



ASTSWMO, Providing Pathways to Our
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U.S. House of Representatives
Committee on Energy and Commerce
Subcommittee on Environment and the Economy

Hearing

**“EPA's Brownfields Program: Empowering Cleanup and Encouraging Economic
Redevelopment”**

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Testimony of

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On Behalf of the

Association of State and Territorial Solid Waste Management Officials

Main Points

- Since the Brownfields law's beginnings in 2002, 128(a) funding has been provided to States, Territories and Tribes with the national funding level remaining at just under \$50 million for over 14 years, whereas the number of applicants has continued to rise to more than double. The awards in FY2003 averaged \$618,000, however, by FY2016 the average award had dropped to approximately \$293,000, nearly half of what had been awarded in FY2003.
- Funding has been used to assist local government, community officials and others to assist with technical support, environmental assessments, and recommendations.
- Funding supports Voluntary Cleanup Programs (VCP), which provide the foundation for setting remediation goals and institutional controls.
- The remaining brownfield sites are the more challenging sites whose redevelopment may be hampered by complex issues such as contamination and challenges related to the community as a whole. These more challenging sites require a unique collaborative approach of stakeholders working in partnership with the community, local, State, and federal governmental organizations, business partners, non-governmental organizations (NGOs), and individuals from the community itself.
- The University of Delaware's economic study found that every nominal dollar spent through the brownfield program generates a \$17.50 return on the State's initial investment providing further evidence of the vital role brownfields funding plays in the States.

Good morning Chairman Shimkus, Ranking Member Tonko, Members of the Subcommittee.

My name is Meade Anderson, and I am the Chair of the Brownfields Focus Group of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). I am here today to testify on behalf of ASTSWMO.

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes State program experts with individual responsibility for the regulation or management of wastes and hazardous substances, including remediation, tanks, materials management and environmental sustainability programs.

I would like to preface my remarks with commenting that our organization does enjoy a positive working relationship with the U.S. Environmental Protection Agency. Our collaborative efforts and problem solving approaches to brownfield issues with the EPA Office of Brownfields and Land Revitalization should not be underestimated.

ASTSWMO is a strong supporter of the Brownfields Program. For the past fourteen years, this program has contributed greatly to the economic development and revitalization of the country. State and Territorial programs provide significant support to localities, such as small and rural communities that apply for grants, and these programs also help to ensure that the funding is leveraged to maximize revitalization of sites. The vast majority of cleanups are managed under State voluntary cleanup programs, which are typically supplemented by 128(a) funds.

Since the Brownfields law was signed in 2002, funding to States, Territories and Tribes, via the 128(a) Brownfield Grant, has been essential for States to build and maintain successful State brownfield programs. The funding that States receive each year provides an incredible number

of benefits to local units of government, corporations, and other organizations, who oversee the day-to-day cleanup and redevelopment of blighted, underutilized, and contaminated properties.

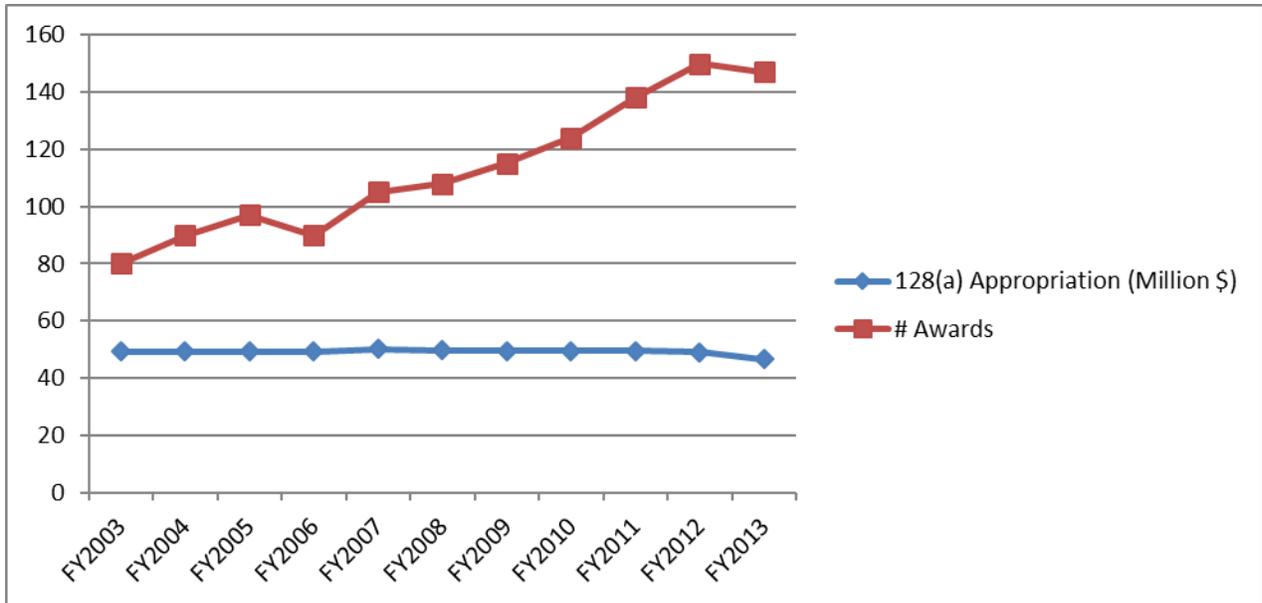
Some of these benefits include:

