

NEAL R. GROSS & CO., INC.

RPTS SHIPLE

HIF094180

DISCUSSION DRAFT: BROWNFIELDS REAUTHORIZATION

TUESDAY, APRIL 4, 2017

House of Representatives,

Subcommittee on Environment and the Economy,

Committee on Energy and Commerce

Washington, D.C.

The subcommittee met, pursuant to call, at 10:00 a.m., in Room 2123 Rayburn House Office Building, Hon. John Shimkus [chairman of the subcommittee] presiding.

Present: Representatives Shimkus, McKinley, Blackburn, Harper, Olson, Johnson, Flores, Hudson, Cramer, Walberg, Carter, Walden (ex officio), Tonko, Ruiz, Peters, Green, McNerney, Cardenas, Dingell, Matsui, and Pallone (ex officio).

Staff present: Grace Appelbe, Staff Assistant; Ray Baum, Staff Director; Zachary Dareshori, Staff Assistant; Paul Edattel, Chief Counsel, Health; Wyatt Ellertson, Research Associate,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Energy/Environment; Adam Fromm, Director of Outreach and Coalitions; Giulia Giannangeli, Legislative Clerk, Digital Commerce and Consumer Protection/Environment; Tom Hassenboehler, Chief Counsel, Energy/Environment; A. T. Johnston, Senior Policy Advisor/Professional Staff, Energy/Environment; Alex Miller, Video Production Aide and Press Assistant; Tina Richards, Counsel, Environment; Chris Sarley, Policy Coordinator, Environment; Dan Schneider, Press Secretary; Peter Spencer, Professional Staff Member, Energy; Hamlin Wade, Special Advisor, External Affairs; Andy Zach, Professional Staff Member, Environment; Jeff Carroll, Minority Staff Director; Jacqueline Cohen, Minority Senior Counsel; David Cwiertney, Minority Energy/Environment Fellow; Jean Fruci, Minority Energy and Environment Policy Advisor; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Alexander Ratner, Minority Policy Analyst; Matt Schumacher, Minority Press Assistant; Tuley Wright, Minority Energy and Environment Policy Advisor; and C. J. Young, Minority Press Secretary.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Mr. Shimkus. [Presiding] the Subcommittee on Environment will now come to order.

The Chair now recognizes himself for 5 minutes for an opening statement.

I would like to welcome everyone as we roll up our sleeves our work to reauthorize and improve EPA's Brownfields Program. The EPA Brownfields Program is vital to states and local communities, as they try to address contaminated industrial and commercial properties and return them to productive use.

Cleaning up these sites is great for the economy because brownfield grants can be directly leveraged into jobs, additional redevelopment funds, and increase residential and commercial property values. At this subcommittee's first hearing earlier this year, we also heard how important brownsfields funding and cleanup is to promoting investment in new infrastructure and to better utilize our existing infrastructure.

Last year the subcommittee held a hearing to look at what works in the Brownsfield Program and what we could do to improve it. I know that our friends on the Transportation and Infrastructure Committee have held similar hearings, and I think we can all agree that the Brownfields Program is essential to protect.

I think we can also agree that a primary goal is to fully fund the program and get as many cleanups done and get as many

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

people involved in the cleanup process as we can. To that end, there were some legislative fixes identified in previous hearings that would further this goal and make the program even better, which brings us to this morning.

We are looking at a discussion draft that incorporates the fixes suggested by our witnesses. In fact, I see a couple of familiar faces from our hearing last year. Welcome back, Mr. Anderson and Mayor Bollwage.

The discussion draft contains improvements to the Brownfields Program such as creation of multipurpose grants that can be used for multiple purposes, including brownfield assessment and cleanup, and which will provide flexibility to communities trying to clean up multiple brownfield sites within an area in the community

The discussion draft also provides liability relief to municipalities who involuntarily acquire a brownfield property by virtue of its function as a sovereign, which will allow local units of government to address contamination on the property they acquire through tax delinquency, bankruptcy, and abandonment.

The legislation also increases the limit for mediation grants from \$200,000 to \$500,000 which, as we heard from witnesses, will make it easier for brownfield sites to get cleaned up. The bill provides for a limited amount of the grant funds to be used for administrative costs, which will allow small and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

rural communities to be able to receive and utilize grant funds.

We have confidence that these provisions and the others in the discussion draft will make the Brownfields Program even more successful, and we hope that our witnesses today will tell us what they like about the bill and, also, tell us what improvements we should make.

If there are additional legislative provisions that would help further the goal of getting more sites cleaned up, we hope that we can work with the stakeholders here today and with our colleagues to think creatively about how to incorporate such changes into the discussion draft going forward, including looking at Good Samaritans, people who volunteer their services or capital to get brownfield sites cleaned up and ways to encourage them to participate in the cleanup process.

I would like to welcome our panel of state and local brownfield experts who will share with us firsthand knowledge and experience with the Brownfields Programs. I hope that together we can take a closer look at the discussion draft and figure out what else we can do to improve the Brownfields Program and the brownfield law.

I have a minute-and-a-half left. Does anybody wish some time? The Chair recognizes the gentlelady from Tennessee, Mrs. Blackburn.

Mrs. Blackburn. Thank you, Mr. Chairman, and thank you for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

the hearing.

And I welcome our witnesses.

The chairman has talked about the need for the Brownfields Program, talked about the success of the Brownfields Program. In Tennessee we have had the Voluntary Cleanup, Oversight, and Assistance Program since 2001. This has been successful.

We look forward to making certain that communities have the tools that they need and that there is the proper participation between the EPA, the grants that are given, and also the communities that are trying to clear up these distressed properties. The negative effect that they have on real estate values in the area we all know. We know those stories.

So, Mr. Chairman, I thank you for the hearing. I welcome the witnesses. I yield back my time.

Mr. Shimkus. The gentlelady yields back her time.

Anyone else seeking the final 40 seconds? Seeing none, the Chair now recognizes the ranking member of the committee, Mr. Tonko for 5 minutes.

Mr. Tonko. Thank you, Chair Shimkus, for holding this hearing on the committee's discussion draft to reauthorize EPA's Brownfields Program.

I thank our witnesses for being here to provide feedback on this draft, including a few familiar faces, including Mayor Bollwage -- thank you for joining us again -- and Mr. Anderson,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

who both testified at our brownfield hearing last year, which I believe was very productive. I am glad they can join us again as we begin to look at legislative text.

There is no denying how successful EPA's Brownfields Program has been. Over 44,000 acres of idle land have been made ready for productive use. Over 106,000 jobs and \$23.3 billion have been leveraged.

Cleaning up brownfields leads to nearby residential property value increases of anywhere from 5 to 11.5 percent. One dollar of the EPA's brownfield funding leverages between \$17 and \$18 in other public and private funding sources, and redeveloping a brownfield, instead of a greenfield, has significant environmental benefits.

We are dealing with a program that has produced results since 2002. Brownfield cleanup is critical for environmental revitalization and economic redevelopment efforts. There is a reason why so many mayors support this program. It is about making a community healthier and safer while returning an underutilized property to the tax rolls. If cities and towns are unable to expand, want to preserve greenspace, or breathe new life back to an old downtown or waterfront area, there is no choice but to reuse these properties. It is fundamental to sustainable development.

When the Brownsfield Act was passed in 2002, there were an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

estimated 450,000 brownfield sites. According to EPA, more than 25,000 properties have been assessed. That is a great start. These assessments and remediations have made huge improvements in communities all across our country. The EPA has already made a number of improvements to the program, including introducing areawide planning grants based on New York State's Brownfields Opportunity Area, or BOA program.

But, with so many properties remaining, it is clear we still have much more work to do. Today we will discuss changes to the law that give communities added flexibility and resources to continue to build upon the success of this program.

Regulars at this subcommittee will know that we often disagree on legislation, but this discussion draft illustrates just how much consensus there is around what steps we need to take to improve the program, which has historically enjoyed strong bipartisan support.

More flexibility in grants, increasing the size of individual grants, and expanded eligibility for nonprofits and sites publicly owned prior to 2002 are just a few of the improvements before us today. This draft would increase the cap on individual projects, currently at \$200,000. Many remaining sites are complex and will require more funding to remediate properly.

Today's limit for assessment and cleanup grants is not enough

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



in many cases. The language before us would also give grant recipients additional flexibility. Multipurpose grants allow for assessment, cleanup, and planning on a community-wide basis. It also would make it easier for nonprofit stakeholders to get involved. It would allow a small portion of grants to be used to cover administrative costs. These are great and necessary improvements to the law.

However, this draft does not answer the questions on funding levels. The program administers two types of grants, direct financial assistance for the assessment and cleanup of properties and assistance to states to aid them in carrying out their own programs, both of which have been underfunded for years. I believe we need to reauthorize both accounts at higher levels.

I must also mention the President's proposed fiscal year 2018 budget cuts to EPA. It should become clear this morning that these cuts would hurt local and state governments. These governments are trying to do the right thing, clean up their communities and get land back into productive use, but it will be difficult to do without EPA's support. Rather than cutting EPA's budget and staff, we should be providing more federal support, dollars as well as capacity-building and technical assistance.

Ultimately, this program has proven its worth many times over, and we should think very carefully before reducing it. Due

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

to the success of this program, communities are beginning to realize that we can turn a liability into an opportunity. I see it in my own district, where many mill towns once thrived. All along the Mohawk and Hudson Rivers, factories manufactured items like carpets, collars, and leather products. Sadly, many of those manufacturers are gone, but the baggage of contaminated or the perception of contaminated land remains.

Local governments want to turn those underused factories and waterfront properties into parks, restaurants, clean energy producers, or the next great regional employer. We can help them do that.

I look forward to hearing from our witnesses today, and I thank Chair Shimkus for providing us with a good starting point to begin our discussion.

With that, I yield back my time.

Mr. Shimkus. The gentleman's time has expired.

The Chair now recognizes the chairman of the full committee, Mr. Walden, for 5 minutes.

The Chairman. I thank the gentleman for the hearing.

I want to welcome our witnesses for being here. We appreciate your input and counsel.

Nearly every Oregon city and county, whether rural or urban, has vacant underuse of potentially contaminated properties that, if left unchecked, can be a nuisance on the community. If these

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

sites are cleaned up, however, they could have meaningful economic impact on jobs, wages, and additional property tax revenue for our small towns.

The EPA Brownfields Program has changed the way we perceive and manage contaminated properties. Grants and assistance provided through the program empower states, communities, and other economic redevelopment stakeholders to work together to assess, remediate, and substantially reuse these properties.

Recently, this committee and our colleagues on the Transportation and Infrastructure Committee have begun reexamining this important program. The discussion draft before us is a first step to addressing some of the issues we have heard about in our previous hearing in this committee. The bill we review this morning makes needed improvements to the Brownfields Program to ensure that, working together, we can continue to promote infrastructure and economic development and return contaminated property to productive use.

Now in my home state of Oregon we have had a very active Brownfields Program and we have seen some great successes, including in my district where, last year in The Dalles, Google broke ground on an expansion to their data center on 26 acres of former mill land that was cleaned up under this program, a \$600 million investment expected to create 50 new jobs.

In my home town of Hood River, the Port of Hood River just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

finished a brownfield cleanup of another former mill site, opening up over 12 acres of land for future business opportunities in that area.

Oregon is also on the leading edge of brownfield cleanup. In fact, in 2015, the Oregon State Legislature took steps to encourage local governments to acquire and redevelop contaminated properties through the creation of the Land Bank Authorities. These land banks would purchase or acquire brownfield properties, promote development in ways that meet the local community's particular needs.

The Oregon Department of Environmental Quality supports fully funding the Brownfields Program and enthusiastically supports many of the revisions that we are making in this discussion draft.

We hope that the witnesses here today will let us know if we are on the right track with the discussion draft and, if necessary, that they will help us identify other ways to improve the Brownfields Program and the brownfields law.

Our new EPA Administrator has stressed the importance of getting contaminated sites cleaned up, and the Brownfields Program is a vital component of this process. Therefore, we remain committed to working with our colleagues across the aisle and on the Transportation and Infrastructure Committee to ensure that the Brownfields Program will continue to encourage EPA,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

states, and local governments to work together to redevelop brownfield properties and create new jobs, leverage private investment, and provide for economic development.

I am thankful the witnesses are here today. We appreciate the input and your thoughts on this discussion draft as we work to move this legislation along.

With that, Mr. Chair, I yield back the balance of my time, or to any other committee members, if they want it.

Mr. Shimkus. The gentleman yields back his time.

The Chair now recognizes the ranking member of the full committee, Mr. Pallone, for 5 minutes.

Mr. Pallone. I thank the chairman for holding this hearing on draft legislation to reauthorize EPA's important Brownfields Program. This discussion draft reflects input from the Democratic staff, and I thank the chairman for working with us. I hope we can craft a strong bill that can become law because the Brownfields Program has always been bipartisan and it should continue to enjoy bipartisan support.

