

DISCUSSION DRAFT: BROWNFIELDS REAUTHORIZATION

HEARING BEFORE THE SUBCOMMITTEE ON ENVIRONMENT OF THE COMMITTEE ON ENERGY AND COMMERCE HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH CONGRESS FIRST SESSION

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DISCUSSION DRAFT: BROWNFIELDS REAUTHORIZATION

TUESDAY, APRIL 4, 2017

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ENVIRONMENT,
COMMITTEE ON ENERGY AND COMMERCE
Washington, DC.

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, Cárdenas, Dingell, Matsui, and Pallone (ex officio).

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

OPENING STATEMENT OF HON. JOHN SHIMKUS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

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 to continue to 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 brownfields 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 brownfields funding and clean-up 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 Brownfields 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 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 brownfields assessment and clean-up, and which will provide flexibility to communities trying to clean up multiple brownfields sites within an area in the community.

The discussion draft also provides liability relief to municipalities who involuntarily acquire a brownfields 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 brownfields 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 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 brownfields 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 brownfields 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 brownfields law.

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

[The prepared statement of Mr. Shimkus follows:]

PREPARED STATEMENT OF HON. JOHN SHIMKUS

The subcommittee will now come to order. The Chair recognizes himself for 5 minutes.

I would like to welcome everyone as we roll up our sleeves and continue our work to reauthorize and improve the 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 brownfields grants can be directly leveraged into jobs, additional redevelopment funds, and increased residential and commercial property values. At this subcommittee's first hearing earlier this year we also heard how important brownfields funding and cleanup is to promoting investment in new infrastructure and to better utilizing our existing infrastructure.

Last year the subcommittee held a hearing to look at what works in the Brownfields 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 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 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 the creation of multipurpose grants that can be used for multiple purposes—including brownfields assessment and cleanup—and which will provide flexibility to communities trying to clean up multiple brownfields sites within an area in the community. The Discussion Draft also provides liability relief to municipalities who involuntarily acquire brownfields property by virtue of its function as a sovereign, which will allow local units of government to address contamination on property they acquire through tax delinquency, bankruptcy, or abandonment. The legislation also increases the limit for remediation grants from \$200,000 to \$500,000—which, as we heard from many witnesses, will make it easier for brownfields 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 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 brownfields 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 brownfields experts who will share with us their first-hand knowledge and experience with the Brownfields Program. 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 Brownfields Law.

The Chair now recognizes the Ranking Member Mr. Tonko for 5 minutes for his opening statement.

Mrs. BLACKBURN. Thank you, Mr. Chairman, and thank you for 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 subcommittee, Mr. Tonko for 5 minutes.

OPENING STATEMENT OF HON. PAUL TONKO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

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, who both testified at our brownfields 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 brownfields 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 estimated 450,000 brownfields 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 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 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 pro-

ducers, 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.

OPENING STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. WALDEN. 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 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 finished a brownfields 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 brownfields 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 brownfields 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, states, and local governments to work together to redevelop brownfields 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.

[The prepared statement of Mr. Walden follows:]

PREPARED STATEMENT OF HON. GREG WALDEN

Every Oregon city and county, whether rural or urban, has vacant, underused and potentially contaminated properties that if left unchecked can be a nuisance on the community. If these sites are cleaned up, however, they could have meaningful economic impact on jobs, wages, and additional property tax revenue. The EPA Brownfields program has changed the way we perceive and manage contaminated property. The grants and assistance provided through the program empowers states, communities, and other economic redevelopment stakeholders to work together to assess, remediate, and sustainably reuse these properties.

Recently this committee and our colleagues on the Transportation and Infrastructure Committee have begun re-examining this important program. The discussion draft before us is a first step to addressing some of the issues we heard about in previous hearings. 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.

My home state of Oregon has a very active Brownfields Program and we've seen some great recent success in my district in particular. 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 hometown of Hood River, the Port of Hood River just finished a Brownfields cleanup of another former mill site, opening up over 12 acres of land for future business opportunities in the area.

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here today can provide us their thoughts on the discussion draft before us today and other ways to improve the Brownfields program as we continue our work.

Mr. SHIMKUS. The gentleman yields back his time.

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

OPENING STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

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 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, 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 brownfields properties that needed remediation and the increased complexity of the remaining sites. Stakeholders also indicated a need for increased funding and 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 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.

[The prepared statement of Mr. Pallone follows:]

PREPARED STATEMENT OF HON. FRANK PALLONE, JR.

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 that we can craft a strong bill that can become law. [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 (EPA) 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 important work to be done, so I hope

that the Trump Administration can finally get around to nominating people for senior leadership positions at 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 across the nation, and the return on investment is substantial. Congress will have the final say on funding levels for this program and I hope that all of my colleagues will join me in calling for robust brownfields funding.

Turning to this hearing, it is great to see Elizabeth Mayor Chris Bollwage from my home state of New Jersey here today. Mayor Bollwage has advocated for the Brownfields program before Congress many times, dating back to when we passed the original Brownfields bill in 2002. I was the Ranking Member of the Subcommittee then and I worked with the Republican Chairman of the Subcommittee, 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.

The Brownfields program has been an incredibly important tool for protecting public health and spurring 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, 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 a remarkable success. Since the program's inception, more than 25,000 contaminated sites have been remediated, allowing communities to create new developments. EPA has found that cleaning up underutilized or abandoned brownfields properties reduces health risks, decreases pollution, and reduces storm water runoff.

But this is not just a program that provides environmental and health benefits—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 investment around these sites, which is a stunning return on the federal government's modest investment in the program. Simply put, it provides tremendous value to the federal government and a boost to the economy of local communities.

Brownfields has been a major success, but there is still so much important clean-up 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 brownfields properties in need of remediation and the increased complexity of the remaining sites. Stakeholders also indicated a need for increased funding and flexibility to allow states and local communities to use their resources effectively to address the new challenges presented by these cleanups.

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 multi-purpose grants, increases caps for individual grants, and extends program eligibility to nonprofit organizations.

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

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. We cannot continue to expect the same success from a program that is underfunded and lacking the necessary tools to be effective. As we work to determine how we can strengthen this program, we should ensure that funding is part of the conversation.

Today's hearing represents encouraging progress on finally reauthorizing the Brownfields program. If 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.

Thank you, and I look forward to hearing from our witnesses.

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.

On 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, after the fifth time, you get a free sandwich or something.

[Laughter.]

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

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 brownfields sites that have been assessed, 5,700 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 brownfields redevelopment stories, 2 million square feet of retail space, over 200 stores, 5 hotels, 1,700 construction jobs, 4,000 permanent jobs.

Another successful project we did in brownfields 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.

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 1,600 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 \$1 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 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 brownfields 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.

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:]



**Written Testimony of Elizabeth Mayor J. Christian Bollwage
For The U.S. Conference of Mayors
Before the House Energy and Commerce
Subcommittee on Environment
on "Discussion Draft: Brownfields Reauthorization"**

INTRODUCTION

My name is Chris Bollwage, I am the Mayor of Elizabeth, NJ and have served as Mayor since 1993. I'm a Trustee for The U.S. Conference of Mayors and I have served as Chair of the Brownfields Task Force for the past 20+ years. Mr. Chairman and members of the Committee, I would like to officially submit my written testimony for the record.

I am pleased to be here today to give the Conference of Mayors initial reaction to the Brownfields Reauthorization Discussion Draft. I would like to caveat my remarks by saying that we are still reaching out to our membership to get their feedback and we would like to continue to work with you and your staff as we receive this feedback in order to craft the best possible bill. However, let me acknowledge this committee for taking many of our recommendations and producing a very good draft bill.

I testified last week before the House Transportation and Infrastructure subcommittee regarding the role brownfields redevelopment can play to build our 21st Century Infrastructure as well as revitalize communities. For many people, brownfields are just the neighborhood eyesore or the former industrial site, but for Mayors they also

represent unrealized potential. Mayors see the redevelopment of brownfields as a chance to bring jobs back to a community, revitalize neighborhoods, increase our tax base, and reuse and enhance already existing infrastructure in a more sustainable way.

I can not stress enough that redeveloping brownfields is such a win-win for everyone involved and that I'm so pleased that Congress has drafted this reauthorization bill and has acknowledged many of the recommendations that the Conference of Mayors and others have been seeking. I would like to submit, for the record, the letter we sent to Committee members outlining the recommendations of USCM, NACo, NLC, and NARC have for improving the brownfields law; many of which you have incorporated in your discussion draft.

HISTORY

Since the early 1990s, the Conference of Mayors made the redevelopment of brownfield properties one of its top priorities and you can understand why. At that time, the Government Accountability Office (GAO) estimated there were anywhere from 400-600,000 brownfield properties. Brownfields are defined as abandoned or underutilized property whose redevelopment is hindered due to real or perceived environmental contamination.

Developers and business owners were unwilling to touch these properties out of fear of liability. These concerns were the result of the joint, several, and strict liability provisions in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a 1980s law more commonly known as Superfund, which made an innocent developer just as responsible for the cost of cleanup as the actual polluter. As a result, these potential businesses would develop on greenfields rather than take a risk on a brownfield property. This has contributed to urban sprawl and left abandoned or underutilized sites in just about every community in the United States.

As former Chicago Mayor Richard Daley used to say, “As a nation, we recycle aluminum, glass, and paper, but we don’t recycle our most valuable commodity, our land.” And I would like to add to that, by recycling this land, we are also reusing already existing infrastructure and in many cases, upgrading that infrastructure to support that new development. This is a much more sustainable path of reutilizing infrastructure than continually building new infrastructure that will also eventually need to be maintained.

Back then, the Conference of Mayors worked with Congress and the EPA to formulate legislation and a program that provided some liability relief for innocent developers as well as money to do assessments and cleanup.

I testified before the House and Senate numerous times between 1994-2001 on the importance of this legislation and I was pleased that this bill had such strong bipartisan support. The fact that the Small Business Liability and Brownfields Redevelopment Act passed in the Senate with a 99-0 vote and was put on the unanimous consent calendar in the House and then signed by President Bush, demonstrates the vast bipartisan appeal of this issue. And you can understand why - this is a win for the community, the environment, and the business community.

NATIONAL IMPACT OF BROWNFIELDS

The Brownfields Law and the EPA Program that resulted has had a very positive impact on many communities throughout the nation. According to EPA, since the inception of the program, over 26,000 brownfield sites have been assessed and have made over 5,700 properties and 66,000 acres ready for reuse. As of March 1, 2017, the program has leveraged over 123,000 jobs and over \$23.6 billion dollars. In fact, for every EPA dollar spent leverages approximately \$16 in other investments.

However, EPA has had to turn away a lot of highly qualified applicants due to lack of funding. EPA estimates that for the past 5 years, over 1,600 requests for viable projects were not awarded money because of limited funding. EPA estimates that if they were able to provide funding to those turned away applicants, an additional 54,000 jobs would have been created along with \$10.3 billion of leveraged funding.

In the last Conference of Mayors survey, 84 percent of cities said that they have successfully redeveloped a brownfield site with 150 cities successfully redeveloping nearly 2,100 sites, comprising more than 18,000 acres of land. And, at that time, there were over 1,200 sites comprising of another 15,000 acres that were in the process of being redeveloped. 106 cities reported that 187,000 jobs have already been created through the redevelopment of brownfield properties with 71,000 jobs in the pre-development stage and 116,000 permanent jobs.

These new developments have resulted in an increase in tax revenues at the local, state, and federal level. 62 cities reported that their actual tax revenues from redeveloped brownfields sites totaled over \$408 million with an estimate of potential revenues ranging from \$1.3 - \$3.8 billion.

And, it should be noted that in every survey that the Conference of Mayors ever conducted, the top three impediments to brownfields redevelopment were always the same-- lack of cleanup funds, the need for more environmental assessments, and liability issues.

BROWNFIELDS REDEVELOPMENT IN ELIZABETH

Attached to my testimony is a summary of some of the most notable brownfield redevelopment projects in my community including the Harbor Front Villas and the Jersey Gardens Mall, which I highlighted the last time I testified. Today, I wanted to

highlight another brownfields redevelopment success story and that is our Elizabethport/Hope VI project.

From a historical perspective, the City of Elizabeth's commerce depended heavily on its position as a Port city. The majority of businesses that were located close to and along the Waterfront, focused upon and complimented the shipping industry, supplying additional services such as the transportation and storage of goods. However, as Elizabeth expanded, evolved and changed, so did the vision and potential of the land once utilized primarily by these industrial companies.

Re-imagining Elizabeth's Waterfront has included the creation of luxury housing on a former brownfield site. Harbor Front Villas is a \$15 million townhouse development, which includes fifty-five market-rate units, which were designed to attract the most demanding buyer. Constructed in close proximity to the Arthur Kill, the Villas have increased opportunities and contributed to the exciting renaissance occurring within Elizabethport.

