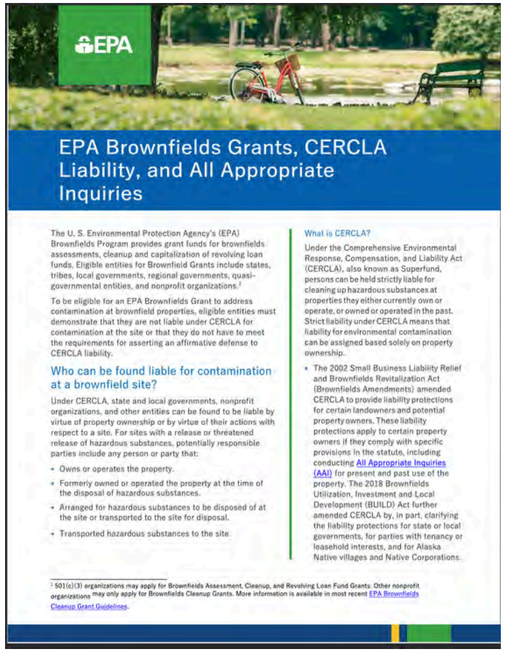
All appropriate inquiries (AAI) is the process of evaluating a property's environmental conditions, which may be relevant to assessing potential liability for any contamination.

AAI is satisfied with Phase I Environmental Site Assessment Report compliant with ASTM Standard E1527-21

CERCLA LIABILITY PROTECTION:

1. **Bona fide prospective purchaser** (Protection for the owner of the site with known contamination at the time of purchase)
2. **Innocent landowner defense** (traditional)
3. **Contiguous property owner protection** (Protects from off-site migration)

www.epa.gov/brownfields/brownfields-all-appropriate-inquiries#background


EPA

EPA Brownfields Grants, CERCLA Liability, and All Appropriate Inquiries

The U. S. Environmental Protection Agency's (EPA) Brownfields Program provides grant funds for brownfields assessments, cleanup and capitalization of revolving loan funds. Eligible entities for Brownfield Grants include states, tribes, local governments, regional governments, quasi-governmental entities, and nonprofit organizations.[1]

To be eligible for an EPA Brownfields Grant to address contamination at brownfield properties, eligible entities must demonstrate that they are not liable under CERCLA for contamination at the site or that they do not have to meet the requirements for asserting an affirmative defense to CERCLA liability.

Who can be found liable for contamination at a brownfield site?

Under CERCLA, state and local governments, nonprofit organizations, and other entities can be found to be liable by virtue of property ownership or by virtue of their actions with respect to a site. For sites with a release or threatened release of hazardous substances, potentially responsible parties include any person or party that:

- Owns or operates the property.
- Formerly owned or operated the property at the time of the disposal of hazardous substances.
- Arranged for hazardous substances to be disposed of at the site or transported to the site for disposal.
- Transported hazardous substances to the site.

What is CERCLA?

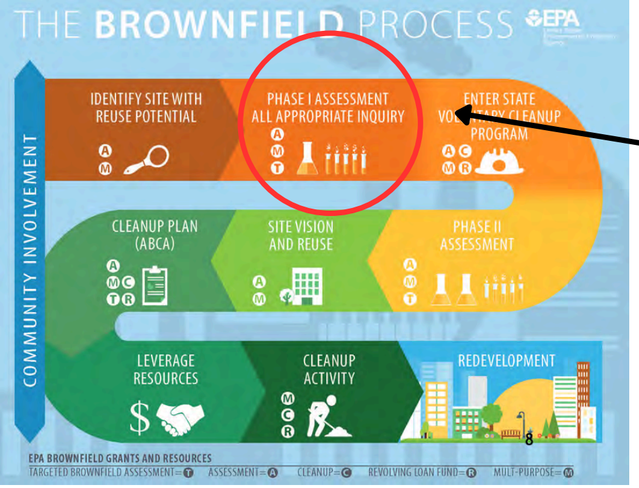
Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, persons can be held strictly liable for cleaning up hazardous substances at properties they either currently own or operate, or owned or operated in the past. Strict liability under CERCLA means that liability for environmental contamination can be assigned based solely on property ownership.

- The 2002 Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Amendments) amended CERCLA to provide liability protections for certain landowners and potential property owners. These liability protections apply to certain property owners if they comply with specific provisions in the statute, including conducting All Appropriate Inquiries (AAI) for present and past use of the property. The 2018 Brownfields Utilization, Investment and Local Development (BUILD) Act further amended CERCLA by, in part, clarifying the liability protections for state or local governments, for parties with tenancy or leasehold interests, and for Alaska Native villages and Native Corporations.

[1] 501(c)(3) organizations may apply for Brownfields Assessment, Cleanup, and Revolving Loan Fund Grants. Other nonprofit organizations may only apply for Brownfields Cleanup Grants. More information is available in most recent EPA Brownfields Cleanup Grant Guidelines.

COST: $2,000 - 10,000 *cost varies with property size & complexities

FUNDING SOURCE: Private or EPA Grant



PHASE I ASSESSMENT

ALL APPROPRIATE INQUIRY (AAI), CONT.

ASTM Standard E1527-21 Phase I Environmental Site Assessment

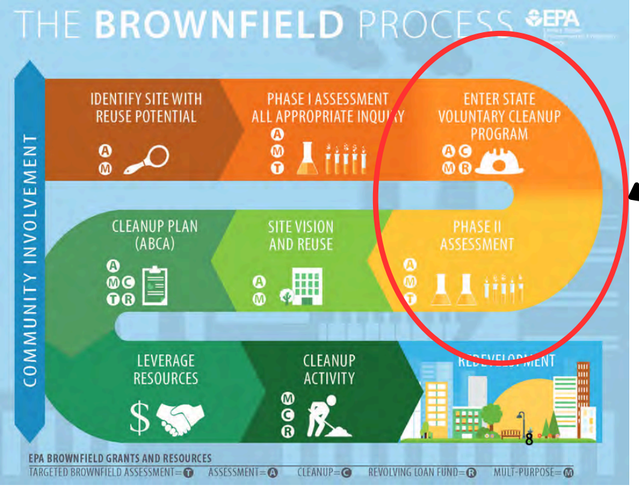
*conducted by an Environmental Professional defined by 40 CFR 312

What it is:

- Non-intrusive (no sampling) property research report
- Intended to determine current and past property use
- Intended to identify presence or likely presence of contamination
- Opens the door to Landowner Liability Protection for landowners and prospective purchasers
- Conducted prior to property transfer
- Required for financing and federal funding (specifically EPA Cleanup grants)

What it is NOT:

- An environmental database report
- A checklist
- An ironclad defense against all liability
- Valid forever
- Afford protections to anyone who has a copy of the report.

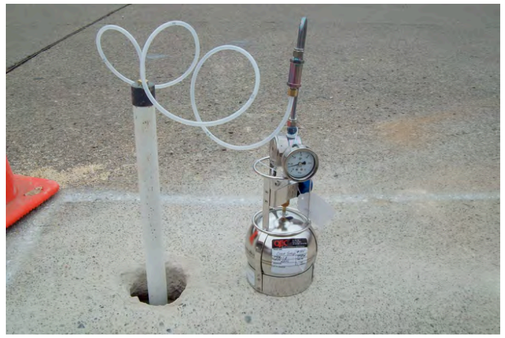


SITE ASSESSMENT

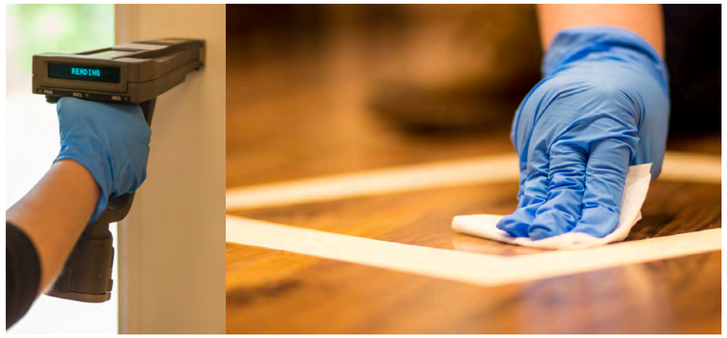
1. Sampling and analysis of potentially affected media
2. **Phase II Site Assessment** - to collect data to determine the presence of contamination based on Phase I findings.
3. **Additional Assessment** - to collect data to determine the nature and extent of contamination

EXAMPLES


Soil

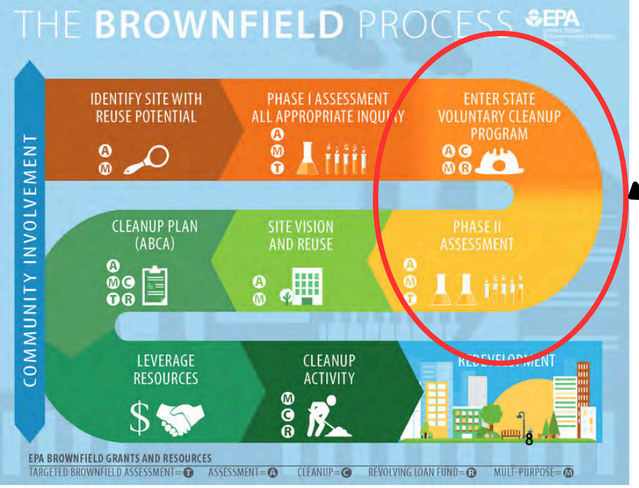

Soil-Gas


Groundwater


Building Materials

COST: $10,000 - 100,000 *cost varies with property size & complexities

FUNDING SOURCE: Private, EPA Grant

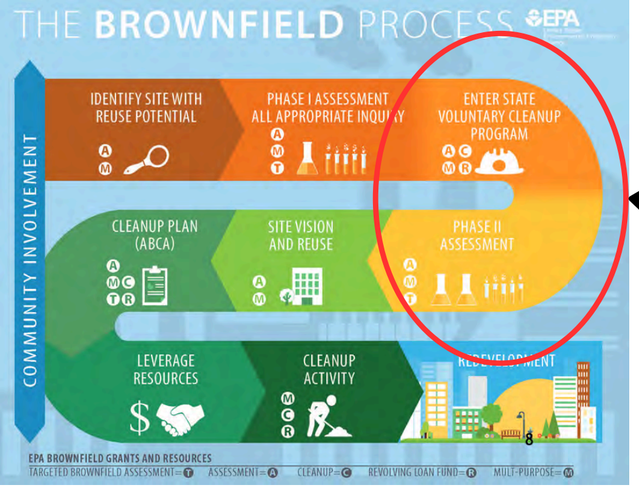


SITE ASSESSMENT, CONT.

When contamination is discovered, state regulations will dictate the next steps for reporting to the state environmental agency and appropriate cleanup program (e.g., Voluntary Cleanup, Corrective Action, Petroleum Storage Tank, or State Health Department). Reporting and cleanup requirements are based on the type of contamination and the risk they pose to human and ecological health receptors.

VOLUNTARY CLEANUP PROGRAMS

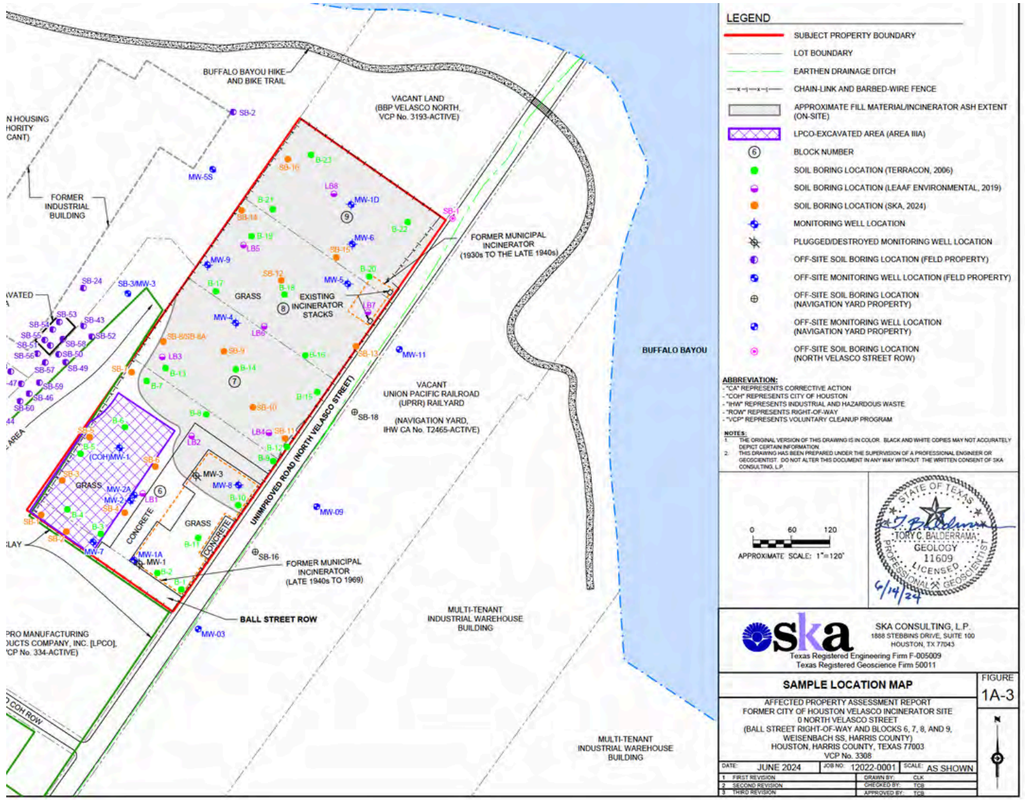
Beginning in the mid-1990s, EPA increased its partnerships with states through VCPs to address the cleanup of brownfields and to strengthen and build program capacity. As part of that effort, EPA has entered into memoranda of agreement with individual states to encourage the voluntary cleanup of brownfields under VCP oversight.