At the outset, I would like to express my frustration that the Environmental Protection Agency was unable to provide a witness for this hearing. It is particularly important to have the views of the administration represented at hearings where we are reviewing legislation. There is also important work to be done. So, I hope that the Trump administration can finally get

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

around to nominating people for senior leadership positions at the EPA.

I also want to note at the start that there are serious concerns hanging over this hearing because of recent reports that the Trump administration wants to defund or significantly cut the Brownfields Program. Brownfields funding is so important for communities around the nation, and the return on investment is substantial. Congress will have the final say on funding levels, and I hope that all of my colleagues will join me in calling for robust brownfields funding.

Now, with regard to the hearing, it is great to see Elizabeth Mayor Chris Bollwage, who is a good friend. He has advocated for the Brownfields Program before Congress many times, dating back to when we passed the original brownfields bill in 2002. And I was the ranking member of the subcommittee then and I worked with the Republican chairman of the committee, the late Paul Gillmor of Ohio, to create the Brownfields Program. It is fitting that Mayor Bollwage is back today as we take the first formal step toward reauthorizing the program. Thank you for being here.

The Brownfields Program has been an incredibly important tool for protecting public health and spreading economic growth in New Jersey and throughout the country. With financial help from the federal government, communities can clean up contaminated sites and prepare them for development for parks,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

commerce, housing, or a number of other uses that can benefit a local community. Though these contaminated sites do not warrant listing on the National Priorities List like Superfund sites, they still have negative environmental and economic impacts.

By almost any metric, the Brownfields Program has been remarkably successful. Since the program's inception, more than 25,000 contaminated sites have been remediated, allowing communities to create new developments, reduce health risk, decrease pollution, and reduce stormwater runoff.

And this is not just a program that provides environmental and health benefit, it is a job creator that primes the pump for local investment and development. All told, the Brownfields Program has leveraged over \$22 billion in investments around these sites, which is a stunning return on the federal government's modest investment in the program. And simply put, it provides tremendous value to the federal government and a boost to the economy of local communities.

There is no question that brownfields has been successful, but I still think there is a lot of important cleanup work that needs to be done. When this subcommittee held a hearing on the Brownfields Program last year, we heard from witnesses about the staggering number of brownfield properties that needed remediation and the increased complexity of the remaining sites. Stakeholders also indicated a need for increased funding and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

flexibility to allow states and local communities to use their resources effectively to address the new challenges presented by these cleanups.

And the legislation we are considering today is a good start toward achieving the goal of making the Brownfields Program work better for communities across the country. It sets up more flexible multipurpose grants, increases caps for individual grants, and extends program eligibility to nonprofit organizations.

But, despite the growing need for resources and broad support on both sides of the aisle, this program has never been reauthorized. And while the program has continued to receive appropriations, unfortunately, funding levels have declined.

Now I have introduced legislation, the Brownfields Authorization Increase Act, which would make many of the same changes reflected in today's discussion draft, but would also increase authorization levels for the program because we can't continue to expect the same success from a program that is underfunded and lacking the necessary tools to be effective. So, as we work to determine how we can strengthen this program, Mr. Chairman, I think we have to ensure that funding and increased funding is part of the conversation.

But today's hearing represents encouraging progress on finally reauthorizing the Brownfields Program. If

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



infrastructure is, indeed a priority of this administration, they should look no further than the Brownfields Program as a way to create jobs and spur local investment, all while cleaning up contamination in our local communities.

So, again, thank you, Mr. Chairman. I look forward to the witnesses. I yield back.

Mr. Shimkus. The gentleman yields back his time.

We now conclude with members' opening statements. The Chair would like to remind members that, pursuant to committee rules, all members' opening statements will be made part of the record.

We want to thank our witnesses for being here today and taking the time to testify before the subcommittee. Today's witnesses will have the opportunity to give opening statements, followed by a round of questions from members. Of course, your full opening statements will be submitted for the record.

In our witness panel today -- and I will introduce you all right now and, then, we will just give you the 5 minutes time -- we have, as mentioned before, the Honorable Mayor Bollwage, mayor of the city of Elizabeth, New Jersey, on behalf of the U.S. Conference of Mayors. We are thinking about getting you a punch card for testimony and, like after the fifth time, you get a free sandwich or something.

[Laughter.]

Don't you think, Ranking Member? We could split the cost

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

on that maybe.

[Laughter.]

The Honorable Salvatore Panto, mayor of the city of Easton, Pennsylvania, on behalf of the National League of Cities; the Honorable Parris Glendening, former governor of Maryland and the president of the Smart Growth American Leadership Institute; Mr. Robert Martineau, Commissioner of the Tennessee Department of Environment and Conservation, on behalf of the Environmental Council of the States, and Mr. Meade Anderson, who has testified before, also a brownfields program manager at the Virginia Department of Environmental Quality, on behalf of the Association of State and Territorial Solid Waste Management Officials, ASTSWMO.

We appreciate you all being here. We will begin the panel with Mayor Bollwage, and you are now recognized for 5 minutes. Again, welcome.

STATEMENTS OF HON. J. CHRISTIAN BOLLWAGE, MAYOR OF THE CITY OF ELIZABETH, NEW JERSEY, ON BEHALF OF THE U.S. CONFERENCE OF MAYORS; HON. SALVATORE J. PANTO, JR., MAYOR OF THE CITY OF EASTON, PENNSYLVANIA, ON BEHALF OF THE NATIONAL LEAGUE OF CITIES; HON. PARRIS N. GLENDENING, FORMER GOVERNOR OF MARYLAND AND THE PRESIDENT OF THE SMART GROWTH AMERICAN LEADERSHIP INSTITUTE; ROBERT MARTINEAU, COMMISSIONER OF THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, ON BEHALF OF THE ENVIRONMENTAL COUNCIL OF THE STATES, AND J. MEADE R. ANDERSON, BROWNFIELDS PROGRAM MANAGER, VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY, ON BEHALF OF THE ASSOCIATION OF STATE AND TERRITORIAL SOLID WASTE MANAGEMENT OFFICIALS, ASTSWMO

STATEMENT OF HON. J. CHRISTIAN BOLLWAGE

Mr. Bollwage. Thank you very much, Mr. Chairman and Ranking Member Tonko. It is good to see you gentlemen again and my friend from New Jersey, Congressman Pallone.

I have been the mayor since 1993 in the city of Elizabeth. I serve as a trustee and the Brownfields Co-Chair for the Conference of Mayors. As you stated, I have been here many times on this issue.

As we all know, brownfields redevelopment helps build our community, creates jobs. And I want to thank the committee for the draft bill.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

For many people, brownfields is just a neighborhood eyesore, former industrial site, but for mayors they represent unrealized potential. We see the redevelopment of brownfields as a chance to bring back jobs to our community and revitalization.

Congressman Tonko, you talked about 26,000 brownfield sites that have been assessed, 5700 properties, 66,000 acres are ready for reuse, 123,000 jobs created, and \$23.6 billion leveraged. Last time I was here, I told you about the Jersey Gardens Mall, one of our most successful brownfield redevelopment stories, 2 million square feet of retail space, over 200 stores, 5 hotels, 1700 construction jobs, 4,000 permanent jobs.

Another successful project we did in brownfield redevelopment, the Elizabeth HOPE VI Project, this former industrial spot has a new \$15 million townhouse development made up of 55 market-rate luxury housing waterfront views. It also includes a federally-funded HOPE VI Program which has assisted in the removal and the replacement of public housing complexes into townhomes. Individuals previously residing in old, dilapidated facilities now have the opportunity to become homeowners in a new residential neighborhood.

The Brownfields Program has a proven track record, leveraging private sector investment, creating jobs, and protecting the environment. And as all of you have noted, there is more work to be done.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

I have included in my testimony a letter on behalf of the USCM, NACO, NLC, and the NARC encouraging you to reauthorize this bill.

Some of the recommendations we would like to make, we notice you didn't list an appropriations amount, but, as you all know, we can't stress enough it is a very successful program; it can always use more funding.

EPA estimates that in the past 5 years over 1600 vital projects/applicants were funded. An additional 54,000 jobs would have happened with more than \$10.3 billion in leveraged funding.

So, our thoughts are increasing the cleanup grant amounts. We commend you for going up to \$750,000. We think, if at all possible, to go a million, and in special circumstances on occasion some people may need \$2 million for the additional resources.

We are very pleased your discussion draft creates a multipurpose grant, so that we can be more market-friendly. We are supportive of the \$1 million authorization levels. How detailed would the overall plan be? One of our visions for this type of grant is to be flexible enough to meet market needs. An applicant may have a certain vision for an area, but a developer may have other ideas. We wouldn't want the applicant to not be able to use the funds if the funds do not correspond with the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

initial vision.

Ownership. We are currently checking to see if having to be an owner before expending remediation funds would be an impediment. We would like to get back to you at a later date on that issue.

Removing barriers to encourage redevelopment mothball sites, it is a big problem in some communities where owners are just not willing to sell or give up their property. So, we believe that the additional liability protection that you have included may potentially address some of these types of sites, and for that, we are grateful. We are, however, awaiting some additional feedback from other cities and would like the opportunity to provide the committee with some of our findings.

We are also pleased that you have included administrative costs. We are grateful that you are acknowledging that this is a need in the bill.

Clarifying eligibility of public-owned sites acquired before 2002, we thank the committee for developing what we think is a very good solution.

Encouraging brownfield cleanups by Good Samaritans, it is a situation that we think we should address in order to have additional help in cleaning up those sites. We will welcome the opportunity to bring in some of our experts to work with you on a further solution.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

I once again want to thank the subcommittee for having me testify here today and give our initial comments. And, Mr. Chairman, I can tell you this is about my 12th time testifying on brownfields between the House and the Senate.

Mr. Shimkus. That is two sub sandwiches.

Mr. Bollwage. That is two sub sandwiches.

[Laughter.]

Thank you for your time, Mr. Chairman and Ranking Member Tonko and Members of the Committee.

[The prepared statement of Hon. J. Christian Bollwage follows:]

\*\*\*\*\*INSERT 1\*\*\*\*\*

Mr. Shimkus. Thank you very much.

Now we would like to recognize the Honorable Mr. Panto, mayor of the city of Easton, Pennsylvania, on behalf of the National League of Cities.

Today is election day, municipal election day, in Illinois. So, we don't know who our mayor is going to be until tonight.

You are welcome to be recognized for 5 minutes.



STATEMENT OF HON. SALVATORE J. PANTO, JR.

Mr. Panto. Good morning, Chairman Shimkus and Ranking Member Tonko. We appreciate the members of the subcommittee holding this hearing today.

I am here on behalf of the National League of Cities, the oldest and largest organization, representing 19,000 cities and towns of all sizes across America.

I appreciate the opportunity to share our perspective on the importance of this Brownfields Program and recommendations to strengthen it, as the committee considers reauthorization.

While Easton is a very small city in comparison to many, with a population of 29,000 and 5 square miles, our industrial legacy has left us with two brownfield sites that were blight on our community for over 30 years. For nearly 100 years, the Simon Silk Mill was an economic powerhouse for our city and the region, employing more than 2,000 workers. The mill closed in the 1970s. Because of the heavy contamination of asbestos, lead paint, sludge, and underground pipes, developers were unwilling and unable to invest the necessary financial resources into cleaning up and revitalizing this important parcel in the middle of our city.

It wasn't until the city received a brownfields cleanup grant in the amount of about \$300,000 in 2009 that the redevelopment

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

became an option for the city. Today the cleanup is complete. A new mixed-used development is starting to come online, providing new residential, retail, and commercial opportunities along with arts and entertainment.

We have had tremendous success revitalizing this property in the heart of our city with over \$100 million of private investment, but we have another brownfield site that remains a public safety hazard and is economically unviable for development unless additional grants and incentives are available.

As a local government official, like our mayor to my right, I could attest to the fact that brownfield developments can be a powerful economic tool. Turning polluted properties back into productive real estate helps create jobs in distressed communities like my own while simultaneously improving the public health and safety of our neighborhoods.

But brownfield redevelopment involves a lot of risk for cities as well and for developers. Greenfield development is cheaper, it is faster and more economical. But what better way to create sustainable, permanent jobs than reinvest in our civic infrastructure of our urban core and our neighborhoods.

In order to support our cities and towns who are leading this charge, NLC urges Congress to reauthorize the Brownfields Program and make key improvements, many of which are already included in the discussion draft we are talking about today.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

As our first priority, we would urge Congress to increase or maintain the current level of authorization of the program. NLC has reviewed the committee's discussion draft, and we are pleased to offer some preliminary comments, but also appreciate more time to give it a thorough review.

Regarding remediation grant amounts, we are pleased that you are increasing it, but we, too, like the USCM, feel that a million dollars, with a possibility of \$2 million -- some of these sites are very complex, very complicated, and very large. Just to the west of me is Bethlehem Steel Plant, which is the largest brownfield site in the country. So, sometimes more money is needed to make it viable for development.

For most brownfield sites, the only chance of redevelopment is through public acquisition, like we did with this 18 acres. But hidden liabilities can arise after cities acquire a property, even if the city had no role in creating the contamination.