Homeownership, coupled with luxurious amenities and a Waterfront view, is what Harbor Front Villas offers its clientele. Located minutes away from Exit 13A off the New Jersey Turnpike, the site is easily accessible from major roadways and is minutes away from New York.

Developments such as Harbor Front Villas were thought impossible by individuals, who could not visualize the possibility of such desirable property. Residents within these units benefit from both the amenities offered within their complex as well as the splendor of Elizabeth's surrounding open space and recreational facilities. Utilized as both a transportation and leisure waterway, large container ships, pleasure boats and vessels of all sizes, travel along the Arthur Kill en route to Port Newark/Elizabeth.

Providing a window into maritime commerce as well as breathtaking scenic views to admire, waterways enhance the viability and marketability of surrounding properties.

Revitalizing underutilized brownfields into remediated, active sites for development, has been occurring for years in the City's oldest neighborhood. The tremendously successful, federally-funded HOPE VI program has assisted in the removal of public housing complexes and replaced them with townhouses in Elizabethport. Individuals previously residing in the old, dilapidated facilities had the unique opportunity to become homeowners. Living in a new community-setting not only physically re-located residents, it positively altered their quality of life. Removing the stigma of public housing, the HOPE VI program assisted in instilling a sense of pride, self-sufficiency and homeownership in a residential neighborhood that included beautiful landscaping and open space.

In 1997, with an initial grant of \$29 million dollars, the Housing Authority of the City of Elizabeth began administering the HOPE VI Elizabeth Neighborhood Revitalization Program. With assistance from the HOPE VI program, demolition began on the Migliore Manor public housing complex in 1998, followed by the demolition of the Pioneer Homes public housing complex in 2000.

In addition to new housing opportunities, the Revitalization Program sought to provide transitional services for re-located public housing residents. City officials worked with the Housing Authority to create partnerships and deliver essential services to residents. In order to ascertain the needs of the community, resident surveys were conducted. Once needs were assessed, additional funding sources had to be identified. The County of Union provided one million dollars in funding through the Home Partnership Investment Program, which enabled the creation of twenty home units.

Approaching the project holistically, Union County's Department of Human Services also provided job-training services during the first phase to residents. Senators Frank Lautenberg and Robert Torricelli, former Congressman and now Senator Robert Menendez, Congressman Donald Payne, the Union County Board of Chosen Freeholders, Elizabeth City Council as well as the Elizabeth Development Company, also supported this project and helped to transform this vision into reality.

Through this program, hundreds of residents also participated in services including but not limited to: education for residents of all ages, resume and interviewing workshops, job training and placement, computer classes, youth-oriented programs, child care programs, business development and health care. Identifying neighborhood potential and implementing a strong vision made critical initiatives such as HOPE VI possible. This assistance was also a catalyst for the construction of five developments within Elizabethport, including: Portside Commons I, Portside Commons II, Westport Homes, Heritage Village and Marina Village.

With clearly defined goals and objectives, the next step in transforming the community was the introduction of mixed-use housing, with an emphasis on commercial space for economic growth and services. Business attraction and retention is critical to the vitality of a neighborhood. The City of Elizabeth recognized this factor and worked with government leadership and local agencies to foster economic development in the Elizabethport neighborhood. Ultimately, The Mills at Jersey Gardens Mall, AMC Loews Jersey Gardens Theater, multiple restaurants and hotels were developed minutes away. In addition, more opportunities and jobs will be created with an exciting 411,000 square foot mall expansion, which will add more high-quality restaurants and top retail brands next year.

WAYS TO IMPROVE THE PROGRAM

The Brownfields Law and the subsequent Brownfields program that EPA runs, has a

proven track record of leveraging private sector investment, creating jobs, and protecting the environment. The law provided some liability relief for innocent purchasers of brownfield properties and provided resources to conduct environmental assessments and cleanups. However, there is much more work to be done. As I earlier mentioned, GAO estimated there are between 400-600 thousand brownfield sites throughout the US.

The challenge that communities face now is that many of the “easy” brownfield sites have been developed and now what remains are the more difficult brownfield sites – the, what we would like to call, the medium to dark brown brownfield sites. The Conference of Mayors, working with the National League of Cities and National Association of Counties, believe that with some minor changes to the Brownfields Law would help spur on additional redevelopment projects and economic growth.

I would like to highlight some of the key recommendations that we believe would make a significant difference with redeveloping even more properties and which are outlined in our joint letter that we would like submitted for the record.

Full Funding of the Brownfields Program – I know budgets are tight and we are all doing more with less. However, this program has more than proven itself as a success. It has a great track record of leveraging private sector money, putting people to work, and taking formerly contaminated properties and redeveloping them which also increases all of our tax bases. At the current funding levels, which are far below the authorized level, EPA only funds (roughly 30 percent) of the applications that make it to headquarters. The mayors of this nation believe this is a good investment that more than pays for itself and not only should be fully funded at the previously authorized levels of \$250 million but, in fact, the authorized and appropriated levels should be increased.

Creation of a Multi-Purpose Grant –The way the program works currently is that a city applies for various grants and identifies the properties where the money will be spent. The only problem with that scenario is that this is not flexible enough for real marketplace situations. A city may have multiple developers and businesses who are interested in several brownfield properties. What many cities could use is the ability to assess a number of properties and provide cleanup grants and loans depending on which site or sites are chosen for redevelopment. It hinders that opportunity if a city has to apply for a grant and wait 6 months to a year to see if they get funding. We would like to see the establishment of a multi-purpose grant to be given to communities who could use the funds based on marketplace needs. We believe by giving us that flexibility will make the program even more useful.

We are very pleased that your discussion draft includes the creation of a multi-purpose grant so we can be more market friendly and we support the “up to \$1 million” authorization levels. We do have a couple of observations including:

- 1) How detailed will the “overall plan” need to be under the Criteria section?
One of our visions for this type of grant was 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 an applicant to not be able to use the funds if the funds do correspond with the initial vision.
- 2) Ownership – we are currently checking to see if having to be an owner before expending remediation funds will be an impediment or if this is not a problem. We would like an opportunity to comment on this later.

Increase Cleanup Grant Amounts – As I mentioned earlier, many “easy” brownfield redevelopment projects have been done. And while that work still needs to keep going, we do have many additional brownfield sites that are more complicated due to the level of cleanup that is needed, market conditions, location of the site, or a combination of these factors.

We are happy that the Committee recognized this need and raised the cleanup grant amounts to \$500,000 and \$750,000. However, if it is at all possible, we would like to see this increase to be \$1 million and in special circumstances, \$2 million. This would give some additional resources to conduct cleanup at the more contaminated sites and bring a new group of properties back into productive use.

Allow Reasonable Administrative Costs - Brownfield grant recipients should be allowed to use a small portion of their grant to cover reasonable administrative costs such as rent, utilities and other costs necessary to carry out a brownfields project. As far as I know, this is the only program that prohibits administrative costs entirely. As a result, smaller communities and non-profits sometimes will not bother to even apply for these grants due to the cost burdens associated with taking a federal grant.

We are grateful that you are acknowledging this need. However, if there is anyway of increasing this percentage, that would be extremely helpful, especially to smaller communities.

Clarify Eligibility of Publicly-Owned Sites Acquired Before 2002 – The Conference of Mayors believes that as long as a local government did not cause or contribute to the contamination of the property but just happened to own the property prior to 2002, when the law was enacted, they should be allowed to apply for EPA funding for that property. It took Congress nine years to pass the original law and in that time, many communities, such as St. Louis, took it upon themselves to take ownership of contaminated properties so that they could potentially turn these properties around. These same communities have now found themselves ineligible to apply for any funding for those properties to assist them with their efforts.

We thank the committee for acknowledging this problem and we think for developing a very good solution. We sincerely appreciate you addressing this issue.

Remove Barriers to Local and State Governments Addressing Mothballed Sites – The Act should exempt local and state government from CERCLA liability if the government unit (a) owns a brownfield as defined by section 101(39); (b) did not cause or contribute to contamination on the property; and (c) exercises due care with regard to any known contamination at the site.

Local governments throughout the country have long recognized the harm abandoned and underdeveloped brownfield properties can pose to their communities. Properties that lie idle because of fear of environmental contamination, unknown cleanup costs, and liability risks can cause and perpetuate neighborhood blight, with associated threats to a community's health, environment, and economic development.

Local government property acquisition authority is one of the key tools to facilitate the redevelopment of brownfields. Through voluntary sales or involuntary means including tax liens, foreclosures and the use of eminent domain, local governments can take control of brownfields in order to clear title, conduct site assessment, remediate environmental hazards, and otherwise prepare the property for development by the private sector or for public and community facilities.

Although property acquisition is a vital tool for facilitating the development of brownfields, many local governments have been dissuaded by fears of environmental liability. As a result, we have many brownfield properties that are, what we like to call, "mothballed". While it hasn't been a major problem in my community, it is a problem in other communities.

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 very grateful. We are, however, awaiting some additional feedback from our cities and would like the opportunity to provide the committee with our findings.

Encouraging Brownfield Cleanups by Good Samaritans – The Act should provide an owner-operator exemption from CERCLA liability for non-labile parties that take cleanup action or contribute funding or other substantial support to the cleanup of a brownfield, in conformance with a federal or state cleanup program, but do not take ownership of that site. Groups such as Ducks or Trout Unlimited have wanted to clean up properties and restore them to their natural habitat but because they have no protection under the law, they could be held as liable as the person who polluted the property. We need more, not less, people and organizations to help clean up these sites, as long as they do not make the situation worse.

This is a situation that we think we should address in order to have additional help in cleaning up these sites. We would welcome the opportunity to bring in some of our staff and other experts to work with you to see if we could craft a solution that is viable.

Closing

I wish to thank the subcommittee for having me testify today. Brownfields redevelopment is a win-win for everyone involved. It creates jobs, it cleans up the environment, and it's pro-business and pro-community. The reauthorization of this law should be a top priority for this Congress and I urge you to work on this discussion draft and pass a reauthorization bill. Thank you again for this opportunity.

Attachment**City of Elizabeth - Brownfield Summary*****1. The Mills at Jersey Gardens***

Within the City of Elizabeth, the *Jersey Gardens Mall* was built upon a former landfill in 1999. Through strong private/public partnerships on the County, State and Federal level, this innovative project transformed a former brownfield into a thriving shopping experience - with more than 200 stores and an AMC Loews movie theater located next door.

Conveniently located off Exit 13A of the New Jersey Turnpike, the conversion of this former eyesore into a shopping center had numerous positive effects on the health of the neighborhood. It created new employment opportunities, assisted in the stabilization of property taxes through a new tax ratable and continues to improve the overall quality of life within the City.

Jersey Gardens Mall became *The Outlet Collection - Jersey Gardens* and was renamed *The Mills at Jersey Gardens* when it was acquired by Simon Malls in January 2015. *The Mills* has announced a 411,00-square foot expansion, which is expected to start in 2016 and be completed in 2018. Improvements will include adding high-quality restaurants and top retail brands to the location.

The Mall continues to flourish after another successful year, with business up 10% and international visits up 37% - from top markets including Brazil, Germany and Israel.

In collaboration with Union County College, the Retail Skills Center, which has evolved into the Workforce Innovation Center, provides job placement, soft skills training and ESL education to residents - and is located right within the *The Mills at Jersey Gardens*. In addition We Are One New Jersey-Union County, which is an initiative spearheaded by the County of Union, is located within *The Mills* and provides assistance to individuals as they prepare for the United States Citizenship Test.

The Mills at Jersey Gardens also features a 4.8-megawatt SunPower rooftop solar system. The project, which is among the largest rooftop systems in North America, broke ground in June 2011 and began producing power in February 2012. Consisting of more than 15,000 high efficiency SunPower panels, this project generates approximately the amount of power required for 564 New Jersey homes.

Adjacent to the Mall is an eight-story Embassy Suites Hotel with 82 rooms and an 87,200 sq. ft. restaurant. Additional hotels at this site include: Country Inn and Suites by Carlson, Elizabeth Courtyard by Marriott and Residence Inn by Marriott Newark/Elizabeth Liberty International Airport. Restaurants such as Ruby Tuesday and IHOP are also available on the property.

The IKEA Furniture store, which is also easily accessible from Exit 13A of the New Jersey Turnpike, also completed a \$40 million renovation, which included a reconfiguration of its operations and an increase in showroom space to help meet the growth of its business.

2. The HOPE VI Project

Before Jersey Gardens, City Officials had embarked upon an impressive renewal effort in the City's oldest neighborhood, which was located adjacent to the transformed landfill. Economic development expansion and citywide revitalization efforts inspired the removal of public housing structures and the implementation of new housing initiatives.

