

# BROWNFIELDS ARE OPPORTUNITIES:

## A COMPREHENSIVE GUIDE TO REVITALIZE PROJECTS IN YOUR COMMUNITY



***U.S. EPA REGION 2***  
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*PUERTO RICO • VIRGIN ISLANDS*  
*+ EIGHT TRIBAL NATIONS*

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*High Line Park, in the middle of New York City.*

# BIPARTISAN INFRASTRUCTURE LAW: A HISTORIC INVESTMENT IN BROWNFIELDS

President Biden’s leadership and bipartisan Congressional action have delivered the single- largest investment in U.S. brownfields infrastructure ever. The Bipartisan Infrastructure Law invests more than **\$1.5 billion** through EPA’s highly successful Brownfields Program.

With EPA’s funding and direct technical assistance, overburdened communities can begin to address the economic, social, and environmental challenges caused by brownfields and reposition these properties for investment and revitalization.

## \$1.2 Billion in Project Grants

### \$300 Million to State and Tribal Response Programs

A historic \$1.5 billion investment in EPA’s Brownfields Program will **transform countless lives and spur life-changing revitalization in communities** large and small, urban and rural; all with the same desire to keep their neighborhoods healthy, sustainable and reflective of the people who call it home.

The funding will be used to:
▶ Remove barriers to brownfields reuse and spur new redevelopment to <b>transform communities into sustainable and environmentally just places.</b>
▶ <b>Align with the President’s Environmental Justice Executive Order</b> by stimulating economic opportunity and environmental revitalization in more than <b>1,700 historically overburdened communities.</b>
▶ <b>Enhance climate resiliency</b> and promote equitable and sustainable redevelopment through expanded technical assistance for “Climate Smart Brownfields Redevelopment.”
▶ Provide necessary funds to <b>states/territories and over 100 tribes</b> , as the <b>lead agencies</b> in ensuring <b>all brownfields</b> are safely cleaned up.
▶ Direct grants and technical assistance funded with the Brownfields Projects appropriation will cleanup hundreds of brownfields, assess <b>18,000</b> sites, train <b>3,650</b> /place <b>2,550</b> people in environmental jobs and assist hundreds of communities in identifying equitable reuse options to cultivate healthy, resilient, livable neighborhoods.
▶ <b>Leverage 154,000 jobs and \$30.2 billion</b> in other public/private funding.



Infrastructure damage in Puerto Rico

## WHAT IS A BROWNFIELD?

A brownfield is an opportunity! The U.S. Environmental Protection Agency (EPA) defines brownfields as “a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.” A brownfield typically refers to land that is abandoned or underused, in part, because of concerns about contamination. Brownfields may make you think of dirty, blighted, abandoned industrial property, but that image is too narrow.

Brownfields could be:

- former service stations,
- former dry cleaners,
- Factories,
- warehouses,
- parking lots,
- lots where heavy machinery was stored or repaired,
- abandoned railroads,
- Industrial, commercial, and residential properties.

Do I own a brownfield?

Ask yourself:

- Is my land idle, vacant, or less productive than it ought to be?
- Are concerns about actual or potential environmental contamination contributing to the problem?

If you answered yes to both questions, then you might own a brownfield.



*Before (above) and after redevelopment of the Waterfront South Rain Garden in Camden, New Jersey.*

## WHY IS BROWNFIELDS REDEVELOPMENT IMPORTANT?

Brownfields are often in struggling neighborhoods and areas with blight, deteriorated infrastructure, or other challenges. These properties can be eyesores as well as potential health and safety concerns for the community. However, this land presents an opportunity in becoming productive, given the right resources. Cleaning up and redeveloping a brownfield property enables infill development, increases the tax base, spurs job creation and often kick-starts revitalization activities within a neighborhood. Brownfields redevelopment also offers benefits over greenfield development (which involves utilizing land that has never been developed on previously). These benefits include: reducing blight and improving the local environment by cleaning up contamination, moving abandoned or underused sites into beneficial reuses, and reducing sprawl and preserving greenspace.