Thank you for addressing this issue by allowing governments to be eligible for grant funding for properties that were acquired prior to January 2002 as well, where local government has not caused or contributed to the contamination, but certainly we have the responsibility, as stewards of our environment and of our cities.

Thank you for addressing the issue of voluntary acquisition of property in Section 1 by removing the term "involuntary" in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

describing the protected activities. We would like additional time to review the impacts of this section to determine if the language goes far enough to resolving municipalities. We are a target; we have deep pockets. So, we become a target for lawsuits.

In closing, Easton and cities across the country are investing in their downtowns, urban cores, and neighborhoods. They are growing our economies and creating all kinds of communities with families that want to live, work, and play there, creating jobs, moving the country forward.

But, even together and even though so much progress has been made across the country, the work is nowhere near finished, by your own estimates. The federal government needs to continue its commitment to the Brownfields Program and to the cities, to work and protect the citizens from pollution and also allow us to build economic opportunity. To increase the income of our residents is a real priority for most of our cities, enhancing their ability to work in sustainable jobs like the ones that we are creating at this former silk mill.

Thank you for your leadership on this issue and the opportunity to speak on behalf of America's cities and towns. I look forward to your questions.

[The prepared statement of Hon. Salvatore J. Panto, Jr. follows:]

\*\*\*\*\*INSERT 2\*\*\*\*\*

Mr. Shimkus. Thank you very much.

The Chair now recognizes the Honorable Parris Glendening, former governor of Maryland and president of the Smart Growth America's Leadership Institute. You are recognized for 5 minutes. Welcome.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

## STATEMENT OF HON. PARRIS N. GLENDENING

Mr. Glendening. Thank you, Mr. Chairman. I appreciate this. Ranking Member Tonko as well and Members of the Committee, thank you for the opportunity to testify here today and for holding this hearing to discuss EPA's Brownfields Program.

I was governor of Maryland from 1995 to 2003 and, prior to that for 12 years, county executive in Prince George's County. I say that because we have hands-on experience with using the brownfields in all of those different positions.

Smart Growth America is a national nonprofit organization dedicated to bringing better development strategies to communities across the country. We are the home to the National Brownfields Coalition, which represented diverse economic, community, environmental, and development interests that share a common mission, that is, promoting brownfield redevelopment as a core strategy for achieving job growth, community revitalization, and sustainable growth objectives.

It is estimated, as has been noted, that more than 450,000 sites in the United States are contaminated and abandoned. These brownfields blight neighborhoods, they breed disinvestment, and they impose a cost on local government and their taxpayers. Cleaning up these sites can be cost-prohibitive for public agencies and private developers alike.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

As the subcommittee considers ways to encourage the redevelopment of brownfields, I offer two key points to keep in mind. First, the changes in the market demand are favorable to brownfield redevelopment. Second, brownfield redevelopment sparks public and private investment.

Today's discussion comes at a critical time. For decades, Americans and businesses moved away from downtowns to suburban and exurban markets. This trend has reversed. Our largest population groups, the millennials and the baby-boomers, and a range of businesses from large Fortune 500s to lean startups, to independent manufacturers, are all now looking for vibrant neighborhoods to live and to locate. These are the very places where brownfields are located.

To accelerate private investment, we must ensure that we get regulatory and financial frameworking right. EPA estimates that every dollar of federal funding invested in brownfield redevelopment leverages \$18 in total investment. This is a real opportunity right now for communities to draw investment and to grow their economies because the market forces are moving in a supportive direction.

In Maryland, a Brownfields grant helped us to redevelop sites along Baltimore's Inner Harbor, which became one of the first major redevelopments, and also to bring major companies to be headquartered in the Harbor East neighborhood of Baltimore as

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



well.

I commend the work that was done in the discussion draft. These changes in the program are discussed in my written testimony. These are big wins for communities.

Specifically, I am pleased to see that the discussion draft increases the funding ceiling for remediation grants from \$200,000 to \$500,000 and allows EPA to waive the limit up to \$750,000 based on the level of contamination, the size, and the ownership status of the site.

I am also pleased to see the discussion draft includes provisions eliminating the prohibition on communities using grant funding to cover administrative costs. We would like to see the percentage, however, used to pay administrative costs increased from 5 to 10 percent. This increase will reduce the administrative burden to distressed communities that do not have the capacity, such as rural communities as well as those in financial difficulties. We are working with smaller rural communities all over the country and see them unable to use the tools and the money available because of this challenge.

Brownfield redevelopment is a win/win development strategy. Hundreds of communities, big and small, urban and rural, will benefit from this program.

In conclusion, Smart Growth America stands ready to help these communities and the private sector realize the potential

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

of the program to repurpose brownfields into assets.

I reiterate my appreciation for this hearing and for the subcommittee's support of the brownfield redevelopment and the leadership and work that you have done to date. We look forward to working with you as well.

[The prepared statement of Hon. Parris N. Glendening follows:]

\*\*\*\*\*INSERT 3\*\*\*\*\*

Mr. Shimkus. Thank you very much.

The Chair now recognizes Mr. Robert Martineau, Commissioner of the Tennessee Department of Environment and Conservation, on behalf of the Environmental Council of the States. You are recognized for 5 minutes. Welcome.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

## STATEMENT OF ROBERT MARTINEAU

Mr. Martineau. Thank you, Mr. Chairman and Ranking Member Tonko, and Members of the Subcommittee, Congresswoman Blackburn.

My name is Bob Martineau. I am here on behalf of the Environmental Council of the States, a national organization of my fellow counterparts in the states across the country. New York and Illinois and Tennessee and most all the states are proud members.

We really appreciate the opportunity to be here to talk about the reauthorization and the discussion draft. The subject of today's hearing is a program from which states like mine benefit greatly. Since the inception of our Brownfields Program in 1995, Tennessee has received over \$12 million that has helped us spur economic redevelopment and bring jobs back into communities, both urban and rural

Brownfield redevelopment is at its heart economic and community development with improved environmental outcomes. Legislative approaches like these embedded in the discussion draft will make this already successful program even better.

Brownfields programs represent the full spectrum of a win/win, something we rarely find these days. On the environmental side, they will transform blighted properties that pose environmental risk into clean residences, commercial space,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

and open greenspaces and parks, new manufacturing facilities, and other economically-productive assets.

On the economic front, they can serve as significant sources of revenue, increased property revenues to local communities, and bring jobs to those communities. For example, Nashville is home to an area known as The Gulch. It was a once bustling railroad yard that dates back to pre-Civil War days. When passenger services was discontinued in 1979, The Gulch became the victim of blight and neglect, despite its being right in the middle of downtown Nashville.

In the late 1990s, some visionary business folks looked and saw an opportunity for economic development as Nashville was growing and created a master plan of 25 acres. With our department's work and through the voluntary Brownfields Agreements Program, we were able to protect their liability by taking on this economically-blighted area.

The Gulch was able to expand those redevelopment activities well beyond what was originally envisioned. And now, through several additional redevelopment activities, The Gulch and the North Gulch area is one of the most bustling parts of downtown Nashville. There are individual residences. It is mixed-use. It has become a tourist destination for the community. A brand-new hotel just opened up in the last year.

The funding available for these Brownfields grants allows

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

states to take on larger projects with positive economic results for the communities they redevelop. Expanding eligibility to nonprofit organizations and certain government entities, as well as allowing multipurpose grants like provided for in the discussion draft, can increase these positive results.

Additionally, allowing some administrative costs, particularly for those local communities to help bear the cost of moving forward with these grants, is a welcome change. The Brownfields grants represent the seed money for private investment. As others have noted, a dollar invested through the Brownfields grants yields at least \$18 in leveraged private investment.

In Knoxville in east Tennessee, \$400,000 of EPA grant assessment was awarded for a south waterfront property area. It has already leveraged more than \$150 million in private investment at a former hospital site and a \$8 million public park. Working together with a variety of parties on remediation allows a far greater capacity for revitalization by allowing these partnerships.

Legislation that expands the ability for organizations to partner and investment in brownfields projects would allow communities to leverage greater resources and greater amounts of capital for improved outcomes. A common goal of brownfields program is to make contaminated sites safe for reuse. That

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

creates jobs and spurs economic development.

Legislation that reduces the risk for the investors in remediation efforts would only enhance these opportunities and allow investors to reuse existing infrastructure properties that might otherwise go wasted or folks would have to look for a greenfield site.

For example, in rural Tennessee in Sparta there is an old lighting facility there that closed in 2012. It was sitting vacant. Jackson Kayak, one of the largest goods exporters in Tennessee, identified the plant as a potential expansion location and, with the help of the local development district and an EPA Brownfields grant, they were able to renovate the existing facility by giving them liability protection for the preexisting conditions, but allowing \$6.5 million investment in property in a small town of 5,000 people that created 250 new jobs.

States are seeking ways in which organizations can safely invest in remediation efforts without being restricted by liability concerns. Responsible legislation that helps that is greatly supported.

Mr. Chairman, Ranking Member, Members of the Subcommittee, I thank you again for the leadership in preparing this discussion draft and for the opportunity to present to you today on behalf of ECOS.

[The prepared statement of Robert Martineau follows:]

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

\*\*\*\*\*INSERT 4\*\*\*\*\*



Mr. Shimkus. Thank you very much.

The Chair now recognizes Mr. Meade Anderson, brownfields program manager at the Virginia Department of Environmental Quality, on behalf of the Association of State and Territorial Solid Waste Management Officials. Again, you are recognized for 5 minutes. Welcome.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

## STATEMENT OF J. MEADE R. ANDERSON

Mr. Anderson. Good morning, Chairman Shimkus and Ranking Member Tonko, and Members of the Subcommittee. Thank you for the opportunity to speak to you today.

I think I am going to be an echo of everything that you have heard already today.

Mr. Shimkus. If you could, pull the microphone down just a little bit?

Mr. Anderson. Yes, sir.

My name is Meade Anderson, and I am Chair of the Brownfields Focus Group of the Association of State and Territorial Solid Waste Management Officials, ASTSWMO. I am here today representing ASTSWMO. ASTSWMO is an association representing the waste management and remediation programs of 50 states, 5 territories, and the District of Columbia.

ASTSWMO was a strong supporter of the Brownfields Program. Brownfields are evidence of our country's private, industrial, commercial, and social heritage. These once thriving properties, now abandoned, contribute to the economic, social, and environmental decline in places we live, work, and play.

However, their redevelopment has substantial benefits. Brownfields redevelopment sparks job creation and private investment, encourages infrastructure reuse, increases property

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

values, improves the tax base, and facilitates community revitalization. For the past 15 years, state and territorial brownfields programs, in collaboration with local communities and our federal partners, have served to break down barriers to redevelopment. 128(a) funding has allowed states to build a buffet of services particular to their specific needs. Services can be assessed and combined, depending upon the project and the entity pursuing the project.

At any given time, you will find state program staff across the country providing environmental site assessments, assisting communities to apply for brownfields grants, providing education on brownfields redevelopment, assisting entities to manage environmental risk and liability, providing crucial technical support, and managing voluntary cleanup programs that are the basis for safe reuse of these properties.

Properties going through our programs may use one or all of our services, but the underlying theme is that we could not provide them with a 128(a) grant. While many envision brownfields as an urban, we would like to highlight the important role we play in small cities, towns, and rural areas. Due to limited resources, these smaller local governments can't afford to have an environmental professional or grant writer on staff, so they require a higher level of project assistance. In many cases, redevelopment in these towns would not happen without

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

128(a)-supported services.

Since the beginning of the 128(a) program in fiscal year 2003, funding has been provided at just under the \$50 million level; whereas, the number of applicants has more than doubled. In the first year, 80 states, territories, and tribes received funding. By 2016, 164 requested funding, including 50 states, 4 territories, the District of Columbia, 109 tribes, 8 of which were new applicants. The awards in 2003 averaged \$618,000, while in 2016 they averaged \$293,000, less than half.

A result of this budgetary slide and inflation, states have increasingly resorted to cost-saving measures such as cutting brownfield staff, cutting or eliminating the amount of assistance provided, increasing fees, and reducing the number of environmental assessments. This particularly impacts our rural partners, as they frequently require more support services than some of our urban projects.

We are at a critical juncture in our national history where expansion of our municipal boundaries, while attractive short-term, leads to increased infrastructure cost that we can ill afford. While rebuilding our infrastructure, we have the opportunity to revitalize the surrounding areas, which will help build a more robust economy.

Brownfields redevelopment and economic development go hand-in-hand. Keep in mind brownfields investment is a good one.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Funding provided for brownfields redevelopment multiplies in our communities and attracts additional private and public investment. According to the studies indicated in my written testimony, \$1 of brownfields investment generates in Delaware \$17 in return on the initial investment. In Wisconsin, that \$1 leverages \$27 in total funding and resources. In Oregon, \$1 equals \$15, according to a 2014 study. And in Michigan in 2016, if you spent \$1 on brownfields redevelopment, you received about \$34 in leveraged funds. And brownfields are the gift that keeps giving by increasing the tax base and improving the very neighborhoods we live in or near.