Hundreds of affordable housing units were completed, with a portion on former brownfields. The tremendously successful federally funded HOPE VI program assisted in the removal of public housing complexes and replaced them with new townhouses in Elizabethport. Individuals previously residing in the old, dilapidated facilities had the unique opportunity to become homeowners. Living in a new community setting not only physically transported these low to moderate income residents, it transformed their quality of life.

Removing the stigma of public housing, the HOPE VI program assisted in instilling a sense of pride, self-sufficiency and homeownership in a residential neighborhood that included beautiful landscaping and open space. Through this program, hundreds of residents also participated in services including but not limited to: resume and interviewing workshops, job

training and placement, computer classes, youth oriented programs, child care programs, business development and health care. Identifying neighborhood potential and implementing a strong vision made critical initiatives such as HOPE VI possible.

The HOPE VI program is administered by the Housing Authority of the City of Elizabeth through the United States Department of Housing and Urban Development.

3. Area Surrounding Midtown Elizabeth Train Station

The Midtown Train Station is a designated New Jersey Transit Village and is located among brownfields. The City is seeking a NJ DEP Brownfield Development Area (BDA) designation for the area within and around the Midtown Redevelopment Area, which includes a 20-acres surrounding the Midtown Train Station. The Midtown Elizabeth Train Station is already a New Jersey Department of Transportation designated Transit Village.

NJ TRANSIT has committed \$55 million dollars for the design and reconstruction of the Elizabeth Midtown Train Station, which will include a new two-story station building with a street-level ticket office, waiting room as well as new office and retail space. The location will also feature new, extended high-level train platforms that will accommodate longer, 12-car trains and the platforms will feature covered, heated and air conditioned waiting areas for its users.

The Station will have new elevators and stairs, upgraded passenger information and security systems. The westbound plaza entrance will be highlighted by a marquee façade, new stairs and new vendor space. NJ TRANSIT and the City of Elizabeth is working together to incorporate art into the design of the station. The project will be funded through a combination of state and federal sources.

Enhancements to the Midtown Elizabeth Train Station are not limited to the current facility. These additional brownfield properties surrounding the Station have also begun the revitalization process. New housing, retail and offices will complement a modern Train Station and provide the services residents, commuters and visitors expect and deserve.

4. Harbor Front Villas

The City of Elizabeth's Waterfront underwent a transformation, creating luxury housing on a former brownfield site. Harbor Front Villas is a \$15 million townhouse development that features market-rate units, which would attract the most demanding buyer.

Homeownership coupled with luxurious amenities and a Waterfront view is what Harbor Front Villas offers its clientele. Located minutes away from Exit 13A off the New Jersey Turnpike, the site is easily accessible from major roadways and is minutes away from New York. From master bathrooms, cathedral ceilings and fireplaces to granite entrance halls, central air conditioning, terraces and private parking, this new townhouse community provides the comforts of home with a beautiful view on the water.

With wide market appeal, Harbor Front Villas offer an exciting alternative to individuals who work in the tri-state area and are looking to immerse themselves in the beauty, culture and community of an urban municipality.



March 28, 2017

The Honorable Greg Walden
Chairman
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank J. Pallone, Jr.
Ranking Member
Energy and Commerce Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Bill Shuster
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Peter DeFazio
Ranking Member
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U.S. House of Representatives
Washington, DC 20515

Dear Chairman Walden, Ranking Member Pallone, Chairman Shuster and Ranking Member DeFazio:

On behalf of the nation's mayors, cities, counties and regions, we strongly encourage you to reauthorize and improve the U.S. Environmental Protection Agency (EPA) Brownfields program, which is key for both economic development and job creation in local communities across the country.

Since its creation, the EPA Brownfields program has provided crucial assistance to local governments for reclaiming hazardous, polluted and underutilized properties. To date, there have been over 26,000 brownfields assessments and 1,200 brownfields cleanups nationally, which has led to over 123,000 jobs. Each of the \$22 billion federal dollars that has been invested since the program was established in 2002 has leveraged approximately \$16 in other investments, close to \$400 billion in total.

While many communities have benefited from brownfields redevelopment efforts under this program, the U.S. Government Accountability Office estimates there are between 400,000 and 600,000 remaining brownfields sites throughout the United States. To build upon these past successes and assist in the cleanup, reuse and redevelopment of remaining sites, some key improvements to the program are needed.

Increase or Maintain Authorization Amounts

While we understand the fiscal challenges and constraints faced by the U.S. Congress, we strongly encourage you to authorize and fully fund the Brownfields program to at least previously authorized levels. The Brownfields program has a proven track record of leveraging additional investments, creating new jobs, and redeveloping new properties, while creating additional tax revenues.

At current appropriation levels, EPA has had to turn away many highly qualified applicants due to a lack of funding. EPA estimates that for the past 5 years, over 1,700 requests for viable projects were not awarded money because of limited funding. EPA estimates that if they were able to provide funding to those turned away applicants, an additional 50,000 jobs would have been created along with \$12 billion of leveraged funding.

Additionally, President Trump has made reinvesting in America and putting people back to work as key priorities for his administration. In order to make this happen and to do so quickly, Congress should utilize existing programs, and we believe that the Brownfields program would be a strong candidate for any type of reinvestment initiative. **That is why we urge Congress to increase or at least maintain the current authorization levels for EPA's brownfields program.**

Increase Overall Grant Funding to Allow Communities to Cleanup More Difficult Sites

Although many brownfield sites have been redeveloped, what remains are brownfield sites that are more difficult to redevelop due to their level of contamination or marketplace conditions. Communities would like the EPA program to be expanded to address the clean up challenges at these more complex sites.

We suggest the following:

- **Increase Cleanup Grant Amounts** – Congress should recognize the complexity of the cleanup process for larger or more complicated sites by increasing the funding limit for cleanup of a single site to \$1 million. Under special circumstances, EPA could waive the limit, up to \$2 million per site.
- **Establish Multi-Purpose Brownfields Grants** – Congress should allow local governments to have the option to apply for multi-purpose grants that can be used for the full range of brownfields-funded activities (assessment, cleanup, reuse planning, etc.) on a community-wide basis. Applicants should be required to demonstrate a plan and the capacity for using this multi-purpose funding within a set timeline in order to qualify for such funding.
- **Allow Funding for Reasonable Administrative Costs for Local Brownfields Programs** – Congress should allow brownfields grant recipients to use a small portion (10 percent) of their grant to cover reasonable administrative costs such as rent, utilities and other costs necessary to carry out a brownfields project.

Brownfields Liability Concerns are a Disincentive for Local Governments

Local governments face enormous challenges in brownfields redevelopment. One of the most significant challenges is the potential liability for local governments, which creates a disincentive to acquire contaminated property. We encourage Congress to revise the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) to encourage and protect local communities who choose to take ownership of blighted properties for the purpose of brownfields redevelopment where the local government had no role in creating the contamination. These changes should include:

- **Clarify Eligibility of Publicly-Owned Sites Acquired Before 2002** – Congress should allow local governments to be eligible for grant funding for properties that were acquired prior to the January 11, 2002 enactment of the Brownfields Revitalization Act—when there was no required standard for “all appropriate inquiries”—provided that the applicant did not cause or contribute to the contamination and performed “appropriate care.” For these sites, applicants would not have to demonstrate that they performed all appropriate inquiry.
- **Remove Barriers to Local and State Governments in Addressing Mothballed Sites** – Congress should exempt local and state governments from CERCLA liability if the government unit (a) owns a brownfields property as defined by section 101(39); (b) did not cause or contribute to contamination on the property; and (c) exercises due care with regard to any known contamination at the site. We suggest language to amend section 101(20) (D) that clarifies that properties acquired through eminent domain qualify for the CERCLA exemption for local governments involved in “involuntary Acquisitions.” Alternatively, we would suggest language that establishes a simplified and clear exemption from CERCLA liability for local governments that acquire brownfields sites.
- **Eliminate Eligibility Barriers for Petroleum Brownfields Sites** – Grantees that seek to use assessment, cleanup or multi-purpose grants on sites with petroleum contamination should not be required to make the difficult demonstrations that the site is “low risk” and that there is “no viable responsible party” connected with the site. We recommend replacing the “No Viable Responsible Party” language in section 101(39)(D) with a prohibition on using funds to pay for cleanup costs at a brownfields site for which the recipient of the grant is potentially liable under the petroleum statutes. This would parallel the language for non-petroleum brownfields sites.

If you have any questions, please contact Judy Sheahan at USCM (jsheahan@usmayors.org), Carolyn Berndt at NLC (berndt@nlc.org), Julie Ufner at NACo (JUfner@naco.org), or Leslie Wollack at NARC (leslie@narc.org). Thank you for your consideration.

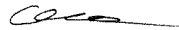
Sincerely,



Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors



Matthew D. Chase
Executive Director
National Association of Counties



Clarence E. Anthony
CEO and Executive Director
National League of Cities



Leslie Wollack
Executive Director
National Association of Regional Councils

Cc: Members of the House Energy and Commerce Committee
Members of the House Transportation and Infrastructure Committee

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 brownfields 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 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 brownfields 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 brownfields 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 brownfields 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.

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 brownfields site in the country. So, sometimes more money is needed to make it viable for development.

For most brownfields 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 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:]



Statement of

The Honorable Salvatore J. Panto, Jr.
Mayor, City of Easton, Pennsylvania

On behalf of the National League of Cities

Before the House Energy and Commerce Committee,
Subcommittee on Environment

"Discussion Draft: Brownfields Reauthorization"

April 4, 2017

Good morning, Mr. Chairman and Members of the Committee. I am Salvatore J. Panto, Jr., Mayor of Easton, Pennsylvania. I am here today on behalf of the National League of Cities, the oldest and largest organization representing local elected officials in America's cities and towns. NLC represents 19,000 cities and towns of all sizes across the country. I appreciate the opportunity to share the perspective of local elected officials on the importance of the U.S. Environmental Protection Agency's (EPA) Brownfields program and how the program contributes to the revitalization of communities to help inform the committee's work to reauthorize the program.

Local governments approach brownfields redevelopment as an economic development activity. However, strategically redeveloping these contaminated properties means much more than dollars and taxes. It means correcting the environmental injustices unduly thrown upon those living in our impoverished neighborhoods that are host to a disproportionate share of brownfields. It means protecting our first responders by eliminating contaminated enclaves of criminal activity and structures of high fire risk. It also means creating a more sustainable future

by promoting urban infill rather than urban sprawl and incorporating more environmentally-friendly design and building stock into our existing urban fabric.

The City of Easton, Pennsylvania is uniquely situated within 80 miles of New York City to the east and Philadelphia to the south. While we are a small city of 29,000, we are located in one of the most densely populated regions of the country, with more than 30 million people living within a 100 mile radius of the city. Easton is home to Crayola Crayons, Lafayette College, and World Heavyweight Boxing Champion Larry Holmes. Because of our strategic location along three waterways, the city has always been a logical place for industry. Our river banks were home to the start of the Industrial Revolution in America—the Dixie Cup was invented in Easton. Our legacy as a manufacturing and industrial city has presented the same challenges for our small city as it would for any other city across the country—vacant and abandoned properties that blight our community.

Brownfields sites threaten the health and well-being of communities and are a missed economic opportunity. Redevelopment of these unproductive properties allows local governments to attract jobs and investment to distressed communities while simultaneously addressing public health and safety concerns. The EPA Brownfields Program is vital for local governments in aiding their redevelopment efforts and supporting the productive reuse of property, which otherwise remains a blight on the community. Since its creation, the program has provided crucial assistance to local governments for reuse of hazardous, polluted and underutilized properties.

The Brownfields program has a proven track record of leveraging additional investments, creating new jobs, and redeveloping properties, while creating additional tax revenues. To date, there have been over 26,000 brownfields assessments and 1,200 brownfields cleanups nationally, which has led to over 123,000 jobs. Each of the \$22 billion federal dollars that has been invested since the program was established in 2002 has leveraged approximately \$16 in other investments—close to \$400 billion in total. It is estimated, however, that there are over 450,000 brownfields remaining in the United States. More must be done to make brownfields redevelopment a viable option for more communities.

Investment in and cleanup of the brownfields sites that are a blight on urban and rural communities across the country is an investment in our nation's civic infrastructure, and infrastructure investment is essential to moving America forward. President Trump has made reinvesting in America a key priority of his administration, and we believe the brownfields program is one avenue to making good on this promise. In Easton, our brownfields redevelopment will bring new life to the city, new opportunities for our residents, and new businesses. To build upon these past successes and assist in the cleanup, reuse and redevelopment of remaining sites, both in Easton and in cities and towns across the country, some key improvements to the program are needed, but importantly, we ask Congress to increase or maintain the current authorization level for the EPA brownfields program.