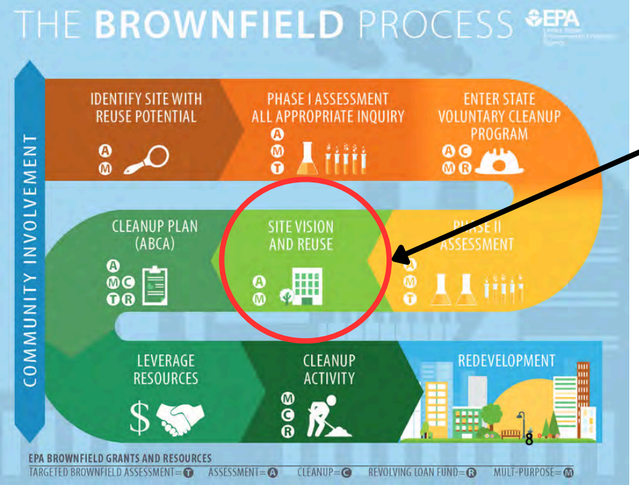
SITE ASSESSMENT, CONT.

Example: Velasco Incinerator

www.bankingvelasco.org



- Chemicals of concern (COCs) exceeding their Tier 1 Human Health PCLs in soil are mostly found in the fill material/incinerator ash.
  - Pentachlorophenol (PCP)
  - Polychlorinated biphenyls (PCBs)
  - Equivalent 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD aka dioxins/furans)
  - Metals (antimony, arsenic, cadmium, copper, and lead)
- COCs in groundwater were non-detect or below drinking water standards.
- Based on the types of COCs found on site, there is no potential exposures to affected surface soil via inhalation of volatiles.



SITE VISIONING & REUSE

"You might be a facilitator, you might be an academic, but you don't study poverty, honey, you experience it. And we need to empower those who have to not carry just the burden, but carry the solution; allow them the space to present the solution."

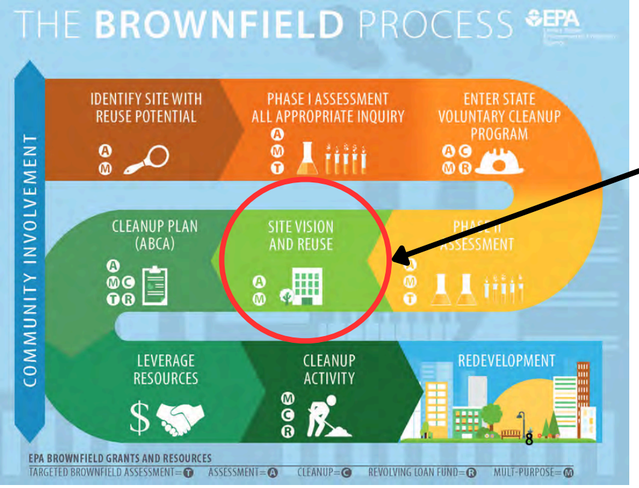
— RECoDE Interviewee, data.org

https://data.org/reports/recode-report/

COST: $0 - 60,000+

*Cost varies with the extent of engagement and/or professional services required

FUNDING SOURCE: Private, EPA Grant, Volunteers/In-Kind, Academia, Philanthropy, other public funding (City, State, HUD, etc.)



SITE VISIONING & REUSE, CONT.

EPA-Funded Visioning & Reuse Planning Activities

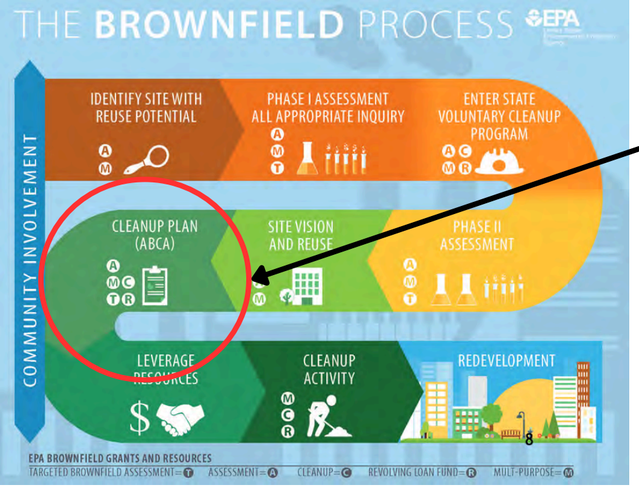
www.epa.gov/brownfields/eligible-planning-activities#Info

Planning to Initiate Revitalization:

- Climate-Smart Brownfields Planning
- Equitable Development Activities
- Brownfields Area-Wide Planning
- Site Reuse Assessment
- Land Use Assessment
- Market Study
- Infrastructure Evaluation
- Community Health Assessment
- Site Disposition Strategy

Planning to Prepare Revitalization:

- Site Reuse Vision
- Resource Roadmap
- Revitalization Plan
- Evaluation of Market Viability
- Economic Impact Analysis
- Fiscal Impact Analysis



CLEANUP PLAN

Analysis of Brownfields Cleanup Alternatives (ABCA)

"Remedy solution" must be technically and financially feasible for the desired reuse of the property, considering risk to future occupants.

Common Cleanup Options

- Institutional controls (e.g., deed restrictions)
- Removal of contaminated soil or media (including building materials)
- In-situ groundwater treatment
- Ex-situ treatment systems
- Capping and engineering controls
- Barriers and capture trenches
- Natural attenuation

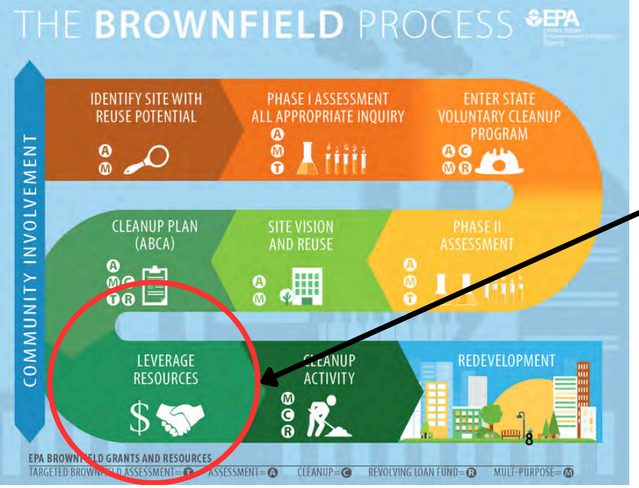
COST: $10,000 - $100,000+

*Depending on the level of engineering design and professional services.

FUNDING SOURCE: Private, EPA Grant, EPA Revolving Loan, Escrow, and other public funding.

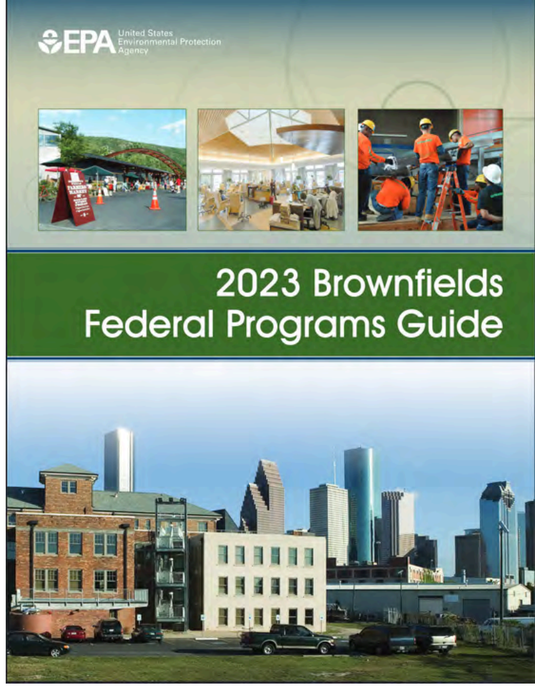
Example Cleanup Plan: Velasco Incinerator, Houston

Action	Pros/Cons	Timeline	Cost	Other Costs
OPTION 1 - Cap Entire Site with no reuse	**Pro:** Cheapest option **Con:** No beneficial use for community	2-3 years	$3 M	Ongoing operation and maintenance (O&M) of cap required for 30 years
OPTION 2 (Preferred) Limited soil removal, capping and support of park system infrastructure	**Pro:** Reuse options available for community benefit, revenue generation, and climate action **Con:** Post-closure action and limited use	3-4 years	$5 M	Ongoing O&M required (add to parks maintenance budget)
OPTION 3 - Remove all waste for unrestricted development	**Pro:** Residential use possible **Con**: Expensive & exposure of waste during off-site removal to nearby residents	4+ years	$20 M+	No post-closure action



LEVERAGING RESOURCES

www.epa.gov/brownfields/brownfields-federal-programs-guide-2023



Funding Needs (Simplified):

1. Due Diligence (pre-purchase)
2. Planning and permitting
3. Assessment & regulatory compliance
4. Cleanup
5. Legal and professional services
6. Construction and development
7. Community involvement activities

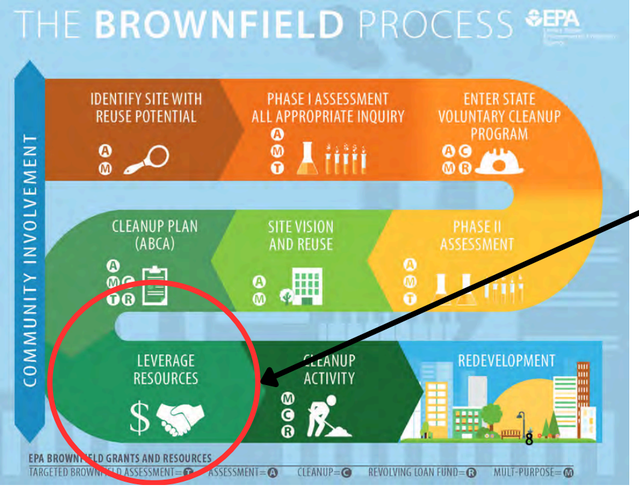
Funding Options

1. Federal or State Grants
2. Philanthropy
3. Tax Credits
4. Traditional Financing
5. Private Financing
6. EPA Funded Revolving Loan Programs (Cleanup)
7. Technical Assistance

COST: $10,000 - $100,000+

*Costs for grant writing or matching may be required.

Funding Source (for fundraising efforts only): Private or philanthropic



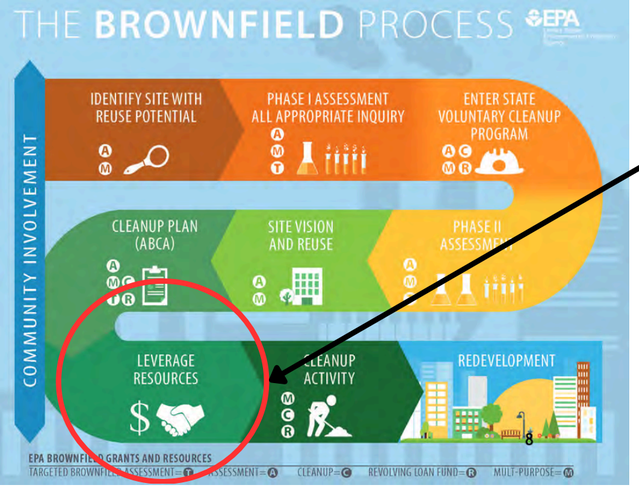
LEVERAGING RESOURCES, CONT.

Tips

1. Create your pitch (1-2 pager)
2. Understand your funding needs
3. Support your story with DATA
4. Shop your project around
5. Research Funding Opportunties
6. Apply! There's value in trying.
7. Conduct debriefs if not awarded funding
8. Repeat!

TYPES OF EPA BROWNFIELD GRANTS

- Assessment Grants - Provide funding for brownfield inventories, planning, environmental assessments, and community outreach
- Cleanup Grants - Provide funding to carry out cleanup activities at brownfield sites owned by the applicant
- Multipurpose (MP) Grants - Provide funding to conduct a range of eligible assessment and cleanup activities at one or more brownfield sites in a target area
- Revolving Loan Fund (RLF) Grants - Provide funding to capitalize loans that are used to clean up brownfield sites
- Job Training (JT) Grants - Provide environmental training for residents impacted by brownfield sites in their communities
- State and Tribal Response Program Grants - Provide non-competitive funding to establish or enhance State and Tribal Brownfields response programs



LEVERAGING RESOURCES, CONT.