Since 2015, Oklahoma has garnered over \$10 million in new state and income taxes annually on remediated sites. In 2014, Oregon's program found that 51 completed sites in their survey generated 4,300 permanent jobs. Sixty percent of those were in the industrial sector.

To summarize, ASTSWMO believes that a robust brownfields program at all levels of government is essential to our national economic and social and environmental health. We have a position paper that is filed with our written testimony.

I thank you for the opportunity to testify, and we will be happy to answer any questions.

[The prepared statement of J. Meade R. Anderson follows:]

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

\*\*\*\*\*INSERT 5\*\*\*\*\*

Mr. Shimkus. Thank you, and I want to thank all of you for your testimony. We will now move to the question-and-answer portion of the hearing. I will begin by questioning and recognizing myself for the first 5 minutes.

So, I want to lay out a couple of points and, then, I am going to ask for answers, as I kind of was thinking about this in kind of tight-shot group.

But, first, we want to reauthorize the program. We are always struggling with how do you appropriate money that in our system there is no authorization for; the authorization has lapsed. So, there is a desire to move reauthorization. The benefit of the reauthorization is it allows us to do oversight, look at the things that are positive, that have been successful, but also look at some of the barriers that may inhibit success or the proper functioning of the program.

There is always a caution. Everybody always wants more money. And the leveraging is great if we could get a return, if the federal government got a return on that, not that I am proposing that, but it is just we have got to be smart in what we are asking for, even though the benefits are clearly spoken by you all on the leverage of funds.

This is a question to the entire panel. There are two of them. One is, based upon the discussion draft -- now just the discussion draft -- what can be improved just in the language of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

the draft itself? The next question will be, what is your wish list on things that are in it?

Again, I want, if I can, to just go down. Many of you testified this in your opening statements, but, of course, they are woven in the story of all the benefits and the challenges and stuff. So, I just want to try to get a close-shot group on things you can improve in the language of the discussion draft and, then, we will follow up to what is on a wish list.

So, Mayor Bollwage, if you want to start?

Mr. Bollwage. Thank you, Mr. Chairman.

On your one statement when you talked about the federal government getting return, if you look at the Jersey Gardens Mall and the 4,000 jobs and the federal income tax that is being paid on all those jobs, it is some return. I mean, I am sure I and others can quantify that return to the federal government, if requested, Mr. Chairman. But I think that is a really good point that you just made.

As far as the language goes on things to help better to clarify, we are very pleased with the creation of the multipurpose grant. To clarify the term in an area under the criteria section, the requirement is to submit an overall plan. We would like for local governments to be able to use this grant based on a market need citywide and would hope that it becomes eligible this way.

We would also wonder if the EPA would be flexible if the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



original vision did not materialize and, instead, another one is implemented. If a developer comes in and they say, "Mayor, you know, we want to build a flex warehouse on this 20-acre parcel," and then, somebody else comes in and says, "We want to do an office building," and we already have the grant, can't we just switch the grant to do the office building?

Mr. Shimkus. Mayor Panto?

Mr. Panto. I would agree exactly with my colleague. The flexibility is very important to us. And as far as funding, I understand; we make those decisions every day. I understand the needs that are nationwide versus what we have as resources.

But I will also agree, I wrote down also about the federal income taxes. Again, the whole reason for these brownfields is to increase the amount of good jobs that are in our communities. That means more taxes not just for us, but for you as well. So, I would point that out as well.

And I would also say that the wish list is reauthorization. If we get reauthorization just in the form that it is in, we think the flexibility issue is important, especially in change of use or change bundling up the different sites in a community.

But I would certainly agree that this authorization is needed immensely. Without this authorization, I really wonder where we are headed environmentally in this country.

Mr. Shimkus. Okay, great. Thank you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Governor Glendening?

Mr. Glendening. Thank you.

As our colleagues have indicated here, I think one of the major issues is increase the amount of money that can be used for administrative expenses. I know that sometimes sounds like a little bit of bureaucracy, or whatever, but we, Smart Growth America, work very aggressively across the country with small and medium-sized communities as well as some of the larger areas. What we find more than anything is that, generally, they do not have the internal capacity, nor in many cases do they even have the financial capacity to engage an appropriate consultant firm or something of this type.

I just returned several days ago from Concord, New Hampshire, where we had a major effort working in terms of bringing senior housing in, and they identified several sites that were being delayed because they were the old mill sites.

I also was in upstate New York with Governor Cuomo not long ago, working in Buffalo and surrounding communities, where we are going through the same type of thing: how do we make it flexible for the smaller community? Buffalo will be able to do it. The smaller communities around there are having a harder time. And so, I think that this flexibility in the administrative cost is a major issue.

I would also add, to the extent that anything can be done

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

to make it more flexible, as my colleagues here indicated, because plans change. What is happening in a really big way right now is the mixed-used development. People wants residence and housing and employment opportunities all together. When you put together a mixed-use project, what you start with when you apply for a brownfield is often not what you end up with by the time you get your private financing and all. So, I think that point becomes very important.

Lastly, with the mixed-use development, one of the other major things that is going on across the country is the transit-oriented development. And I think the ability to somehow or other link these programs, because a lot of the transit-oriented sites are old brownfield sites as well. They were train stations, just like in the case of Santa Fe with that tremendous redevelopment that occurred there.

The bottom line is I think you are all on the right track, and we appreciate that very much and lend whatever support we can, either technical or when we come to the discussions of the appropriations.

Lastly, on the appropriations point, this administration is emphasizing jobs and return on investment and effective use of money. This is a model program to do just that.

Mr. Shimkus. Thank you. My time has expired. So, I apologize to the last two panelists. I am sure they will get a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

chance to respond.

I would now like to turn to the ranking member, Mr. Tonko, for 5 minutes.

Mr. Tonko. Thank you.

We heard this morning that some low-hanging fruit, as I said, that are easier to assess and clean up have already been addressed. Generally speaking, remaining brownfield sites may be more difficult, which is another word for expensive, to clean up.

With that in mind, is it important to increase the potential size of grants? I would ask our entire panel. We could perhaps start with Mayor Bollwage.

Mr. Bollwage. Thank you, Congressman Tonko.

Yes, increasing the amount of grants is always helpful from a mayor's point of view. The panel has done that in going from \$200,000 to \$500,000 in the remediation grants. And we have suggested that even raising the limits on that is possible because there are some of these sites that can be extremely complex. At times, if we have it and we come back and say, "Hey, listen, for another \$100,000, we might be able to get this done," we would hope that the EPA or the bureaucracy would be responding in a quick way.

Mr. Tonko. Thank you.

Mayor Panto?

Mr. Panto. I would agree again with my colleague. We both

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

are mayors, so we both have the same vision of what we need. And I think the million dollar threshold is a much better threshold because things are getting more -- you said it directly -- the low-hanging fruit is gone. These are tough sites with BCPs and a lot of soil remediation that is needed. The asbestos and lead is recognizable. It is the soil remediation that really takes a lot of cost.

So, I would say, as I said, we all make these tough financial decisions today, no matter what level of government. But, if there is any program that the federal government does that shows the return on investment, this is it. You know, a \$300,000 grant to our mill; we have \$100 million of private investment creating jobs that are going to be very sustainable. That comes back to all of us.

Mr. Tonko. Thank you.

Governor Glendening?

Mr. Glendening. Thank you.

I concur with my colleagues here and also suggest that, as we look at larger amounts, that we keep almost a parallel mind thought about the flexibility, because a number of the developers that are coming in and successfully using these fields have a sophistication and have some deeper-pocket connections. And so, if they can be flexible in the upfront portion, I think we are going to see more complex and more expensive projects increasingly

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

addressed.

Mr. Tonko. Thank you.

Mr. Martineau?

Mr. Martineau. I think, one, the liability protections to governmental entities is key and others, because whether state or local governments being risk-averse don't want to get in that chain of title unless they end up being the owner of an abandoned property for liability purposes. So, doing that; the grants increasing, but, of course, the challenges, then, increase in front of you for the overall program. Obviously, the original \$200,000 was almost 20 years ago, and just the cost of doing the investigation is important. But you trade off less total sites if you don't increase the funding. So, that is the challenge.

And then, for particularly the rural communities, the small communities, some administrative costs just to help them fund it. As the governor said, they don't have the resources in house to hire the consultant and oversee that thing. But making that site available and already doing the study is important to get a prospective buyer in there.

Mr. Tonko. Thank you.

And, Mr. Anderson?

Mr. Anderson. The larger grant amounts will be helpful to some of these very challenging sites. They are quite dark brown and there is no economic driver. Since real estate is cheap in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

some of these areas, these rural areas, the large grants are extremely important. However, as you realized, the larger grants means less that we have to give out in the way of awards out there with capped amounts.

Thank you.

Mr. Tonko. Right, and that is where I wanted to take this next question.

Mayor Bollwage, your testimony states in the past 5 years over 1600 requests for viable projects were not awarded money because of limited funding and 30 percent of the application can be accepted. But what would be the impact of increasing grant awards without increasing overall funding for the program? Is there a concern that you have?

Mr. Bollwage. Not really. I mean, increasing the grant awards would be helpful throughout the many cities in this nation in order to accomplish the goal. I mean, I recognize there's limited funding, and talking about the overall funding of the bill is another thing that is never discussed. I mean, one of the targets is \$250 million, which is a reauthorized number. I think we would like to see it at \$1 billion, if possible, over the time. But, naturally, that is not going to happen, either.

Mr. Tonko. Well, it is your input that is valuable here.

Anyone else on that question or concern?

Mr. Glendening. I think it is important, just a discussion

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

of the standard amount of money. We have really brewing an equity problem in this country, and this is one of the opportunities for reinvestment and development in areas that most desperately need it. They are more expensive. The truth of the matter is, if you want to do more in the size and more on the opportunities, you need more money in the bottom line.

Mr. Tonko. Thank you. Thank you.

Mr. Shimkus. The gentleman's time has expired.

Now the Chair recognizes the gentleman from West Virginia, Mr. McKinley, for 5 minutes.

Mr. McKinley. Thank you, Mr. Chairman.

Governor Glendening, you made a very interesting remark in your prepared testimony and your remarks about 450,000 contaminated sites across the country. I travel through your area twice a week, back through Frostburg and Cumberland and Frederick and Hagerstown. I see those sites. They are still out there, these abandoned sites.

It is my understanding that we probably remediate something less than a thousand a year. So, we are talking about 450 years ahead of us, and these are the sites that are the prime sites that over the years companies took because they had access to river, rail, and roads. And they are sitting there as a stigma in that community without be developed.

So, I don't think there is any appetite in this panel for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



us to cut the funding. If anything, I think we are going to try to increase it, get back to the appropriated level of \$250 million and not less than that.

My concern is, in part, with it, not only is the 450 years ahead of us, but I want to build off what Congressman Shimkus raised. That was he is walking on eggshells on this; I am willing to talk about it. That is, why aren't we talking about turning it into a revolving fund that we can provide monies as an option? In lieu of putting 20 percent of a cost-share, you return the investment back to the federal government, so that we can reward some other community over the years with this. Because if we are going to make up the pace of 450 years, we have got to find another funding source.

Is there a problem, do any of you see a problem with turning it or evolving it as an option to go to a revolving fund where you return some? Mr. Anderson, you said it could be as much as \$34-\$35 for every dollar. Just imagine if we could return that money to a rural community that doesn't have the 20-percent share. And I will venture to guess, even though it is in the law that you can waive your 20 percent, I am guess that there aren't too many that are waived. So, having said that, does that make any sense to look at it as an option? Would that be an incentive to do this?

Mr. Glendening. Congressman, if I might add real quickly,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

first of all, as a good neighbor, I appreciate West Virginia as much, to be sure. My son is a graduate of the University, and I regularly go through the same communities in West Virginia, way up there, and a lot of parallels in terms of needs as well.

Mr. McKinley. Right.

Mr. Glendening. We have used in Maryland some recapture efforts to go into a revolving fund on parallel programs, and they have worked well. And I think one of your basic theses is absolutely correct. That is, as we move ahead and as we look at the list of what is there, we have to examine every way, I think, to help both expand the bottom-line amount, but also to recapture and to be able to put some funds into the future of this.

Mr. McKinley. In terms, Governor, of the timeframe, we had some testimony a year ago about go monthly rather than annual. Would being able for communities to be able to do it on a monthly basis, to try, would that help increase participation in this, rather than annual application grants?

Mr. Bollwage. Congressman, some cities do do revolving loan funds, and it was a staple of efforts to renew their grant, which is no longer existing. But a lot of cities and counties will do revolving funds, but, in all honesty, no mayors want to give money back to the federal government.

[Laughter.]

Mr. McKinley. I do understand that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

Mr. Panto. Congressman, I am going to go way off script here. I think the whole idea of brownfields is what is happening with the greenfields. It is so much easier and cheaper to develop outside the urban cores. There is where you need to get your impact fees.

Mr. McKinley. Okay.

Mr. Panto. Put an environmental impact fee on taking our agricultural lands away and creating more industries. And they are not industries; they are distribution centers.