THE EASTON EXPERIENCE: SIMON SILK MILL REVITALIZATION

In 1883, the city began an economic development initiative by convincing R&H Simon, a successful manufacturer of silk in New Jersey, to build a mill in Easton on 15 acres of land along

the high-quality waters of the Bushkill Creek. By 1913, the Simon Silk Mill was heralded as the “largest individual silk ribbon and velvet manufacturer in the world.” The mill, which employed more than 2,000 workers, continued to be an economic powerhouse for our city and the region for almost a century into the 1970’s, when like many industries across the nation, it began to see a rapid decline in production.

After the mill closed, the property remained vacant for more than 30 years. In 2004, a study was done examining redevelopment opportunities for the mill and in 2006 the property was purchased by the Easton Redevelopment Authority with a grant from the State of Pennsylvania. One of the most difficult aspects of redeveloping this site, especially for a small city like Easton, was the cost of clean-up for a prospective developer. The Phase I and II environmental assessments and subsequent clean-up were done with the assistance of the State of Pennsylvania Department of Environmental Protection with funds from the federal EPA brownfields program. Without grant programs like the Brownfields programs to fill what developers call “gaps,” these properties would not get redeveloped and jobs would not be restored.

I took office in 2008 and started the cleanup and remediation of the silk mill site. The site was contaminated with asbestos, lead paint, contaminated sludge, and underground pipes that were contaminating the groundwater. Over 50 tractor trailers full of various contaminated debris was removed from the site. In addition, underground tunnels and tanks needed to be discarded or filled in place with clean soil because they were too large to be removed. Later, the federal brownfields cleanup grant helped us collect and test water samples to ensure the groundwater was safe.

Once the site was ready in 2014, the city requested redevelopment proposals with a creative arts concept. This mixed-use development, which has started to come online in the last six months, boasts 150 residential units, a fitness center, two breweries, a spa, a salon, an art gallery, and could eventually house a black box theatre, pub and event space. Most importantly it will increase our population, create more than 400 construction jobs and 95 permanent full time jobs, and add to the fabric of our community.

While this project has been a success that leveraged more than \$100 million in private sector investment, our work is certainly not done. Easton, five square miles in its geographic footprint, has another abandoned silk mill on its south side that also needs to be redeveloped. These projects, while small compared to those in larger cities, loom large to our residents. The site on our South Side has been abandoned for more than 30 years and sits across the street from an elementary school. Because the site is so costly to clean up, the current developer cannot bridge the “gap” of approximately \$2 million to start the project. So the site remains a vacant eyesore in the community.

Recently, a fire broke out at this abandoned silk mill. Our fire department responded and expended precious city resources to ensure it would not spread to the nearby neighborhood and school. This site is a public safety hazard and continues to put a strain on our resources without returning any tax funds back to us to cover these costs.

BROWNFIELDS REDEVELOPMENT CHALLENGES AND OPPORTUNITIES

Easton has had success in redeveloping one of our brownfields sites, but I come to you today with recommendations on how to strengthen the program to achieve a greater return on investment for cities and the economy.

Local governments need the support of Congress and our federal agencies to revitalize the abandoned properties and buildings that are a blight on our communities. These abandoned buildings cost cities millions by shrinking our tax base, undermining property values and increasing service costs. In addition to depressing the economic well-being of cities, a failure to act compromises the well-being of our residents.

Brownfields redevelopment is inherently a risk. Additionally, brownfields sites are at a competitive cost disadvantage compared to greenfields sites. From the development standpoint, uncertainty about long-term funding availability and the desire to see an instant return on investment, coupled with limited time and money to address brownfields issues, pushes many developers to choose to develop greenfield sites rather than brownfields sites. While greenfield development may be cheaper, it comes at a price to the environment and our cities, including increased urban sprawl, traffic congestion, and stormwater runoff.

Therefore, in order to address this market challenge and make the development of brownfields properties a more viable and attractive option for cities and developers, Congress must reauthorize the program and make key improvements. NLC urges Congress to increase or maintain the overall funding authorization level for the EPA Brownfields program, increase the

overall grant funding to allow communities to cleanup more difficult sites, and resolve the disincentives created by potential liability to facilitate reuse of brownfields properties.

Increase overall grant funding to allow communities to cleanup more difficult sites.

Although many brownfields sites have been redeveloped, what remains are brownfields sites that are more difficult to redevelop due to their level of contamination or marketplace conditions. Expanding the EPA brownfields program would allow communities to address the cleanup challenges at these more complex sites.

We suggest the following:

- **Increase Cleanup Grant Amounts** – Congress should recognize the complexity of the cleanup process for larger or more complicated sites by increasing the funding limit for cleanup of a single site to \$1 million. Under special circumstances, EPA could waive the limit, up to \$2 million per site.
- **Establish Multi-Purpose Brownfields Grants** – Congress should allow local governments to have the option to apply for multi-purpose grants that can be used for the full range of brownfields-funded activities (assessment, cleanup, reuse planning, etc.) on a community-wide basis. Applicants should be required to demonstrate a plan and the capacity for using this multi-purpose funding within a set timeline in order to qualify for such funding.
- **Allow Funding for Reasonable Administrative Costs for Local Brownfields Programs** – Congress should allow brownfields grant recipients to use a small portion

(10 percent) of their grant to cover reasonable administrative costs such as rent, utilities and other costs necessary to carry out a brownfields project.

Resolve the disincentives created by potential liability to facilitate the reuse of brownfields properties.

The issue of municipal liability for cleanup costs is a concern for local governments, particularly if they were not involved in the contamination of the site. As a general rule, under current law, local governments have a disincentive to cleanup and develop brownfield properties because of the liability that they could face. Often, as involuntary owners of brownfields property, many local governments are wrongly designated potentially responsible parties and held liable for cleanup. The fear of such designation has led to municipalities choosing not to invest in the cleanup or development of land, not because they do not want to, but because they cannot afford the liability costs. Addressing the local liability issue does not constitute a rollback of environmental protections, but rather corrects a market challenge and further incentivizes the redevelopment of brownfields properties.

We encourage Congress to revise CERLA to encourage and protect local communities who choose to take ownership of blighted properties for the purpose of brownfields redevelopment where the local government had no role in creating the contamination by providing a waiver, a definitive limitation, or elimination of liability for non-contributing local governments coming into title of previously contaminated properties involuntarily. These changes should include:

- **Clarify Eligibility of Publicly-Owned Sites Acquired Before 2002** – Congress should allow local governments to be eligible for grant funding for properties that were acquired prior to the January 11, 2002 enactment of the Brownfields Revitalization Act—when there was no required standard for “all appropriate inquiries”—provided that the applicant did not cause or contribute to the contamination and performed “appropriate care.” For these sites, applicants would not have to demonstrate that they performed all appropriate inquiry.
- **Remove Barriers to Local and State Governments in Addressing Mothballed Sites** – Congress should exempt local and state governments from CERCLA liability if the government unit (a) owns a brownfields property as defined by section 101(39); (b) did not cause or contribute to contamination on the property; and (c) exercises due care with regard to any known contamination at the site. We suggest language to amend section 101(20) (D) that clarifies that properties acquired through eminent domain qualify for the CERCLA exemption for local governments involved in “Involuntary Acquisitions.” Alternatively, we would suggest language that establishes a simplified and clear exemption from CERCLA liability for local governments that acquire brownfields sites.

In closing, Easton and cities across the country are investing in their downtowns, urban cores and neighborhoods to grow our local economies and create the kinds of communities where families want to live, work and play. Congress showed great leadership amending CERCLA in 2002 to create the federal Brownfields program. While progress has been made and beneficial relationships formed among local, state and federal entities, the federal brownfields program has not achieved its full potential. The Federal government must continue its commitment to the

brownfields program and to the cities protecting its citizens and the environment from the dangers these sites pose to reuse the properties for new economic opportunities.

On behalf of the National League of Cities and the City of Easton, I thank you for the opportunity to submit this testimony on a most timely issue. I look forward to your questions.

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.

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 brownfields 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.

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 brownfields redevelopment. Second, brownfields 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 brownfields 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 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.

Brownfields 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 of the program to repurpose brownfields into assets.

I reiterate my appreciation for this hearing and for the subcommittee's support of the brownfields 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:]



Smart Growth America
Making Neighborhoods Great Together

Testimony of The Honorable Parris N. Glendening
President, Smart Growth America's Leadership Institute

to the

U.S. House Committee on Energy and Commerce
Subcommittee on Environment

April 4, 2017

Testimony of The Honorable Parris N. Glendening
President, Smart Growth America's Leadership Institute
to the
U.S. House Committee on Energy and Commerce
Subcommittee on Environment
April 4, 2017

Chairman Shimkus and Ranking Member Tonko, and members of the Subcommittee, thank you for the opportunity to testify today. My name is Parris Glendening, and I am the President of Smart Growth America's Leadership Institute. I was Governor of Maryland from 1995 to 2003. Smart Growth America is a national non-profit organization dedicated to researching, advocating and bringing better development strategies to communities across the country.

Smart Growth America also runs the National Brownfields Coalition which supports federal policies that will accelerate cleanup and redevelopment of contaminated and abandoned land. The Coalition represents diverse economic, community, environmental, and development interests that share a common mission: promoting brownfield redevelopment as a core strategy for achieving job growth, community revitalization, and sustainable growth objectives.

I thank the Subcommittee for holding this hearing on to discuss the reauthorization of the Environmental Protection Agency (EPA) Brownfields Program.

Today it is estimated that more than 450,000 sites in the United States are contaminated and abandoned. Known as "brownfields," nearly every community in the country has at least one such site. These properties blight neighborhoods, breed disinvestment, and impose a cost on local governments and their taxpayers. Cleaning up these sites can be cost prohibitive for public agencies and private developers alike.

That is why today's discussion on the reauthorization of the EPA's Brownfields Program is so critical. As the Subcommittee considers ways to encourage brownfield redevelopment, I provide two key points to keep in mind. First, the changes in market demand has created favorable conditions for brownfield redevelopment. Second, brownfield redevelopment sparks public and private investment.

Changes in market demand have created favorable conditions for brownfield redevelopment

For decades, Americans and businesses moved away from downtowns to suburban and exurban markets. This led to low demand for infill development and even less private sector interest in investment in brownfield cleanup. Now the market has changed, and more Americans, specifically Millennials and Baby Boomers, and companies across the United States are moving to and reinvesting in these long-shunned city centers, urban downtowns, and town center areas. According to a recent National Association of Realtors survey, Americans favor walkable, mixed-use neighborhoods, with 56 percent of respondents preferring smart growth neighborhoods over neighborhoods that require more driving between home, work, and recreation.

In addition, as Smart Growth America detailed in our 2015 report, *Core Values: Why American Companies are Moving Downtown*, companies—from Fortune 500 titans to lean startups to independent manufacturers—are moving to communities with great quality of life for their employees. These companies want vibrant neighborhoods with affordable housing options, restaurants, nightlife, and other amenities in walking distance, and a range of transportation options for their employees, among other things. Many brownfield sites are located in key locations where people want to live.

Due to this demand, the private sector is using its capital for cleanup and redevelopment. To accelerate this private investment, we need to ensure we get the regulatory and financing framework right. The Discussion Draft is moving us in the right direction.

Specifically, the Discussion Draft recognizes that the cost of cleaning up past contamination is a barrier to bringing brownfield sites back into the market. 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 that limit up to \$750,000 based on the level of contamination, the size, or the ownership status of the site. This will ensure more communities have the necessary funds to cleanup and turn more brownfields into the mix-use neighborhoods that Americans are demanding.

I am also pleased to see the Discussion Draft include a provision eliminating the prohibition on communities using grant funding to cover administrative costs. However, I would like to see the percentage used to pay administrative costs increased from 5 percent 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 that face financial difficulties.

Brownfields Redevelopment Sparks Public and Private Investment

Investing in existing communities keeps the cost of services down and revenues up for the municipality. Brownfield redevelopment brings greater economic growth by leveraging additional public and private investment to communities. The EPA estimates that every dollar of federal funding invested in brownfield redevelopment leverages \$18 in total investment. Many of these projects transform blighted sites into community assets. For example, the Linen Building in downtown Boise, Idaho was a vacant and blighted former laundry facility that posed an environmental threat to the surrounding community due to environmental contamination. With the help of a brownfields assessment grant, Boise was able to remove contaminated soil from the site and redevelop the building. Due to cleanup, a developer

purchased the property and today the building is used for art and fashion shows, corporate meetings, other meetings, and special events. Due to the redevelopment work, the new Linen Building has sparked new businesses to open. An analysis of the property concluded that every dollar of federal brownfields funds leveraged \$48 in total investment in the surrounding area.