Technical Assistance to Brownfields Programs
EJ Thriving Communities Technical Assistance Centers

Regional TCTAC Selections

Region 1
- University of Connecticut

Region 2
- West Harlem Environmental Action, Inc.
- Inter-American University of Puerto Rico-Metro Campus

Region 3
- National Wildlife Federation

Region 4
- Research Triangle Institute

Region 5
- Blacks in Green
- University of Minnesota

Region 4 & 6
- Deep South Center for EJ

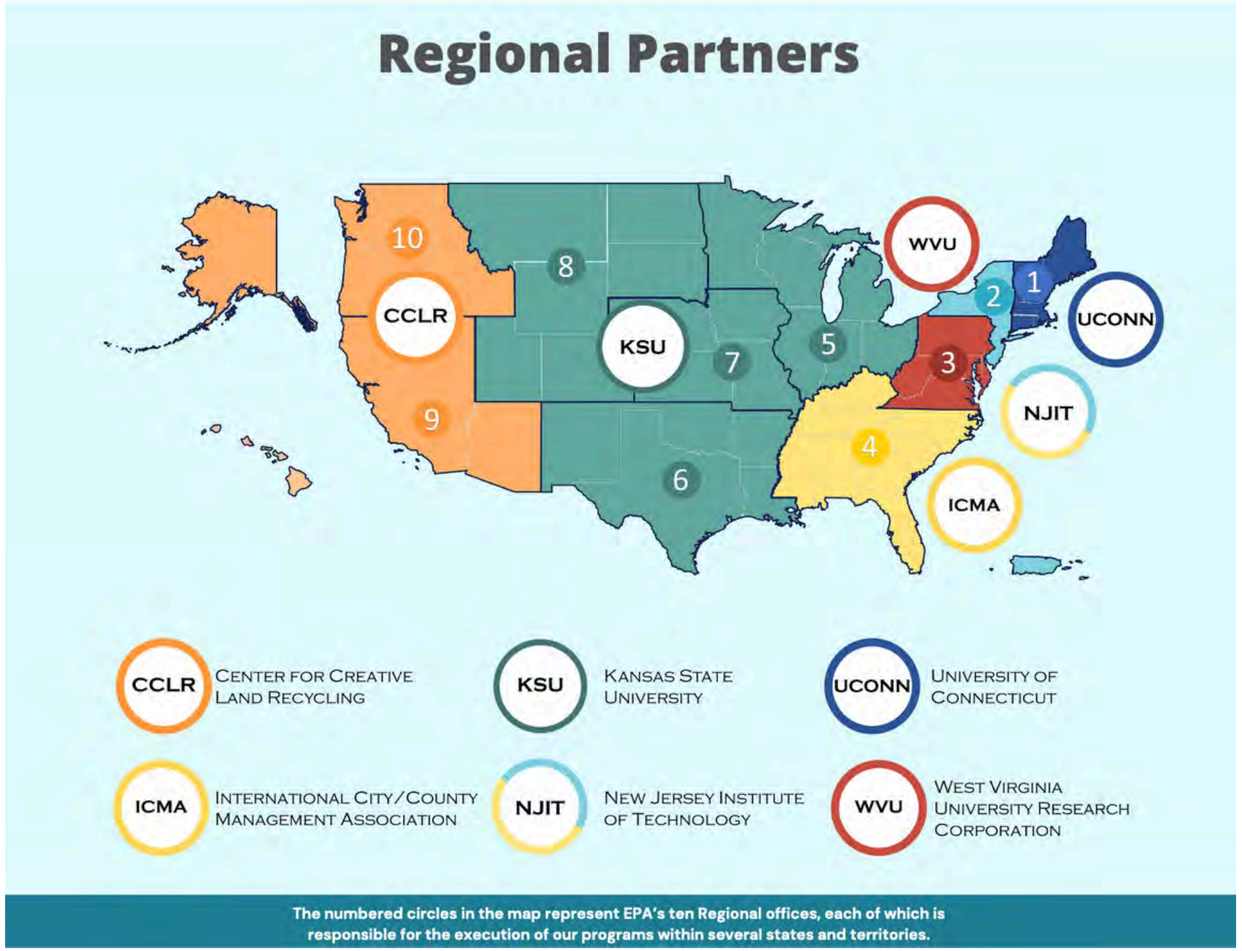
Region 6
- New Mexico State University

Region 7
- Wichita State University

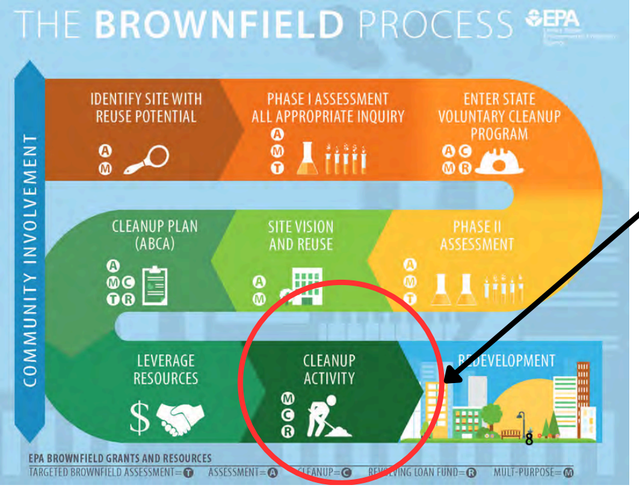
Region 9
- University of Arizona
- San Diego State University

Region 10
- Willamette Partnership
- University of Washington

www.epa.gov/system/files/documents/2023-04/EJ TCTAC Selection Fact Sheet.pdf



www.epa.gov/brownfields/technical-assistance

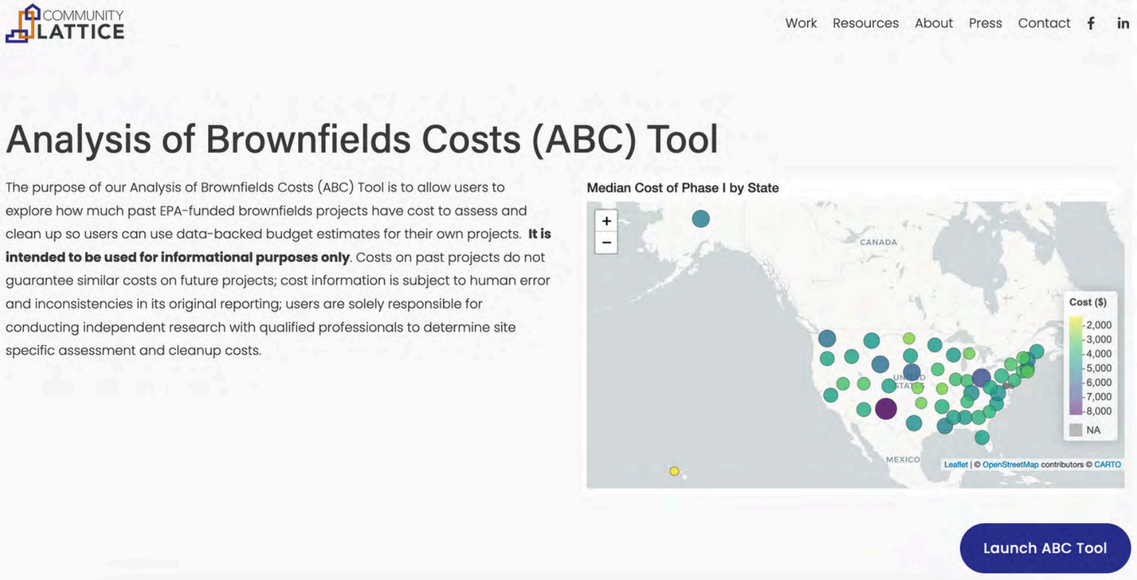


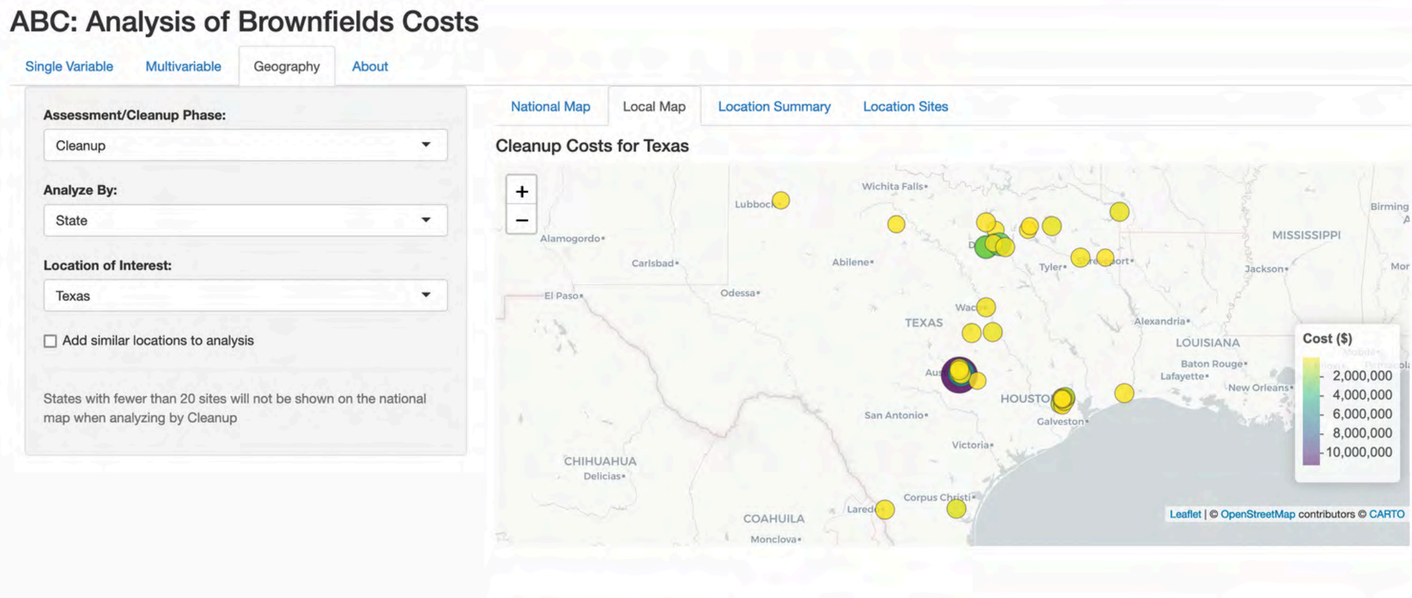
CLEANUP

In 2021, Community Lattice (now Adaapta) was funded by Data.org to work with DataKind to conduct a study of the EPA's ACRES database (25+ years of brownfields data) to understand the cost of cleanup. The following slides present our findings.

www.datakind.org/2022/02/23/predicting-the-costs-challenges-of-brownfield-cleanups-using-open-data-a-datadive-case-study/