Mr. McKinley. Mayor, if I could on that, I am hearing from other people that I have talked to about this that they are still abandoned, some of these, for whatever reason. Is there an appetite, do you think, with developers or so to look for tax credits for people to locate in these brownfield sites? That is, would that be part of an incentive that might get people to locate there? Because it goes to the heart of the issue about creating jobs, especially in downtown areas.

Mr. Panto. And we are doing that with incentives from the state and local government. This mill, if you move there, until 2023 you don't pay any local or state income taxes. The developer doesn't pay any real estate taxes. So, we are doing those incentives, and they do work. And maybe that is something that can work at the federal level. I would be more than happy to look into that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Mr. McKinley. Okay. I am sorry, I went over my time. I yield back.

Mr. Shimkus. The gentleman yields back the time.

The Chair now recognizes the gentleman, the ranking member of the full committee, Mr. Pallone, for 5 minutes.

Mr. Pallone. Thank you, Mr. Chairman, and I thank the witnesses also.

Because I really think this is an issue that we can work on in a bipartisan manner, so I am going to continue to stress that. The committee process so far has been productive, and I want to continue working with my colleagues to craft a bill that becomes law.

I do want to say, though, before I get to questions, that I feel strongly about we should not open up liability under Superfund in this bill, which is the cornerstone of the Superfund Program. The 2015 Gold King Mine spill showed us the serious risks that could come from creating carveouts for Good Samaritans in the law, when EPA unintentionally caused the release of toxic wastewater near the entrance of the mine. So, if Good Samaritan protections have been in place, people in communities harmed by that spill might not have been able to recover their cleanup costs.

The other thing is that my colleagues have already touched on the change in individual grant caps, and that change is included in my bill to reauthorize the Brownfields Program and it is also

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

in the discussion draft. But that change has to be done in a balanced manner.

So, let me get to some questions. Mr. Anderson, you mentioned that competitive brownfield grants are in high demand and, due to lack of sufficient funding for the program, many applications go unfunded. My question is, increasing the cap on individual grants under current funding levels will, indeed, lead to even fewer applications being funded, is that correct?

Mr. Anderson. I would think so.

Mr. Pallone. And so, we really need to pair these changes. We want to increase the cap to allow more flexibility, but we need to raise the overall funding level at the same time, which is, obviously, what I advocate. Do you agree with that? Or do you want to comment on that?

Mr. Anderson. Yes, I think you are absolutely right. The funding level is probably -- the blanks that are in the legislation are probably the biggest issue. The legislation as a whole provides new flexibility, and I think it is good.

Mr. Pallone. All right. Then, also -- this will be to Governor Glendening -- the discussion draft, like my bill, also includes language to allow nonprofits to apply for brownfield grants. Governor, do you support that change? Do you want to comment on that?

Mr. Glendening. I think there is a good change affected by

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

written comments. It does elaborate a little bit upon that. In a number of areas, a nonprofit is not only an active partner, but in some cases is the only partner, and particularly when this is used for things like turning into a workforce and affordable housing and addressing communities where inequity has been pretty severe in the past and they do have the private sector funding at this moment. And so, the nonprofit partners have worked, and there are numerous cases, and again I must stress particularly for affordable housing.

Mr. Pallone. All right. Thank you, Governor.

Mr. Chair, I wanted to very quickly mention two other important changes that are both in my bill and the discussion draft to clarify the eligibility of governments that acquired land through eminent domain or before the Brownfields Program was authorized in 2002.

I guess I will ask Mayor Panto about those changes and whether you would support those changes.

Mr. Panto. Not only do we support them, we encourage you to keep them in the bill.

Also, when it comes to the eminent domain, the one thing in there I did like was the word "purchase". Because oftentimes, in order to clean up your community, you have to do an outright purchase, like we did. The city of Easton purchased that mill site. We used state dollars for it, but we did purchase it. We

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

became the owner. So, the liability portion that Mr. Anderson talked about and, then, this portion, we believe that you are absolutely right on target there. It would be a big help.

Mr. Pallone. Okay. I haven't asked my New Jersey mayor to comment. All right, I will ask you for lunch.

[Laughter.]

Thanks for being here.

It seems to me that there is a lot of support among the stakeholders for reauthorizing the Brownfields Program and for making the clarifying changes included in the discussion draft. And there is also unanimous support among the stakeholders for increasing the funding level. So, Mr. Chairman, I hope we can not only continue to move forward with this legislation, but also that we can do something to increase the funding levels, which I think is important.

And I yield back.

Mr. Shimkus. The gentleman yields back.

The Chair now recognizes the gentleman from Texas, Mr. Olson, for 5 minutes.

Mr. Olson. I thank the Chair.

And welcome to all of our witnesses.

My hometown is Houston, Texas. We have the world's largest petrochemical industry. We have the world's largest medical complex, the Texas Medical Center. We have America's No. 1

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

exporting port, the Port of Houston. And we have a lot of brownfield sites all across our region. They are all over.

Put that slide up, please. This is the best example of how a brownfield can work. This is smack-dab in downtown Houston. It is an old railroad station, a dilapidated industrial facility with many, many, many corrugated metal buildings in complete decay.

Next slide, please. Here's that brownfield today. That is the 42,000-seat Minute Maid Ballpark.

Mr. Shimkus. Is that a Minor League park?

Mr. Olson. No, sir.

Mr. Shimkus. A semi-pro team?

[Laughter.]

Sorry.

Mr. Green. Mr. Chairman, if the gentleman will yield, I want to comment. I appreciate that, and I want to remind you the Astros won their opener last night.

Mr. Olson. My comment is about that. As you can see from the little placard here, according to Sports Illustrated, on June 30th of 2017, that stadium will be the home of the Baseball World Series Champions, our Houston Astros.

[Laughter.]

And I am proud to say, after yesterday, we are on track to win 162 games and have nobody score one against us. Go Astros.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



But, to be a little serious, this was a true public/private partnership with private in lowercase letters and public in -- I'm sorry -- private in uppercase letters; public in lowercase letters. EPA spent about \$800,000 to have this brownfield take and made into Minute Maid Park. Houston, local Houston people raised over \$500 million -- \$800,000 versus \$500 million.

And so, my question for the whole panel is, who would do these projects like Minute Maid Park without federal assistance? Mr. Anderson?

Mr. Anderson. Thank you.

Often the real spur of a development like that is that initial investment of cash. The developers look at these properties and they don't know whether they want to spend their own. They want to get before they own the property -- allowing the local government or the state government or the federal government to come in and actually do an assessment of that property, figure out how bad it is, put the yardstick up against it, is critical to these projects. And you can see the leveraging.

Thank you.

Mr. Olson. Mr. Martineau?

Mr. Martineau. I would second that. I think that is exactly right. The site assessment dollars by somebody as the city or the community investing those dollars, so that they can attract maybe a myriad of prospective purchasers. Because if you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealgross.com](http://www.nealgross.com)

don't know what the site has got, it is an old railroad site -- and our Gulch was the same thing, an old CSX site -- why are you going to spend half-a-million dollars to do a site assessment to only find out it is way beyond the thing, when you can go somewhere else and find a greenfield site? So, that initial site investment, it gives the prospective buyers a sense of what the additional cost to use that facility is as opposed to something else.

Mr. Olson. You have to have federal, don't you, it sounds like?

Governor Glendening, sir?

Mr. Glendening. Congressman, first of all, I agree entirely with the premise, and you are exactly on target. And I appreciate that.

But let me also add, if I might, the Baltimore Orioles Stadium, which became the model for the modern baseball stadium, used the exact same approach. It was a combination. It was a brownfield. And right next to it now is the Ravens' stadium as well.

And so, I think what we ought to do is, as creatively as the Baltimore Orioles and the Houston Astros play in the World Series for, we could call this "the Brownfields Series," and put the publicity on this where it should be, as the Orioles, indeed, of course, go on to win.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

[Laughter.]

Mr. Olson. We have one problem. I love that, sir, but a couple of years ago they moved us to the American League. So, it has to be an American League Champion Series, but I would love to have the Orioles --

Mr. Glendening. You have to make more of an impact then. I had forgotten about --

Mr. Olson. Well, we are planning to this year, the World Series Champs.

Mr. Glendening. Right.

Mr. Olson. Mayor Panto?

Mr. Panto. In light of time, I would concur with all my colleagues as well.

Mr. Olson. And last, sir, Mayor Bollwage.

Mr. Bollwage. Thank you, Congressman.

When we built the Jersey Gardens Mall on a 166-acre landfill, it was the same process. We used an assessment grant, and the developers asked me to go to the city council to build a road, which cost \$10 million to get to the dump, in order to get the heavy equipment in for remediation. So, the public investment and that combination led to about \$500 million of investment.

Mr. Olson. As you guys know, more about the stadium, we built a basketball team. The big Rockets auditorium stands right across the street from that; a soccer stadium for our Dash and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

our Dynamos across the freeway from that, all new hotels, a little park out there. Downtown is thriving again. It was going --

Mr. Shimkus. All right, the gentleman's time has expired. I will remind him that the American League still doesn't play real baseball because they have the DH.

[Laughter.]

Mr. Olson. It wasn't our choice.

Mr. Shimkus. With that, I will recognize the gentleman from California, Mr. Ruiz. He was a baseball player. He would appreciate that.

Mr. Ruiz. I do appreciate that, and the American League is definitely the league to follow and watch. That is where my favorite teams are.

I want to focus on the important role that this program plays in improving and protecting the health of the surrounding communities. Often these contaminated sites are located in low-income or underserved communities which shoulder a disproportionate burden of the health effects from the pollution. Clean up of these contaminated sites is a public health equity issue because it will provide these underserved communities who bear the greatest brunt of the disproportionate burden of disease with safer air to breathe and water to drink and a cleaner outdoor environment where the residents can work and play and raise a family, and know that their health will be protected.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

As an emergency physician, I have seen firsthand how these hazardous sites have affected the public's health, especially children who are too young to recognize the dangers of playing near contaminated sites.

This question is for Mayor Panto. In your testimony you share your experiences with the abandoned R&H Simon Silk Mill in your community of Easton. What type of pollutants were present at this site?

Mr. Panto. Lead, asbestos, primarily in the buildings that the buildings that the kids used to go into. You are absolutely right, it is in our low/moderate area of the city. It is our highest-density population. So, the kids are looking for -- there are no playgrounds around and there is not a lot of greenspace -- so they find attractive older buildings like this to play in. And so, I would say the biggest obstacles were the lead and asbestos.

Mr. Ruiz. And we know that there are well-documented negative health effects, including lung cancer, mesothelioma from breathing in asbestos, and problems with development of the brain and nervous system with lead exposure, especially in children. So, how did the Brownfields cleanup grant you received help you address these pollution problems?

Mr. Panto. We removed and all the lead paint is now gone. All the asbestos is gone. Matter of fact, I should point out my

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

mother worked in that mill when I was a child. So, that asbestos was getting into her lungs as well. But those are gone now. So, the kids who were frequenting them, had we done that a long time ago, they wouldn't be exposed to that, but they were definitely exposed to the asbestos and the lead.

Mr. Ruiz. And so, tell me more about the community around these sites. Who remains most at risk from the pollution remaining at the abandoned sites? And why is there now a new threat there?

Mr. Panto. The people or individuals who were most exposed were the kids. It wasn't the type of pollution where adults were going down and playing on the soils. We have one right down the site which was an old iron and metal scrap yard, and that is another site. It is just not as large. And the city is looking at possibly putting a park there.

Mr. Ruiz. Are these affluent communities who can afford the care?

Mr. Panto. No, no, no, no. No, this is below -- these are poverty level, 80-percent median income --

Mr. Ruiz. Tell me about the healthcare services around there. Are there big hospitals? Is there concierge medicine?

Mr. Panto. Concierge medicine? No, no. We are very fortunate; we just got our first primary care group that is opening up in that neighborhood, the first.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Mr. Ruiz. Your very first one after all these years?

Mr. Panto. Yes.

Mr. Ruiz. So, disproportionately, the rural, hard-working, poor families that struggle to make ends meet are the ones that have to deal with these types of abandoned contaminated sites, correct?

Mr. Panto. Congressman, I am glad you brought that up. We always try to look toward the positive of economic development, but you are absolutely right, it negates the health hazards. And, yes, there definitely were health hazards exposed to all the children who used to play in those buildings, including the homeless.

Mr. Ruiz. Well, clearly, this is an issue of fairness. Clearly, this is an issue of the fair distribution of resources to meet the needs of those that oftentimes have the weakest political muscle to have a voice for themselves. And so, this brownfields reauthorization is an issue of environmental justice as well.

Having said that, we also know that tribes constitute a large and increase in the application process for these grants. And we know that we had the discussion of whether the amount of grants, where if we were to increase the amount of grants, we would perhaps have to limit the amount of awardees. But, if we keep the awardees the same, the grant dollars will go down. This is one argument

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

why we need to increase the pool or the pie of these grants, so that the grant money can be actually effective and we can get some significant changes in these communities that are needed.

Mr. Anderson, talk to me about the technical assistance that these grants provide for tribes and other rural communities.