## WHICH ENTITIES ARE ELIGIBLE TO RECEIVE EPA'S BROWNFIELDS FUNDING?

The EPA offers numerous funding pathways for brownfield redevelopment, including Multipurpose Grants, Assessment Grants, Revolving Loan Fund Grants, Cleanup and Environmental Workforce and Job Training Grants, and Technical Assistance, Training, and Research Grants. Those eligible for such funding include:

- **General Purpose Units of Local Government.**<sup>1</sup>
- **Land Clearance Authorities or another quasi-governmental entities** that operate under the supervision and control of, or as an agent of, a General-Purpose Unit of Local Government.
- **Government Entities Created by State Legislature.**
- **Regional Councils or groups of General-Purpose Units of Local Government.**
- **Redevelopment Agencies that are chartered or otherwise sanctioned by a state.**
- **State.**
- **Indian tribe other than in Alaska.** (The exclusion of Alaskan Tribes from Brownfields Grant eligibility is statutory at CERCLA § 104(k)(1)).

- **Alaska Native Regional Corporation, Alaska Native Village Corporation, and Metlakatla Indian Community.**
- **Nonprofit organizations** described in section 501(c)(3) of the Internal Revenue Code.
- **Limited liability corporations** in which all managing members are 501(c)(3) nonprofit organizations or limited liability corporations whose sole members are 501(c)(3) nonprofit organizations.
- **Limited liability partnerships** in which all general partners are 501(c)(3) nonprofit organizations or limited liability corporations whose sole members are 501(c)(3) nonprofit organizations.
- **Qualified community development entities** as defined in section 45D(c)(1) of the Internal Revenue Code of 1986.
- **Other nonprofit organizations.** (For the purposes of the Brownfields Grant Program, the term “nonprofit organization” means any corporation, trust, association, cooperative, or other organization that is operated mainly for scientific, educational, service, charitable, or similar purpose in the public interest and is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization. The term includes nonprofit colleges, universities, and other educational institutions.)

Those **not eligible** to receive brownfields funding include:

- **For-profit organizations.**
- **Individual Entities.**
- **Nonprofit organizations** that lobby subject to section 501(c)(4) of the Internal Revenue Code.

<sup>1</sup> [For purposes of the EPA Brownfields Grant Program, a “local government” is defined as stated under 2 CFR § 200.64.: Local government means a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing

Act of 1937), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government.]

## HOW DO BROWNFIELDS PROJECTS GET INITIATED?

- A landowner may want to sell a property for development.
- A municipality may want to clean up a parcel or area that has become a public hazard or eyesore, create space for business development, or build a park.
- A local comprehensive plan may call for infill development in a brownfields area.

Preparing a brownfield for reuse involves more than the investigation and cleanup of a property; the interests of many stakeholders must be integrated into the overall redevelopment process. Cleanup strategies vary from site to site, depending on factors such as intended end use, liability considerations, available funding, regulatory requirements, the type and extent of contamination present, and the technologies available for cleanup. It is essential that stakeholders become familiar with factors associated with brownfields project success such as understanding applicable regulations, engaging members of the community, identifying funding sources, and obtaining expertise in the areas.

[For more information, please visit \[epa.gov/sites/default/files/2017-11/documents/brownfieldsroadmappepa542-r-12-001.pdf\]\(https://www.epa.gov/sites/default/files/2017-11/documents/brownfieldsroadmappepa542-r-12-001.pdf\).](https://www.epa.gov/sites/default/files/2017-11/documents/brownfieldsroadmappepa542-r-12-001.pdf)



*Before (above) and after cleanup and redevelopment of the Berry Land Park in Jersey City, New Jersey.*

## BROWNFIELDS PROPERTY LIABILITY

If you are seeking to acquire and redevelop brownfields property, it is important that you understand the liability provisions in CERCLA (the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund). Historically, the owner or operator of a contaminated property could be held responsible for the property's cleanup, based solely on his/her current ownership of the property. In 2002, Congress enacted the Small Business Liability Relief and Brownfields Liability Act, also called the 2002 Brownfields Amendments, this Act amended CERCLA by adding new landowner liability protections and by providing funding for grants for the assessment and cleanup of brownfields.

Rules regarding liable parties and requirements are very complex. In addition to CERCLA provisions, you must also keep in mind changes resulting from the new Brownfields Utilization, Investment and Local Development (BUILD) Act that was enacted on March 23, 2018 as part of the Consolidated Appropriations Act, 2018. The BUILD Act reauthorized EPA's Brownfields Program to further amend CERCLA and the 2002 Small Business Liability Relief and Brownfields Revitalization Act.

For more information on landowner liability protections outlined under CERCLA and subsequent amendments, please visit: [epa.gov/enforcement/superfund-landowner-liability-protections](https://www.epa.gov/enforcement/superfund-landowner-liability-protections).