We also created the ABC Tool: www.communitylattice.com/abc-tool





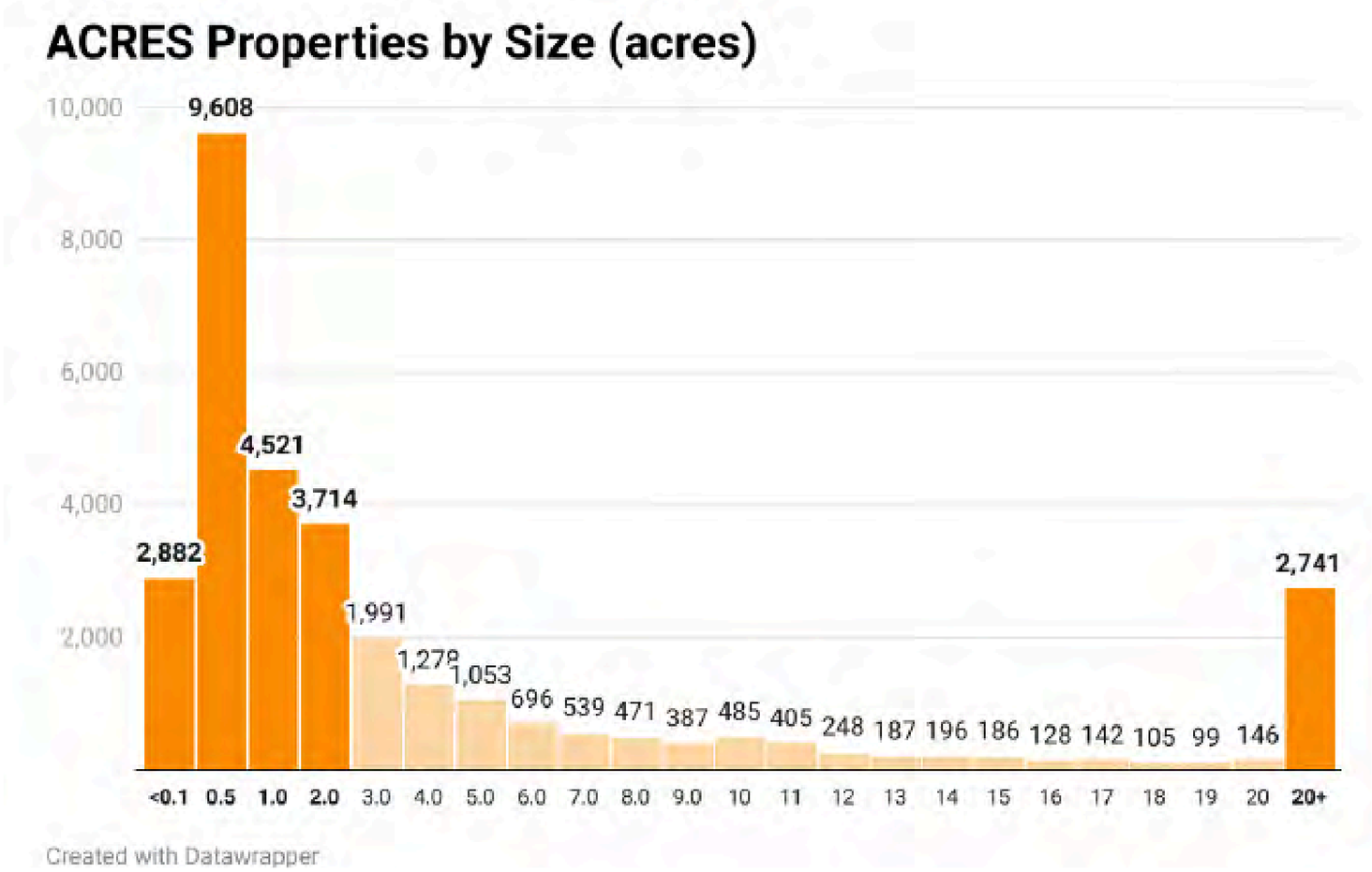
COST: *Costs vary widely

Funding Source: Various (see Leveraging Resources)

ACRES EXPLORATORY DATA ANALYSIS (EDA) FINDINGS

by Community Lattice & DataKind

Number of ACRES records by property size



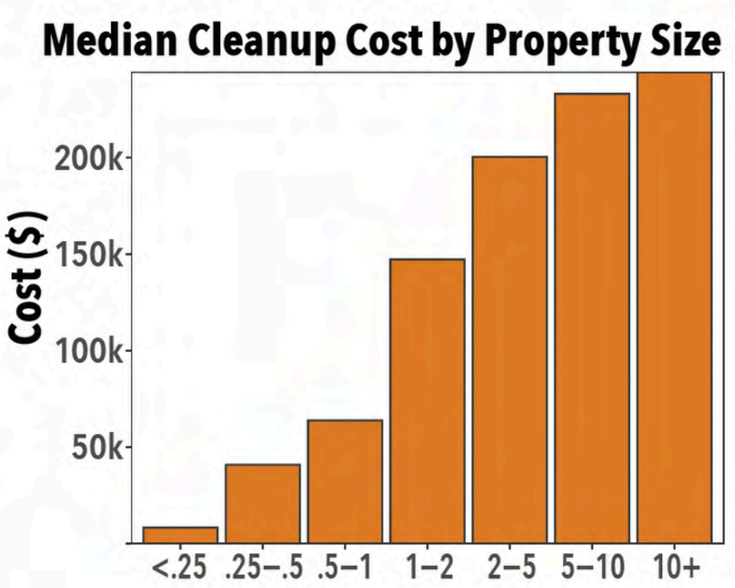
DISCLOSURE: ACRES Data is MESSY! These results give an idea of the cost of cleanup but should not be relied on for decision making.

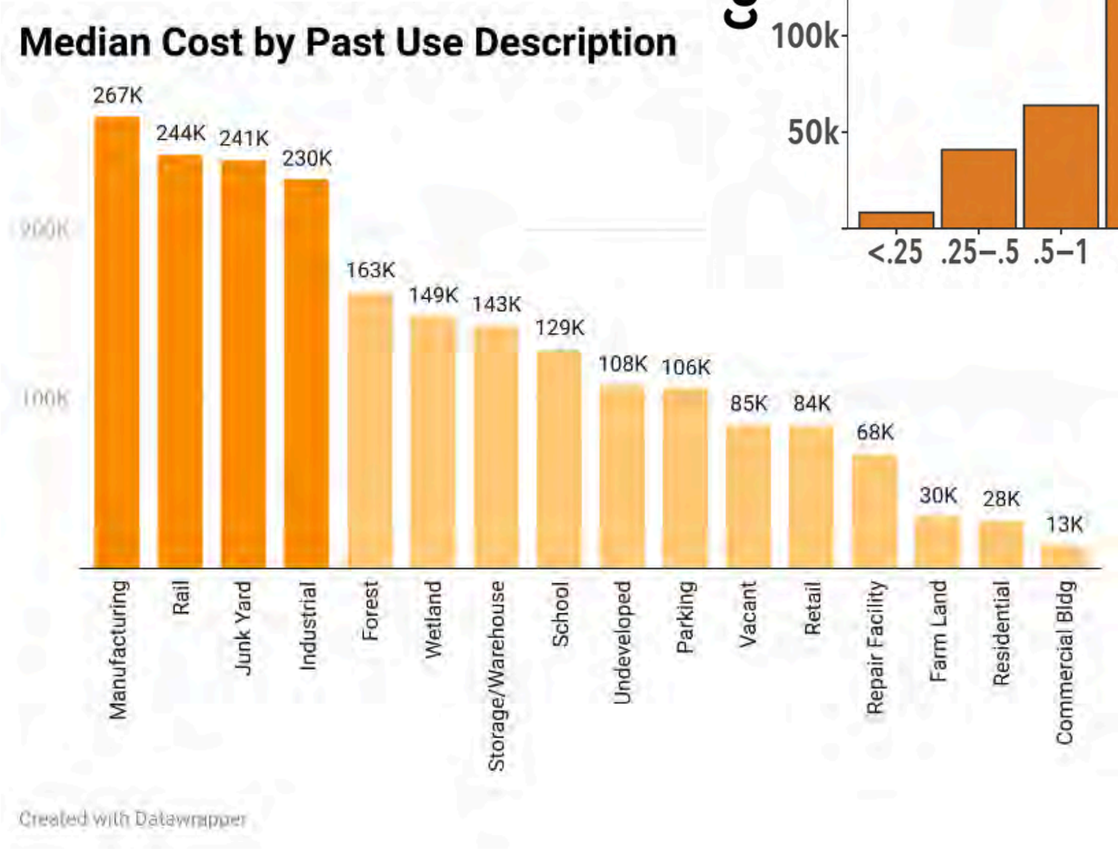
Most properties are less than two acres or more than 20 acres and the largest property is 168,000 acres.

EDA FINDINGS, CONT

Site-specific influences on cleanup costs

- Cleanup costs increase with the size of the property
- Manufacturing facilities, rail and junk yards, and industrial sites are the most expensive to clean up
- Residential and commercial buildings are the least expensive to clean up

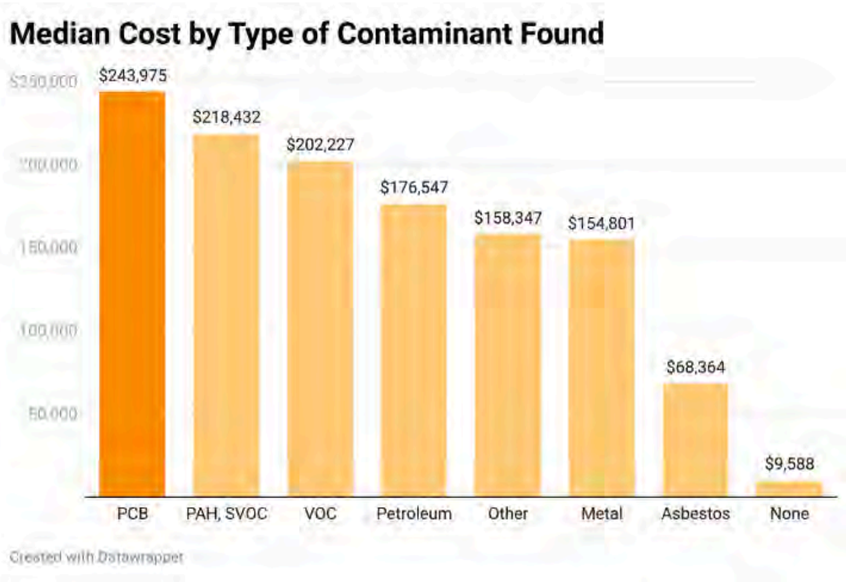


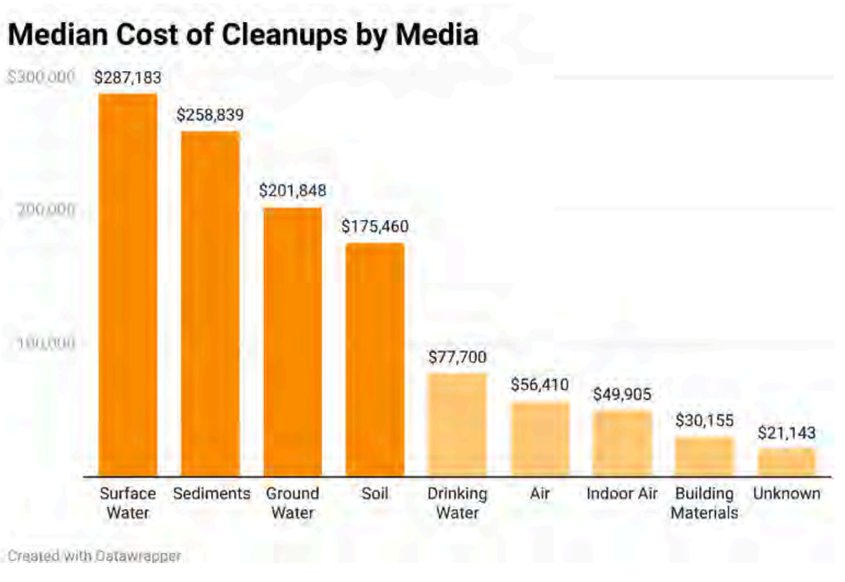


EDA FINDINGS, CONT

Cost by Contaminants & Media Affected

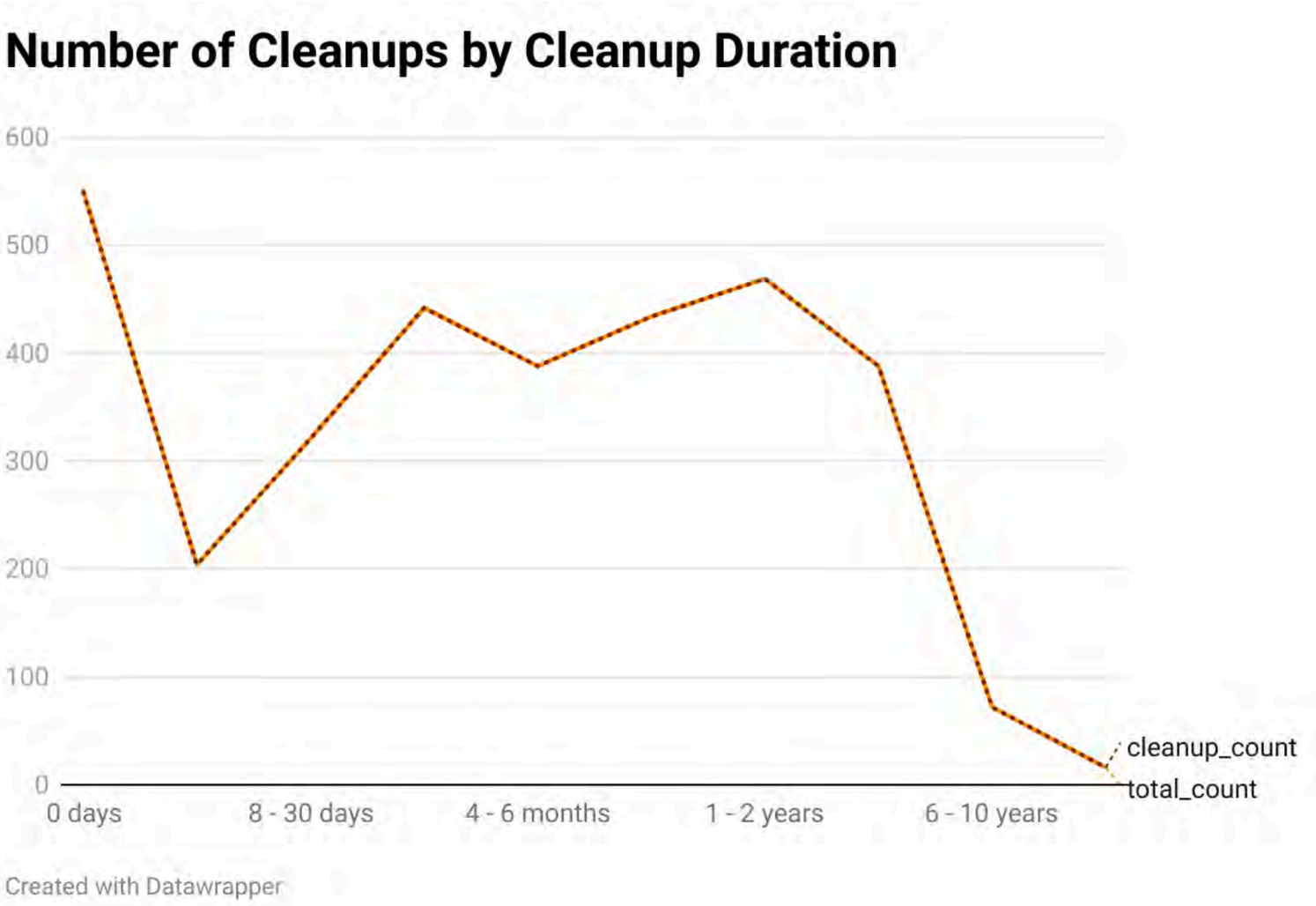
- Cleanup cost increases with # contaminants found
- Organic compounds are the most expensive to clean up, metals are midrange, and asbestos is the least expensive
- Contaminants in surface water and sediments are the most expensive to clean up; air and building materials are the least expensive