Mr. Anderson. The technical assistance, there are a number of different ways to provide and gain technical assistance out there. The states, through their 128(a), as I mentioned, provide brownfields assistance. We go out; we brainstorm. We help with public meetings. Some states have grant-writing programs that they actually help write the grants, review them.

There is also the TAB contractors through EPA, Technical Assistance to Brownfields. I believe there are five around the nation that can lend at no charge assistance to some of these local communities. There is also a similar-type setup for the tribes out there.

These are excellent programs and work quite well.

Mr. Ruiz. Thank you very much. I appreciate this conversation.

Mr. Shimkus. The gentleman's time has expired.

The Chair now recognizes the gentleman from Ohio, Mr. Johnson, for 5 minutes.

Mr. Johnson. Thank you, Mr. Chairman.

I was going to mention to my colleague, Mr. Olson, you know,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



some of us talk baseball; others of us actually still play baseball.

[Laughter.]

Mr. Chairman, you are from Illinois, the great home state of the Chicago Cubs. I am from Ohio.

Mr. Shimkus. Wait, wait. Don't go that far.

Mr. Johnson. I'm from Ohio, the home of the Cleveland Indians. But, just like his beloved Astros, Mr. Olson left the tournament early. So, I will have to mention this to him later.

[Laughter.]

Mr. Martineau, your testimony states that the discussion draft removes statutory barriers to brownfields revitalization. Would you please tell us what you mean by that?

Mr. Martineau. I think a couple of things. The removal of the barrier to allow nonprofits and non-governmental entities there; the opportunity to increase the cap; the opportunity to increase those who could get liability protection, particularly governmental entities. Sometimes governmental entities, like in economic development, may be looking for sites that they can, then, market if they take ownership and do the assessment and prepare it for market, essentially. I think all of those things can be helpful; the administrative cost thing.

Several folks mentioned those rural communities, particularly where we are trying to bring jobs back into the poor

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

rural -- we talk a lot about the urban, which are very important, but some of these rural jobs. You know, in our state there were a lot apparel and denim facilities and stuff. Those industries are gone.

So, having the Technical Assistance Grants or the ability to have the administrative cost to those small communities where \$25,000 or \$50,000 in a small city's budget may be the difference between getting that site marketable or not.

Mr. Johnson. Okay. Well, I represent one of those rural areas like you are talking about.

In addition, your testimony states that legislation that reduces risk in remediation efforts would create opportunities for investors to reuse existing infrastructure at properties that would otherwise be wasted. Would you elaborate on that as well?

Mr. Martineau. Yes. I think the provisions in some of it have been discussed here earlier today. The impediment to these, at the bottom it is the financing. It is the banks or the lenders that are going to want that certainty that they are not going to end up with a contaminated site or the prospective buyer that wants to do that redevelopment; that they want that liability protection from whatever preexisting conditions are there or the prior owners.

The ability in Kayak example I used was perfect. They wanted to renovate that existing building instead of build a greenfield

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

site. The square footage was already there. The infrastructure, water, and sewer was already there. But they didn't want to become the owner/operator of a contaminated site.

So, allowing that existing facility to be renovated and ensuring through the grant that liability protection for that thing, when they went in and continued to operate; if you demolish the building and start cleaning, it is a little easier, you know, to clear it out and you get the soil samples. But this is the ability, rather than build a greenfield building, they were able to use an existing building that had been sitting vacant.

Mr. Johnson. Okay. Finally, staying with you, Mr. Martineau, your written testimony notes that states are seeking ways in which organizations can safely invest in remediation efforts without being restricted by liability concerns. Do you have any suggestions on how to deal with the liability concerns that you are referring to?

Mr. Martineau. We can offer the committee some specific language through ECOS, and we will look at some specific language. But I think the kind of general concepts in the discussion draft about enhancing the liability protection, particularly for governmental entities who may want to take title, as we have talked about, the city really ends up being the owner of the property because it has been abandoned. And then, if they can ensure their protection, they can market that and pass that on.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Mr. Johnson. Okay. Mr. Chairman, I yield back a whole 40 seconds.

Mr. Shimkus. The gentleman yields back his time.

The Chair now recognizes the other gentleman from Houston, Mr. Green, for 5 minutes.

Mr. Green. Thank you, Mr. Chairman.

And I would never say that you were a Cubs fan. I know you are the St. Louis Cardinals because, when we were in the National League, we battled you many times. And I appreciate that relationship.

Mr. Olson. Will the gentleman yield briefly?

Mr. Green. Briefly.

Mr. Olson. Remember they hacked internal baseball accounts to save those Cardinals.

Mr. Shimkus. Reserving the right to object --

Mr. Green. Yes, reclaiming my time, the Cardinals actually paid for that, I think, the owners.

I want to thank the chairman and the ranking member for having the hearing today because brownfields is so important in my area, in Houston, a very urban area. At one time these were just abandoned, bankrupt businesses that we wished we could keep the liability there, but when they are not there, you can't do it. But we do have a few cases where companies are bought and they just forget about that that is in their inventory. And we have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

a responsible party, whether it be a Superfund site or even brownfields.

But what I have seen has happened -- and I appreciate the effort to try to have nonprofits because in my area, a very urban area, just east of that baseball park, by the way, we have a number of nonprofits who could benefit from that in there. But we have been fortunate with grants and brownfields in both Houston and Harris County.

In our area and around the country, some small, disadvantaged communities do not have the capacity to undertake revitalization projects. That area that you saw in that baseball park was actually the city of Houston, which is big enough to deal with it. But I have some smaller cities further out in our industrial area that may not be able to deal with that.

I hope that our reauthorization will provide those authorities and resources necessary to benefit communities. But I am concerned with President Trump's recently released 2018 budget which calls for a 30-percent cut in the EPA and reported 40-percent cut in Brownfields Redevelopment Grants. Brownfields is such a critical part for communities in Texas and throughout the United States. I hope this hearing and its continued attention to brownfields will show it is bipartisan support in Congress by the American people.

Mr. Anderson, in your testimony you talk about your

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

organizations helping smaller cities, towns, and rural areas. Could you describe some of that assistance your organization provides to these types of communities? Like I said, I have incorporated cities, but they are very small and may not have the local tax base or the local resources.

Mr. Anderson. Yes, sir. Thank you.

A great example I think is Lynchburg, Virginia, a small city. And there was an abandoned factor at the site. The city took it over. Adjacent to that was abandoned greenhouse complex. A nonprofit took that over.

We were able to get grant money in to assess that property to give the first read on it that helped the city get through a voluntary cleanup program and to assess the greenhouse that helped the greenhouse. The nonprofit that employs some disabled adults and allows children to come out to an urban farm, to allow them to get that data and move forward with a cleanup program through our voluntary cleanup program, that is one of my finest examples out there. There are many others that I have around the state.

Mr. Green. Thank you.

Mayor Panto, as mayor of a small city, do you agree that some additional forms of assistance from EPA would be beneficial? I would like to turn to administrative costs. Currently, Brownfields Grant funds cannot be used for administrative costs. Allowing recipients to use a portion of EPA funds to offset some

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

of the administrative burden could help these communities, particularly in these smaller and, then, sometimes financially-disadvantaged communities. Again, I am talking about a city, a very urban area of 10-12 thousand people.

Mr. Panto. Congressman, I agree with you 100 percent. I think Mr. Anderson pointed out that our small city of 29,000 doesn't have a grant writer, doesn't have a specific environmental department, let alone an environmental person. So, those types of administrative grants, 5 percent is fine, but we would like to see it to be 10 percent because, you know, on a \$300,000 grant, let's say the average is -- you can go up to \$500,00, but let's say \$300,000. That is a \$30,000 opportunity for us to have oversight of professionals doing what needs to be done, and we don't have one on staff.

Mr. Green. Thank you, Mr. Chairman. I have a number of questions, but I can't get into them now because I don't have the time. But I would be glad to submit them. I appreciate it.

Mr. Shimkus. The gentleman's time has expired.

The Chair now recognizes the gentleman from Michigan, Mr. Walberg for 5 minutes.

Mr. Walberg. Thank you, Mr. Chairman, and thanks to the committee, and to the witnesses for being here.

Mr. Anderson, based on your extensive experience with brownfields, can you give us your thoughts on whether it would

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

be a good idea to create an exemption or defense to liability for parties interested in redeveloping brownfields?

Mr. Anderson. I think that is a two-part question, sir. The exemption might conflict with CERCLA laws. The defense is out there right now. The phase 1 environmental assessments, the due diligence can be and should be completed before you buy properties. It is the "termite inspection" of commercial real estate.

And to do that, that will give you the protections under the law. Do the environmental assessments to go along with it, to find out how bad the termites are. Put a dollar figure on that site before you actually purchase that property.

We have had very little problems with people moving forward with that process in Virginia. On a national level, I am not real sure, but I think it is an excellent model and it does provide the liability protections out there.

Mr. Walberg. In this "termite test" that you say, would a party who caused or contributed to the contamination be eligible?

Mr. Anderson. Since it is set up for purchasers of that property, no. However, we do have the voluntary cleanup program, as most of the states do. That would allow a PRP, a potential responsible party, to actually enroll that site into the cleanup program, complete a cleanup that is protective of human health and the environment. With that, under Virginia, you get

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



enforcement immunity. We have a Memorandum of Agreement with EPA. We just re-upped it in March of 2017. That means that, once we complete it, the EPA has no further interest in that property. The lawyers really like that.

Mr. Walberg. And you have found this proactive effort to be very productive in cleaning up?

Mr. Anderson. I think so. Yes, sir, it has been very successful in Virginia, I believe. Well, there are two different types of sites in Virginia. You have got the type of sites that happen in the Beltway, up this way where properties have a lot of value and the properties are worth a lot once they are cleaned up.

But, once you get out into the rural areas, the properties are upside-down, and you really need to work with the local government to figure out how to redevelop that property in a manner that is consistent with what they need and with what they have in that community itself. So, those can be a real challenge, but those liability protections are there for the local government, and we have talked about expansion of that here today.

Thank you.

Mr. Walberg. Your written testimony, Mr. Anderson, notes that the Section 128(a) funding for states, territories, and tribes has remained at just under \$50 million for more than 15 years. Can you explain to us why that is a problem, other than

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

more money is always good money, it seems like?

Mr. Anderson. Yes, sir, I believe I can. As I mentioned, in 2003 there were 80 applicants for that pool of money. Today there are 166 applicants in 2016. So, basically, you have got double the amount of applicants for that money and you have got the same pot of money. The pie can only be sliced thinner. It is the only way to equal that out. The awards these days are half of what they were, less than half of what they were when the program started in 2003.

Mr. Walberg. Does ASTSWMO -- you say it better than I do --

Mr. Anderson. ASTSWMO.

Mr. Walberg. ASTSWMO.

Mr. Anderson. It took me a while.

Mr. Walberg. Do they have an opinion as to the appropriate level of funding?

Mr. Anderson. If we were to look at that \$50 million in today's dollars, I am not an economist, but I have been told that that \$50 million is worth about \$66 million. So, that alone could make a significant difference. If you just do the math and look at what we were getting on average in 2003 and you look at 2016, it would be significantly different, an increase.

Mr. Walberg. Any of the rest of the panel care to add to that from your own experience?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Mr. Glendening. If I could add a very quick comment here, part of what is going on, I think, is that the sites that are left are not only more difficult, they are also significantly about health in the neighborhood, in the poor areas, and things of this type. And so, the program has been successful. You can see that by the number of applications as well as the results afterwards. But what we are looking at now is, just as the poor and the smaller and the areas that are most impacted by the health considerations realize what is going on, the money, just in terms of the sheer numbers, is becoming very, very difficult.

You know, I always emphasize to people to just look around the neighborhood. You don't see the \$600,000 home right next to the abandoned steel mill. You do see the rental properties where people really don't even want to live and their children are ill next to the steel mill. I mean, that is part of what we have got to keep in our mind when we think about the total amount of money.

Mr. Walberg. Thank you. I yield back.

Mr. Shimkus. The gentleman's time has expired.

The Chair now recognizes the gentleman from California, Mr. McNerney, for 5 minutes.

Mr. McNerney. Mr. Chairman, I want to congratulate you. This is very bipartisan. In fact, it is a little too bipartisan. We need to find some areas to disagree on.

Mr. Shimkus. Yes, don't spread that around too much. It

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

is not going to be helpful.

[Laughter.]

Mr. McNerney. Thank you.

But there are some common things here. You all seem to want to have the individual grant size increased, maybe as much as a million dollars. You like the administration costs covered, maybe up to 10 percent. Those seem reasonable.

But, with regard to the mayors, I am a little confused about why you think the brownfield in-fill is a better opportunity than a greenfield for small towns. I mean, I like to hear that, but I am not sure what the reasons are.

Mr. Panto. Well, in Pennsylvania we are very parochial. So, I have 5 square miles. But, if you came to my city, you would think were seven municipalities. There are three boroughs and three townships that border us that we provide water and sewer for, but we don't have the abilities to increase our population the way they do. Therefore, we are stagnant.