Another example of an EPA Brownfields grant that sparked private investment is the Santa Fe Railyard in Santa Fe, New Mexico. Built in 1880, the Railyard was a hub of activity and a cultural center until it faced stiff competition from the interstate highway and air travel. By 1987, the Railyard fell into disrepair and was in need of redevelopment due to contamination from years of industrial use. In late 1980, the City of Santa Fe purchased the property which remained vacant until the City received an EPA brownfields assessment grant in 1998. Because of the EPA investment, the city was able to transform the Railyard site into an arts and culture center and leverage over \$125 million in additional public and private investment.

These projects can be complex and require the both nonprofit and private sector to be at the table stakeholders. As Governor of Maryland, non-profits and community based organizations played a critical role in brownfield projects across my state. The Discussion Draft rightly recognizes this by expanding eligibility for site assessment grants to nonprofit organizations. Expanding eligibility will better position communities since these nonprofits are often in the best position to identify or prioritize sites and initiate redevelopment.

In addition, I am pleased the discussion draft includes multipurpose grants. The redevelopment process is one connected effort that can include site inventory, characterization, assessment, planning, or remediation for one or more brownfield site through one grant. Allowing communities to secure upfront funding for the various phases of brownfield redevelopment—instead of having to seek funding for each of the different phases of the project—allows a community to work more closely with a developer to turn blighted properties into real economic and community assets.

Conclusion

Americans are demanding economically vibrant and fiscally responsible communities with a great sense of place. This makes brownfield redevelopment a win-win development strategy. Brownfield redevelopment saves taxpayer money while creating the type of development that market demands. Brownfield redevelopment benefits local economies and municipal budgets, spurs private investment in blighted communities, protects public health and the environment, and helps meet rising demand for homes and offices in walkable neighborhoods. This Discussion Draft is one more big step forward.

Historically, the EPA Brownfields program has been a lifeline for communities that are struggling to overcome blight and contamination at abandoned industrial sites. The program has provided critical assistance, bringing states, communities and the private sector together to assess, clean up and turn brownfields into a variety of productive uses.

This discussion draft, if enacted into law, stands to benefit hundreds of communities—big and small, urban and rural—across the nation looking to transform their vacant properties to create new engines of economic growth.

In conclusion, let me reiterate my appreciation for the Subcommittee's support for brownfield redevelopment. As the Subcommittee considers reauthorization of the EPA's brownfields program, Smart Growth America stands ready to help communities and the private sector realize the potential of the program to repurpose brownfields to be an asset in communities and the country.

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.

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.

Brownfields 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, 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 tax 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 service was discontinued in 1979, The Gulch became the victim of blight and neglect, despite it 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 states to take on larger projects with positive economic results for the communities they redevelop. Expanding eligibility to nonprofit or-

ganizations 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 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:]



E C O S

Testimony**“Discussion Draft: Brownfields Reauthorization”****House Energy & Commerce Committee
Subcommittee on Environment and the Economy****Tuesday, April 4, 2017****by****Robert Martineau, Commissioner,
Tennessee Department of Environment and Conservation
and
Former President, Environmental Council of the States****Main Points**

- 1.** Brownfields programs represent the full spectrum of win-win. On the environmental side, they transform blighted properties that pose environmental risks into clean residences, commercial space, parks, renewables sites, and other facilities. On the economic front, they can serve as significant sources of revenue, as tax income on rehabilitated properties is generally greatly increased. Brownfield grant monies represent “seed money” for private investment on properties where the investment may not otherwise occur.
- 2.** Partnerships among state, local, and federal government; community organizations; and the private sector can make otherwise impossible cleanups possible. Investments from Brownfields grants drive local governments and private industries to invest further in their communities. Using resources like Environmental Site Assessments, states are able to provide a clearer picture for investors on the potential success that investment in remediation at a site can bring over a longer term.
- 3.** A common goal of state brownfield programs is to make contaminated sites safe for reuse that creates jobs and spurs economic development within the communities in which the properties are located. In some states the creation of “green jobs” and sustainability initiatives have become an increasing priority, as states work to promote energy efficiency and reduce waste.
- 4.** Brownfields revitalization projects represent a broad spectrum of community impacts. Investment in these programs provides opportunities to implement innovative and sustainable solutions to problems faced by communities. Removing statutory barriers to brownfield revitalization, as the Discussion Draft would do, is an important step forward. For example, increasing the funding limit for cleanup grants to \$500,000 per site would be beneficial for redevelopment if accompanied by an increase in the level of overall CERCLA 104(K) funding availability.

Chairman Shimkus, Ranking Member Tonko, and Members of the Subcommittee, good morning. My name is Bob Martineau, and I am Commissioner of the Tennessee Department of Environment & Conservation (TDEC) and am here testifying today as a former President of the Environmental Council of the States (ECOS). ECOS is a national nonprofit, nonpartisan organization whose members are the leaders of the state and territorial environmental protection agencies across the United States. My association proudly counts the Illinois Environmental Protection Agency and the New York Department of Environmental Conservation among our membership. I appreciate the opportunity to share with you the views of ECOS on Brownfields Reauthorization and on the Discussion Draft.

The subject of today's hearing is a program from which states like mine benefit tremendously. Since the inception of the U.S. Environmental Protection Agency Brownfields program in 1995, Tennessee grant applicants have been awarded more than \$12M in funding under Comprehensive Environmental Response, Compensation, and Liability Act Section 104(k) for brownfields restoration.

Across our nation, Brownfields programs play an integral role in the redevelopment of infrastructure that has fallen out of use. Brownfields grants facilitate economic growth and encourage meaningful investment in communities. Brownfield redevelopment is, at its heart, economic and community development with improved environmental outcomes. Legislative approaches like those embedded in the Discussion Draft will make this already successful program even more so. I commend you for taking up this topic and for your thoughtful Discussion Draft.

Revenue from Brownfields Programs. The most direct economic impact from Brownfields revitalization programs can be seen in the form of tax revenue. Income from new businesses, sales, real estate, and personal property all contribute to an increase in state and local income that not only gives a boost to local economies, but also assists in paying for the redevelopment that takes place.

Downtown Nashville is home to The Gulch, a once bustling railroad yard dating to before the Civil War, which included a roundhouse (where rail cars were repaired), a coal yard, and in subsequent years, a paint shop. In 1956, commuter rail service was discontinued in Nashville, and by 1979, passenger rail ceased entirely. The Gulch was a victim of neglect and became a blighted neighborhood.

In 1999, a group of private investors and developers purchased 25 acres and created a master plan for the neighborhood. TDEC Division of Remediation staff worked with several key property owners to complete Voluntary Brownfields Agreements, assessing and cleaning up any contamination and preparing these properties for revitalization. With the TDEC's ability to support redevelopment of the area through Brownfields Agreements, The Gulch was able to expand redevelopment activities beyond those envisioned through the original private investment. The Gulch is now an urban mixed-use neighborhood in downtown Nashville encompassing more than 60 acres. The Gulch achieved LEED Neighborhood certification at the Silver level in January 2009. It is a vibrant urban district and a popular local destination for shopping, dining, and entertainment, yielding significant tax revenue that previously did not exist.

The funding available through Brownfields grants allows 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, as in the

Discussion Draft, can increase those positive results. Additionally, funding for the administrative costs reduces the burden states face as they work together with investors to create positive outcomes in redevelopment.

Leveraged Resources and Investment. Leveraged resource and investment illustrates the power of partnerships to catalyze a project. The combination of financial and resource investments by a group of organizations can lead to a much better outcome than if any individual group took on the project itself. In many cases, the magnitude of such projects is beyond the means and capabilities of any one group, so without a partnership, nothing would happen. There are excellent examples of how leveraged resources can create the synergy to drive a project forward.

In Memphis, the former Chisca Hotel was a fixture in the Memphis skyline for 100 years. The building served several purposes throughout its life; most notably it was the broadcast center where Elvis Presley's voice first hit the airwaves. An EPA Brownfields Community Wide Assessment Grant awarded to Shelby County funded two Phase I Environmental Site Assessments on the property in 2012. This initial \$5,892 investment by EPA resulted in an approximately \$2 million short-term investment by the City of Memphis, a long-term investment of \$1 million in Downtown Memphis Commission Funds, and \$19.5-24 million in private capital long-term investment. Upon final completion, Chisca will feature 161 apartment units, lofts, and penthouses and ground-floor commercial space.

In Knoxville, in the eastern part of the state, \$400,000 of EPA assessment grants awarded for the South Waterfront have already leveraged more than \$150 million of private investment at the former Baptist Hospital Site and an additional \$8 million in a new city park, Suttree Landing Park. Working together with a variety of parties on remediation allows for a far greater capacity for revitalization. Legislation that expands the ability for organizations to partner and invest in

Brownfields projects would allow communities to leverage greater amounts of capital for improved outcomes.

Job Creation. Properties often are not beyond recovery; following thorough environmental assessments, there are opportunities to repurpose a property rather than redevelop it completely. Reuse of facilities is at the core of many revitalization programs. Legislation that reduces risk for investors in remediation efforts would create opportunities for investors to reuse existing infrastructure at properties that otherwise would go wasted.

The Philips Luminaries Plant in Sparta, Tennessee, a former lighting manufacturing plant, has sat vacant since 2012. Jackson Kayak, one of the largest goods exporters in Tennessee, needed to expand its operations. By using EPA Brownfield grant funds, the Upper Cumberland Development District (UCDD) was able to identify the former Philips Luminaries plant as a potential location for the expansion.

The Tennessee Economic and Community Development Agency, the UCDD, and Jackson Kayak entered into a Brownfield Voluntary Agreement with the TDEC Division of Remediation. This agreement allowed Jackson Kayak to renovate the facility for its use without assuming any of Philips' liability. Jackson Kayak purchased the property and invested \$6.5 million to expand production of recreational whitewater and fishing kayaks and to manufacture Orion coolers, a high-end line of cooler products. Ultimately, Jackson Kayak expanded into an existing building, while remaining in White County, and created 250 new jobs in a town of 5,000 people.

States are seeking ways in which organizations can safely invest in remediation efforts without being restricted by liability concerns. Responsible legislation addressing these concerns can promote opportunities for companies like Jackson Kayak to remain in Tennessee and employ local workers.

Community Impact. Finally, there are clearly broad economic revitalization benefits in communities and neighborhoods from the work conducted through land revitalization programs on community projects such as open space, gardens, and recreational lands; cultural attractions; and renewable energy sites. In many cases, cleaning up a site in a common area can lead to renewal throughout a neighborhood.

In Johnson City, Tennessee, flooding was identified as a major barrier to reinvestment and redevelopment. As a result, the city experienced limited economic and cultural investment in the downtown area. The former Young's Warehouse property was identified in the Johnson City Downtown Drainage and Redevelopment Project as property which could be used to provide relief for flooding. Historic uses of the property included a former gas station, tire retreading facility, bulk petroleum storage, and a drycleaner. The city worked in collaboration with the TDEC Division of Remediation to develop a plan to address contaminated soils from previous industrial uses and ensure that reuse of the property would be safe for the citizens to enjoy a future park at the site.

As a result of the cooperation demonstrated in this project, Johnson City was able to transform this downtown property to not only address flooding, but also to create public greenspace by building a five-acre greenway and park along the new creek bank. Founder's Park and the adjacent Farmer's Market, a \$2.8 million, five-acre sustainable greenspace, and flood mitigation project on the west side of downtown, were completed in 2014. Since its opening, Founder's Park has sparked other redevelopment in the downtown area.

Though it can be difficult to measure community impact empirically, it is clear that innovative revitalization solutions can generate new life in areas previously unsafe to develop.

Conclusion. Mr. Chairman, Mr. Ranking Member, and Members of the Subcommittee, I thank you again for your leadership in preparing the Discussion Draft and for the opportunity to present to you today the perspective of ECOS through the lens of Tennessee's successful Brownfields experience. I am happy to answer any questions.

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.