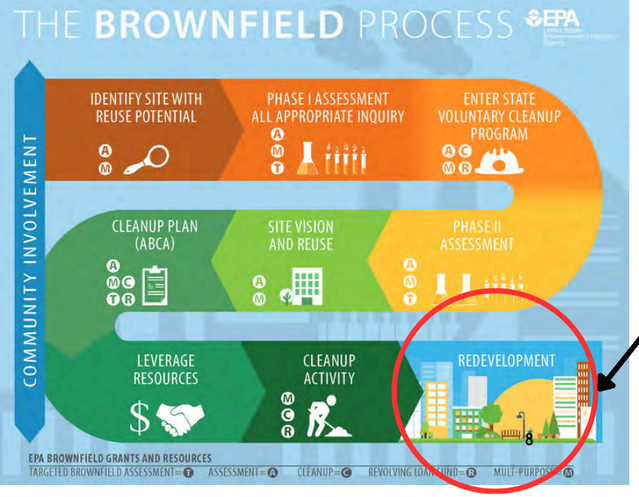




EDA FINDINGS, CONT

Cleanup Duration





REDEVELOPMENT

Brownfield redevelopment (or revitalization) refers to the process of returning the property to a safe and sustainable use after site assessment and cleanup. (U.S. EPA)

Ongoing Considerations

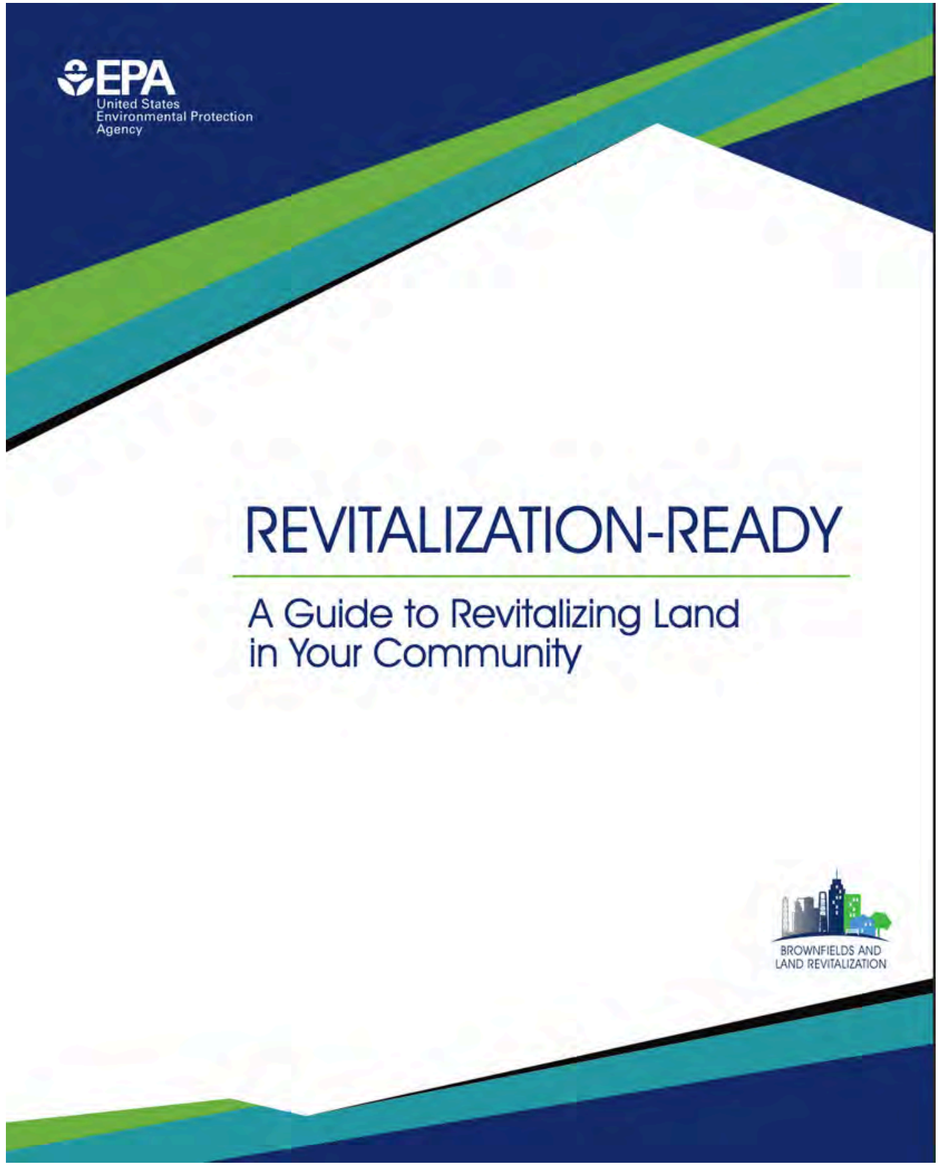
- Ongoing community engagement & partnerships
- Discovering a new environmental condition
- Record keeping and grant reporting
- Construction & project management
- Public health and safety
- Climate adaptation & resiliency
- Don't forget to celebrate the wins!

St. Elizabeth's Hospital, Houston, Texas
Fifth Ward Community Redevelopment Corporation

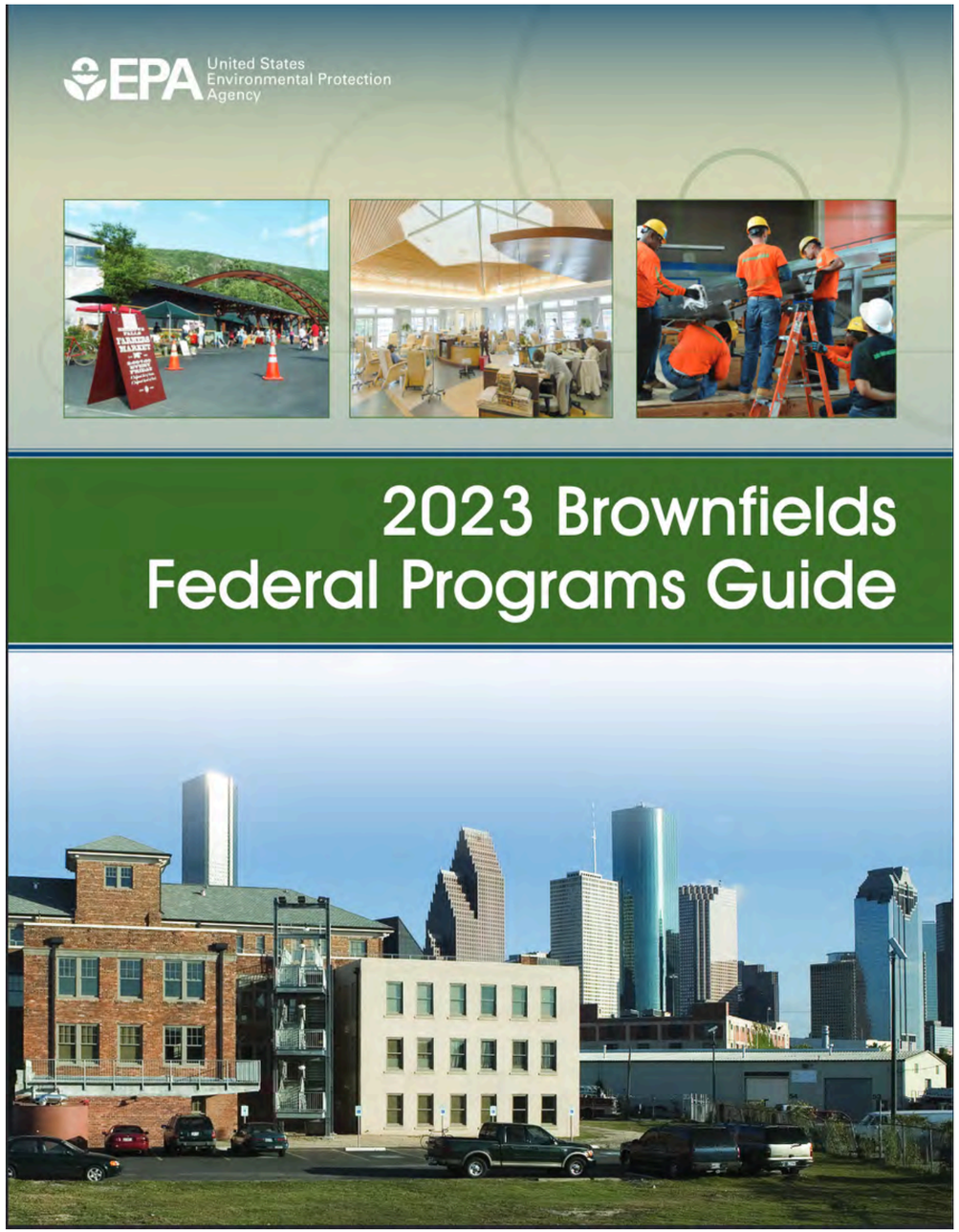
COST: *Costs vary widely

Funding Source: Various (see Leveraging Resources)