### Who is a potentially responsible party or PRP?

Potentially responsible parties or PRPs are liable under CERCLA for the cleanup costs at a site. PRPs include:

- Current owners and operators
- Owners and operators of the facility at the time of disposal of hazardous substances
- Generators of the hazardous substances
- Transporters and disposers of the hazardous substances

### What is a bona fide prospective purchaser?

The term "bona fide prospective purchaser" or BFPP is defined in CERCLA. A bona fide prospective purchaser is a person who acquires ownership of a facility after January 11, 2002, and is not legally responsible for cleanup costs, as long as they establish the following facts and perform the required continuing obligations:

- all disposal of hazardous substances occurred prior to acquisition of the property
- appropriate inquiry into previous owners and uses of the property was made prior to acquisition of the property
- caution is exercised by taking reasonable steps to:
  - stop any continuing release
  - prevent any threatened future release
  - prevent or limit human, environmental or natural resource exposure to previously released hazardous substances

Under the new BUILD Act, publicly owned sites acquire prior to January 11, 2002 can apply for assessment and remediation (RLF and cleanup) grants as long as the entity is not responsible for the contamination.

### What is all appropriate inquiry?

This consists of the assessment or evaluation of a property to identify potential environmental contamination and assess potential liability for any contamination present at the property.

In order to receive protection from liability as a bona fide prospective purchaser, PRIOR to purchasing a property, a purchaser must perform all appropriate inquiry into the previous ownership and uses of the property. The procedures delineated in the document published by the American Society for Testing and Materials (ASTM) entitled Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process satisfy the requirement to perform appropriate inquiry.

### What is an involuntary acquisition?

Involuntary acquisitions are transfers to the government in its capacity as a sovereign. The municipality's ownership interest exists only because an action of a third party has given rise to a property right on behalf of the government. Municipalities who have not caused or contributed to the release or threat of release of a hazardous substance on the property are not liable as owners or operators under CERCLA if they have acquired the property involuntarily. Methods of involuntary acquisition include bankruptcy, tax delinquency, abandonment, seizure, forfeiture.

Property donated to the municipality is **not** considered an **involuntary acquisition**. Eminent domain is not considered an involuntary acquisition. However, government entities who acquire property through eminent domain and who exercise due care after the acquisition may have an affirmative defense to liability as owners under CERCLA.

## How does acquiring property through eminent domain affect potential CERCLA liability?

Eminent domain is a function of government. It is a government's authority to take private property for public use, the property is taken either by purchase or condemnation. Municipalities and other government entities who acquire property through the exercise of eminent domain authority may have a defense to liability as owners under CERCLA if, after they acquire ownership, they exercise due care and take precautions against foreseeable acts (releases and/or disposal of hazardous substances or other pollutants).

## What concerns should be addressed before purchasing property that is or may be contaminated?

Because owners of contaminated property may be liable under CERCLA and therefore ineligible to receive brownfields grant money, municipalities must ensure that they are acquiring property in a manner that confers CERCLA landowner liability protections. Before purchasing property that is or may be contaminated, the interested party should be familiar with the definition of a bona fide prospective purchaser (BFPP). If the interested party meets the definition of a BFPP, it must also fulfill the continuing obligations delineated in the law to be protected from CERCLA liability. In order to be a BFPP, the interested party must have purchased the site after the disposal of the hazardous substances and after January 11, 2002. In addition, prior to purchasing the property, the interested party must have made all appropriate inquiry into the previous ownership and uses of the site. The procedures of the ASTM standard for Phase I Environmental Site Assessments satisfy the requirement for appropriate inquiry.

## When must the appropriate environmental site assessment be performed?

The environmental site assessment must be performed on or a maximum of 180 days before the effective date of property acquisition.

## The BUILD Act Highlights

For the first time since the Brownfields Program began, major revisions have resulted in additional liability protections and incentives to productively reuse brownfields. The Brownfields Utilization, Investment and Local Development (BUILD) Act was enacted on March 23, 2018 as part of the Consolidated Appropriations Act, 2018. Although not an exhaustive list, the BUILD Act:

- Revises the definition of "owner or operator" under CERCLA to offer liability protection to local governments that acquire brownfields properties by seizure, tax foreclosure, abandonment, bankruptcy, or other means;
- Provides eligibility for local governments to receive EPA brownfields revitalization grants for sites that were acquired prior to 2002 even if an "All Appropriate Inquiry" ("AAI") was not conducted (and as long as the local government did not cause or contribute to the contamination);
- Expands eligibility for all types of brownfields revitalization grants to non-profit 501(c)(3) entities;
- Allows up to five (5) percent of a brownfields grant to be used for administrative costs (use of funds for this purpose was previously not allowed); and
- Extends the definition of a "bona fide prospective purchaser" ("BFPP") to a tenant and codifies that when leasing previously contaminated property a tenant can claim the BFPP defense to liability and escape strict, joint, and several owner/operator liabilities under appropriate circumstances.
- Now, it is clear that a tenant whose leasehold interest began after January 11, 2002 can demonstrate that it qualifies as a BFPP by:

Qualifying as a BFPP itself after conducting its own Phase I Environmental Site Assessment ("ESA") and AAI in accordance with ASTM standards before lease commencement, and by maintaining compliance with additional requirements of the protected status after signing the lease.



# WHAT TYPE OF FUNDING IS AVAILABLE UNDER THE EPA BROWNFIELDS PROGRAM?

## Types of EPA Brownfields Grants

### Assessment Grants

Provides funding to inventory, characterize, assess, conduct a range of planning activities, develop site-specific cleanup plans, and conduct community involvement related to brownfields. The EPA provides three types of assessment grants, each with a performance period of three years.

#### Community-wide Assessment Grants

Appropriate when a specific site is not identified, and the applicant plans to spend grant funds on more than one brownfield site in a community.

An applicant may request funds to assess sites contaminated by hazardous substances, pollutants, contaminants (including hazardous substances co-mingled with petroleum), and/or petroleum.

#### Site-specific Assessment Grants

Appropriate when a specific site is identified, and the applicant plans to spend grant funds on this one site only.

An applicant may request funds to assess a site contaminated by hazardous substances, pollutants, contaminants (including hazardous substances co-mingled with petroleum), and/or petroleum.

#### Community-wide Assessment Grants for States and Tribes

Grants are only available to state agencies, tribes, and eligible native corporations in Alaska. An applicant must plan to use grant funds to assess a minimum of 10 brownfields sites in disadvantaged communities throughout its jurisdiction.

An applicant may request funds to assess sites contaminated by hazardous substances, pollutants, contaminants (including hazardous substances co-mingled with petroleum) and/or petroleum.

### Cleanup Grants

Provide funding for eligible entities to carry out cleanup activities at brownfield sites. An applicant must own the site for which they are requesting funding. The performance period for these grants is three years.

An applicant may request funds to address one brownfield site, or multiple brownfield sites, contaminated by hazardous substances, pollutants, contaminants (including hazardous substances co-mingled with petroleum), and/or petroleum

Applicants may submit one Cleanup Grant proposal each competition cycle.

#### **Statutory Cleanup Cost Share Requirement**

Cleanup Grants require a 20 percent cost share, which may be in the form of a contribution of money, labor, material, or services, and must be for eligible and allowable costs (the match must equal 20 percent of the amount of funding provided by EPA).

Tribes, nonprofit organizations, and government entities (with populations of 50,000 and fewer) may request EPA to waive the 20 percent cost share requirement based on hardship. EPA will consider hardship waivers on a case-by-case basis and will approve requests on a limited basis.

#### Multipurpose Grants

Provide funding to carry out a range of eligible assessment and cleanup activities within a proposed target area, such as a neighborhood, several neighboring towns, a district, a corridor, a shared planning area or a census tract. The target area may not include communities that are in distinctly different geographic areas. The performance period for these grants is five years.

An applicant should demonstrate how grant funds will result in at least:

- one Phase II environmental site assessment;
- one brownfield site cleanup; and
- an overall plan for revitalization of one or more brownfield sites, if there is not already a plan in place.

The applicant should have the capacity to conduct a range of eligible activities, for example:

- Developing inventories of brownfield sites;
- Prioritizing sites;
- Conducting community involvement activities;
- Conducting environmental site assessments; and
- Developing cleanup and reuse plans related to brownfield sites.

## Revolving Loan Fund (RLF) Grants

Revolving Loan Fund (RLF) Grants provide funding for a grant recipient to capitalize a revolving loan fund and to provide sub-awards to carry out cleanup activities at brownfield sites. Through these grants, EPA strengthens the marketplace and encourages stakeholders to leverage resources to clean up and redevelop brownfields. When loans are repaid, the loan amount is returned into the fund and re-lent to other borrowers, providing an ongoing source of capital within a community.

An eligible RLF Grant applicant may apply as an individual entity or as an RLF Coalition comprised of two or more entities. An RLF Grant applicant may apply for funds to address brownfield sites contaminated by hazardous substances, pollutants, contaminants (including hazardous substances commingled with petroleum), and/or petroleum.