- Providing funds to complete environmental assessments of properties to meet all appropriate inquiry (AAI), as well as Phase II sampling and asbestos and lead inspections and, in some cases, ecological assessments, as needed;
- Supporting local community officials in the preparation of grant applications for Brownfield assessments, cleanups or revolving loan funds;
- Providing workshops for organizations, communities and others in order to educate them about the many Brownfield issues and the incentives that are available at the State and Federal level;
- Meeting with community officials and others to assist them in working through assessment and cleanup of Brownfield properties, as well as providing much needed technical support and recommendations; and
- Supporting Voluntary Cleanup Programs (VCP), which provide the foundation for setting remediation goals and institutional controls.

Unlike many other environmental programs which began at the Federal level, with States taking over authority to run various aspects, States are primarily responsible for the development and maintenance of Brownfields cleanup and redevelopment programs. States have developed their own, unique State-specific statutes, rules and regulations to govern voluntary cleanup of contaminated sites and provide liability releases or letters of comfort to fit the needs of each individual State. However, the individual programs are sufficiently consistent to allow 25 States

to execute a VCP Memorandum of Agreement (MOA) with their respective EPA Regional authorities. These MOAs promote State-Federal coordination, define general roles regarding the cleanup of sites and provide predictability and consistency for those completing a cleanup under State authority.

Since the Brownfields law's beginnings, 128(a) funding has been provided to States, Territories and Tribes with the national funding level remaining at just under \$50 million for over 14 years, whereas the number of applicants has continued to rise to more than double. The graph below illustrates the changes in funding awards, from a static pot of funding over the years. In FY2003, 80 States, Territories and Tribes received funding from a total appropriation of \$49.4 million. By FY2016, 164 entities requested funding including 50 States, 4 Territories, the District of Columbia and 109 Tribes, 8 of which were new applicants. The total funding requested in FY2016 was \$54.2 million and the total budget allocated in FY2016 will be approximately \$48.1 million. The awards in FY2003 averaged \$618,000, however, by FY2016 the average award had dropped to approximately \$293,000, nearly half of what had been awarded in FY 2003. This dramatic decrease in award amounts is directly attributable to the steadily increasing demand and competition for these essential funds.



As a result of this increasing demand on 128(a) funds, the vast majority of States are receiving less funding each Federal fiscal year. Although most States do not rely solely on 128(a) funding alone to support their Brownfields and State response programs, 128(a) funds are an essential component of each State’s program. The additional funding many States utilize includes program fees, special cleanup funds and, in some cases, general revenue funds; however, most of these sources have either decreased or remained flat, particularly during the recent recession. Few of the States receive sufficient State funding to cover all program costs and to provide adequate support for EPA 104(k) Brownfield Grants. As a result, States have had to resort to cost saving measures, such as reducing staff dedicated to Brownfield functions, cutting or eliminating the amount of assistance provided to local communities and reducing the number of 128(a) funded assessments. We want to stress the importance of protecting the already stretched 128(a) funds. Adding additional applicants and program areas would threaten an already limited funding source.

Over the last 10 years many brownfield properties have been cleaned up and revitalized, bringing tremendous benefits to the States and communities. However, what remains are the more challenging sites whose redevelopment may be hampered by complex issues such as contamination and challenges related to the community as a whole. These properties are often financially upside down due to the suspected environmental contamination, yet many of these sites are situated at key locations in our small cities, towns, and communities. These more challenging sites require a unique collaborative approach of stakeholders working in partnership with the community, local, State, and federal governmental organizations, business partners, non-governmental organizations (NGOs), and individuals from the community itself. The State's Brownfields Program plays a significant role by providing technical support, recommendations, and funds the State voluntary cleanup programs to ensure sites are cleaned up to standards which are safe for the intended reuse.

The University of Delaware has published two well respected studies: the first *Economic Impact of Delaware's Economy: The Brownfields Program* dated January 5, 2010; and *Beyond Natural and Economic Impact: A Model for Social Impact Assessment of Brownfields Development Programs and a Case Study of Northeast Wilmington, Delaware* dated February 2013. The economic study found that every nominal dollar spent through the brownfield program generates a \$17.50 return on the State's initial investment. These two documents provide additional evidence of the vital role brownfields funding plays in the States.

To summarize, ASTSWMO believes a robust brownfields program, at all levels of government and working in concert with the private sector, is essential to the nation's environmental, economic and social health, and without adequate funding for State, Territorial and Tribal

Brownfield and Voluntary Cleanup Programs, Brownfield program goals cannot be achieved.

While the current funding level is inadequate, we want to ensure that it is protected at a minimum. I would like to also point out the *ASTSWMO Position Paper 128(a) "Brownfields" Grant Funding*, which was approved by the ASTSWMO Board on April 22, 2014, provides additional detail on the Association's support of brownfields funding. The position paper is provided with this testimony.

Thank you for this opportunity to offer testimony. I would be pleased to answer any questions you may have.