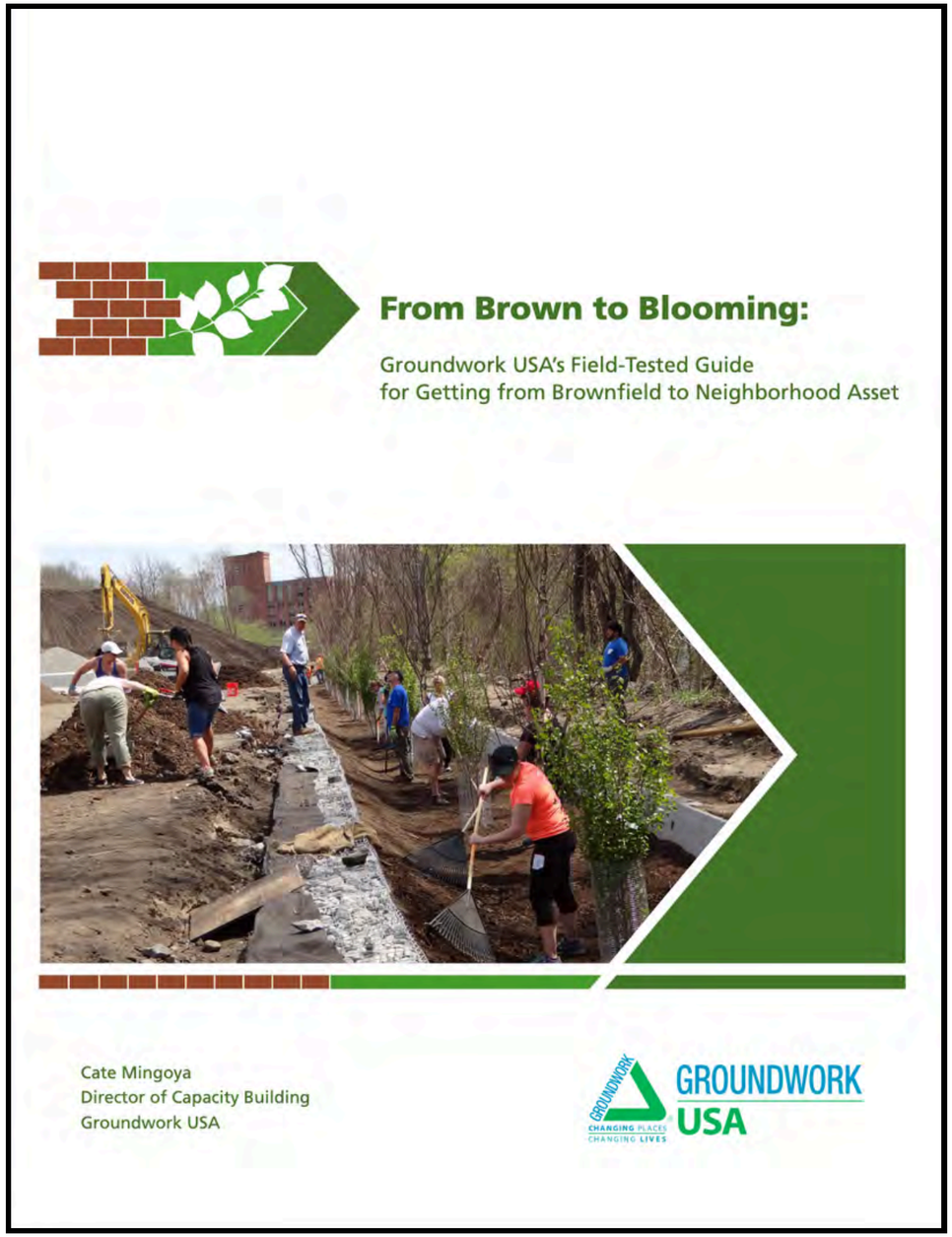
ADDITIONAL RESOURCES



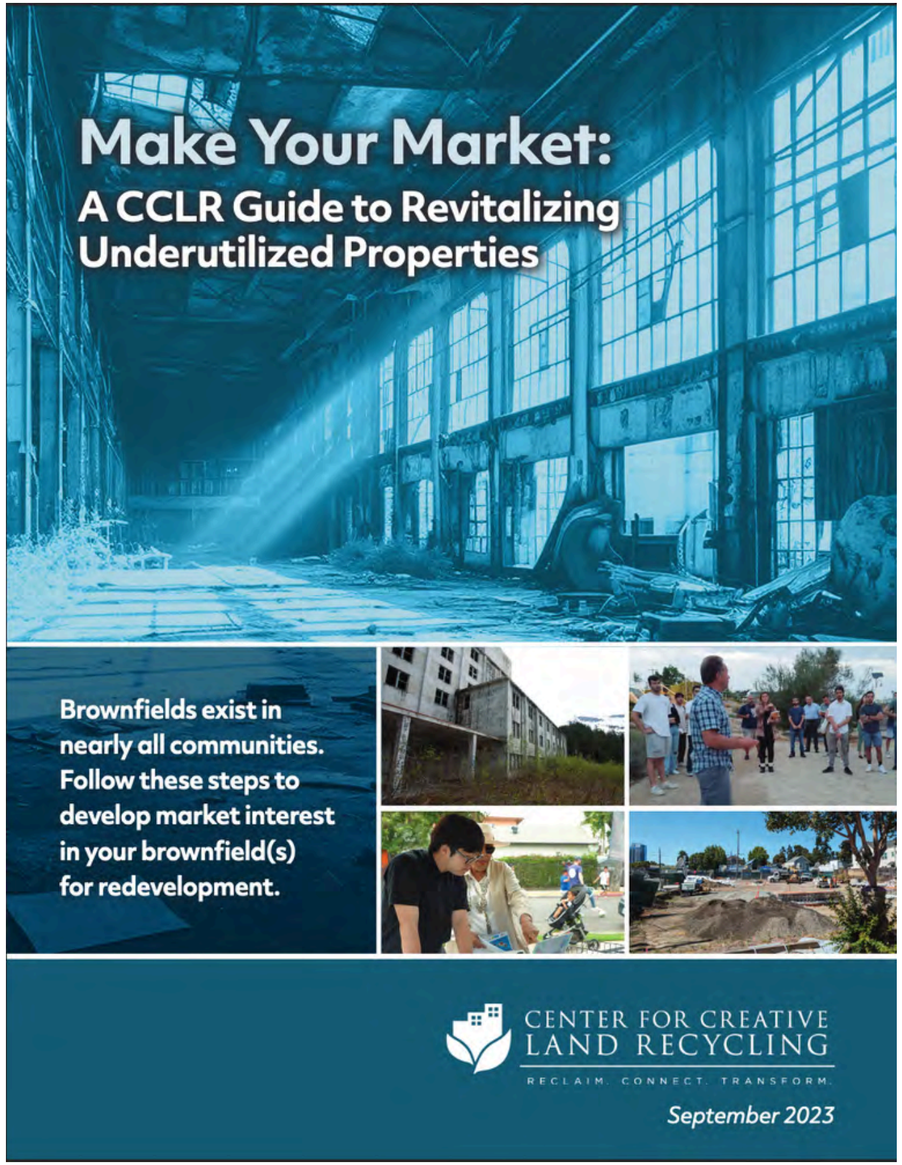
https://www.epa.gov/system/files/documents/2021-12/revitalization-ready-guide-final-508compliant-12-10-21.pdf



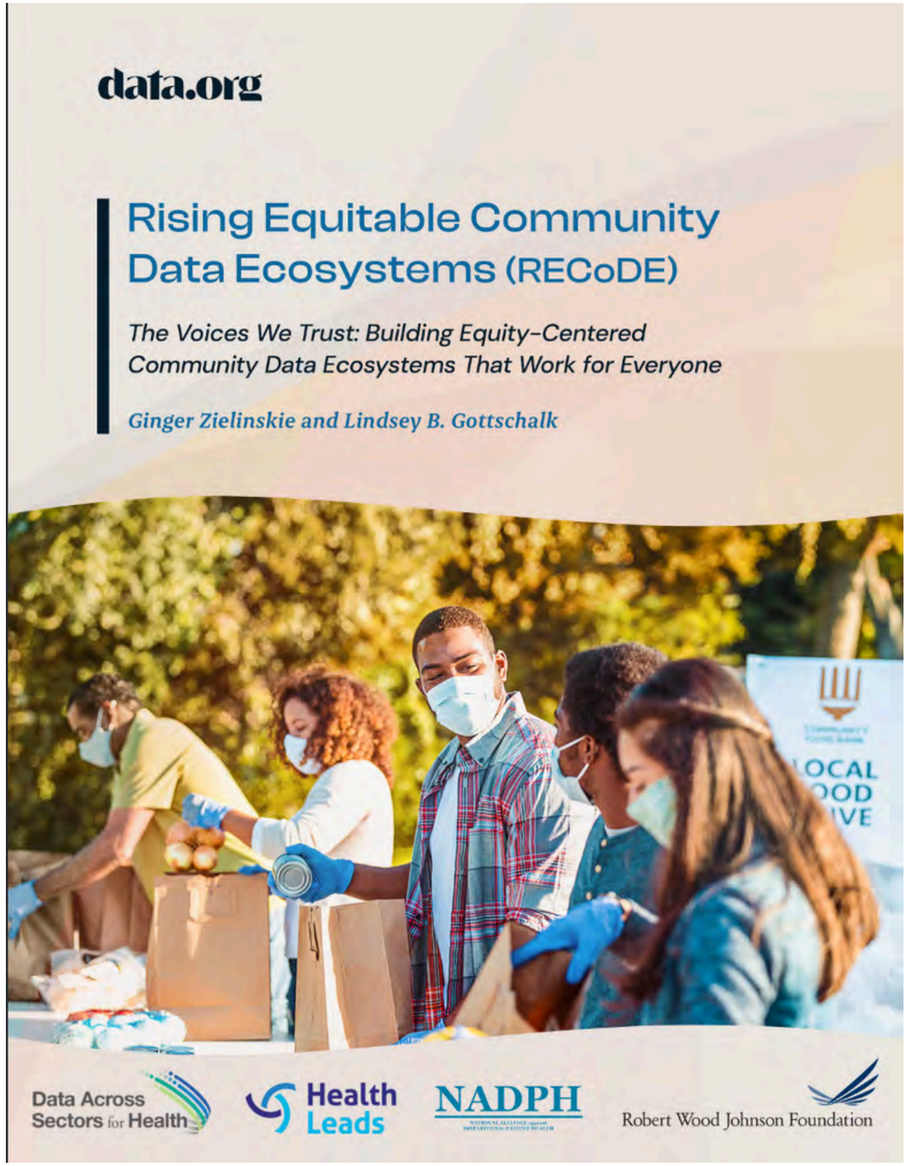
www.epa.gov/brownfields/brownfields-federal-programs-guide-2023



https://groundworkusa.org/eqdevtools/from-brown-to-blooming-groundwork-usas-field-tested-guide-for-getting-from-brownfield-to-neighborhood-asset/



www.cclr.org/wp-content/uploads/2023/10/CCLR_InventoryGuide_2023_FINAL.pdf



https://data.org/wp-content/uploads/2022/02/ReCode-Report.pdf

EPA Brownfields Grants, CERCLA Liability, and All Appropriate Inquiries

The U. S. Environmental Protection Agency's (EPA) Brownfields Program provides grant funds for brownfields assessments, cleanup and capitalization of revolving loan funds. Eligible entities for Brownfield Grants include states, tribes, local governments, regional governments, quasi-governmental entities, and nonprofit organizations.[1]

To be eligible for an EPA Brownfields Grant to address contamination at brownfield properties, eligible entities must demonstrate that they are not liable under CERCLA for contamination at the site or that they do not have to meet the requirements for asserting an affirmative defense to CERCLA liability.

Who can be found liable for contamination at a brownfield site?

Under CERCLA, state and local governments, nonprofit organizations, and other entities can be found to be liable by virtue of property ownership or by virtue of their actions with respect to a site. For sites with a release or threatened release of hazardous substances, potentially responsible parties include any person or party that:

- Owns or operates the property.
- Formerly owned or operated the property at the time of the disposal of hazardous substances.
- Arranged for hazardous substances to be disposed of at the site or transported to the site for disposal.
- Transported hazardous substances to the site.

What is CERCLA?

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as Superfund, persons can be held strictly liable for cleaning up hazardous substances at properties they either currently own or operate, or owned or operated in the past. Strict liability under CERCLA means that liability for environmental contamination can be assigned based solely on property ownership.

- The 2002 Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Amendments) amended CERCLA to provide liability protections for certain landowners and potential property owners. These liability protections apply to certain property owners if they comply with specific provisions in the statute, including conducting All Appropriate Inquiries (AAI) for present and past use of the property. The 2018 Brownfields Utilization, Investment and Local Development (BUILD) Act further amended CERCLA by, in part, clarifying the liability protections for state or local governments, for parties with tenancy or leasehold interests, and for Alaska Native villages and Native Corporations.

[1] 501(c)(3) organizations may apply for Brownfields Assessment, Cleanup, and Revolving Loan Fund Grants. Other nonprofit organizations may only apply for Brownfields Cleanup Grants. More information is available in most recent EPA Brownfields Cleanup Grant Guidelines.

www.epa.gov/brownfields/brownfields-all-appropriate-inquiries#background

ASTM International Technical Committee E50 on Environmental Assessment, Risk Management and Corrective Action

Scope

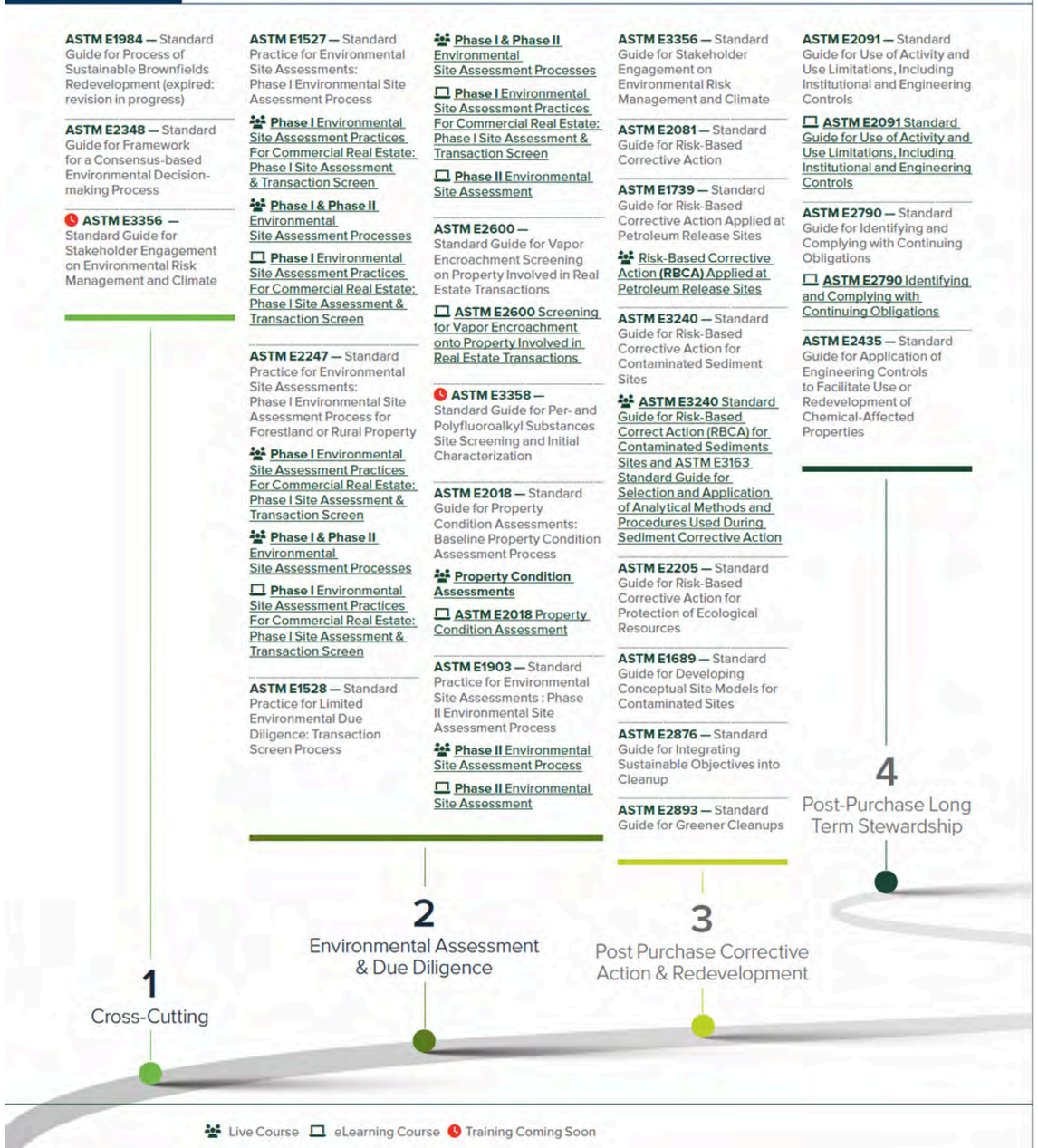
The promotion of knowledge, stimulation of research, and development of standard guides, specifications, practices, test methods, classifications, and definitions relating to environmental assessment, risk management and corrective action. The scope of the Committee includes, but is not limited to multi-media environmental assessment and risk management issues including environmental assessment, environmental management, corrective action due diligence, and sustainability.

