

**Brownfields Legislation Listening Session
Environmental and Land Use Organizations
April 8, 2002**

Participants:

Kate Bicknell, Smart Growth America	Sven-Erik Kaiser, U.S. EPA OSPS
Bob Johnson, Wildlife Habitat Council	Valerie Green, U.S. EPA OSPS
Michael Taylor, Vita Nuova	Karl Alvarez, U.S. EPA OSPS
Thomas Schruben, Vita Nuova	Jennifer Bohman, U.S. EPA OSPS
Christine Costopoulos, New York DEC	Anthony Raia, U.S. EPA OSPS
Devin Cahill, American Planning Association	Patricia Overmeyer, U.S. EPA OSPS
Charlotte Bertrand, U.S. EPA AO	Ray Rivera, U.S. EPA OSPS
Greg Madden, U.S. EPA OECA	Beth Zelenski, U.S. EPA OSPS
Stephen Hess, U.S. EPA OGC	Sara Rasmussen, U.S. EPA OSW
Geoffrey Anderson, U.S. EPA OPEI	Michael Shapiro, U.S. EPA OSWER
David Giampocarò, U.S. EPA OPPT	Jim Woolford, U.S. EPA OSWER
Annette Gatchett, U.S. EPA ORD	Dottie Pipkin, U.S. EPA OSWER
Jim Maas, U.S. EPA OSPS	Tom Rinehart, U.S. EPA OSWER
Ben Hamm, U.S. EPA OSPS	Larry D'Andrea, U.S. EPA Region 2
Kathleen Atencio, U.S. EPA OSPS	Myron Knudson, U.S. EPA Region 6
Ann Carroll, U.S. EPA OSPS	Colleen Morgan, Marasco Newton Group
Linda Garczynski, U.S. EPA OSPS	Chris LaRosa, Marasco Newton Group

Introduction:

Mike Shapiro, deputy assistant administrator of the Office of Solid Waste and Emergency Response (OSWER), welcomed the participants and emphasized the importance the U.S. Environmental Protection Agency (EPA) attaches to maximizing stakeholder involvement early in the implementation process of the brownfields law. Mr. Shapiro noted that this is the third of four listening sessions and that EPA has recently set up its teams and structure to develop the appropriate policies, guidance, and regulations.

EPA is looking to various stakeholder communities to identify issues impacting their constituents. Mechanisms are in place through the implementation work groups and other means to identify key issues as quickly as possible. EPA's objective is to get input on major themes and issues to consider when developing policy and guidance. By the fall of 2002, EPA expects to have developed new funding application guidelines and various policy documents related to implementation of the law.

Legislation Summary—Small Business Liability Relief and Brownfields Revitalization Act:

Linda Garczynski, director of EPA's Outreach and Special Projects Staff (OSPS), presented a number of elements of the law that might be of particular interest to environmental organizations:

- Nonprofit organizations are eligible for the newly created direct cleanup grants;
- Cleanup grants can be used for green space restoration;
- Planning is an eligible activity;
- States are required to provide information to the public about the sites being addressed in their voluntary response programs (VRPs);
- A federal safety net that allows EPA to undertake actions under specified instances; and
- Additional types of activities can be funded under the new grants, including institutional controls monitoring, funding insurance mechanisms, and public health monitoring.

Identification of Specific Issues/Questions:

Ecology/Greenspace

- Interest in seeing habitats that were originally on brownfields sites regenerated.
- Question whether ecological enhancements may be made through the funding.
- Question whether there would be environmental considerations beyond land cleanup and whether emphasis would be placed on activities such as restoration of watersheds.

Smart Growth

- Importance of ensuring that the reuse of a community's brownfields fits within the larger development plan.
- Transportation, employment, and housing should be considered when determining how to reuse brownfields
- Local comprehensive plans should be used as guidance.
- Scoring criteria for new grants should include and give preference to these types of considerations.
- Recommended using the 10 principles of smart growth that EPA has cited in the past.

Direct Cleanup Grants

- Questions regarding the eligibility and use of direct cleanup grants.
- Comment that green space benefits should be part of consideration.
- Identified eligibility issues associated with site ownership.

Assessment Funding for Planning Activities

- Question about how EPA defines planning
- Question whether the available funds for planning could be used to develop broader long-term plans and strategies for a locality's brownfields
- Concern that federally funded planning can result in one-dimensional economic development planning that ignores smart growth principles. Federal funding should not complicate local planning and zoning ordinances. By its very nature the brownfields program seeks to help cities reverse the trend of inward decay and outward sprawl.

- Comment about mine-scarred lands being addressed through the new law and this will have an impact on land use in many rural settings. A mining site located south of Pittsburgh, Pa., was identified as an example of successful cleanup and reuse.

Administrative Costs

- Concern was expressed that the inability to cover administrative costs may limit the amount of brownfields sites reused, especially since brownfields transactions are time consuming
- Stakeholders encouraged EPA to develop a workable definition for indirect and direct costs associated with specific brownfields transactions and redevelopment efforts.

All Appropriate Inquiry/Site Assessment

- Questions about the all appropriate inquiry/site assessment standard in the bill.
- Support was expressed for using the updated 2000 ASTM Phase I standard that is currently available while EPA develops its own standard.

Responsible Parties/Definitions

- Question whether the legislation presented any change for responsible parties.
- A stakeholder suggested that taking title and conducting valuations of properties before cleanup may be difficult and may deter innocent purchasers from pursuing sites.
- Another stakeholder suggested that a profit-sharing agreement could be executed so that site cost before cleanup is not an obstacle to property transactions.