

Brownfields Response Program

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Brownfields History

- Superfund - CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) 1980
- EPA's Brownfields Program started in 1995
- 2002 passage of the Small Business Liability Relief and Brownfields Revitalization Act – Brownfields Amendments
- Effective policies that EPA had developed were passed into law



Overview

- What are brownfields?
- What funding opportunities are available?
- What can you do with the Response Program funding?
- 2013 State Tribal Response Program funding, closeout of 2011 STRP grants, and current reporting due dates
- Program reminders and questions
- Contacts and where to learn more



What are “brownfields”?

Defined 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.”

Includes: “mine-scarred lands”, property contaminated by “controlled substances” (e.g., meth labs), and petroleum

Examples: abandoned gas stations, illegal dump sites, abandoned fish processing or mill facilities, hospitals, dry cleaners



What are not brownfields?

- Sites listed on the National Priorities List (NPL) or those proposed for listing
- Sites where there has been an administrative order under CERCLA
- Sites under the jurisdiction, custody, or control of the US (military bases, etc)
(This does NOT include land held in trust for tribes)



What resources are available?

Brownfield Technical Assistance:

– EPA Targeted Brownfields Assessments

- Joanne LaBaw Region 10 contact at (206) 553-2594 or labaw.joanne@epa.gov
- Activities: Investigating site history, sampling suspected environmental contaminants, building an inventory of potential brownfields, prioritizing sites, community involvement, cleanup and future reuse planning.



What resources are available?

Brownfield Technical Assistance:

- EPA Technical Assistance to Brownfields (TAB) Communities Program
 - Ignacio Dayrit of CCLR Center for Creative Land Recycling
 - (415) 398-1080
 - Ignacio.Dayrit@cclr.org



What resources are available?

EPA has two grant resources:

Capacity Building

- State & Tribal Response Program Grants (128(a))

Competitive Grants

- Assessment, Cleanup, Revolving Loan Fund
- Job-training Grants now the Workforce Development Grant



State & Tribal Response Program Funding

- What is it for?
 - To “establish and enhance” a response program
- Who is eligible?
 - Any federally recognized Indian tribe
 - States
- Is it a competition?
 - No, it’s a non-competitive application, but sharing it with 50 states, other tribes, and territories



Response Program – What can you do with the funding?

- Primary Purpose: to “establish or enhance” a response program
 - States and Tribes define it’s “response program”
 - Allowable activities are broad and include:
 - Hiring staff, developing regulations, ordinances, plans, outreach, community involvement, training, etc.



Response Program – Use of funding cont.

- Secondary use – Site-specific activities
 - Conducting assessment and cleanup activities
 - Must be at brownfields sites
 - EPA expects to see established programs, before cleanup occurs – need capacity to manage a cleanup
 - Site-specific work keeps in line with the “polluter pays” principle



Response Program - Requirements for Funding

- Eligible tribes willing to develop a response program that includes:
 - taking steps to meet the “four elements”
 - establish and maintain a “public record

Programs must demonstrate meeting these requirements after first year of funding to qualify for additional funding.

- Cooperative Agreement reporting requirements.
- No Cost Share requirement.



Response Program – The Key Elements

- Timely survey and inventory of brownfields sites
- Oversight and enforcement authorities or other mechanisms, and resources, that are adequate to ensure that a response action will protect human health and the environment, be completed in accordance with federal law; and that the tribe can take the necessary response activities, if needed



Key Elements Cont'd

- Mechanisms and resources to provide meaningful opportunities for public participation, including access to documents, and a mechanism by which a person can request a site assessment and the tribal official can respond to the request
- Mechanisms for approval of cleanup plans & cleanups are complete.
- Public Record



Response Program - The “Public Record”

- In order to continue receiving funding, the tribe must establish and maintain a “public record” of sites detailing...
 - response actions completed in the previous year and those planned to be addressed in the upcoming year
 - Must also identify whether or not the site, on completion of the response action, will be suitable for unrestricted use and, if not, identifies the institutional controls relied on in the remedy.



FY 2013 STRP Funding

- Funding requests will be accepted December 1, 2012 – January 31, 2013
- FY13 Guidelines and funds request (draft workplan) template in an email from R10 Brownfields and me-
- Grant guidance can be found here on R10 website:
<http://yosemite.epa.gov/R10/CLEANUP.NSF/brownfields/brownfields+grants,+conferences,+trainings,+and+workshops>
- Please include the following with your **funding request (draft workplan)** –
 - State or Tribal Response Program Activity Levels Reporting
 - Evidence of Public Record if not a first year grantee – website reference
 - Detailed explanation and justification of unused funds from previous grant cycle if a returning grantee
 - Please email all documents to Mary Goolie and cc: your EPA Project Officer



FY 2011 STRP Closeout

- Closeout of grants that ended 9/30/12 are due 12/31/12
- Please insure the following information is submitted:
 - Final Report to your Project Officer
 - MBE/WBE (soon DBE) to Greg Luchey
 - FFR (Federal Financial Report – SF 425) to Marge Pumphrey



FY 2012 STRP (current funding)

- First quarterly reports are due 1/31/13
- Plan to update your report templates with current grant tasks
- Include a summary of the reporting period in addition the “table format” of task break down
- For each task please provide further description beyond “good” or “on going”
- Please include a “success story” with your quarterly report



Reminders from EPA POs

- Timely reporting is very important
- In addition to in-person visits and phone calls, please follow up edits to your workplans and budgets with an email to your EPA Project Officer
- Please remember to email your EPA PO on upcoming travel funded under your EPA STRP grant. For any travel that isn't in your budget, please plan to send an email to your EPA PO for approval in advance of taking the travel



Recent Questions

- What is the difference between the Public Record and the Brownfields Inventory?
 - The Public Record includes sites at which response actions have been completed in the previous year and are planned to be addressed in the upcoming year. The Brownfields Inventory refers to a general approach to identifying brownfields sites
- Is there an EPA Brownfields manual?
 - No, but we have a Alaska State & Tribal Response Program Brownfield Handbook!
 - <http://dec.alaska.gov/spar/csp/docs/brownfields/Brownfield%20Handbook%20E-Book%20December%202012.pdf>



Need to Know More...

- Alaska Forum on the Environment – February 4-8, 2013- in Anchorage, AK
 - BF session by ADEC/EPA
- Brownfields National Conference – May 15-17–in Atlanta, GA
- National website at www.epa.gov/brownfields
- Regional website – Search “R10 Brownfields”
<http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/bf>
- Call us at 1-800-424-4EPA



Region 10 Contacts

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