The same way with the brownfields. The brownfields are located in the cities. They are not located in the townships that are relatively new. That is all greenfield development.

It is a matter of fairness to me. We have the tax-exempt properties, the schools, the churches, the county seats. They don't have that. They have a much higher income tax base than we do. We have the poor, the poverty, the senior citizens. We

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

need that.

These brownfield sites in cities of our size are really important economically. They are important, as Congressman Ruiz said, for health and safety. Absolutely. But, just as importantly, they are the economic engines of our city. They could provide jobs for our residents. Increasing their earning capacity is really important to us. Because if we increase their earning capacity, they get sustainable jobs that help them with their family. Their kids don't go to school hungry. They have the laptop at home or the computer to do their homework. We don't have the kind of wealth that they have in the suburbs. So, I would say that this is a fairness issue, economically and from a health and safety point.

Mr. Bollwage. Congressman, from my point of view, we are the county seat in New Jersey, in Union County. Forty-seven percent of our land is tax-exempt because of Newark Airport, the seaport, churches, the county buildings. And the only way we can grow our tax base is by looking at these underutilized properties and convert them to a productive use, in supporting what my colleague from Pennsylvania just said.

Mr. McNerney. And Mr. Anderson remarked that it is a better use of infrastructure. I assume you mean electrical infrastructure, water infrastructure, broadband, all those things?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

Mr. Anderson. Yes, sir, I do. As you are aware, once you extend services out, you have to maintain those. And the core of cities will continue to deteriorate unless efforts are made to revitalize those cores themselves. Those were the stimulus for the development in that area itself to begin with.

Mr. McNerney. Well, the city of Stockton, California, in my district, was one of the recipients of a pilot grant in 1996, and it used it to revitalize areas near the Stockton Deepwater Channel. And it has been very successful.

I am turning my interest toward the repowering portion of this legislation. Mr. Glendening, I would like to ask, what do you think the benefits to the communities of the repowering initiative would be?

Mr. Glendening. I am sorry, can you repeat the last part of the question?

Mr. McNerney. Well, what are the benefits to the community that the repowering portion of this legislation would be as opposed to not including that?

Mr. Glendening. Oh, most definitely. Part of what we as far as Smart Growth America, but in communities all across the country, it is to bring investment into existing communities. We do that in part because we are interested in supporting efforts to protect the greenfields, the farming, the agriculture, the timber, the open spaces. And the best way to do that is to have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

a thriving existing community.

Also, your point is well-taken in terms of the whole equity issue as well. If everything continues to grow outward and the housing wealth and everything moves outward, then you have people who are left behind. I think this is one of the big challenges facing the country. And so, this is about revitalization in areas that really need the jobs, the tax revenue, and the investment.

Mr. McNerney. Thank you.

Mr. Martineau, do you think that the states would be able to pick up the slack if the EPA budget cuts of 30 percent filter down to the Brownfields Program?

Mr. Martineau. Sir, I think the challenge, no, would be those states are already strapped. They are often part players in that. But those grants provide the seed money for those investments. And so, that is an important partnership there, to have those federal dollars available to states and local communities for those grants.

Mr. McNerney. So, the kind of fundings we have seen proposed from the administration would be very detrimental to our cities?

Mr. Martineau. Yes, I think that, obviously, the number -- we are already short, as the ranking member said, the number of sites that are still waiting on the list. And the money that has currently been budgeted, if it goes backwards, there is just going to be less sites, particularly if we increase the cap of what an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

individual grant could be. Yes, you would just do a lot less sites, if we are trying to reinvest in that infrastructure, in existing communities that have blighted facilities and return them to productive use.

And back to the chairman's comment about how do you measure it, you can do the economic analysis. It is not a direct dollar, but if you put 200 jobs back in a rural community and take people off of unemployment and other assistance programs, and they are paying state and federal taxes, and the property values in those communities go up, that benefits both the federal government and the state government and local communities.

Mr. McNerney. Thank you, Mr. Chairman.

Mr. Shimkus. The gentleman's time has expired.

The Chair now recognizes the gentleman from Georgia, Mr. Carter, for 5 minutes.

Mr. Carter. Thank you, Mr. Chairman, and thank all of you for being here. This is very interesting.

I was a mayor in another life, and I can tell you these are the type of things that I think the government does well and that we utilized. In fact, in the state of Georgia we have been very successful in a number of projects, particularly in the Atlanta area.

If you look at Atlantic Station, that to me has to be one of the best examples anywhere in the nation. I mean, that is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



multi-use and it is such a vibrant place now, kind of a centerpiece, if you will, of the whole area.

And not only Atlantic Station, but Ponce City Market. That is another example of a great project. My son actually works in that building. So, I see it firsthand quite often. Again, that is the kind of thing that builds up my confidence or makes me feel good that we are doing some things good, and we do from time to time.

I want to ask you because I want to understand, what are the challenges, if you will, that you face when you are working with third-party developers and when you are working with third-party developers on a prospective purchase or something? What is the biggest challenge that you face with that, because this has to be a partnership?

Mr. Anderson?

Mr. Anderson. Probably time. Developers move at a different rate of speed as to what the government does. And that is just the way life works.

To respond to it, we have to have the staff in place knowledgeable and staff that are able to respond and do, at least in my program, handle the cleanup that is associated with those sites or to provide that advice to the local government and the developer itself.

Mr. Carter. Yes, we know that the wheels of the federal

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

government move slow.

Mr. Anderson. They do, but, surprisingly, in this program if you compare it to other programs, because most of the developers or the cities that are enrolling properties, they have an end goal in mind to finish this development, they have money on the line, they are ready to move.

Mr. Carter. Right. Anybody else? Yes, sir, Mayor Bollwage?

Mr. Bollwage. Congressman, thank you.

The biggest problem is, first of all, the developer needs to make money. And therefore, taking that aside, how does he do that or how did they do that. And when they are looking at their revenue item, they want to know if there is grounds to cover the assessment cost, if there is a grounds to cover the cleanup costs, if there is a grounds for tax abatement from the local municipality and/or whatever state grants could be available. So, you start off from wherever the developer's number is and how do you get to that developer's number, and then, they are looking for all types of other areas. And one of the ways we can help is through assessment and cleanup, with the help of the federal government.

Mr. Carter. You brought that up, and I appreciate it very much because that segues exactly into my next question. And that is, you mentioned yourself about some of the projects are easier than others, and we understand that.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

You know, the projects in urban areas are very different from projects in rural areas. And I have some urban area, but mostly rural area in my district. I have got one example of a high-risk, high-reward project, if you will. It is a paper mill that is on pristine property. I mean, it is just located on deepwater, but it is doing to take a lot of cleanup, and we are just struggling. It is in St. Mary's, Georgia. And we are really struggling with getting someone interested in taking on that high risk.

Any experiences with that? Any suggestions?

Mr. Panto. What we did, Congressman, is on this mill I worked for a developer before I became mayor. In the 16 years I was out of office, I worked for two different developers.

My economic development director and I knew that we would never get anyone interested in this building in the private sector in this 18 acres, 16 buildings of blight and environmental contamination. So, what we did is we put together a package to go out and get all the grants that we could, including Brownfields grants, to clean the property up. Then, we offered it to the third party by doing an RFP.

Now we are giving them a piece of property that their liability is gone. The lead on the abatement; the soil remediation is done. Everything is done right on down to structural analysis of the buildings.

I believe that is government's role. How do we get it to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

a point where a private sector will -- they had baseball. Well, I will use a football analogy. It is that we handed it off. We handed it off to the next person, the private sector, to invest \$100 million. Whereas, we spent probably about \$7 or \$8 million in grant money to clean the entire site, put in the infrastructure because there was no infrastructure left. And in many of these brownfields the infrastructure is a complete reinvestment.

Mr. Carter. Right.

Mr. Panto. That alone was a couple of million dollars.

Mr. Glendening. Congressman, can I say real quickly in the few seconds that are left that I worked with the developer Jim Jacoby on a number of aspects down with the Atlantic Station. I remember when it was just a huge slag field of abandoned material.

And one of the things that was so clear to me -- and this is a very innovative gentleman, as you know -- he is trying to solve one problem and, then, he immediately moves to the next section and the next section, which is why I go back to we really need to be flexible on this, so that one part, in fact, is moving and you are just doing the assessment over on this part. He is a tremendous example of what can be done.

Mr. Carter. Absolutely. Yes.

Thank you, Mr. Chairman.

Mr. Shimkus. The gentleman's time has expired.

The Chair now recognizes the gentlelady from Michigan, Ms.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

Dingell, for 5 minutes.

Mrs. Dingell. Thank you, Mr. Chairman, and thank you, Ranking Member Tonko, for holding this important hearing today about reauthorizing EPA's Brownfields.

It is a bipartisan issue and it is great to see us all work together because we need to be doing it more.

By the way, I am a Detroit Tigers fan and I always be. I mean, I just couldn't let that go. We haven't played. We got rained out yesterday. So, we will win today.

But EPA's Brownfields Program has had a long history of empowering states, local communities, and other stakeholders to work together to prevent the contaminated sites from endangering public health and the environment. The program has got merits.

As I am sitting here listening to this discussion, I am struck. I really agree with my colleague who just spoke, Mr. Carter, about some of the impediments that we all face.

We have a success story in my district which is one of the best brownfield sites in the country, which we have the Downriver Community Conference that received a grant of \$6.4 million for the revolving loan fund. It has actually yielded \$103 million return on investment, adding over 800 jobs and significantly increasing the tax base of local downriver communities.

Then, we got another grant, and we are very proud of this, Willow Run, which was once the site of the Arsenal of Democracy

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

and the original Rosie the Riveter for World War II. It is now the home of the American Center for Mobility, a national DOT proving ground for testing and validation of connected and automated vehicles. And there are a ton of stories like this.

And I am going to ask questions, unscripted again. I always go off-script and make my staff get upset.

We have got McLouth Steel, which is the exact -- it is where the problems are, and Superfund is way too slow. I want to talk about that in a minute.

But let me ask you this: the overall EPA budget is critical to the success of brownfield programs across the country. Mayor Panto, on behalf of the National League of Cities, how would budget cuts to EPA impact any of your current or future brownfield projects and what are you hearing from other mayors?

Mr. Panto. Well, they won't get done. So, the health and safety will continue to rise. The economic losses will continue to go to the suburban areas of our city, not to the city itself. So, it would be devastating not just to Easton, but all of our cities and towns across America.

I will tell you that we have been very resilient not just in climate and environment, but also in finances. Mayors and council members at a local level have had to do exactly what Congress has had to do. Just all we remind you is, like a mayor, I propose my budget to city council; city council disposes the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

budget, and so do you.

So, I am asking you to prioritize. This is an important ingredient for creating jobs. This will move the cities forward, which moves the country forward. And it would be devastating without it.

Mrs. Dingell. I agree.

This question is for the entire panel. In the event EPA is no longer able to provide brownfield projects funding to the cities, could current multi-year cleanup projects experience significant delays or complete cancellations? And if so, what is the impact on public health and the environment? Any of you? Because I know you all have got a not-good answer or an answer with not good consequences.

Mr. Glendening. Well, I would just say part of the challenge is all of the different discussions here have focused, appropriately and for obvious reasons, on the dollar return on investment or on the number of jobs created or on revenues going in. All of those are very reasonable justifications.

However, when you start getting into the other questions like the health of the community, like the whole equity issue situation, like having affordable properties for development of affordable housing, like having attraction for private sector investment into older communities that desperately need revitalization, that is not on the balance sheet when we look at

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

it right now. And it must be really part of the consideration, which is why I agree so much with the mayor, hoping the committee clearly understands these issues and makes this as part of the prioritization of doing that. You do understand, of course, that I am equally concerned about some other areas, but I am here on behalf of brownfields.

Mrs. Dingell. Thank you.

Anybody else want to comment in the 10 seconds left?

Mr. Panto. Congresswoman, I would just say one thing. Return on investment is very important, and that is what it is all about. It is about trying to do those things that government can do from a businesslike manner. We can't do everything like a business.

But, for example, right now, our city is looking to invest \$30 million into a \$130 million aquarium science center. The only way we can do that is looking at what is our return. And if our return is greater than the debt service, we are there. If our return isn't greater than the debt service, it is we are not there. The return on investment on this program, you can't even question it. It has been phenomenal.

Mrs. Dingell. Thank you, Mr. Chairman.

Mr. Shimkus. The gentlelady's time has expired.

The Chair now recognizes the gentlelady from Tennessee, Ms. Blackburn, for 5 minutes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



Mrs. Blackburn. Thank you so much.

And I want to stay right with that line of questioning and thought. Mr. Martineau, I think you should know I am coming straight to you, buddy.

[Laughter.]

Yes, I know you do, and I know you have got such a great story to tell. As I said in my opening statement, we are really pleased with the program in Tennessee and what you have been able to accomplish.

And so, as we go through this bill and look at the discussion draft and look at how we make certain that we continue on the road where there is that return on investment -- and you were saying phenomenal; you almost said fanatical. And I tell you what, I think that that may not have been such a misnomer because people would never have expected some of the revitalization that has come from the work that you have done.