These activities will be coordinated with and if available use the standards of other ASTM technical committees and organizations whose fields of endeavor are closely allied to or compliment environmental assessment and environmental management.

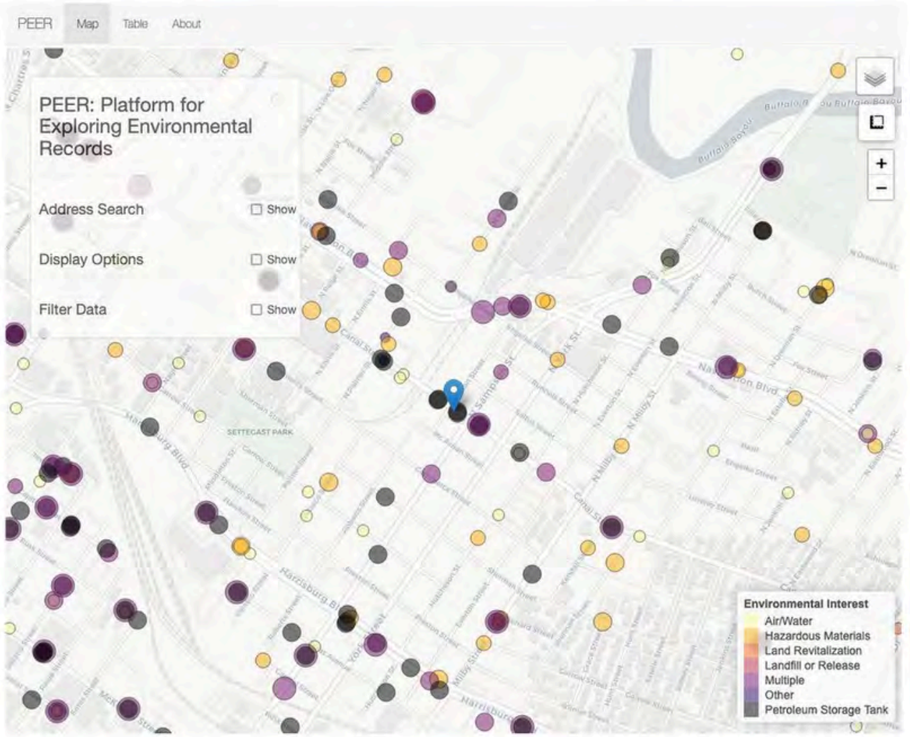
HELPING OUR WORLD WORK BETTER · ASTM INTERNATIONAL · FOR 125 YEARS · 2023 · 1898

Learn more about Committee E50
www.astm.org/committee-e50

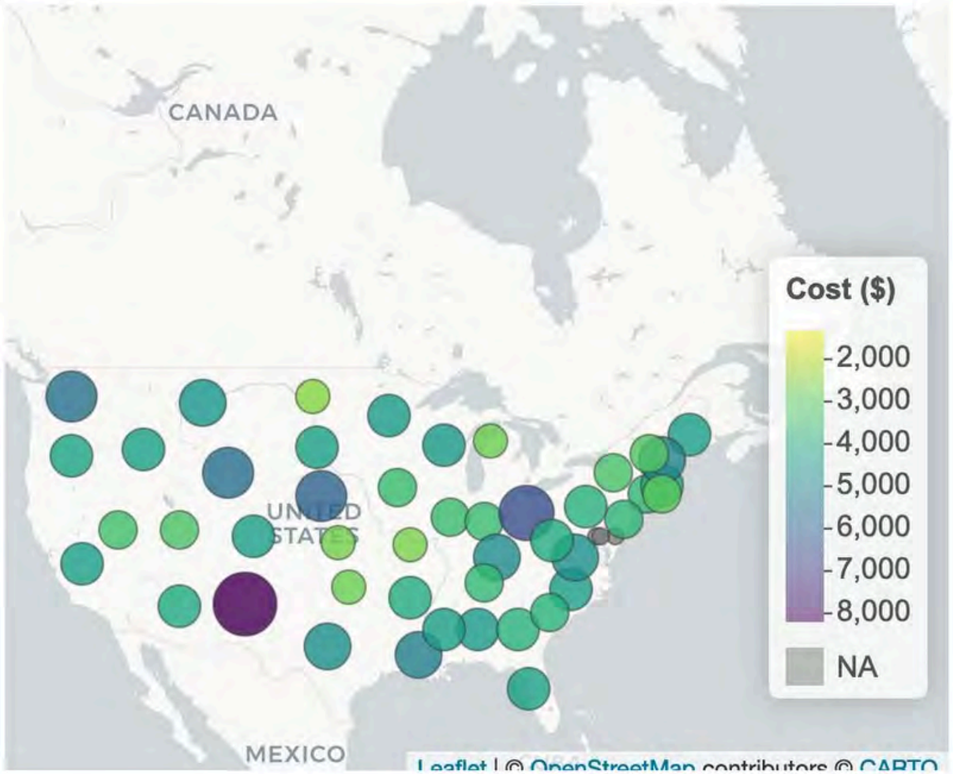
How ASTM Standards **Work with Brownfields**



WWW.COMMUNITYLATTICE.COM



The Platform for Exploring Environmental Records (PEER) is an interactive, open-source data tool that aggregates and displays publicly-available environmental records in an easy-to-use, accessible way.

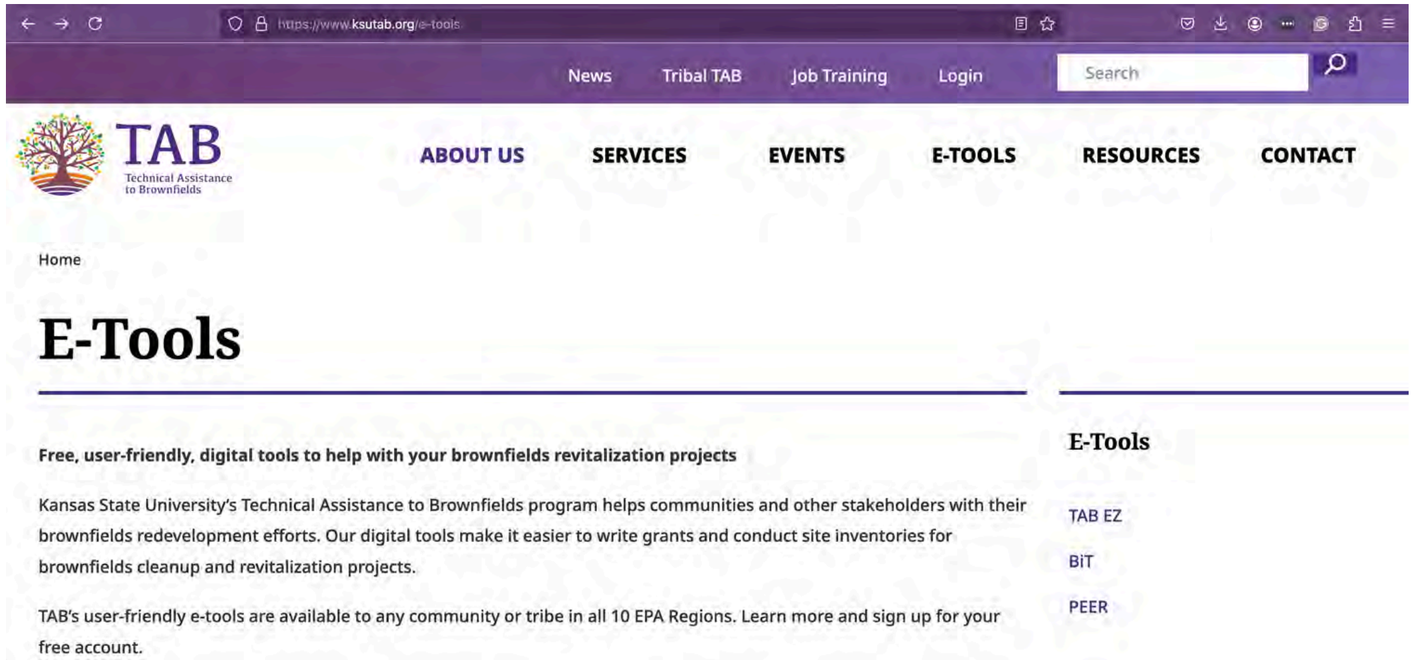


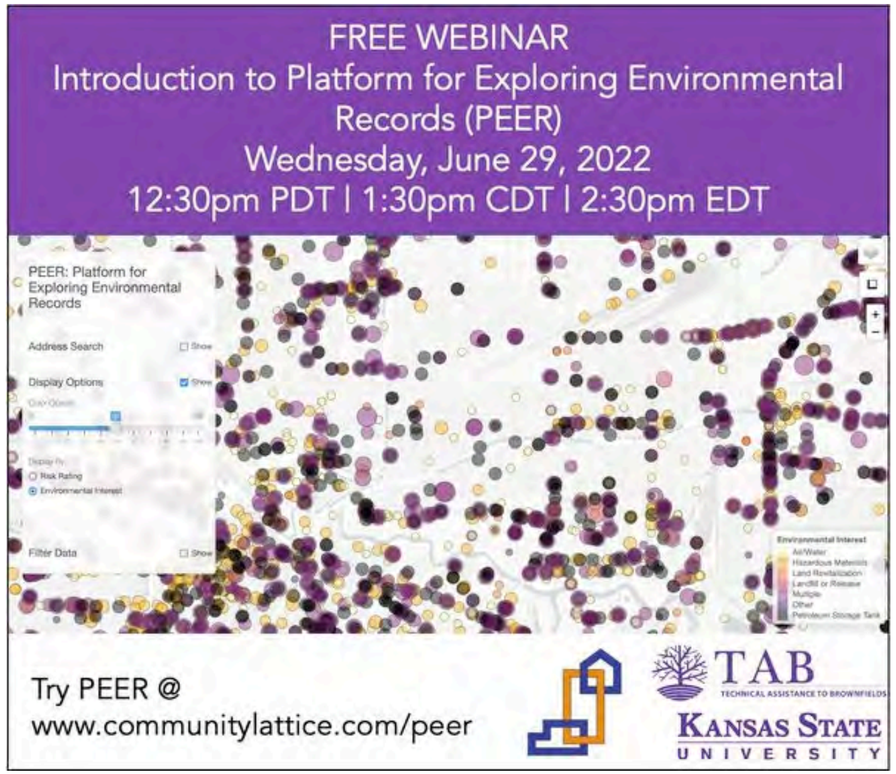
Analysis of Brownfields Costs (ABC) is an interactive data tool that allows users to explore the assessment and clean-up costs of past EPA-funded brownfields projects to inform their own project budgets.

data.org Center for Inclusive Growth The ROCKEFELLER FOUNDATION Microsoft | AI DataKind®