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 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 problem, 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 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 brownfields 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. 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:]



ASTSWMO, Providing Pathways to Our
Nation's Environmental Stewardship Since 1974

U.S. House of Representatives

Committee on Energy and Commerce

Subcommittee on Environment

Hearing

"Discussion Draft: Brownfields Reauthorization"

April 4, 2017

Testimony of

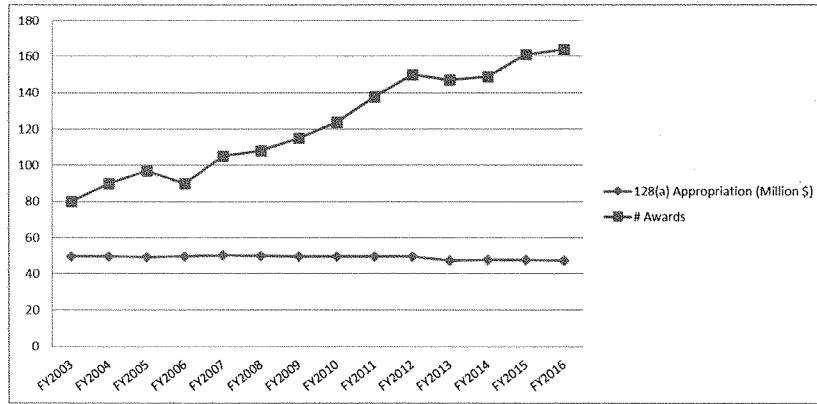
J. Meade R. Anderson, CPG

On Behalf of the

Association of State and Territorial Solid Waste Management Officials

Main Points

- Brownfield redevelopment plays an important role in addressing our country's ailing infrastructure, spurring economic development while cleaning up environmentally challenged properties. Redevelopment of brownfields reuses existing roads, bridges, water treatment plants and other infrastructure elements resulting in savings in development costs and the need to build new infrastructure that also requires maintenance.
- Funding, expertise and resources at the State, federal and local levels of government allow those redeveloping brownfields to layer funding and assistance to encourage redevelopment of Brownfields. The variety of tools allows entities to select the incentives and resources that will make their particular project work.
- Since the Brownfields law's beginnings in 2002, 128(a) funding has been provided to States, territories and tribes with the national funding level remaining at just under \$50 million for more than 15 years, whereas the number of applicants has more than doubled. The awards in FY2003 averaged \$618,000. However, by FY2016, the average award had dropped to approximately \$293,000, less than half of what had been awarded in FY2003.



- Funding has been used to assist urban and rural local governments, community officials and others to assist with technical support, environmental assessments and project guidance.
- Funding supports Voluntary Cleanup Programs (VCP), which provide the foundation for overseeing cleanups, setting remediation goals and institutional controls.
- There are a variety of sites in the brownfield universe ranging from simple cleanups to complex sites. The more challenging sites require a unique collaborative approach of stakeholders working in partnership with the community, local, State and federal governmental organizations, business partners, nongovernmental organizations (NGOs) and individuals from the community itself.

- Brownfield programs offer positive economic impacts as stated in the following studies:
 - The University of Delaware's economic study found that every nominal dollar spent through the brownfield program generates a \$17.50 return on the State's initial investment.
 - A study of the impact of funding in Wisconsin found that a dollar invested there yields up to \$27.25 in total funds for projects.
 - Since 2015, Oklahoma has garnered over \$10 million in new State and income taxes annually on remediated sites. There has also been a 147% increase in job growth on redeveloped brownfields and surrounding sites.
 - A 2014 study by ECONorthwest found that every \$1 invested in brownfield redevelopment in Oregon resulted in \$15 of leveraged funding. The 51 completed sites in the survey generated 4,300 permanent jobs, of which 60% are in the industrial sector. In total 8,900 indirect and direct jobs were created.
 - The Michigan Department of Environmental Quality (MDEQ) reports that in 2016 the return on investment on brownfield funding is \$34 for every dollar of MDEQ funding.
- Brownfields and the associated voluntary cleanup programs are necessary to assist with cleanup and to allow property sales, redevelopments and financing to move forward. Sudden and significant cuts to the money coming to the States can and would cripple States' programs, and if State programs cannot remain responsive, they will wither and collapse.

Good morning Chairman Shimkus, Ranking Member Tonko and Members of the Subcommittee. Thank you for the opportunity to speak to you today. My name is Meade Anderson, and I am the Chair of the Brownfields Focus Group of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). I am here today to testify on behalf of ASTSWMO. ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes State program experts with individual responsibility for the regulation or management of wastes and hazardous substances.

ASTSWMO is a strong supporter of the Brownfields program. Communities across our nation live with and adjacent to their brownfields every day. Even if you don't live right next door, you likely feel their impacts. They contribute to the economic, social and environmental decline in the places we live, work and play. However, the redevelopment of contaminated properties is a powerful tool that has far-reaching implications for both urban and rural communities. Brownfield redevelopment sparks job creation and private investment, encourages infrastructure reuse, increases property values and the tax base and facilitates community revitalization. For the past 15 years, this program has served to break down barriers to redevelopment and move properties with an environmental past forward when they would otherwise have remained blighted.

Our State programs have evolved to be responsive to the needs of communities and developers while protecting the health of our citizens. These programs have developed varied sets of

remediation and redevelopment tools that are specific to the State needs. Properties going through our programs may use one or all of our services, but the unifying theme underlying all of them is that we could not provide these services without the aid of our 128(a) funding and our federal program.

Since the Brownfields law was signed in 2002, funding to States, Territories and tribes, via the 128(a) Brownfield Grant, has been essential for States to build and maintain successful State brownfield programs. The funding that States receive each year provides an incredible number of benefits to local governments, corporations and other organizations, whose goal is to clean up and redevelop blighted, underutilized and contaminated properties.

Some of these benefits include:

- Providing funds to complete environmental site assessments of properties to meet all appropriate inquiry (AAI), Phase II sampling, asbestos and lead inspections;
- Supporting local community officials in the preparation of grant applications for Brownfield assessments, cleanups or revolving loan funds;
- Providing workshops for organizations, communities and others to educate them about Brownfield services, incentives and redevelopment processes and issues.
- Assisting local governments, nonprofits and redevelopers to successfully manage risk and liability concerns;
- Meeting with community officials and others to assist them in working through assessment and cleanup of Brownfield properties, as well as providing much needed technical support and recommendations; and

- Supporting Voluntary Cleanup Programs (VCPs), which provide the foundation for overseeing cleanups, setting remediation goals and institutional controls that provide for safe reuse of the properties.

While our programs do spend time in urban areas and the services we provide there are important, we would also like to highlight the increasingly important role that we play in smaller cities, towns and rural areas. These communities also grapple with brownfield issues and due to limited resources cannot afford to have an environmental manager on staff, hire a consultant or even afford a grant writer. Our programs often serve as a no-cost environmental consultant to those communities by providing assessments, cleanup guidance, liability management and grant assistance. Redevelopment in these towns would not happen in many cases without federal, State and Territorial brownfield services.

Unlike many other environmental programs that began at the federal level, with States taking over authority to run various aspects, States are primarily responsible for the development and maintenance of Brownfield cleanup and redevelopment programs. States have developed their own, unique State-specific statutes, rules and regulations to govern voluntary cleanup of contaminated sites and provide liability releases or letters of comfort to fit the needs of each individual State. However, the individual programs are sufficiently consistent to allow 25 States to execute a VCP Memorandum of Agreement (MOA) with their respective EPA regional authorities. These MOAs promote State-federal coordination, define general roles regarding the

cleanup of sites and provide predictability and consistency for those completing a cleanup under State authority.

Since the Brownfields law's beginnings, 128(a) funding has been provided to States, Territories and tribes with the national funding level remaining at just under \$50 million for more than 15 years, whereas the number of applicants has more than doubled. In FY2003, 80 States, Territories and tribes received funding from a total appropriation of \$49.4 million. By FY2016, 164 entities requested funding including 50 States, 4 Territories, the District of Columbia and 109 tribes, 8 of which were new applicants. The awards in FY2003 averaged \$618,000. However, by FY2016, the average award had dropped to approximately \$293,000, less than half of what had been awarded in FY2003. This dramatic decrease in award amounts is directly attributable to the success of the program and the steadily increasing demand and competition for these essential funds.

Although most States do not rely solely on 128(a) funding alone to support their Brownfields and State response services, the funds are an essential component of each State's program. The additional resources many States utilize include program fees, special cleanup funds and, in some cases, general revenue funds. However, most of these sources have either decreased or remained flat, particularly during the recent recession. Few of the States receive sufficient State funding to cover all program costs and provide adequate support for EPA 104(k) Brownfield Grantees. As a result, States have had to resort to cost-saving measures, such as reducing staff dedicated to Brownfield functions, cutting or eliminating the amount of assistance provided to local communities, increasing fees and reducing the number of 128(a)-funded environmental assessments.

A continuation of the current funding dynamic would halt the progress our programs are making when the programs are needed most. We are at a critical junction in our national history where expansion of our urban boundaries, while attractive in short-term benefits, will lead to continued increases in infrastructure costs that we can ill afford. When we rebuild our infrastructure, we have the opportunity to renew what surrounds it in order to create a more robust economy and assist in the responsible growth of our communities. Brownfield funding is critical to that mission.

Added to the burden of tight budgets is the complexity of sites that communities often encounter. While States and Territories continue to conduct cleanups on relatively simple sites, in many areas they are starting to address more challenging sites whose redevelopment may be hampered by complex issues, such as contamination and obstacles related to the community as a whole. These properties are often financially upside down due to the suspected environmental contamination, yet many of these sites are situated at key locations in our small cities, towns and communities. These more challenging sites require a unique collaborative approach of stakeholders working in partnership with the community, local, State and federal governmental organizations, business partners, nongovernmental organizations (NGOs) and individuals from the community itself. The State's Brownfields program plays a significant role by providing technical support, recommendations and the voluntary cleanup programs to ensure sites are cleaned up to standards that are safe for the intended reuse.

The funding provided for brownfield redevelopment multiplies in our communities resulting in positive economic impacts. The University of Delaware has published two well-respected studies: *Economic Impact of Delaware's Economy: The Brownfields Program* dated January 5, 2010; and *Beyond Natural and Economic Impact: A Model for Social Impact Assessment of Brownfields Development Programs and a Case Study of Northeast Wilmington, Delaware* dated February 2013. The economic study found that every nominal dollar spent through the brownfield program generates a \$17.50 return on the State's initial investment. A November 2015 study by the Fiscal and Economic Research Council at the University of Wisconsin found that every \$1 spent for assistance in the State of Wisconsin leveraged \$27.25 in total funds and that \$3,000 in brownfield funding leverages one job. Other States have also done analysis on the power of brownfield funding:

- Since 2015, Oklahoma has garnered over \$10 million in new State and income taxes annually on remediated sites. There has also been a 147% increase in job growth on redeveloped brownfields and surrounding sites.
- A 2014 study by ECONorthwest found that every \$1 invested in brownfield redevelopment in Oregon resulted in \$15 of leveraged funding. The 51 completed sites in the survey generated 4,300 permanent jobs, of which 60% are in the industrial sector. In total 8,900 indirect and direct jobs were created.
- The Michigan Department of Environmental Quality (MDEQ) reports that in 2016 the return on investment on brownfield funding is \$34 for every dollar of MDEQ funding.

To summarize, ASTSWMO believes a robust brownfields program, at all levels of government and working in concert with the private sector, is essential to the nation's environmental, economic and social health. Without adequate funding for State and Territorial Brownfield and Voluntary Cleanup Programs, Brownfield program goals cannot be achieved. While the current funding level is inadequate, we want to ensure that it is protected at a minimum. I would like to also point out the *ASTSWMO Position Paper 128(a) "Brownfields" Grant Funding*, which was approved by the ASTSWMO Board of Directors on April 22, 2014, provides additional detail on the Association's support of brownfields funding. The position paper is provided with this testimony.

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

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 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, what can be improved just in the language of 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 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 city-wide and would hope that it becomes eligible this way.

We would also wonder if the EPA would be flexible if the 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. OK, great. Thank you.

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 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 brownfields 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 brownfields 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 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 brownfields 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 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. 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 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 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 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 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 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, 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.

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. OK.

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 brownfields 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.

Mr. MCKINLEY. OK. 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 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 brownfields 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 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. This will be to Governor Glendening—the discussion draft, like my bill, also includes language to allow nonprofits to apply for brownfields 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 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 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. OK. 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 exporting port, the Port of Houston. And we have a lot of brownfields sites all across our region. They are all over.

Put that slide up, please. This is the best example of how a brownfields 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 brownfields 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.

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

[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 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.

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 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 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, 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.

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 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, 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 rural—we talk a lot about the urban, which are very important, but some of these rural jobs. 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. OK. 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 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 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. OK. 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.

Mr. JOHNSON. OK. 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 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 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 factory 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 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 be 10 percent because, on a \$300,000 grant, let's say the average is—you can go up to \$500,000, 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 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 few 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 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 re-

mained at just under \$50 million for more than 15 years. Can you explain to us why that is a problem, other than 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?

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.

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. 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 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 brownfields 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 need that.

These brownfields 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?

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 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 are just going to be fewer sites, particularly if we increase the cap of what an individual grant could be. Yes, you would just do a lot fewer 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 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 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.