### ***Some features of the RLF Grants include:***

- RLF programs are designed to operate for many years (possibly decades) and as such, they require long-term resource commitments by the RLF Grant recipient and reporting to EPA, even after the RLF Grant is closed.
- Recipients need to have a strong understanding of real estate financing principles and approaches, including loan underwriting, loan servicing, and credit analysis.
- Recipients need to have the ability to market the RLF program on an ongoing basis during the performance period of the grant, and after the close-out of the RLF Grant.
- Recipients commit to properly manage the program income generated by their RLF program in perpetuity, unless they terminate the agreement and return the program income to EPA.

## Brownfields Job Training Grants

Allow nonprofits, local governments, and other organizations to recruit, train, and place un- and under-employed residents of areas affected by the presence of brownfields. Graduates develop the skills needed to secure full-time, sustainable employment in various aspects of hazardous and solid waste management and within the larger environmental field, including sustainable cleanup and reuse, water quality improvement, chemical safety, and emergency response. These “green jobs” reduce environmental contamination and build more sustainable futures for communities.

## JT Grant Facts at a Glance

- EWDJT grants have a 3-year project periods.
- Grant funds cannot be used to pay for administrative or indirect costs, including overhead costs. These costs must be leveraged through in-kind assistance or through commitments from partnering organizations, such as Workforce Investment Boards or One-Stop Centers that have access to Workforce Innovation and Opportunity Act funding (Up to 5% of the funds in a grant can be used for administrative purposes acc. BUILD Act).
- For-profit organizations are not eligible to apply.
- Applicants must have partnerships in place with local employers that will interview or hire graduates and community-based organizations that will provide social services support for trainees.
- Grants must target unemployed or severely underemployed residents of local communities and are not intended to serve individuals who already have an advanced education.
- Grant funds may not be used to pay for training in construction, plumbing, or other established trades.

To learn about the Job Training program, please visit:

[www.epa.gov/brownfields/brownfields-job-training-it-grants](http://www.epa.gov/brownfields/brownfields-job-training-it-grants).

## HOW CAN I ENGAGE MY COMMUNITY DURING THE PLANNING AND REDEVELOPMENT PROCESS?

To maximize chances for success during the planning and redevelopment process, plan early for how the community will be identified and encouraged to participate for the duration of the project. Engaging the community will help to raise project awareness, identify community concerns and build support for cleanup efforts that will lead to redevelopment and revitalization. This can be done through multiple outreach methods (e.g., public meetings, newsletters, publications, websites and social networks).

Target stakeholders for these outreach methods should include the property owner, key public officials, community leaders, business owners, and others in the community to oversee and support the site reuse assessment and planning process. For an individual site, consider how the people living in or near the site might be affected by cleanup activities and the intended reuse. Plan early and appropriately for how cleanup decisions and their potential impact will be shared, and the entire community will benefit.



*Community event during the Brownfields Week in San Juan, Puerto Rico.*

From the outset, it is important to consider potential reuse goals on your identified priority sites. A reuse plan based on those goals will govern most brownfields projects, from identifying site investigation and cleanup standards to obtaining the necessary financing. New information about contamination or cleanup needs may require that reuse plans be altered. Be prepared to develop a flexible project plan that will evolve as information is collected, community input is received, and decisions are made about the cleanup approach. Establishing reuse goals for a brownfields project also helps the project team make decisions such as selecting appropriate technologies for site investigation and cleanup, which lead to the reliable data needed to make further decisions and reach those goals.

Stakeholders should make every attempt to identify the general type of desired development, whether open space/recreational, industrial, commercial, residential or mixed-use. Otherwise, the most conservative of assumptions will be applied at every stage of the project. Although this allows for greater flexibility later in the redevelopment process, it can also significantly increase the projects length and expense.

Identify development opportunities and potential constraints, such as site environmental conditions, necessary infrastructure improvements, and land use restrictions. Identify necessary funding sources and other resource needs to address each constraint and remove redevelopment barriers.

### Key Resource for Community Engagement

EPA's Brownfields Program is designed to promote the active participation of communities in the cleanup process so that revitalized land offers the greatest local benefit. The Brownfields Stakeholder Forum Kit is a guide to assist communities in planning effective stakeholder forums by providing tools and tips for engaging stakeholders and establishing partnerships to address revitalization challenges. For more information, please visit:

[www.epa.gov/sites/default/files/2016-09/documents/final\\_final\\_stakeholder\\_forum\\_toolkit\\_8.25.2016.pdf](http://www.epa.gov/sites/default/files/2016-09/documents/final_final_stakeholder_forum_toolkit_8.25.2016.pdf).