But I want you to talk, if you will, sir, about two projects, and you referenced each of them. One is The Gulch project. Talk about the public/private partnership, the incentivizing that the state did.

And then, I don't know if you have for the record what the estimated property value now of The Gulch is as compared to what it was, you know, 10 years ago, 15 years ago.

And then, the Jackson Kayak story I think is also so important

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

to not lose track of because this was a small business and they sought to expand. And you all helped them find a place that was basically deemed not worthy of development and replaced them, and then, bringing those jobs into that community where you now have a large percentage or a significant percentage of the community's workforce.

So, I am going to turn it over to you, and you have got about 2 minutes.

Mr. Martineau. I will highlight those couple and even one in your district as well I think that is even a good story. The Kayak one, briefly, I will start with that. Again, it was an existing facility or existing company manufacturing kind of high-end kayaks and coolers. They were looking to expand. There was an abandoned old lighting facility that had some contamination from the historical operations there.

We worked together with them to give the community an assessment. The local development district wanted to keep them, Kayak, from moving somewhere else to expand their facility. In the end, that partnership and giving the Kayak company the immunity protection from the existing contamination without having to tear down the building allowed that existing facility that already had the infrastructure there in place for water and sewer and things.

And again, it is a small town of 5,000 people and 250 new,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

kind of high-end jobs, because they are kind of specialty manufacturing jobs. It is not a warehouse or anything. So, that is a great success story. So, the return on that investment in that community, I am pretty sure that is probably the largest employer in that small town, and it stayed right there.

The National Gulch, it started as a small piece on the south end of The Gulch. It has now expanded to several other brownfield properties investment. HCA, the large hospital corporation, moved a part of their corporate headquarters there. There is a new capital redevelopment. And I don't have the total dollar values of the real estate there, but --

Mrs. Blackburn. Could you get that and submit that for the record?

Mr. Martineau. Yes, we will do that.

Mrs. Blackburn. Thank you.

Mr. Martineau. Just to give you an example of some of the high-rise condos and stuff that are there, we went from an abandoned property that nobody wanted to be there after dark to 600-square-foot condos that are selling for half-a-million dollars in a high-rise building and a brand-new premium hotel that rooms are \$400 a night there. So, the tax base has been generated in that community and we will get that.

Another on the small end and really important to the rural communities people have mentioned is in Saltillo, which I believe

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

is in Hardin County, on the Tennessee River. The Main Street was kind of abandoned. It had had some old apparel factories.

Through that assessment grant, we worked with them to provide some technical assistance. They actually attended one of our workshops and said, "Hey, we should try to get one of these assessment grants." They got a small assessment grant. They took an old, abandoned school and some old abandoned buildings. The school became a senior citizens center to serve this community.

They actually leveraged some FEMA funds because it is right on the banks of the Tennessee River and subject to flooding in the area, and they used some FEMA funds to leverage to turn into a storm center for evacuation, regional evacuation.

And they are working with some of those other abandoned buildings to try to bring businesses back down. They also built some marina and docks on the Tennessee River, so the people had access for their boats, which brings people into the town, then, to spend money as they come in and out.

So, three great success stories of that program.

Mrs. Blackburn. And we appreciate hearing those and we appreciate the stellar job that you do.

Mr. Martineau. Thank you.

Mrs. Blackburn. Thank you. I yield back, Mr. Chairman.

Mr. Shimkus. The gentlelady yields back her time.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

The Chair now recognizes the gentlelady from California, Ms. Matsui, for 5 minutes.

Ms. Matsui. Thank you, Mr. Chairman.

Like a number of other members on the committee, I have seen the Brownfields Program's significant impact in my district in California. The cities of Sacramento and West Sacramento in my district have received a combined \$4.4 million in Brownfields Program assessment, cleanup, and revolving loan fund grants. In Sacramento alone, that has leveraged over \$1 billion in redevelopment funding.

One of my favorite projects in Sacramento, spurred by the EPA Brownfields grant, is a warehouse artist loft. The Artists Lofts are a converted former industrial building that is now a mixed-use, mixed-income, transit-oriented development for artist and their families. The lofts are at the center of Sacramento's historic R Street Corridor, which is now one of the most popular areas in the city.

The redevelopment of R Street could not have happened without federal partnership and funding. But, for the Brownfields Program to utility to its full potential, including projects in the pipeline in my district, it must receive adequate funding. I am encouraged to see the numbers proposed by Ranking Members Pallone and Tonko in the reauthorization bill. And I urge my Republican colleagues to replace the bracketed reauthorizations

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

in the draft with identical funding levels.

In Mr. Anderson's written testimony, he highlights the fact that the average Brownfields grant award today is less than half of what it was in 2003. Mayors Bollwage and Panto, have you seen this same pattern?

Mr. Bollwage. Yes.

Ms. Matsui. Okay. Now both the Pallone and Tonko reauthorization bill and the Republican draft reauthorization raise the funding cap for individual cleanup grants. In my district, I have heard that the current grant sizes make the program ineffective for larger projects that require more funding. Is this consistent with any of the witnesses' experience?

Mr. Bollwage. Yes.

Mr. Martineau. It is? Okay, great.

Now another way of questioning here, many of the brownfield sites in West Sacramento are contaminated with petroleum. So, I am particularly interested in provisions in this discussion draft related to petroleum cleanups.

Under current law, there is a cap on the funds that can be used for petroleum cleanups and that cap has no relationship to the number of sites with petroleum contamination. The discussion draft would eliminate that arbitrary cap.

This question is for the mayors on the panel. Do you support

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

eliminating that cap so that funds can go to petroleum cleanups where needed?

Mr. Panto. Yes.

Mr. Bollwage. Yes.

Ms. Matsui. The discussion draft also removes the requirement in current law that states and the EPA find a petroleum site to be, quote, "relatively low-risk," end quote, in order to access brownfields funding. This is a difficult determination to make and might have the unintended consequence of leaving very risky sites unaddressed.

This question is for Mr. Anderson. Do you support removing that requirement, so that state agencies do not have to perform a burdensome analysis? In general, do you support more flexibility to allow states to address petroleum-contaminated sites? Mr. Anderson?

Mr. Anderson. The short answer is, yes, we do want more flexibility. Quite often, that runs into a statutory issue in the state itself if there is a requirement for petroleum cleanup.

In Virginia we do have the Virginia Petroleum Storage Tank Fund, which is very beneficial and it is actually one of our unknown brownfields champions by helping to clean up so many of these sites.

But we have also tried to work together with other regulatory-based programs and with our voluntary programs, so

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

that we come up with a solution that is timely and you are dealing with one project manager.

Thank you.

Ms. Matsui. Okay. Any other comments from the rest of the witnesses?

[No response.]

Okay. I yield back. Thank you.

Mr. Shimkus. The gentlelady yields back her time.

The Chair now recognizes the very patient Mr. Cardenas for 5 minutes.

Mr. Cardenas. Thank you very much. I appreciate the opportunity to have this public discussion about this important issue that, quite frankly, most Americans don't think twice about because it is kind of like out of sight, out of mind. But, when you are a mayor, it is front and center. So, I want to thank specifically the mayors for being here today and sharing what it is like literally on the ground on trying to make policy and trying to literally clean up our communities.

I would like somebody to take a crack at giving a simplistic definition or differential between what is a brownfield and a Superfund. I mean, what makes one what it is and the other one what it is?

Mr. Martineau. They are both contaminated. The Superfund site would be listed on the formal National Priorities List for

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



Superfund Funding and, then, the cost-share there. Brownfield sites are many sites that may not qualify or being assessed under the Superfund Program, but have some nature and extent of contamination.

Mr. Cardenas. Now what might be the reason why a site would end up on a Superfund list versus just remaining a plain, old brownfield?

Mr. Bollwage. Congressman, severity of the contamination.

Mr. Cardenas. Okay. And then, of the brownfields, by and large, and the Superfunds, it just so happened that those grounds were contaminated by natural, you know, millions of years of accumulation? Or are they pretty much manmade results?

Mr. Bollwage. Manmade, Congressman.

Mr. Cardenas. Okay, manmade. And usually not like an individual man or a person, but usually a corporation that perhaps was having some kind of activity, maybe dealing with certain kinds of chemicals, and in many cases probably making some products that society benefitted from tremendously.

However, are most of these Superfunds and/or brownfields, were they created before the EPA was created or most of them were created after? I mean, is there like a time where, oops, we finally realize we are messing up the ground and our groundwater, et cetera, and now, we have got to stop doing those kinds of things?

Mr. Bollwage. I had the good fortune of having a Superfund

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

site in my city.

Mr. Cardenas. Or the bad fortune. Anyway, I get what you are saying. You are knowledgeable. Thank you.

Mr. Bollwage. It is called Chemical Control Corporation, which is on the water and it stored chemicals. In 1980, it blew up and the barrels went into the air. And the result of that, after getting funding for a Superfund site, was capping it with cement and it has to be in that position for the next 99 years.

Mr. Cardenas. All right. Okay.

Mr. Bollwage. There is no use, no tax revenue, nothing.

Mr. Cardenas. Okay. To my question, by and large, Superfund sites became Superfund conditioned sites or brownfield conditioned sites before or after the EPA was created?

Mr. Panto. Well, I happened to work for the company that owned a Superfund site that was a dump. Now it is a sanitary landfill, and they have cleaned it up and it is off the Superfund site. They have done groundwater collection. They have done methane gas recovery. We are making it into electricity. They have done a great job of cleaning up the site.

But it was definitely done way before EPA was even -- the real contamination was when it was not owned by the current owner, but when it was a dump, when people just dumped things back there. That was before the EPA took place.

Mr. Cardenas. So, there was a time where us, as human

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

beings, we kind of like, to be honest, we were kind of ignorant to the long-term effects of certain practices. I remember I was born in 1963. I was probably about 5 years old and I am carrying this little bucket of oil, and my dad told me, "Just go bury it in the backyard." I don't begrudge my father for doing that. This is in the 1960s. My dad didn't realize, oops, maybe we shouldn't bury it; maybe we should do something more appropriate with that.

I am sorry, you were going to --

Mr. Panto. I don't blame him and I don't blame corporations or anyone else.

Mr. Cardenas. Exactly.

Mr. Panto. But, still, I feel it is our responsibility and, wherever possible, to go back to that contaminating body, whether it was a corporation or an individual, and try to clean up the environment.

Mr. Cardenas. Yes.

Mr. Glendening. Mr. Congressman, your point, though, is very well-taken. I like the way you laid that out. Were you a prosecutor?

Mr. Cardenas. No, I am an engineer.

Mr. Glendening. Well, I like the way it was laid out.

Mr. Cardenas. I take it as a compliment.

Go ahead.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

Mr. Glendening. The point is absolutely essential, and that is, the number of new brownfields has declined dramatically because of the standards, the enforcement, and the public education coming from EPA overall. And the real solution is not to have more brownfields constantly created, which means that we have got to fund the cleanup and we have got to fund those things that have caused the dramatic decline in the number of brownfields. So, I like that presentation.

Mr. Cardenas. Well, thank you.

In my 11 seconds, I just want to say I am now a grandfather and I don't want my grandson to go through what the previous generation has gone through. So, right-sizing the EPA and making sure that the funds for brownfield cleanup, et cetera, that we right-size it. Because, with all due respect, if you allow me, Mr. Chairman, 10 more seconds, what we are talking about, as we delay and we don't get to these sooner, our groundwater and many precious things that we depend on continue to be contaminated and affected negatively.

Thank you very much, Mr. Chairman, for your generosity. Thank you, and thanks for having this hearing.

Mr. Shimkus. The gentleman yields back his time.

Seeing no further members wishing to ask questions of the first and only panel, I would like to thank all our witnesses again for being here today.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

Before we conclude, I would like to ask unanimous consent to submit the following document. There is only one, this ASTSWMO position paper agreed to by the minority. Without objection, so ordered.

[The information follows:]

\*\*\*\*\*COMMITTEE INSERT 6\*\*\*\*\*

Mr. Shimkus. I would also like to end by asking Mr. Martineau and Mr. Anderson, both from ECOS and ASTSWMO, if you would be willing to work with us diligently on language and stuff over the next -- obviously, there is a lot of bipartisan interest and excitement about moving, but we want to really start engaging you closely in language.

Mr. Martineau. Yes, sir, absolutely, we would be happy to.

Mr. Shimkus. And really, the same question for the mayors and Governor Glendening, with your organizations, the U.S. Conference of Mayors, the National League of Cities, and, also, your organization, Governor, if you would work with staff on both sides for us to finetune the language, so we can get moving on what you see as a very bipartisan, very interesting time.

Mr. Bollwage. Most definitely.

Mr. Shimkus. We want to thank you also for just being in the fields working away and helping communities. We are all from communities. We all know the challenges that governing has, and we appreciate you stepping up to the plate, and look forward to being helpful and not harmful in the process. With that, seeing no other questions or requests for time, I will adjourn the hearing and thank you very much.

[Whereupon, at 12:10 p.m., the subcommittee was adjourned.]

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)