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.

It is just located on deepwater, but it is doing to take a lot of clean-up, and we are 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 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. 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 brownfields 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 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 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 brownfields 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 brownfields 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 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 brownfields 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 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.

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 10 years ago, 15 years ago.

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

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 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. OK. 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? OK, great.

Now another way of questioning here, many of the brownfields 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 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, "relatively low-risk," 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 that we come up with a solution that is timely and you are dealing with one project manager.

Thank you.

Ms. MATSUI. OK. Any other comments from the rest of the witnesses?

[No response.]

OK. I yield back. Thank you.

Mr. SHIMKUS. The gentlelady yields back her time.

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

Mr. CÁRDENAS. 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 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 brownfields 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

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

Mr. BOLLWAGE. Manmade, Congressman.

Mr. CÁRDENAS. OK, 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 site in my city.

Mr. CÁRDENAS. 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. CÁRDENAS. All right. OK.

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

Mr. CÁRDENAS. OK. To my question, by and large, Superfund sites became Superfund conditioned sites or brownfields 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. CÁRDENAS. So, there was a time where us, as human 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. CÁRDENAS. 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. CÁRDENAS. 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. CÁRDENAS. No, I am an engineer.

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

Mr. CÁRDENAS. I take it as a compliment.

Go ahead.

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. CÁRDENAS. 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 brownfields 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.

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 appears at the conclusion of the hearing.]

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.]

[Material submitted for inclusion in the record follows:]



ASTSWMO: Pioneering Pathways to Our
Nation's Environmental Stewardship Since 1974

ASTSWMO POSITION PAPER 128(a) "Brownfields" Grant Funding

INTRODUCTION

On January 11, 2002, President Bush signed the Small Business Liability Relief and Brownfields Revitalization Act (Pub.L.No. 107-118, 115 stat. 2356, "the Brownfields Law"). The Brownfields Law amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) by providing funds to assess and clean up brownfields; clarified CERCLA liability protections; and provided funds to enhance State and tribal response programs. Other related laws and regulations impact brownfields cleanup and reuse through financial incentives and regulatory requirements.

Since the Brownfields Law was signed in 2002, funding to States, Territories and Tribes, via the 128(a) Brownfield Grant, has been essential for States and Territories (States) to build and maintain successful State brownfield programs. The funding that States and Territories receive each year provides an incredible number of benefits to local units of government, corporations, and other organizations, who oversee the day-to-day cleanup and redevelopment of blighted, underutilized, and contaminated properties.

Some of these benefits include:

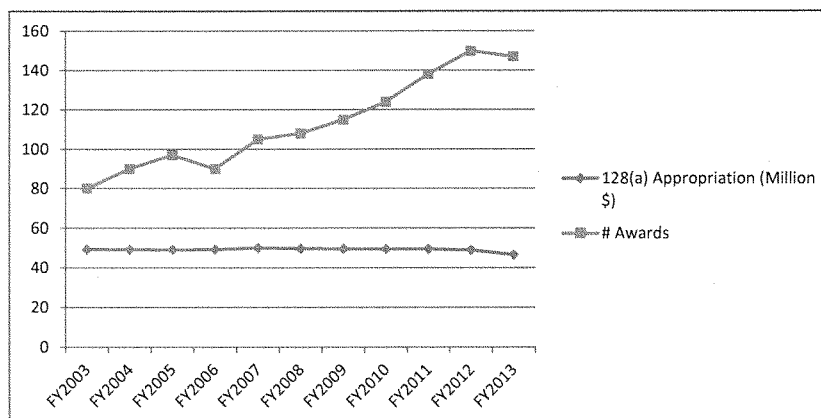
- Providing funds to complete environmental assessments of properties to meet all appropriate inquiry (AAI), as well as Phase II sampling and asbestos and lead inspections and, in some cases, ecological assessments, as needed;
- Supporting community officials in the preparation of grant applications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

Unlike many other environmental programs which began at the Federal level, with States taking over authority to run various aspects, States and Territories are primarily responsible for the development and maintenance of brownfields cleanup and redevelopment programs. States have developed their own, unique State-specific statutes, rules and regulations to govern voluntary cleanup of contaminated sites and provide liability releases or letters of comfort to fit the needs of each individual State. However, the individual programs are sufficiently consistent to allow 25 States to execute a voluntary cleanup program (VCP). Memorandum of Agreement (MOA) with their respective EPA Regional authorities. These MOAs promote State-Federal coordination, define general roles regarding the cleanup of sites and provide predictability and consistency for those completing a cleanup under State authority...

The States have also developed a variety of incentives to encourage cleanup and redevelopment of contaminated/potentially contaminated sites such as tax incentives, low-interest loans, grants and liability protections. For example, Virginia provides a tax exemption for increases in property taxes which can cap taxes for up to 5 years. Ohio provides grants and low-interest loans for assessment and cleanup as well as offering a 10-year property tax abatement on the increased value of the site as a result of the cleanup. Wisconsin offers low-interest loans and grants to local units of government so they may conduct assessments of their brownfield properties. Idaho has a Community Reinvestment Pilot Initiative, which for 10 sites rebates up to 70% of approved remediation costs up to a maximum rebate of \$150,000. Massachusetts' MassDevelopment Brownfields Redevelopment Fund was capitalized by the legislature in 1999 with \$30 million to support brownfield cleanup and redevelopment and recapitalized the program in 2006 with an additional \$30 million. Because States have primary responsibility for operating brownfield/VCP programs, the key to continued success of brownfields cleanup and redevelopment in the nation is the economic health and viability of State programs. The brownfields program at all levels is one of the few programs which has successfully bridged the gap between environmental cleanup and economic development by often integrating cleanup with redevelopment.

BACKGROUND

Since the Brownfields Law's beginnings, 128(a) funding has been provided to States, Territories and Tribes with the national funding level remaining at just under \$50 million for over 14 years, whereas the number of applicants has continued to rise to nearly double. The graph below illustrates the changes in funding awards, from a static pot of funding over the years. In FY2003, 80 States, Territories and Tribes received funding from a total appropriation of \$49.4 million. By FY2013, 150 entities requested funding including 50 States, 4 Territories, the District of Columbia and 95 Tribes, 3 of which were new applicants. The total funding requested in FY2013 was \$54.8 million and the total budget allocated in FY2013 was \$48.08 million. The awards in FY2003 averaged \$618,000, however, by FY2013 the average award had dropped to \$318,000, nearly half of what had been awarded in FY 2003. This dramatic decrease in award amounts is directly attributable to the steadily increasing demand and competition for these essential funds.



As a result of this increasing demand on 128(a) funds, the vast majority of States are receiving less funding each Federal fiscal year. Although most States do not rely solely on 128(a) funding alone to support their brownfields and State response programs, 128(a) funds are an essential component of each State's program. The additional funding many States utilize includes program fees, special cleanup funds and, in some cases, general revenue funds; however, most of these sources have either decreased or remained flat, particularly during the recent recession. Few of the States receive sufficient State funding to cover all program costs. As a result, States have had to resort to cost saving measures, such as reducing staff dedicated to brownfield functions, cutting or eliminating the amount of assistance provided to local communities and reducing the number of 128(a) funded assessments.

Many States use their 128(a) funding to conduct site-specific activities such as Phase I and Phase II Environment Site Assessments or cleanup planning to assist economically disadvantaged or remote communities or those with issues such as environmental justice, health risks related to hazardous substances, and/or limited experience in working with government agencies. Often this work is the only readily available funding for conducting all appropriate inquiry on brownfields properties in order to obtain Federal liability protection and to facilitate acquisition of these sites. The 128(a) funding also allows the States to provide technical, administrative and public outreach to these communities in support of these site specific activities. In light of the current economic situation, some States have eliminated all direct funding assistance to their local communities or have been unable to recapitalize State-administered brownfield funds and have redirected that funding into staff salaries.

Over the last 10 years the 128(a) funding appropriations have remained just below \$50M, while the number of applicants has nearly doubled thus decreasing total funding awarded to each applicant. At a time when most States are struggling to meet their State's brownfields basic revitalization needs there is an increasing workload placed on the States as developers and

bankers turn to State brownfield and voluntary cleanup programs as a cost effective means to promote property revitalization projects. In addition, State programs are increasingly dealing with more complex sites with multiple exposure pathways and ever expanding contaminant concerns which add to an already overburdened State program. The 128(a) funding forms the foundation on which many State programs are developed, and, without sufficient funding, a gap remains that is difficult to bridge regardless of other funding sources. Brownfield/voluntary cleanup programs are geared towards revitalization. If these programs become ineffective due to lack of funding, confidence in the program will erode and resurrecting these programs will be difficult if additional funding ever does become available.

Conducting studies to effectively and accurately document and quantify the full impact of brownfields funding has been a challenge due to the numerous factors affecting outcomes, the widely varying conditions and demographics across the county, and the specific objectives and graphics of individual States. However, all studies have shown brownfields funding, and particularly 128(a) monies, play a vital role. It has been demonstrated repeatedly the tremendous value Federal brownfields money has on the State programs, local communities, the leveraging of State- local community funding, economic development and the increase in tax base. Even more challenging to demonstrate are the socio-economic values of brownfields revitalization which include the decrease in crime as redevelopment occurs, the creation of more livable communities, increase in wages with revitalization, and overall community health and welfare as environmental conditions improve. The University of Delaware has published two well respected studies: the first *Economic Impact of Delaware's Economy: The Brownfields Program* dated January 5, 2010; and *Beyond Natural and Economic Impact: A Model for Social Impact Assessment of Brownfields Development Programs and a Case Study of Northeast Wilmington, Delaware* dated February 2013. The economic study found that every nominal dollar spent through the brownfield program generates a \$17.50 return on the State's initial investment.

ASTSWMO POSITION

States have faced significant funding challenges over the last 5 to 6 years given the recession, and their brownfields programs are no exception. Since the recession, States have allocated their 128(a) funds for staffing to administer their voluntary cleanup or brownfields programs. Without these programs, or if the programs are insufficiently staffed, there are fewer resources to ensure that 1) cleanups meets State risk standards and, 2) when non-permanent remedies are employed, that institutional controls critical to protecting future users of the property are in place and monitored regularly to ensure compliance. Without sufficient funds, States cannot ensure that sites meet EPA's goal of "ready for reuse". Additionally, the 128(a) funds have been an important leveraging tool for State programs with trickle-down benefits for their communities.

Sufficient funding for State brownfield/voluntary cleanup programs via the 128(a) Brownfields Grant process is essential for developing and maintaining a successful brownfield cleanup and redevelopment process throughout the nation. Since 2007, the number of 128(a) applicants (States, Territories and Tribes) has increased by 3 to 10 or more per year while available funding has remained somewhere between \$47 to \$50 million annually. As brownfield cleanup and redevelopment becomes ever more important to the nation's economic growth, the need for this funding will become increasingly critical. Without increased funding, many States may be forced to cut back their already underfunded brownfields and voluntary cleanup activities as well as assistance to municipalities. This will impact all communities, but particularly the small and rural communities that need brownfields redevelopment assistance so desperately.

ASTSWMO believes a robust brownfields program, at all levels of government and working in concert with the private sector, is essential to the nation's environmental, economic and social health, and without adequate funding for State, Territorial and Tribal brownfield and voluntary cleanup programs, brownfield program goals cannot be achieved. The current funding level is inadequate and should be increased to reflect and accommodate the steady increase in applications for 128(a) grant funding that has occurred over the last 14 years.

Approved by the ASTSWMO Board of Directors on April 22, 2014 in Virginia Beach, VA.

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2327
Minority (202) 225-3641

April 20, 2017

The Honorable J. Christian Bollwage
Mayor
City of Elizabeth, NJ
50 Winfield Scott Plaza
Elizabeth, NJ 07201


Dear Mayor Bollwage,

Thank you for appearing before the Subcommittee on Environment on Tuesday, April 4, 2017, to testify at the hearing entitled "Discussion Draft: Brownfields Reauthorization."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Thursday, May 4, 2017. Your responses should be mailed to Grace Appelbe, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Grace.Appelbe@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,

John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment



Office Of The Mayor

CITY OF ELIZABETH, NEW JERSEY

J. CHRISTIAN BOLLWAGE
Mayor

CITY HALL
50 WINFIELD SCOTT PLAZA
ELIZABETH, NEW JERSEY 07201-2462

April 28, 2017

TEL. 908-820-4170
FAX 908-820-0130

Response to Representative Richard Hudson's question:

Question from Representative Richard Hudson:

1. In the Eighth District of North Carolina, which I am proud to represent, there are many small communities that are not able to support independent brownfield programs. Luckily, we have many regional councils such as the Centralina Council of Governments that applying for community-wide brownfield assessment grants. Do you see benefit in supporting a regional approach to these brownfield cleanup efforts? Would the multipurpose grants help facilitate these regional efforts?