## WHO ARE THE KEY PLAYERS IN A BROWNFIELDS CLEANUP AND REDEVELOPMENT PROJECT?

There are many public and private organizations that may play a role in a brownfields project:

- **State Environmental Agencies:** Property owners who decide to clean up sites, either for sale or reuse, may perform the cleanup under the oversight of a state environmental agency. In addition to overseeing cleanups, state environmental agencies may offer incentives such as liability protection from further cleanup.
- **State Economic Development and Planning Agencies:** Some states provide economic incentives, such as low-interest loans, for the redevelopment of brownfields. These incentives may be offered through state economic development and planning offices that are interested in attracting new businesses and investors to their states, as well as guiding their states' growth.
- **Technical Consultants:** Technical consultants can help property owners design and implement the investigation and cleanup of environmental contamination and may also work with state regulatory agencies and communities surrounding the brownfields.
- **Legal Counsel:** Lawyers can assist property owners by advising owners about regulatory requirements, negotiating with regulators and prospective buyers, drafting sales agreements, and communicating with surrounding communities.
- **Citizens and Community Groups:** State and federal cleanup programs require public involvement such as opportunity for notice and comment from the public. Some economic incentives, such as grants and loans, may not be available unless supported by the surrounding community. Property owners may want to provide information and consult with communities surrounding brownfields to facilitate acceptance and support for cleanup and redevelopment.
- **Local Government Agencies:** Local economic development, planning and tax agencies may provide incentives for brownfields redevelopment in order to attract investors and businesses to their communities, guide growth, and increase jobs.

- **Local health agencies:** These agencies can help to ensure that contaminants on brownfields do not pose a threat to community health.
- **Federal Government Agencies:** These agencies may provide technical and financial support for brownfields redevelopment including the Department of Housing and Urban Development, the United States Environmental Protection Agency, the Commerce Department's Economic Development Administration, and the Department of Interior's Groundworks USA Program.
- **Commercial Lenders:** Some property owners may decide to apply to commercial lenders for loans to support the cleanup and redevelopment of their properties.
- **Realtors**
- **Planners**



*300 South 2nd Street Groundbreaking event, Elizabeth, New Jersey.*

## HOW CAN I IDENTIFY ADDITIONAL FUNDING FOR CLEANUP AND REDEVELOPMENT?

Your brownfields project cannot be initiated or undertaken until funding sources are identified and funds are secured. Stakeholders need to establish a funding strategy that covers the projects costs from planning and assessment, through cleanup, if needed, and site reuse. Most brownfields projects leverage funding from both public and private sources.

Securing funding can be a lengthy process. The range of potential sources and the means of securing funds can appear overwhelming. Fortunately, many helpful resources and tools are available to guide stakeholders in exploring funding options.



## Brownfields Funding Resources

- **Setting the Stage for Leveraging Resources for Brownfields Revitalization:** Guidance on how to overcome challenges related to finding enough funding sources and leverage initial resources to attract additional investments. For more information, please visit: [epa.gov/brownfields/setting-stage-leveraging-resources-brownfields-revitalization](https://www.epa.gov/brownfields/setting-stage-leveraging-resources-brownfields-revitalization)
- **EPA Brownfields Federal Programs Guide:** Information on federal programs and federal tax incentives that could support brownfields cleanup and revitalization. For more information, please visit: [epa.gov/brownfields/brownfields-federal-programs-guide-2021](https://www.epa.gov/brownfields/brownfields-federal-programs-guide-2021)
- **Grants.gov:** a system that makes it faster, easier and more cost effective for grant applicants to electronically interact with federal grant-making agencies.



Before (above left) and during redevelopment of a hotel in Hudson County, New Jersey.

## ADDITIONAL EPA BROWNFIELDS RESOURCES

EPA provides funding to organizations to conduct research and to provide training and technical assistance to communities to help address their brownfields challenges. Information presented below lists past and current technical assistance and research projects as well as resources that are available to all communities.

### EPA's Technical Assistance to Brownfields Communities Program

The Technical Assistance to Brownfields (TAB) Communities Program helps communities, states, tribes and others understand risks associated with brownfields and learn how to assess, safely clean up, and sustainably reuse them. EPA funds several organizations to serve as independent sources of technical assistance. Each organization has an extensive network of partners, contractors and contacts that provides services across the country.