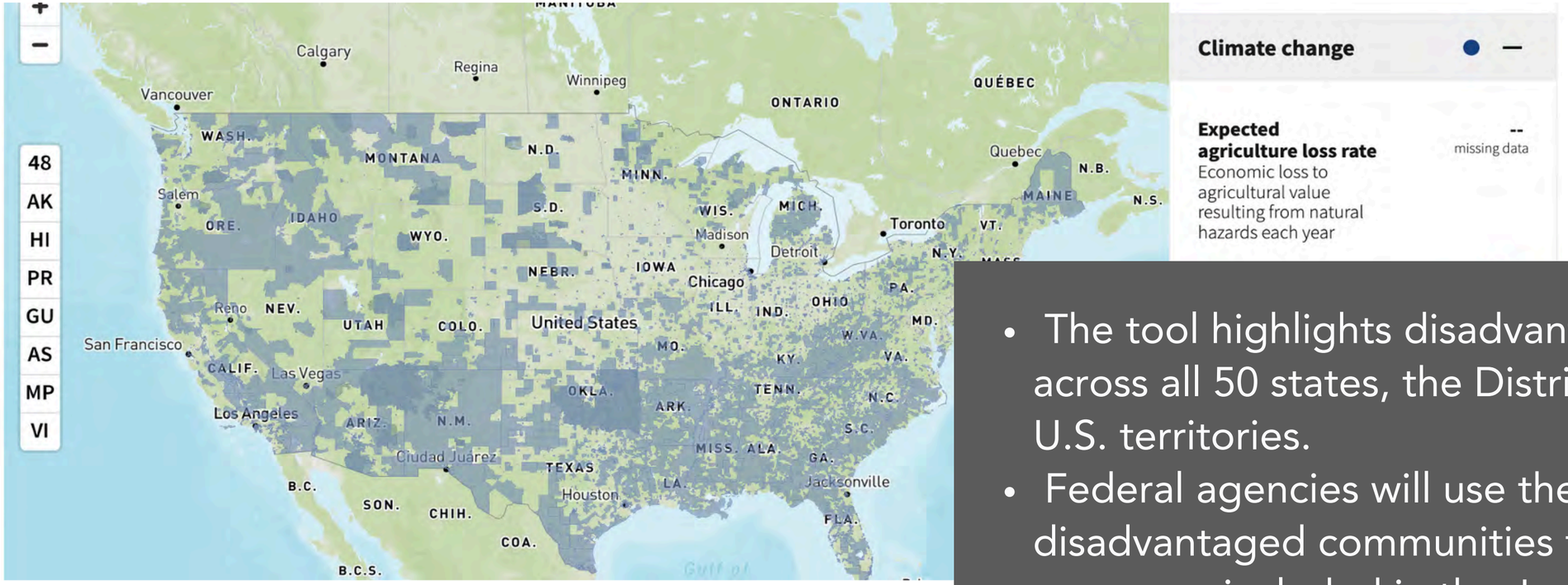
TRAINING FOR PEER

www.communitylattice.com/peer-tool





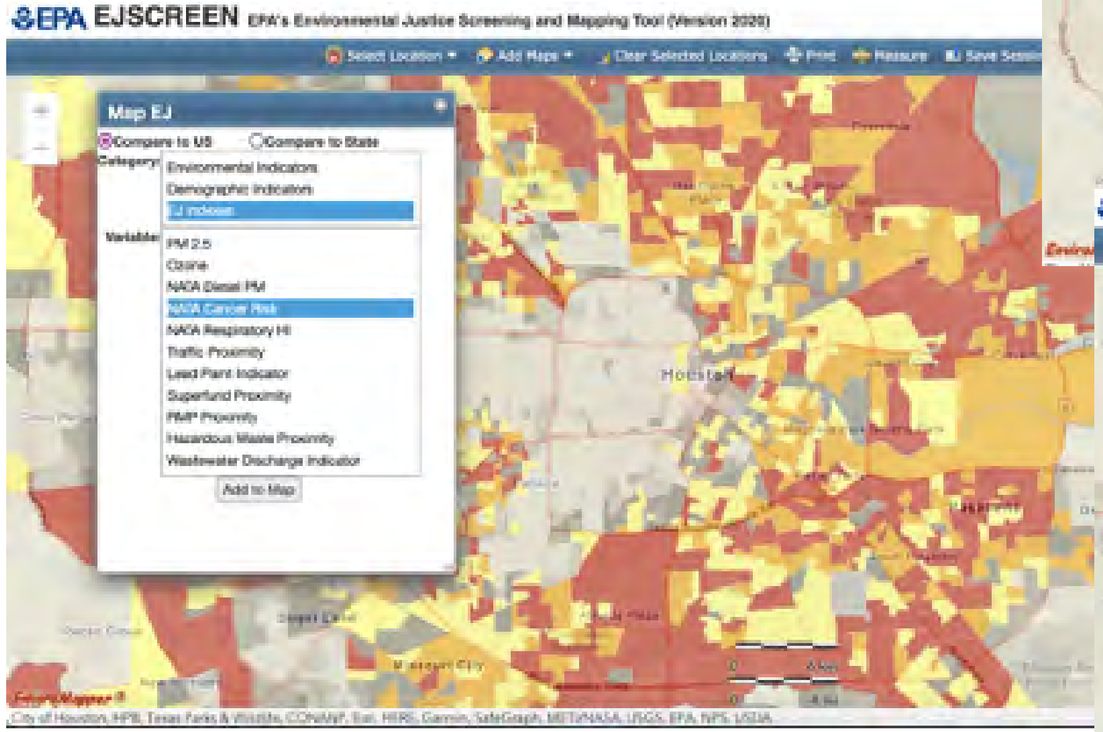
Climate and economic justice screening tool (CEJST)

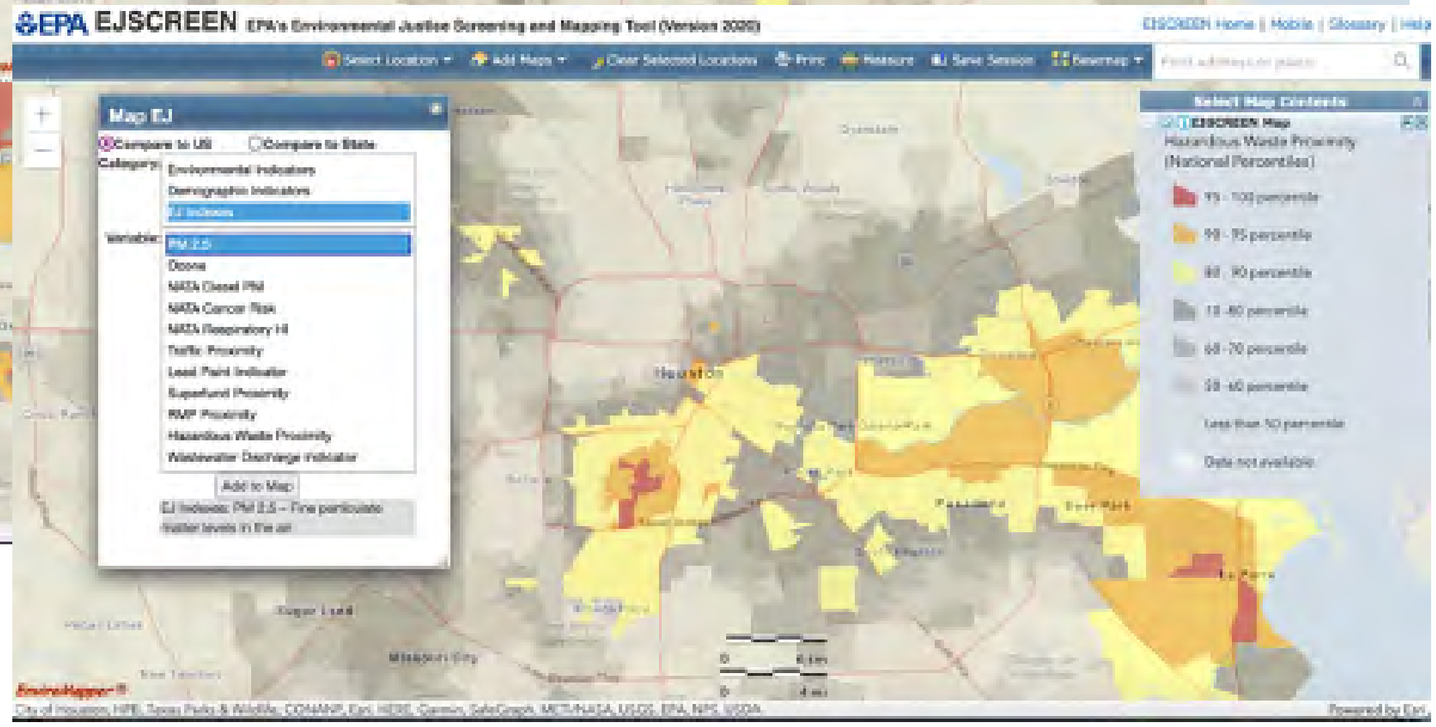


- The tool highlights disadvantaged census tracts across all 50 states, the District of Columbia, and the U.S. territories.
- Federal agencies will use the tool to help identify disadvantaged communities that will benefit from programs included in the Justice40 Initiative.
- The Justice40 Initiative seeks to deliver 40% of the overall benefits of investments in climate, clean energy, and related areas to disadvantaged communities.

https://screeningtool.geoplatform.gov/en/#3/33.47/-97.5

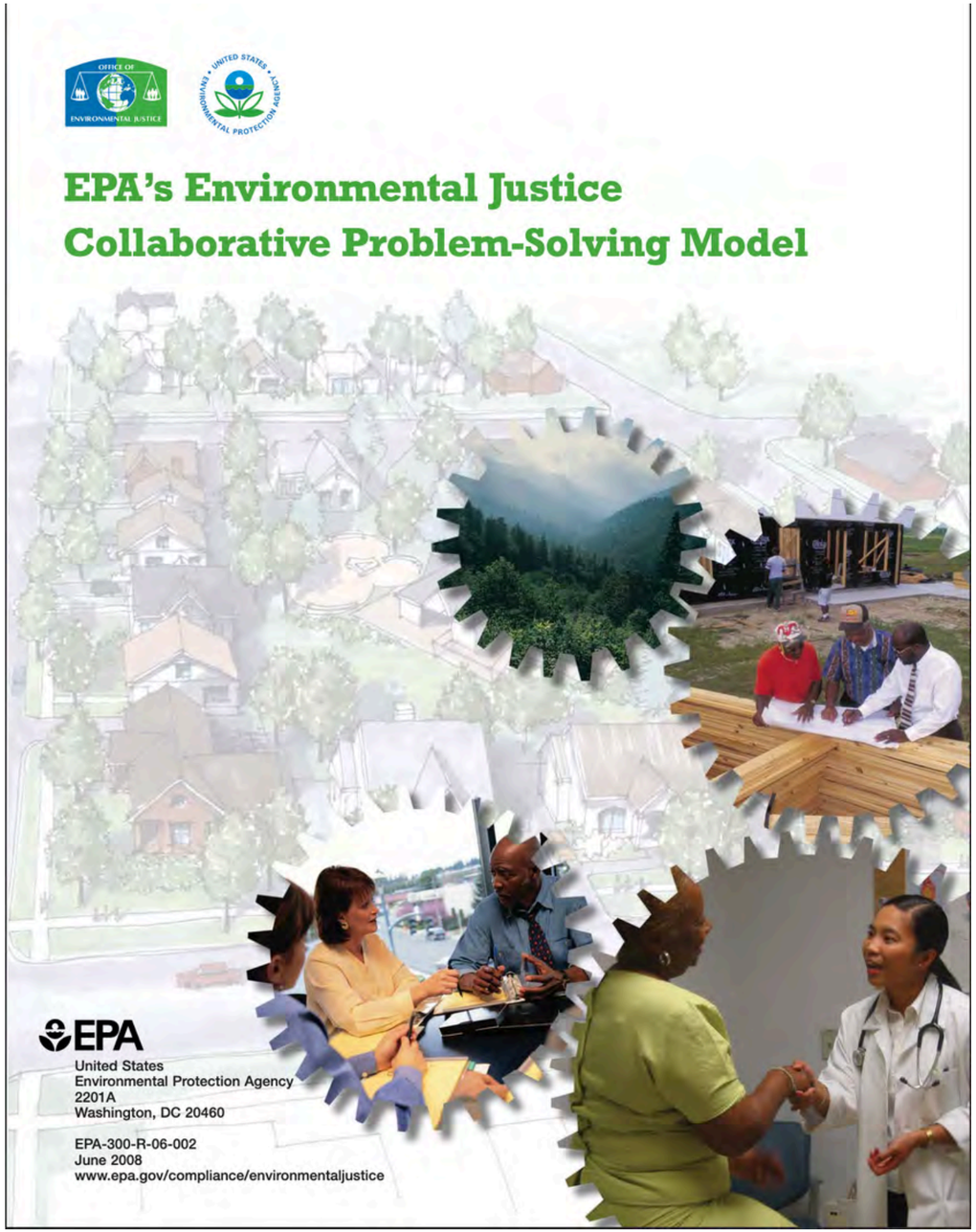
EJ Screen -
Explore Environmental & Social Disparities





https://www.epa.gov/ejscreen

https://movementstrategy.org/wp-content/uploads/2021/08/The-Spectrum-of-Community-Engagement-to-Ownership.pdf



https://www.epa.gov/sites/default/files/2016-06/documents/cps-manual-12-27-06.pdf

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