Elizabeth Mayor J. Christian Bollwage Answer

For areas that have many small communities, utilizing your regional councils or councils of government as a means of tackling the problem of brownfields is a very good idea. By taking a regional approach, you will better be able to develop a comprehensive plan and be more competitive in order to attract developers. It is sometimes very difficult for smaller communities to attract a developer on its own but by coordinating efforts through a regional government, they can increase the incentives and resources that will hopefully attract economic investment and jobs that will benefit the entire region.

And with the development of a multi-purpose grant, that will only enhance the regional council's efforts. Our vision for the multi-purpose grant, is that a unit of government will have the flexibility to do assessments and cleanups based on market needs. In that way, the regional government can, for example, shop around a number of brownfields sites within a region to see if any of them meets the developers needs. With a multi-purpose grant, the regional council could do assessments of the sites to know what types of contaminants are there and to even conduct a cleanup of the site to get it ready for redevelopment. Our only concern is that the way the draft legislative language is written; the regional government would have to own the site first before they could conduct cleanup on the site. We are not yet sure whether that would create a potential barrier or not.

Sincerely,

J. Christian Bonwage
Mayor

Cc: Honorable Paul Tonko, Ranking Member, Subcommittee on Environment
Honorable Richard Hudson

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
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WASHINGTON, DC 20515-6115
Majority (302) 225-2927
Minority (202) 225-3641

April 20, 2017

The Honorable Salvatore J. Panto, Jr.
Mayor
City of Easton, PA
123 South Third Street
Easton, PA 18042-4501

Dear Mayor Panto,


Thank you for appearing before the Subcommittee on Environment on Tuesday, April 4, 2017, to testify at the hearing entitled "Discussion Draft: Brownfields Reauthorization."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

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Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment



Questions for the Record

The Honorable Salvatore J. Panto, Jr.
Mayor, City of Easton, Pennsylvania

On behalf of the National League of Cities

Before the House Energy and Commerce Committee,
Subcommittee on Environment

"Discussion Draft: Brownfields Reauthorization"

April 4, 2017

Question from The Honorable Richard Hudson

In the Eight District of North Carolina, which I am proud to represent, there are many small communities that are not able to support independent brownfields programs. Luckily, we have many regional councils such as the Centralina Council of Governments that apply for community-wide brownfields assessment grants. Do you see benefit in supporting a regional approach to these brownfields cleanup efforts? Would the multipurpose grants help facilitate these regional efforts?

Response from The Honorable Salvatore J. Panto, Jr.

One of the values of regional councils is their ability to provide services and support to smaller communities lacking sufficient resources. In Charlotte and across the nation, councils of government serve their communities through shared services such as brownfields assessments and planning for future economic redevelopment of formerly contaminated sites. NLC and the National Association of Counties support a regional approach to challenges that cross jurisdictional boundaries, and established National Association of Regional Councils to promote those solutions. Several additional examples of regional approaches to brownfields assessment include:

The Mid-America Regional Council (MARC) in Kansas City, MO has secured and implemented about \$24.2 million of federal and state brownfields funding to leverage approximately \$355.7 million in actual cleanup and new construction since 1997. MARC estimates an average return on investment of about \$15 for every \$1 of public funds in brownfield projects in the Kansas City two-state region.

In the New Orleans, LA region the New Orleans Regional Planning Commission (NORPC) has leveraged over \$77 million in funding to clean up 27 brownfields sites and create 115 permanent jobs, in addition to numerous construction jobs. An additional 375 jobs are expected to be created from projects currently underway. In total, environmental issues at over 58 acres of vacant and abandoned land have been assessed to facilitate their redevelopment with a \$1:\$91 ratio for brownfield investment to redevelopment investment. NORPC focuses on sites that will spur further redevelopment and support local businesses. In addition, many of the sites are owned by nonprofits looking to fill a community need such as senior housing, schools, community meeting/ performance space, and community gardens.

The Brooke-Hancock-Jefferson Regional Planning Commission on the Ohio-West Virginia-Pennsylvania border has received almost \$3 million in EPA funding for sites that would otherwise remain vacant without this program. They have leveraged over \$65 million of private investment for these sites that have created 1,074 jobs. In this multi-state area, a community stakeholder group meets regularly as part of a Brownfield Task Force to select sites for performance assessments under their brownfields programs.

The Greater Portland Council of Governments in Maine has identified 400 brownfield sites since 2009 and have leveraged over \$18 million from public and private sources to reclaim polluted properties available for development, however many sites still remain contaminated and unusable. The federal brownfields program helps return polluted properties to community use and Portland, Maine's 400 potential sites would benefit from funding to encourage their productive use and improve public safety.

NLC has partnered with NARC in supporting brownfields reauthorization and support for the Committee action to include multipurpose grants in legislation.

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

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Minority (202) 225-3641

April 20, 2017

The Honorable Parris N. Glendening
President
Smart Growth America's Leadership Institute
1707 L Street, N.W.; Suite 250
Washington, DC 20036

Dear Governor Glendening,

Thank you for appearing before the Subcommittee on Environment on Tuesday, April 4, 2017, to testify at the hearing entitled "Discussion Draft: Brownfields Reauthorization."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Thursday, May 4, 2017. Your responses should be mailed to Grace Appelbe, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Grace.Appelbe@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment



Smart Growth America
improving lives by improving communities

1152 15th Street NW Suite 450
Washington, DC 20005
202-207-3355

www.smartgrowthamerica.org

May 4, 2017

Grace Appelbe, Legislative Clerk
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Ms. Appelbe:

Thank you for providing the opportunity to respond to an additional question following the Subcommittee on Environment's April 4, 2017 hearing entitled "Discussion Draft: Brownfields Reauthorization".

I am enclosing my response to the question for the hearing record. I appreciate the opportunity to testify before the subcommittee on this important issue.

Sincerely,

Parris N. Glendening
Maryland Governor, 1995-2003

Attachment



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The Honorable Richard Hudson

1. *In the Eighth District of North Carolina, which I am proud to represent, there are many small communities that are not able to support independent brownfield programs. Luckily, we have many regional councils such as the Centralina Council of Governments that apply for community-wide brownfield assessment grants. Do you see benefit in supporting a regional approach to these brownfield cleanup efforts? Would the multipurpose grants help facilitate these regional efforts?*

Thank you, Congressman Hudson, for the question. I am honored to work with you and the Committee on this very important issue.

There is a major benefit to a regional approach to brownfield cleanup and redevelopment, as advanced by the Centralina Council of Governments and similar organizations elsewhere. It invests taxpayer money more efficiently and gets better results for communities. It also helps to prioritize those sites in the region with the greatest market reuse potential and the greatest threat to human health if not cleaned up.

Across the country, I have seen regional organizations foster the exchange of best practices and promote local coordination of investments including infrastructure, housing, brownfield cleanup, and economic development. Multi-purpose grants, if funded, would enable more comprehensive cleanup and economic development strategy by providing regional organizations the flexibility needed to respond to local challenges. This will ultimately lead to greater job creation, economic development, and private investment in the region.

As a Governor, I can tell you regional organizations play a significant role to reducing government red tape associated with managing state and federal programs and requirements. One-stop shop, regional organizations have the capacity to consolidate and streamline processes. For smaller communities that do not have staff capacity to seek federal and state assistance on their own, this is extremely important because it provides needed staff and administrative capacity to these local governments. A regional approach creates a greater level of clarity on the rules and improves the private sector's level of confidence to invest in the region.

Thank you for your support of these important programs.

Sincerely,

Parris N. Glendening
Maryland Governor, 1995-2003

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (707) 225-2927
Minority (202) 225-3641

April 20, 2017

Mr. Robert J. Martineau, Jr.
Commissioner
Tennessee Department of Environment and Conservation
312 Rosa L. Parks Avenue
Nashville, TN 37243

Dear Mr. Martineau,

Thank you for appearing before the Subcommittee on Environment on Tuesday, April 4, 2017, to testify at the hearing entitled "Discussion Draft: Brownfields Reauthorization."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

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Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment



THE
ENVIRONMENTAL
COUNCIL OF
THE STATES

50 F Street, N.W.
Suite 350
Washington, D.C. 20001

Web: www.ecos.org

John Line Stine
Commissioner, Minnesota
Pollution Control Agency
PRESIDENT

Todd Parfitt
Director, Wyoming Department
of Environmental Quality
VICE PRESIDENT

Becky Keogh
Director, Arkansas Department
of Environmental Quality
SECRETARY-TREASURER

Martha Rudolph
Director of Environmental
Programs, Colorado
Department of Public Health
and Environment
PAST PRESIDENT

Alexandra Dapolito Dunn
Executive Director &
General Counsel

May 3, 2017

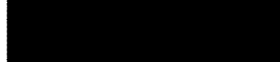
Ms. Grace Appelbe
Legislative Clerk
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Ms. Appelbe,

Thank you for the opportunity to provide testimony for the Discussion Draft:
Brownfields Reauthorization. ECOS is happy to provide the following response
for the record on behalf of Commissioner Martineau.

Please reach out if we can provide any further information.

Sincerely,



Alexandra Dapolito Dunn
Executive Director & General Counsel
ECOS

The Honorable Richard Hudson:

In the Eighth District of North Carolina, which I am proud to represent, there are many small communities that are not able to support independent brownfield programs. Luckily, we have many regional councils such as the Centralina Council of Governments that apply for community-wide brownfield assessment grants. Do you see benefit in supporting a regional approach to these brownfield cleanup efforts? Would the multipurpose grants help facilitate these regional efforts?

We have seen successful regional approaches to addressing brownfields through the Development Districts in Tennessee. Several Development Districts in Tennessee have received EPA 104(k) Brownfields Community Wide Assessment Grants including the Upper Cumberland Development District (representing 14 counties), the First Tennessee Development District (representing 8 counties), the East Tennessee Development District (representing 16 counties), and the Chattanooga-Hamilton County Regional Planning Agency and the Southeast Tennessee Development District (representing 10 counties). These Development Districts have received \$1.95 million in EPA 104(k) Brownfields Community Wide Assessment Grants since 2007.

To date, there have not been any Development Districts in Tennessee that have received EPA 104(k) Brownfields Cleanup Grants.

There have been many successful projects completed under the EPA 104(k) Brownfields Community Wide Assessment Grants which resulted in properties being brought back onto tax rolls, jobs created in Tennessee on former brownfields, and properties being safely re-used. We support a regional approach to addressing brownfields.

It is my opinion that multi-purpose grants could potentially help facilitate these regional efforts, by giving more flexibility to the grantee in propelling a property to achieving clean up and re-use.

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

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April 20, 2017

Mr. Meade Anderson
Brownfields Program Manager
Virginia Department of Environmental Quality
629 East Main Street
Richmond, VA 23219

Dear Mr. Anderson,


Thank you for appearing before the Subcommittee on Environment on Tuesday, April 4, 2017, to testify at the hearing entitled "Discussion Draft: Brownfields Reauthorization."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

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Sincerely,



John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

May 4, 2017

Grace Appelbe
Legislative Clerk
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Ms. Appelbe,

In response to your letter of April 20, 2017, please find attached my response to the question for the record that I received from The Honorable Richard Hudson, in follow-up to the testimony that I presented at the April 4, 2017 Subcommittee on Environment hearing entitled "Discussion Draft: Brownfields Reauthorization".

If you have any questions or would like any additional information, please contact me at 804-698-4179 (phone) orj.meade.anderson@deq.virginia.gov (e-mail).

Thank you for the opportunity to testify.

Sincerely,

J. Meade R. Anderson, CPG
Brownfields & Voluntary Remediation Program Manager

cc: Dania Rodriguez - ASTSWMO
Kerry Callahan - ASTSWMO

Attachment – Additional Questions for the Record

The Honorable Richard Hudson

1. The regional Council of Governments could apply for a community-wide brownfields assessment grant as mentioned and if this approach works for the communities that may be the better approach to follow. I have been involved in a similar initiative in Virginia which has worked well and provided funding for assessments along with the technical and administrative support that small communities need. Certain States and universities have also applied for the community-wide assessment grants and have been successful in providing similar services to the small, rural, and distressed communities. I believe these same grantees could also provide beneficial services to these communities with multipurpose grants. Brownfields support is available to all grantees, as well as to small rural communities that may not themselves be grantees, through the U.S. Environmental Protection Agency's (EPA) Technical Assistance to Brownfields (TAB). As indicated on the TAB webpage, the Center for Creative Land Recycling is a TAB grantee, and provides technical assistance to the EPA Region 4, which as you are aware includes North Carolina.