The technical assistance comes at no cost to communities. This makes the TAB program a great resource for small, underserved, rural and other communities that might otherwise struggle to address their brownfields. TAB helps communities:

- identify, inventory and prioritize brownfields for redevelopment;
- determine the potential public health impact of brownfields;
- get the public and other stakeholders involved;
- facilitate site reuse goal setting and planning charrettes;
- evaluate economic feasibility of reuse plans;
- conduct educational workshops, seminars and webinars;
- use web-based tools to facilitate brownfields redevelopment;
- interpret technical brownfield reports, assessments and plans;

- identify appropriate funding/financing approaches;
- integrate approaches to brownfield cleanup and redevelopment;
- understand and navigate regulatory requirements;
- apply for and manage EPA brownfields grants;
- develop work plans; and
- hire planning and environmental contractors and consultants.

### EPA Targeted Brownfields Assessments

EPA's Targeted Brownfields Assessments (TBA) program is designed to help minimize the uncertainties of contamination often associated with brownfields—especially for those entities without EPA Brownfields Assessment grants. The TBA program is not a grant program, but a service provided through an EPA contract in which EPA directs a contractor to conduct environmental assessment activities to address the requester's needs. Unlike grants, EPA does not provide funding directly to the entity requesting the services. TBA assistance is available through EPA's Regional Brownfields offices.

### A TBA may encompass one or more of the following activities:

- An "all appropriate inquiries" assessment (**Phase I**), including an historical investigation and a preliminary site inspection.
- A more in-depth Environmental Site Assessment (**Phase II**), including sampling activities to identify the types and concentrations of contaminants and the areas to be cleaned.
- Evaluation of cleanup options and/or cost estimates based on future uses and redevelopment plans.

TBA assistance may only be used at properties that meet the statutory definition of a brownfield. The TBA program does not provide resources to conduct cleanup or building demolition activities. Cleanup assistance is available under EPA's Cleanup or Revolving Loan Fund (RLF) grants.

## Land Revitalization Program

The safe and sustainable reuse of previously contaminated properties is supported through EPA's Land Revitalization (LR) Program. EPA's LR Program helps remove barriers to contaminated property redevelopment. When a property once again becomes an asset to the community, the redevelopment often brings about new opportunities to protect public health, improve the environment and grow the local economy.

## Technical Assistance

The Land Revitalization Program provides technical assistance to communities to promote the sustainable reuse of contaminated lands. Technical Assistance available to support site reuse in brownfields or other contaminated site areas includes:

- Market analysis and economic research
- Labor market/workforce assessment
- Site reuse design and revitalization plans
- Community engagement and brownfields reuse visioning
- Financial feasibility and/or implementation plan for site reuse
- Conceptual site design
- Rapid Health Impact Assessment (HIA)
- Identifying next steps/actions needed for implementing redevelopment projects into reuse
- Funding charrettes
- Funding gap analysis



*Conceptual drawing for a community park in Atlantic City, NJ.*

Land Revitalization Technical Assistance support includes:

### 1) Land Revitalization Technical Assistance Regional Projects

Technical Assistance is available to support site reuse in brownfields. EPA uses contractor support to provide direct Technical Assistance (TA) to communities who wish to incorporate sustainable and equitable approaches to their locally driven land revitalization projects. The Regional Land Revitalization (LR) Coordinators identify community-based projects that fit within LR program goals. Proposed projects need to clearly: **1)** connect to one or more contaminated or potentially contaminated sites (can be an area), **2)** advance the community's LR goals in a meaningful way, and **3)** include a scope of work and deliverables needed, realistic for the given timeframe & budget. The project must be completed within 1 year.

### 2) Regionally Directed Technical Assistance for Brownfield Communities

Regional Brownfield Coordinators identify and prioritize TA projects submitted by Brownfield grant, CERCLA 128(a) and Targeted Brownfield Assessment recipients that need technical assistance to advance brownfield assessment, cleanup, and site reuse. Currently, Regions can propose individual TA projects up to the following totals: **\$300,00** for brownfields site design/market analysis/community engagement and **\$250,000** for brownfields funding/financing. Projects proposed need to focus on one or more brownfield sites. EPA will complement, not duplicate, the activities the grantee has committed to perform using the existing grant or TBA.

## Technical Assistance in the South Bronx

- **Project:** Restoration and Preservation of the Westchester Avenue Train Station, Bronx, NY
- **Challenge:** TA is requested for site reuse and management alternatives in order to serve historic preservation goals for the Westchester Avenue Train Station and surrounding brownfields within Cluster #3.
- **Opportunity:** Developing site reuse alternatives will promote involvement from the target community.
- **Current Status:** The project stakeholder committee met with SLO Architecture and the Bronx River Alliance to discuss architectural and engineering plans.



A site visit occurred on October 15, 2021 at which time the contractor Vita Nuova **assessed** the Westchester Avenue train station site conditions and the surrounding neighborhood, **identified potential issues** related to the restoration and reuse of the structure, and **evaluated viability** of alternatives.

Vita Nuova and the ICM Team **completed the requested draft restoration roadmap**.



*Top and Above: Westchester Avenue Train Station, Bronx, New York.*



## State and Tribal Response Program Grants

EPA's State and Tribal Response Program is referred to as "Section 128(a)" funding after the section of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) that established it. The EPA Brownfields Program's goal is "to empower states, tribes, communities, and other stakeholders in economic development to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields." Section 128(a) State and Tribal Response Program funding can be used to create new or enhance existing environmental response programs. Authorized at \$50 million per year and shared among states, tribes and territories, the funding is awarded on an annual basis. The funding can also be used for limited site assessments or cleanups at brownfields, for other activities that increase the number of response actions conducted or overseen by a state or tribal response program, to capitalize revolving loan funds for cleanup, to purchase environmental insurance, or to develop other insurance mechanisms for brownfields cleanup activities. For more information, please visit: [epa.gov/brownfields/state-and-tribal-response-program-grant-funding-guidance-resources](https://www.epa.gov/brownfields/state-and-tribal-response-program-grant-funding-guidance-resources).



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## KEYWORDS

**AAI**—All Appropriate Inquiry

**ABCA**—Analysis of Brownfield Cleanup Alternatives

**ACRES**—Assessment, Cleanup and Redevelopment Exchange System

**ASTM**—(Formerly) American Society for Testing and Materials (*creates standards for conducting investigations*)

**BOA**—Brownfield Opportunity Area  
(*planning program administered by the NYS DOS*)

**CERCLA**—Comprehensive Environmental Response Compensation and Liability Act

**CERCLIS**—Comprehensive Environmental Response Compensation, and Liability Information System

**COC**—Constituent of Concern

**CoC or COC**—Certificate of Completion

**CFR**—Code of Federal Regulations

**CRP**—Community Relations Plan

**EPA**—U.S. Environmental Protection Agency

**ERNS**—Emergency Response Notification System

**ESA**—Environmental Site Assessment

**FOIA**—Freedom of Information Act

**HASP**—Health and Safety Plan

**IC**—Institutional Control

**LLP**—Landowner Liability Protections

**LBP**—Lead based Paint

**LSRP**—Licensed Site Remediation Professional

**LUST**—Leaking Underground Storage Tank

**MSDS**—Material Safety Data Sheet

**NFA-ATT**—No Further Action At This Time

**NFRAP**—No Further Remedial Action Planned  
(*Issued to former CERCLIS sites where no further remedial action is planned under CERCLA*)

**NJDEP**—New Jersey Department of Environmental Protection

**NPDES**—National Pollutant Discharge Elimination System

**NPL**—National Priorities List

**NYS DEC**—New York State of Environmental Conservation

**NY DEP**—New York Department of Environmental Protection

**PAH**—Polycyclic Aromatic Hydrocarbons

**PCB**—Polychlorinated Biphenyls

**PRDNER**—The Puerto Rico Department of Natural and Environmental Resources

**PRP**—Potentially Responsible Party

**QAPP**—Quality Assurance Project Plan (*per EPA Guidance*)

**RCRA**—Resource Conservation and Recovery Act of 1976

**REC**—Recognized Environmental Conditions

**ROD**—Record of Decision

**RPC**—Regional Planning Commission

**SAP**—Sampling and Analysis Plan

**SRMT**—St. Regis Mohawk Tribe

**SNI**—Seneca Nation of Indians

**SEMS**—Superfund Enterprise Management System

**SHN**—The Shinnecock Nation

**SI**—Site investigation

**TSD**—Treatment, Storage or Disposal Facility

**TBA**—Targeted Brownfields Assessment

**TAB**—Technical Assistance for Brownfields

**UST**—Underground Storage Tank

**USVI DPNR**—U.S. Virgin Islands Department of Planning and Natural Resources

**VCP**—Voluntary Cleanup Program